Guest Editorial

Whither the West
William Perry Pendley

Let us go back in time, back to when a Navy veteran from the South was President of the United States, a man from the Rocky Mountain West was Secretary of the Interior and a leading environmentalist was head of the EPA; and there followed what many perceived of as a war on the West — on our water, on our timber, on our oil and gas and mineral exploration, and on our small communities.

Continued on page 3

If I Were Colorado’s Water Czar, I Would . . .

Colorado Water Congress
32nd Annual Convention
Holiday Inn — Northglenn
I-25 & 120th Ave.
January 25 & 26, 1990
John M. Sayre
Sworn In as the Assistant Secretary of Interior for Water and Science

On October 23, 1989, John M. Sayre of Colorado was sworn in as Assistant Secretary of the Interior for Water and Science by U.S. Supreme Court Justice Byron White. Several days earlier, the U.S. Senate had unanimously confirmed Mr. Sayre’s presidential nomination.

John Sayre brings a distinguished and successful career to his new responsibilities. Earlier in 1989, he became the ninth recipient of the Colorado Water Congress’ prestigious “Wayne N. Aspinall Water Leader of the Year” award. Mr. Sayre has served with distinction as a member of the Colorado Water Congress (CWC) Board of Directors (1985-89), the National Water Resources Association (NWRA) Board of Directors as Colorado’s representative (1980-89) — and also NWRA President (1984-86), Northern Colorado Water Conservancy District Board of Directors (1960-64), and General Counsel of the Northern Colorado Water Conservancy District (1964-87).

Upon his confirmation and taking the oath of office, Mr. Sayre retired from his long and productive partnership with the Denver law firm of Davis, Graham & Stubbs (1966-89).

The Assistant Secretary oversees the activities of several federal agencies. He directs the operations of the U.S. Geological Survey which has responsibility for mapping and basic geological and water resources research, the Bureau of Mines which gathers and analyzes minerals data and conducts research on mining and minerals processing, and the Bureau of Reclamation which develops and manages water supply facilities in the 17 western states.

National Water Resources Association President Raymond R. Rummonds praised President Bush’s choice of John Sayre as Assistant Secretary. “Over the years, I have worked with John Sayre on many water issues affecting the western United States. I know of no other individual who understands the water supply problems of the West better or is more concerned about the wise management of and conservation of existing resources. On behalf of the membership of NWRA, I pledge our support and cooperation and wish him and his wife, Jean, the greatest success in their future.”

Secretary of the Interior Manuel Lujan, when announcing the nomination of John Sayre on July 27, said, “John Sayre’s extensive expertise in water-related issues in both the private sector and government go back to 1960, and I am confident his years of experience will benefit the Interior Department and the nation.”
Continued from page 1

It's easy to think that I'm talking about the administration of George Herbert Walker Bush of Texas, I say that as a life-long Republican who recently had to defend a Democrat and who was working for George Bush in the Oval Office.

Many of us wondered, in 1988, what Vice President George Bush meant when he said: "I am an environmentalist." While Bush was Governor of the State of Arkansas, which was otherwise lacking in specific detail, George Bush said two very specific things about natural resources: Our forests in the West and our natural areas in the United States, we've got to get from $200 million a year; and two, he placed on almost permanent hold three outer continental shelf oil and gas leases. That's happening in the next veto block. I talked to a Wyoming State Senator, Ivan, and Senator Alan Simpson to turn it around. But why?

I believe our friends are well-represented in Washington. The associations to which we belong do a good job with legislation and regulation, but there's a third branch of government — the judicial branch — and I think that's where we're losing our shirts.

One of the great accomplishments of the Reagan administration was the appointment of conservative and moderate-to-conservative judges to the Court. But I would give you two caveats on that. Number one, just because a judge is conservative on abortion, for example, does not mean he or she will be conservative with regard to the Endangered Species Act. Just because a judge is conservative with regard to welfare reform does not mean that judge is conservative with regard to the application of the National Environmental Policy Act. And restraint in the application of those very troublesome statutes.

The second caveat I will give you is that having a conservative judge is useless if we don't present that judge with an effective advocacy, if we don't present the facts and the law to permit the judge to go our way. That's where we come in. We're in the Mountain States Legal Foundation. We sue people, and we love it.

We're solely supported by the tax-deductible contributions of our friends, of people who believe in individualism, in protecting the natural environment. We are involved in a case up in Oregon involving a wool grower up in Montana who had lost 20 sheep to the grizzly bears. The Fish and Wildlife Service would not respond to his calls for help. So one day, as two of them came walking across the land, looking for lunch, he bore down and shot one of them (the grizzly, not the sheep). Now, I'm not a great legal scholar, but I think that that indicates there are a couple other judges sitting silently on the sidelines waiting for a good case to come along, and we're anxious to bring it to them.

We're involved in a case up in Oregon involving a small miner. Lavens is his name. He wanted to dig eight core holes, do some gold exploration. A 38-page environmental assessment was prepared by the BLM and it said the impact would have been devastating, could not be permitted. We learned in court that the person who prepared the report had never been to the site, had written the environmental organization. We think they have to address the executive judge, the executive judge is useless if we don't present that judge with an effective advocacy, if we don't present the facts and the law to permit the judge to go our way. That's where we come in. We're in the Mountain States Legal Foundation. We sue people, and we love it.

We're solely supported by the tax-deductible contributions of our friends, of people who believe in individualism, in protecting the natural environment. We are involved in a case up in Oregon involving a wool grower up in Montana who had lost 20 sheep to the grizzly bears. The Fish and Wildlife Service would not respond to his calls for help. So one day, as two of them came walking across the land, looking for lunch, he bore down and shot one of them (the grizzly, not the sheep). Now, I'm not a great legal scholar, but I think that that indicates there are a couple other judges sitting silently on the sidelines waiting for a good case to come along, and we're anxious to bring it to them.

We're involved in a case up in Oregon involving a small miner. Lavens is his name. He wanted to dig eight core holes, do some gold exploration. A 38-page environmental assessment was prepared by the BLM and it said the impact would have been devastating, could not be permitted. We learned in court that the person who prepared the report had never been to the site, had written the environmental assessment from the comfort of his air-conditioned office, and the judge surely doesn't have case.

We're involved in a case up in Oregon involving a small miner. Lavens is his name. He wanted to dig eight core holes, do some gold exploration. A 38-page environmental assessment was prepared by the BLM and it said the impact would have been devastating, could not be permitted. We learned in court that the person who prepared the report had never been to the site, had written the environmental assessment from the comfort of his air-conditioned office, and the judge surely doesn't have case.

We're involved in a case up in Oregon involving a small miner. Lavens is his name. He wanted to dig eight core holes, do some gold exploration. A 38-page environmental assessment was prepared by the BLM and it said the impact would have been devastating, could not be permitted. We learned in court that the person who prepared the report had never been to the site, had written the environmental assessment from the comfort of his air-conditioned office, and the judge surely doesn't have case.
If I Were Colorado's Water Czar, I Would…

TOM LOOBY
AUGUST 26, 1989

If the EPA would simply insure that the Feds do half as good a job as we do in Colorado, I think the state would be much better off.

All of the surveys nationally and in Colorado indicate a high level of support of Colorado citizens to assure that our water is protected. The theme of the Romer administration is one of a need to have an integration between environmental quality and economic development opportunities. In Colorado, and in the country, pollution control is a real big business. In the figures I’ve seen, over a hundred billion dollars a year are spent on various aspects of the pollution-control industry.

While I don’t have the specific figures for Colorado, I think we all recognize that it is indeed substantial here as well. So the activity of protecting the environment, protecting water quality, is very important, from an economic standpoint. Today, pollution-control programs in Colorado are mostly regulatory. I think it’s time for Coloradans to look beyond just the regulatory programs in this state, and we need to start to look at ways to develop incentives that have non-regulatory initiatives that complement and supplement the regulatory programs.

I think Colorado citizens expect us to enforce the laws that we have, but I think there’s a lot more opportunity to look at non-regulatory initiatives as well. So, as the Water Czar, that would be one of the principle actions that I would initiate. I’d like to offer a few ideas of what some of those might be.

First of all, I believe that Colorado needs to have a statewide policy on pollution prevention so that we could start to develop more incentives to control pollution at the source rather than trying to control it at the end of the pipe. I would engage a broad spectrum of interest in water quality, water development interests, industries, environmental groups and local governments to brainstorm ideas as to how to encourage more pollution prevention.

I would ask the general assembly to consider adopting a resolution that would establish a prevention philosophy for the state’s program of preventing pollution in the first instance. An example of a pollution-prevention program which has a regulatory angle to it is the industrial pre-treatment program. I think we need to look seriously at getting that effort in place in Colorado, at the state level, along with local government.

The second thing I’d do as Water Czar is to try to encourage non-regulatory incentives that result in water quality benefits. Colorado used to have a pollution-control equipment tax break, probably six, eight, 10 years ago, I believe, that was sunned during hard economic times, and I think that one of the things that we might consider is reinstating a pollution-control tax credit of some kind, or develop some other mechanism for recognizing investments that industry and local governments make in pollution-control equipment. There are many ideas that we could all come up with that would create positive economic incentives for pollution control.

I think that we need to engage greater citizen-involvement in water quality protection in this state at a broad level. One of the ideas that I’ve been very impressed with is the State Highway Department’s “Adopt a Highway” effort. You see the signs popping up all over the state where local citizens take charge of picking up the litter along the various highways. I’m wondering whether or not an “Adopt a Stream” effort might be a good corollary to encourage citizen-involvement at the local level. Clearly we need to recognize that there are private property issues that we’d need to resolve with cooperative relationships with property owners, but there are a lot of public lands that the streams of our state go through, and there may be certain advantages, especially in urban areas, for an “Adopt a Stream” program.

Coloradans need a substantial investment in its monitoring of water quality. We have a dire lack of data in ground water in this state and we still don’t have enough good surface water monitoring. This is mostly due to resource limitations. I’m encouraged by the work that’s currently under way to look at the water quality funding picture in Colorado and to develop a substantial increase in our ability to have a good monitoring system.

It seems to me that one of the key things that we face in this state is the interface between water quality and water quantity. There have been some good efforts in the past, and we’re working now to implement Senate Bill 181, which was designed, at least in part, to enhance the coordination between Chips Barry’s agency, the Department of Natural Resources, and the EPA in developing a better-coordinated effort between the quality and quantity issues.

There’s a great need for investment in resources and infrastructure in this state as well. On the water-quality side, we have over $100 million in needs in the waste-water treatment and drinking water systems in this state, and the small communities in this state have a substantial need for assistance from the state. Hopefully, the water quality funding task force looking at this issue can also come up with ideas to address the infrastructure needs.

Nonpoint sources in Colorado are an important part of the sources of pollution that really need a good bit of attention. The impacts from mining, for instance, on Colorado have been fairly dramatic over the last century. The state has about 1,500 miles of streams that are impacted, and I think there’re about 600 that are seriously impacted. Surely some of these rivers are important economic as well as environmental resources for this state. Examples like the Arkansas River up near Leadville and Buena Vista, the Eagle River and many others, pose a great opportunity for us if we can clean them up.

We in state government have developed a policy between the state agencies to attempt to find non-litigation measures to clean up those mining-impacted streams. I think that we need to establish a dialogue to find resources to have streams cleaned up in those mining-impacted areas that entail non-litigation approaches. Over the long haul—10, 15, 20 years—it seems to me that would be a good investment for Colorado.

One of the current key things that I would do as a Water Czar is work harder to make sure that the federal government does the kind of job in dealing with their facilities in this state that they expect private industry to do. I don’t think the federal government does half as good a job as the private sector in Colorado at places like Rocky Flats and the Rocky Mountain Arsenal. If the EPA would simply insure that the Feds do half as good a job as we do in Colorado, I think the state would be much better off.

We need to look ahead, as well, to see what water issues we have in front of us in 10 or 20 years down the road. As you’re probably aware, Governor Romer has initiated a process called Colorado Environment 2000 to look at issues facing us at the turn of the century and beyond. One of the issues that that group is going to be examining is the issue of global warming. Now you ask, “What does global warming have to do with water quality?” I was really struck by that at a recent conference on global warming when a speaker was describing a ski area town in North Carolina called Asheville which is about 7,000 feet in elevation. He was describing one of the scenarios of global warming that would give this ski area in North Carolina a mean temperature of about 70 degrees, and obviously that would have a great impact on their ski industry.

I’m not sure what exact the figures would be for Colorado under different scenarios, but we need to be engaging ourselves through the Environment 2000 process to look at the impacts of global warming. Representative Paulsen had a bill last year on chlorofluorocarbons, which was a very important first step in Colorado. We need to be looking ahead at the state level to protect our water quality over the long term.

Tom Looby is Assistant Director at the Colorado Department of Health in Denver.
I would like to make a second disclaimer. What follows is not scientific and is not a reflection of plans, committees or my agenda. I believe this program was designed by Dick MacRaeve to be provocative and to stimulate thought. It allows the speakers to be fairly outrageous. The more outrageous the ideas or proposals advanced, the longer the disclaimers will be up front. Maybe the speeches should be judged on the length of the disclaimer.

Before expanding on that I would do Czar, I would like to make a couple of observations. It seems to me that, like its legal brethren, the Homestead Act and the 1872 Mining Law, Colorado's appropriation doctrine was born in frontier times. The purpose of all three of these laws was to allow man to settle, farm and make productive use of the land and other natural resources. None of those laws considered, or even anticipated, that this country would have a population of 250 million people or that there would be a need to protect our natural environment. As the beneficial result of these three pioneer laws, we have a West that has been settled and developed and redeveloped. We have a very active water market, as water rights are bought and sold and traded and borrowed.

We have extensive water development in Colorado, probably because we have a free market system that allows development, transfer and storage to occur easily. We found out the beneficial result, at least in one sense, of a market allocation system for water. We have numerous water storage reservoirs and a free market in water.

However, let's note a couple of critical points about these pioneer laws. The Homestead Act effectively died twenty or thirty years ago, and the 1872 Mining Law in no way back. The need which these laws addressed has changed or disappeared entirely, and there is a widespread perception that people have become unjustly enriched at public expense as public resources are sold for profit by those who acquired them free. We see that, with the 1872 Mining Law in particular, people who have staked mining claims for free may be able to sell them to ski areas for millions of dollars.

In 1876, when the foundation of our water law was enshrined in the State Constitution, none could foresee the amount of development, the interest of water networks, or the economic importance of recreation and tourism. And no one foretold the existence of a large movement devoted to preserving and protecting — rather than developing, using and changing — our natural resources. As a result, our water rights system of prior appropriation was not designed to accommodate any of these uses or perceptions. In fact, this system almost completely ignores the tourism and recreational aspects of our economy.

Having made the above observations, I can say that as Water Czar, I would not advocate an increase or decrease on our water rights system, and I would not urge constitutional changes. They create too much chaos. I do not urge conversion to a permit system or that we administer water the way California does. Both are popular ideas, but not practical for Colorado. However, I do suggest a couple of things that are rank heresy in Colorado.

I think we should levy a substantial capital-gains tax on water rights on sales for that portion of the sale related to the water right, as opposed to the diversion works or the storage facility. Why do I say this? Because the Constitution declares the water is owned by the public and is only borrowed for use by private individuals. I think it is perfectly appropriate to use that water; use it for beneficial use, divert it from a stream and make economic use of it. This is how we convert raw land into productive land. But if the use has ceased and the time comes to change the use of the water, I don't understand why anyone should be able to profit from something which is declared in the Constitution to be a public commodity.

However, if we say that every time an individual wishes to sell water, he must give it back to the state instead, it will create an impossible situation. We have a hundred years of transactions and water investments which cannot be undone without being confiscatory and undermining much of the economy. I am nevertheless concerned that the Constitution declares water to be public property — and that it should not be the basis for private profit. I don't have a problem with construction of a diversion structure or dam and later sale of that for whatever the market will bear. So, instead of making water sale unlawful, I should tax the capital gains on the water. This is the first idea as Czar.

The other possibility is to simply put a ceiling on the amount of increase in the value of that right that someone could receive. I know that there are people in Colorado who plan to retire in Arizona when they sell their appreciated water right. I don't really expect that to change, but in the sense of being provocative and fairly outrageous, I want to suggest that it isn't right to have people retire on the proceeds of what the Constitution declares to be public property. I think the whole question deserves more thought. I don't think we should go back to square one, but perhaps we should tax the gains from the sale of water rights heavily. I wouldn't want to tax to the extent that it would significantly discourage the free transfer of water.

In summary, I doubt the authors of the 1972 Mining Law expected “mine claims” transferred at $2.50 an acre to pass from the claimant to condominium owners at $10,000 an acre. I doubt our water-pioneer forefathers contemplated the retirement in Arizona of their descendants, based on the sale of a freely obtained public resource. As water czar, I suggest that neither result is good public policy.

As the imperial and all-powerful Water Czar, my second major point deals with recreation and water. Given the underlying premise of our water system, recreational uses of water have no legal right to that water. We do allow fish to have a right to water, and the law may allow something else as part of the “natural environment” to have a right to water in the stream, but there is no body of law that allows recreational users or even a whitewater river business to own water in the streams in Colorado.

Although recreation is booming and has become a big part of the Colorado economy, although water and instream flows are important, or even critical to the tourist and the mountain recreational economy, the participants in that economy have no right to water and, in fact, are prohibited from participation in this “free market.” The water market is structured so that there is no entry into that system for the recreational user, because there is no diversion from the stream.

However, recreational users very much benefit from the system, and when they benefit they do not pay. This is not a nonsense endorsement of a classic free market system. There is a large component of the populace using the resource, and benefiting from it, but they have no legal right to benefit, and they pay nothing for the benefit. That doesn't make any sense to me. This is not a classic free market arrangement. Colorado should eventually do something about this problem. I don't know what the answer is, but we must begin to address the issue.

I can see the day when the Arkansas River White Water Association will pay Twin Lakes or Colorado Springs to release water at a different schedule than they would otherwise desire for the purposes of running kayaks and rafts down the Arkansas. They'll pay for a non-consumptive use, but they'll pay enough money to defray some or all of the operation and maintenance costs on those reservoirs. This would be a benefit to the farmer and rancher who owns the irrigation works and it will be a benefit to the kayaker and rafter and the commercial outfitters who want water on a certain schedule and who are willing to forego water on other days.

In philosophical terms, there's no question that a free market is the appropriate method of allocating scarce resources. Continued on page 10
I firmly believe that the recreational users of water ought to be paying for the water.

In looking at a map of Colorado, you start all the way from the Adam’s Tunnel, Big Thompson Project on the north, follow it all the way along the Continental Divide, ending at Taylor Park or Aurora’s proposed Collegiate Range Project on the South. In order to effectively analyze the system — and I think there are a number of opportunities, if you just glance at the map — I think that engineering-wise and hydrologically it is possible to actually hydrologically connect and thereby transfer to various parts of the state where the need is greatest, water — either by exchange or actually physically moving the water possible as far as the Adams Tunnel on the North to Fry-Ark on the South.

The basic principle that would be utilized would be that in most years, certain parts of the state have more water than in other parts. For example, if the South Platte has excess water or large quantities of water in a given year, it would be possible to physically, or by exchanges, move the water to the Southern part of the state and vice versa.

If you did have a project in Taylor park, it’s possible to transfer the water into the Arkansas River or the South Platte as far as the Denver area; or you could take the water, in that event, out of the Pinyon-Pan Arkansan Project further upstream, for example, then through it South Platte into the Denver area or Colorado Springs — use Taylor River water in the Arkansas. There are other exchange possibilities. For example, the above scenario could be modified to actually benefit the Big Thompson Project. Northern could buy Taylor River or Fry-Ark water for use by Colorado Springs, who would in turn allow Northern to use its Blue River water.

In order to do this, I think the next step would have to be to upgrade the state engineer’s office. There’s presently sophisticated engineering technology available right now, so I would suggest we expand the satellite-monitoring system and utilize other scientific technology that exists right now. In Colorado the issue is not necessarily quantity of water available for use; it’s also distribution and timing. Eighty percent of the state’s water is in western Colorado and only twenty percent of the water and eighty percent of the people are on the eastern side.

The physical distribution of the water is also determined by the legal distribution, because of the appropriation doctrine. I don’t know what the percentage is, but I wouldn’t be surprised if eighty percent of the water rights are also owned by Eastern Slope interests for use in eastern Colorado. Now, I’m not proposing that you de-appropriate the existing water rights system, but I think there are some voluntary efforts that could be utilized in order to effectively make this work, and it would make economic sense.

For example, drought leasing. Basically what drought leasing is — you pay a small amount every year in order that you have the opportunity to purchase a larger amount of water and, of course, at larger financial amounts in occasional years when there is a drought in your area. Ninety percent of the water is used for agriculture in the state and ten percent for municipal and industrial. If you had a drought leasing system statewide, you could actually pay the small annual amount necessary to tie the water up so that when you have a drought, you pay through the nose, so to speak, but you do have water. As a result, the person who is actually giving you his water — and contrary to what Chips Barry was saying, I wouldn’t put a maximum on the profit — that’s the time that this guy is going to really make a profit for making his water available for use in a drought, he is paid handsomely.

Now he’ll pay income tax on it and it will make more than if he had raised crops. What you would do by that... you could then avoid the cost, the excessive cost, of providing drought storage capacity. Municipal and industrial water has to have a reliable supply of water. This might be a way to do it without going to the expensive process of putting in major structures.

In the long run, you will not avoid the ultimate cost of providing the water through storage structures, but you can delay the process as you gradually continue to increase the water use over long periods of time. I think you can postpone this cost over a long period of time, as there is not currently much indication of rapid growth; you can delay for a considerable time the actual construction of expensive storage structures. I think this can be a cost-effective method of providing a reliable supply of water during periodic drought periods.

Insofar as efficient water-management, using the satellite-monitoring system in the State’s Engineer’s office, with the sophisticated facilities that are available, you can predict both the quantity of the water that’s going to be available, but even more important, you can also predict the timing. Utilizing more efficient water-management, a number of things have been done in that regard. I understand that in the San Luis Valley they saved ten thousand acres of land by the use of temporary water, which was unregulated water, and we don’t pretend to be an engineer, but because this efficiency and the timing and the use of water there’s a number of opportunities that can be used to get a more efficient use of the water. In terms of the economic considerations, kind of an analogy of the thing would be the use of peak shaving, a similar concept that you pay through the high time. An equitable division of water under our current system is impossible without some kind of voluntary cooperation. However, I think that although it is not presently possible and probably not even institutionally practical as things now stand in terms of attitudes, I think the economic incentives are sufficiently attractive that we should at least look at the idea of establishing an efficient water delivery system. In considering the equitable division of water, consider first the financial benefits, such as those resulting from drought leasing, and what the opportunities are for that.

Second, there should be consideration of actually integrating the whole hydraulic system in the major water systems of the state where you have these exchanges of water, and the transfer of water between systems. I think there would be some tremendous environmental and recreational benefits. Tyler Martinez did the primary work in the Upper Gunnison study as it relates to recreational use of water. As far as the recreational use of water, I think there are some statewide benefits that should be looked at.

For example, what I’ve considered a number of times is paying the holders of upstream reservoir water rights, whether for agricultural or municipal uses downstream. That is, pay the City of Colorado Springs for the timing of the releases of water into the Arkansas River to enhance recreational use. I firmly believe that the recreational users of water ought to be paying for the water. When you have recreation as the largest industry in the state (somewhere around $4.9 billion) I think there are some opportunities statewide that could be provided. I don’t think this is a solution that’s forever, as I mentioned.

Future storage is going to be needed, and it’s going to be necessary to develop water and water storage as time goes on. I don’t think you can dry up agriculture. I don’t think, for example, that you can say that since ninety percent of the water is used in agriculture, and only ten percent municipal and industrial, that you only have to take about ten percent of the agriculture water and that doubles the quantity of water available for municipal and industrial. That’s a very significant clarification that we can’t do. Even if we were Czar, I wouldn’t do that.

I don’t think that my proposal will provide a long-term solution. But I think it is a good intermediate solution with some long-term benefits, not necessarily an ultimate solution. It is a long-term solution by moving foreign oil. We maintain our supplies for future use.

I think that there is an opportunity — I’m not going to say it’s a panacea, but I think that there is an opportunity — for us right now if we could break away from the traditional approach that everybody has their own water.
If I Were Colorado's Water Czar, I Would...

Marcia Hughes
AUGUST 26, 1989

How many people — raise your hands would define yourselves as a water buffalo? Dick, I think you need to work on this; we need a Colorado Water Congress Glossary of Terms. We starting a bit better. So this is at Duke's discussion and Tyler Martinneau’s Western State Conference this summer, and Bob Weaver from the Environmental Caucus offered a definition, which is the only definition at this time, of a water buffalo. And, since many of you feel like you are one, you might want to have a hand in creating a definition which is a little more sympathetic than what Bob Weaver offered.

I first need to tell you that this is a speech by commit­tee. You may see one person standing here, but there is a full table of people back there who helped write the speech at dinner last night. We’ll see how creative it is.

If I were Colorado Water Czar, the first thing that would happen is I would not be the only woman on a day-and-a-half program. We’ve got a group of women who are willing to help Dick plan the rest of his conference, so he can get some good balance. I’m sure he’ll want that help.

Okay, now, being a little more serious... Truly, to be a Water Czar, one would have to be a benevolent dictator. I think he or she would really have to be God, because if you’re really going to be the Czar, you’re going to have to balance all the different decisions and have no one contradicting what you do. As John Fetcher and many of you have pointed out through the many years of developing Colorado, every decision ultimately relates to the water-related decisions we make. I don’t think we’re quite at the point of having God make these decisions for us, especially because the Czar is to only serve Colorado, and we all know there’s such a federal, and sometimes even international, influence on water decisions. So, we’ll have to bring our expectations down a few steps and be a little more realistic.

There’s a book I’d like to recommend to anybody who wants to look at what could happen in the future. It’s called 2150 and is a fun book. I believe that there are no attorneys and there are no elected officials in the culture in 2150. People cooperate. They are all in the process of learning together.

Well, today’s Colorado Water Czar would not be evolved to that desirable level, but we are on our way. It is getting better and better. The point that I am trying to make is decision-making, which gets into that possibly boring term called “win-win.” We’ve heard it so much, and it seems so tite, and yet that’s what needs to happen. Isn’t it? Now let’s bring this philosophical discussion down a few more levels to review some of the changes that would happen in Colorado now if I were Water Czar.

There wouldn’t be anyone else making water decisions, so the Legislature wouldn’t have to work so hard, and they would be able to meet their deadlines. The Water Quality Control Commission, Water Conservation Board, etc. might be giving some advice and feedback to the Czar, but their work would be pretty easy compared to today’s world.

The first thing that would need to happen is to look at that question of our federal relationship. How are we truly going to get things done in Colorado? Would it even matter if we had a Czar, given how much influence the federal agencies have? The answer is yes. I’ll use a case in point, and that’s Two Forks. Two Forks ended up in a possible veto by the U.S. Environmental Protection Agency by a matter of a couple of votes. Literally. And Sandy, we’re glad to help support you with Ware Creek, but we certainly are sorry that we are in this process. So it’s literally just that change in administrators that caused this proposed veto.

Now, there are many ways the couple of weeks could have been saved. Lee Thomas, the predecessor of Bill Reilly, supported Jim Scherer’s decision to allow the permit for Two Forks to go through. One of the people who caused much more than two weeks of delay was Governor Romer because Governor Romer was on the decision-making committee.

First of all, in my opinion, the Governor has no state authority to determine the fate of a 404 permit, but there’s some federal authority, which is the Army Corps of Engineers to take a position on 404 applications. Usually the Governor doesn’t do anything. For example, on Homestake II, Lamm just did not interfere. For the first time for Colorado, Governor Romer decided to make a big deal over this request. The Governor went around and talked to all kinds of people and came up with a decision that maybe we need Two Forks and maybe we don’t.

That “maybe we need it and maybe we don’t” cost a lot of money, a lot of dollars, a lot of possible mitigation, etc. That made a big difference. So, I think the state can and does influence what happens with the federal agency decision-making. We need this to occur through a very strong leader. I believe Colorado needs a strong leader who’s committed to helping us develop our water. I don’t think we had that under either Governor Lamm or Governor Romer.

The result is, for example — looking at the Colorado River Basin — that we’re the slowest state on the Colorado River to develop much of our water resources. We may very much impede our future opportunities. So I do think the Governor makes a difference. Furthermore, as John Fetcher can well explain, the Division of Wildlife, Water Quality Control Division, the Parks Division, etc. also exert substantial influence on federal decisions.

Now, to review a few of the other areas that our committee developed last night to look at... The topic that came up the most often was water quality. Isn’t that a surprise? I think there’s a lot of concern that Colorado is a leader in the nation. I don’t think most people in Colorado even realize that circumstance. A lot of people even feel apologetic about our water-quality rules. I also believe that many of our water-quality rules that our out in a waste of effective resources. This would be one of the good results if Colorado had a Czar, that could be different.

It’s because we’re spending so much money in esoteric areas often just doing the last fine point of clean-up, when if Colorado had more balanced decision-making, we could work on the areas where there was truly a health problem and be more responsive to critical issues in this state. I think a large part of that missing balance is due to the difficulty for the Water Quality Control Commission to have a perspective as to how to sort out priorities. It is a difficult task.

This point leads to the next fairly controversial issue coming along. I think the answer is for the water czar to revoke all water taps which have any restrictions on them. If I were Czar, the two would definitely be merged. We’re seeing quality and water rights decision-making being brought together more and more. Having separate entities establishing the rules doesn’t work well. Many of you were at the Western State Conference and heard Jerry Danielson go through his listing of all the powers he has regarding water quality regulation. He’s not exercising many of those powers, but he’s got them. He thinks exercising his authority while the state, or that there are not enough resources to handle the issue. Ultimately the two need to be merged. I hope that happens in the relatively near future.

Now here’s where you can tell how much fun our commit­tee had. We worked on Region VIII of the EPA. We thought the staff might want to be transferred to New Jersey. I’m not sure who could come out from New Jersey to help run Region VIII; perhaps you can give us some ideas. Then, we thought the EPA should become a sovereign state, as it actually is. As a sovereign state, when EPA tries to veto Corps decisions, the Corps could declare war, and actually defend its decisions. I think that would be a substantial benefit.

One of the things I found shocking is the Corps of Engineers put an incredible amount of time and effort — eight years of effort — into the Two Forks decision that resulted in a final proposed permit in March. They have now turned that totally over to the EPA and are not trying to defend their decision. I don’t understand. I think we need to remind them that they’re the Army.

One final concern is the newspapers. As you’ve noticed, with many water development projects, the Post and the News assign only their environmental reporters to cover the questions of what it means to develop Two Forks, Homestake, Stagecoach or whatever. The result is a biased and limited perspective offered to the people. It’s a tremendous harm to our attempts to have a useful democracy, because the people are deprived of information. I don’t know how we are ever going to have an effective democracy until the newspapers change. Remembering that newspapers do run on their own private-profit motive, maybe that’s what’s happening here. But what would happen if the water projects were covered by the business writer or the urban affairs writer? Probably the best situation would be for the newspapers to have all these writers cover these projects which are so fundamental to the state. I guess the Water Czar would be able to affect the newspapers so we’d do that as a final note.

Marcia Hughes is with the firm Hughes, Duncan & Dingess in Denver.

Colorado Water Rights
If I Were Colorado's Water Czar,  

I Would... 

DR. NEIL S. GRIGG  
AUGUST 26, 1989 

As Czar, my first question is, what are Colorado's major water problems? What's important, and what should we try to solve? 

Last year, I made a review of water speeches, conference reports and meetings, and tried to sift out what everybody has said. Of course a lot of the good material is from the Colorado Water Congress and the reports that they've put together, and Dick Bratton's previous speeches, and so on. A lot of things have been identified, and examples would be to reduce our costs in water marketing, encourage cooperation, deal with federal roles, better financing, promote exchanges and drought-leasing, and on and on. 

We would solve the "use it or lose it" problem, and we would find ways to really encourage water-use efficiency in the state. 

These are all the same things that we've been talking about here today. But as we all know, it's a long way from identifying these major needs to finding ways to implement real solutions, and that's why it's a challenge in this session for us to be able to stand up and say exactly what we would do if we were the Czar, it moves us to get right down to the brass tacks. 

I think the highest priority ought to be to provide balanced and adequate water supplies for all of the needs of the state in all of the regions of the state. So, if I were the Czar, I would develop and implement a state water-supply strategy to meet these needs. It would be a state water plan, in a manner of speaking. It would reduce conflict, reduce litigation, reduce transactions costs and controversy, and it would deal with issues like Two Forks, urban water conservation, instream flows, and regional conflicts. And how would we do this? 

The first thing we would have to do is to set an agreed-upon goal, and it's hard to do that in democratic government. This is where we often fail. It has to be thrown into the political process, but if we were going to set an agreed-upon goal, it would be something like — "develop a state water supply strategy, and guarantee all needs to the maximum extent possible, guarantee the future for each region of the state, enable maximum economic development, while providing environmental enhancement." All of this would have to be done while we protect our individual water rights and compact entitlements. Now, how would we do this specifically? 

I suggest five steps. First, we would organize regional water-management in the state. The regions would be the metro area, where we would have a regional water authority; Northern Colorado; Southern Colorado; the Western Slope which might have to be divided; and the San Luis Valley. We would study all those regions to see which ones made sense. 

Second, in these regions we would develop cooperative market-based, pooled approaches to water management. Now, how to do this would require a lot of technical and political analysis. 

Third, we would solve the "use it or lose it" problem and we would find ways to really encourage water-use efficiency in the state. 

Fourth and I added this after Chips made his talk because I'm convinced that this is important and belongs here — we would do something to solve the recreational and tourism water rights problem to provide them with a place at the table on water rights matters. 

Fifth, we would take an activist approach to citizen education about water resources. I think a whole lot of good is being done on that, and we could use more. 

Those measures are not simple, and I'm not about to stand up here and say that I know how to do all of those, because I don't. However, being from the University, usually I can think of a lot of studies that are needed. Dick Bratton identified a study. I think that's one that I would have on my list too. 

Here are some others I think need to be done: First, we would need a policy study to identify options for ending the "use it or lose it" policy. Second, we would need a water-management study to show what could be done with a regional cooperation, that is, sharing water between regions on an agreed-upon basis, including the possibility for exchange of water; the enhancement of instream flows, and improved conjunctive use. 

Next, we would need an economic study to show how the state can get the most returns, including the environmental returns, from its water. We've had a lot of speeches about how little value we get from water, especially from agriculture, but that's not all the story. I think there's more to it than that. Next, we need a policy study to show how to solve the problem that Chips identified. That is, providing water rights for all water users and tourists. Give them a place at the table. 

Next, we would need an environmental study to show where changes are needed to enhance the environment. We would have enough water in Colorado, but I don't think that we have enough to satisfy every environmental instream flow need, so we need some priorities. And finally, we need an improved data-base and a state geographic information system to use and manage our water, to couple with our satellite system. 

Now, how to implement this? If I were the Czar, I would organize a joint executive legislative study commission. This commission would need a year for organizational aspects and then two years for the studies. The recommendations would come at the end of year three, or sooner. The commission would need effective staffing, and a budget would be needed to make it work. It would have to involve the state's water managers to provide ideas and revise the studies. In other words, the people in this room, and others like the people in this room, would have to be involved, because that's where the expertise lies. The chairperson of the commission's groups and subgroups would have to be committed and rely heavily on experienced staff. 

What would it do for the state? Well, regions would be guaranteed economic futures, and there would be an end to the area-of-origin conflicts. There would be an end to controversies like Two Forks, since consensus would be greatly enhanced and effective planning would be in place. I think I want to read the book that Marcia mentioned, 2159, because it sounds like a myth that we could do that, but I think that's the goal I'm talking about. 

The intrusion of the federal government in the Colorado water rights would be greatly reduced, and Colorado would be seen as a leader in federal water policy, not a state that spent $40 million on a water study, only to have the federal government come in and make the decision. 

Urban water use would become more efficient and expensive. Pricing would be used to manage demand. Agricultural water use would become more efficient and market-oriented. Leased water opportunities would become more common. Drought protection would increase. Public-trust arguments would end. The cost of decision making would go down, and there would be enhanced public support and more respect for water management in the state. 

Finally, there might be less increase in the cost of water rates, less litigation, and reduced activity in the water courts. There would be a reduction in the state and federal administrative burden. There would, however, be more need for regional and inter-regional management and administration. In other words, the State Engineer, from one central point in Denver, wouldn't manage everything. The management would be out in the regions, and then there would be transfers and work between the regions. The data base and the G.L.S., however, would be an important central state-agency function. I think that's going to become more and more important as the years go on. 

Obviously, these are ideals not easy to achieve, but worthwhile to pursue. I believe that we can make more progress along these lines than some might think. Interstate compacts are going to need continued attention. I don't see how you can develop cooperation between states like this. That's going to have to continue to be a legal matter. I think, especially, that's going to be true in the Plate and the Colorado River basins. Other water problems, such as water quality, will continue to need attention, but I think that my highest priority would be the state water supply strategy.
If I Were Colorado's Water Czar, I Would...

STATE REPRESENTATIVE CHRIS PAULSON

AUGUST 26, 1989

I have my own definition of a water buffalo. I think it’s more apropos this morning. A water buffalo is someone who sits in the last two or three rows at water meetings and then is bumped when he tries to understand the points.

I will start out my remarks with no disclaimer, because nothing I say is going to be outrageous, or notable. But I think, for those of you who may have spent years growing up with Star Trek, you were aware of the “prime directive.” And the prime directive that I, as Water Czar, would implement is something that sounds like it was written by a lawyer: “Do nothing to prevent the people from utilizing all of their water heritage.”

Now, that obviously is something that can mean anything to almost anybody. But I think the application today is something that I will try to focus on in two or three short points.

The first point to do with that prime directive is that it means that water policy in this state should be flexible. And although our current system has been battered and bleached, it has survived for a hundred years, and that primarily because it’s based on economic reality. It’s not based on plans or studies or the whims or wishes of Czars. It’s based on economic reality, and most policies based on economic reality will survive, including foreign policy.

The second aspect of that policy, besides flexibility, is that it should be formulated in Colorado. Very simple. But look at what has happened to major policy decisions today concerning Colorado’s water. Where are they being formulated? Where are the key actors located? Not in Colorado. They’re in Washington. And it really doesn’t matter if we do an array of studies, whether they be called state water plans, whether they be called regional water plans, whether they be at Western State, or CSU. Ultimately, the problem is that right now, the reality is that those plans can all be over-ridden in Washington, with very little say by any of us in this room, or any of the people in the state of Colorado.

I want you to reflect back with me ten years to a meeting of the Water Congress ten years ago. What was the primary concern ten years ago? The primary concern was that we were developing as a state so quickly, that we were going to run out of water so fast, that the big fights were going to concern not how many projects were going to be built in the next year. It was going to be whether or not they’d get enough yield out of those projects to make them worth the investment.

The big question was how fast could we bring economic resources to bear on all those projects we were going to be developing. Well, I think we’re all aware how things have changed. But one thing that has come true, in that ten-year change, is that water still is going to be the ultimate determinant of growth in this state, and not human settlement policies.

The Water Congress’s primary job, I think, has changed greatly in that past ten-year period. As for Dick MacRae and his enlightened staff, I would say, for the most part — there are some exceptions of course — you folks have undertaken a challenge. And that is to improve communication — to enhance the communication between those groups that view water as a commodity, the original founders of this group, and those people who view water as an amenity. Those people who are trying to get into this group, and trying to impact this decision making today.

If you haven’t read Cadilliac Desert, I recommend it to all of you. It isn’t quite as devastating as ECO Defense, and Perry Penndley waived that banner around quite a bit yesterday, but there were two primary themes that ran through the book Cadilliac Desert. One was a tragedy, and the other was sacrifice.

One of the points the book made was that water in the West is the ultimate determinant of our economic future. And that’s true. And the sacrifice, of course, is that we long ago in the West outstripped nature’s ability to provide water for this region, and therefore we should quit growing.

And I think that’s the kind of philosophy, if you really think about it, that’s been implemented for us by people in the East who are now making our major decisions about utilization of water in the West. So, as Czar, I would try and wrest from the people in the East control of our water destiny and bring it back to the people of the State of Colorado, and do nothing to preclude the ultimate utilization of our entire area of the country, with respect to water.

Now, unfortunately, because I am an elected official, I have to tell you, I have two plans, both of which are designed to promote this prime directive. One of them is that with flexible policy, you at least have accountability when you have that policy formulated by elected officials, not by Czars, not by boards and commissions, and certainly not by the Supreme Court. That’s why I think that we must change, this session, the way we deal with conditional decrees. Conditional decrees springing up in the West allow for planning, allow for flexibility.

Chips wants to tax people who put their lives and their capital on the line and develop water projects. And the Supreme Court wants to prohibit people from speculating in water. They haven’t yet said that they want to prevent people from speculating in land, or gold futures, or other commodities, but they’ll get there, I guess, if speculation in water is bad, per se.

All of us speculate in water. You folks who divers ditch — among others — for agricultural uses speculate, when you plan, that there’s going to be enough water. We all speculate on how much this desert climate is going to allow us for our purposes. So when we talk about it not being all right to allow for people to have a conditional decree to show some kind of economic problem that did not allow them to develop their right in the past four years, we disregarded the spirit that helped build this arid state. That’s okay as long as you prevent any speculators of any kind from taking advantage of any change in the West.

Where are they key actors? Not in Colorado. They’re in Washington... the reality is that plans can all be over-ridden in Washington.

I want all of you who would rather see the waters of this state go to California, rather than be used as some kind of an incentive to have people invest in the future of Colorado, to raise your hand. Because, ultimately, the water wars that revolve around conditional decrees in this state will lead to a lot of decrees being knocked out very soon, and the beneficiaries of that are not going to be Coloradans. They’re going to be people in California, Arizona, Utah, and that, coupled with their access to federal money, is going to make sure that economic development occurs there first, not in Colorado.

The compacts (if I think we’re all aware of the history) were designed expressly to ensure Colorado a chance to develop in an orderly manner, in view of the fact that it was developing slowly. If we, by our own actions, allow our State Supreme Court to prevent people from taking a long-range view of water development, then we really are implementing “use it or lose it scenarios,” whether or not they make economic sense.

I think all of you are hand-pressed to really say to me how is it that the people of the state of Colorado are harmed if we implement a policy that says we’ll let you plan for fifteen or twenty years into the future, add some kind of public policy consideration, and allow a decree to be held in abeyance for awhile, and not develop, because fifteen or twenty years is the time it takes to develop that we’re really talking about here. And if you knocked out a 1920 right, or even a 1950 right on the Western Slope, what you’re really talking about is sending that water down to California. You’re not talking about preserving it for users in the state. That won’t happen, much as they might hope.

So, the modest proposal that I’m going to try and ask your support for again this year is one that allows for a modification of the conditional decree statute; one that would allow a consideration of a public purpose to be added to any decree that sets in abeyance the requirement to show diligence every four years. We’re talking about new policy that would go into the law. The statutes right now are what the courts have to go by, until we change it as a matter of public policy the diligence statute, we’ve got to live by what the courts said those decrees meant when they were issued.

I think there was a little confusion before about how you would mechanically implement this. You would have a decree enter that would do one of two things. It would either allow for some kind of hiatus in terms of showing diligence first over a period of time, coupled with a modification of the project, or coupled with some kind of payment into a public fund, so that the public interest was protected with respect to this change in public policy. Or, in a worse case scenario, if you couldn’t arrive at a public purpose and modify the requirement for diligent showing every four years, the decree would stay where it was. And every four years you would have to show diligence. I don’t think anyone in this state is really hurt by that kind of modification, and I think it’s a public policy decision.

Now, those people who are municipal diverters can obviously say, “Well, we can show diligence, because the courts have been kind to us in the past.” I, for one, am not...
Barry: To Be The Water Czar

Continued from page 5

resources in society. It works better than everything else, but it isn't perfect. For example, the free market method of allocating medical services in this country is more or less a disaster. It allegedly is a free market arrangement, but the market isn't free.

A second example of the pitfalls of the free market is the ego-and-greed-driven corporate raids and takeovers that go on in New York and Washington. Those aren't the only takeovers of a free market, but in my view the takeovers are not productive at all. The point is that I think, sometimes we must tinker with or adjust the free market system.

In water terms, I think we need to find a way to recognize the recreational and economic aspects of water and that use to become a right in some form or another by participation in the market. If I were Water Czar, I would work very hard to figure out how to do that. I don't think it will be easy, but it should be done.

Hamlet J. "Chips" Barry is Executive Director of the Colorado Department of Natural Resources in Denver.

Bratton: To Be The Water Czar

Continued from page 6

Paulson: To Be The Water Czar

Continued from page 9

willing to cast my lot with judicial benevolence. I think if it's a public policy matter, it ought to be carried in a public policy forum, not in the courts. And those folks who are worried about speculators say, "Well it's okay if you've got a legitimate project, but what about speculative projects?"

Well, those can always be separated from the rest in the decree-setting process. If you really don't get a decree, if you really don't have a project, you're not going to get the financial wherewithal and stick-to-itiveness that would allow for a public purpose to really be entered as part of your decree, because if you're trying to turn something around fast, and it has a marginal value to begin with, if you tack on a public purpose overlay on that right, it's not going to be marketable, and no one's going to buy it.

Now, this is all in the context of a proposal that looks at water as a commodity — and we've often talked about water as an amenity — and I have to compliment Dick and the Water Congress as a whole. We raised that question last year about how to address those two sometimes-clashing issues. And no one's going to buy it. But let's face it. The federal system is one that's imposed on us. There is no reason not to have our own state system in this aspect also. And maybe that will take two separate bills. Because the trail system is one that is really not so vitally concerned with flows instead, whereas, as the wild rivers and the scenic rivers that people consider in the last session with wilderness reserved water rights are a system that is going to be imposed on us at the federal level eventually. Or we can put in our own perspective and, I think, allow for our own concerns in Colorado.

To close, I, as Czar, would be willing — ultimately, I think — to turn over these awesome responsibilities, and these ideas for a new vision for Colorado water law to a responsible group of enlightened individuals. And as I thought about what kind of group would fill that description, the only one I could come up with was the Water Congress. So I think my choice would be to put the ball back in your court.

State Representative Chris Paulson is from Englewood and is Majority Leader of the Colorado House of Representatives.
Continued from page 3

wrong, because those resources belong to the American people. Ten coastal counties in California have adopted ordinances that say it's legal to have a helicopter landing pad for a tour-of-the-beach company but not to take the supplies to off-shore platforms.

We're involved in a case in Oregon. A rancher had a Forest Service permit to build 10 telescopes, but they 'negotiated' with the U.S. Forest Service and went from 19 to 13 to 10 to 7 telescopes. That's negotiation, folks. Still they couldn't do it. We got to go forward because the red squirrel lives there, and the red squirrel is endangered.

So they had to go to Congress, get an Act of Congress to permit them to go forward. Our good friend Senator McCaa and I sponsored this. Why? Well, you have to pass it into law to build the telescopes. They haven't built them yet. They haven't shoviled a dirt of soil yet, because they're in court. And the plaintiff is the red squirrel.

Now, what's great about these telescopes is they are the epitome of American ingenuity and creativity. We have tried to build the world's biggest telescope and they can't, because the mirror is too big, it won't maintain a constant temperature. American science, the University of Arizona scientists, have come up with a very small mirror, mounted on a honeycomb, that maintains a constant temperature. It is a marvelous piece of modern technology.

They got sued by the American Humane Association. They only get the respiratory disease when they're 20 years old. That's why they have to kick us off the mountain. "Palm makes cowards of us all." In Washington D.C., bad press makes cowards of us. They got up, they woke up, they walked out in that hot, humid climate and pull the Washington Post out of its little plastic baggie, and they say, "Do you know about the desert tortoise? What's wrong with the desert tortoise? The desert tortoise has respiratory disease syndrome. It's got a cold. I don't mean to belittle that, because a lot of them are dying. However, the real reason the tortoises are in danger is that the ravens are killing them. The ravens are decimating the young tortoise population. Look what's happening. It's not because they only get the respiratory disease when they're 15-20 years old. So, if you can keep them alive for the next 20 years, you can save the species for the desert tortoises. But the ravens are eating the young.

So BLM announced a program to kill 1,500 ravens. The Desert Fish and Wildlife Service people said, "No, even more laughable is that they stopped them. I talked to Ed Hastey, a good friend of mine, state director of the Cali­

Do you know about the desert tortoise? What's wrong with the desert tortoise? The desert tortoise has respiratory disease syndrome. It's got a cold. I don't mean to belittle that, because a lot of them are dying. However, the real reason the tortoises are in danger is that the ravens are killing them. The ravens are decimating the young tortoise population. Look what's happening. It's not because they only get the respiratory disease when they're 15-20 years old. So, if you can keep them alive for the next 20 years, you can save the species for the desert tortoises. But the ravens are eating the young.

So BLM announced a program to kill 1,500 ravens. The Desert Fish and Wildlife Service people said, "No, even more laughable is that they stopped them. I talked to Ed Hastey, a good friend of mine, state director of the Cali­

Do you know about the desert tortoise? What's wrong with the desert tortoise? The desert tortoise has respiratory disease syndrome. It's got a cold. I don't mean to belittle that, because a lot of them are dying. However, the real reason the tortoises are in danger is that the ravens are killing them. The ravens are decimating the young tortoise population. Look what's happening. It's not because they only get the respiratory disease when they're 15-20 years old. So, if you can keep them alive for the next 20 years, you can save the species for the desert tortoises. But the ravens are eating the young.

So BLM announced a program to kill 1,500 ravens. The Desert Fish and Wildlife Service people said, "No, even more laughable is that they stopped them. I talked to Ed Hastey, a good friend of mine, state director of the Cali­

Do you know about the desert tortoise? What's wrong with the desert tortoise? The desert tortoise has respiratory disease syndrome. It's got a cold. I don't mean to belittle that, because a lot of them are dying. However, the real reason the tortoises are in danger is that the ravens are killing them. The ravens are decimating the young tortoise population. Look what's happening. It's not because they only get the respiratory disease when they're 15-20 years old. So, if you can keep them alive for the next 20 years, you can save the species for the desert tortoises. But the ravens are eating the young.

So BLM announced a program to kill 1,500 ravens. The Desert Fish and Wildlife Service people said, "No, even more laughable is that they stopped them. I talked to Ed Hastey, a good friend of mine, state director of the Cali­

Do you know about the desert tortoise? What's wrong with the desert tortoise? The desert tortoise has respiratory disease syndrome. It's got a cold. I don't mean to belittle that, because a lot of them are dying. However, the real reason the tortoises are in danger is that the ravens are killing them. The ravens are decimating the young tortoise population. Look what's happening. It's not because they only get the respiratory disease when they're 15-20 years old. So, if you can keep them alive for the next 20 years, you can save the species for the desert tortoises. But the ravens are eating the young.

So BLM announced a program to kill 1,500 ravens. The Desert Fish and Wildlife Service people said, "No, even more laughable is that they stopped them. I talked to Ed Hastey, a good friend of mine, state director of the Cali­

Do you know about the desert tortoise? What's wrong with the desert tortoise? The desert tortoise has respiratory disease syndrome. It's got a cold. I don't mean to belittle that, because a lot of them are dying. However, the real reason the tortoises are in danger is that the ravens are killing them. The ravens are decimating the young tortoise population. Look what's happening. It's not because they only get the respiratory disease when they're 15-20 years old. So, if you can keep them alive for the next 20 years, you can save the species for the desert tortoises. But the ravens are eating the young.

So BLM announced a program to kill 1,500 ravens. The Desert Fish and Wildlife Service people said, "No, even more laughable is that they stopped them. I talked to Ed Hastey, a good friend of mine, state director of the Cali­

Do you know about the desert tortoise? What's wrong with the desert tortoise? The desert tortoise has respiratory disease syndrome. It's got a cold. I don't mean to belittle that, because a lot of them are dying. However, the real reason the tortoises are in danger is that the ravens are killing them. The ravens are decimating the young tortoise population. Look what's happening. It's not because they only get the respiratory disease when they're 15-20 years old. So, if you can keep them alive for the next 20 years, you can save the species for the desert tortoises. But the ravens are eating the young.

So BLM announced a program to kill 1,500 ravens. The Desert Fish and Wildlife Service people said, "No, even more laughable is that they stopped them. I talked to Ed Hastey, a good friend of mine, state director of the Cali­

Do you know about the desert tortoise? What's wrong with the desert tortoise? The desert tortoise has respiratory disease syndrome. It's got a cold. I don't mean to belittle that, because a lot of them are dying. However, the real reason the tortoises are in danger is that the ravens are killing them. The ravens are decimating the young tortoise population. Look what's happening. It's not because they only get the respiratory disease when they're 15-20 years old. So, if you can keep them alive for the next 20 years, you can save the species for the desert tortoises. But the ravens are eating the young.

So BLM announced a program to kill 1,500 ravens. The Desert Fish and Wildlife Service people said, "No, even more laughable is that they stopped them. I talked to Ed Hastey, a good friend of mine, state director of the Cali­

Do you know about the desert tortoise? What's wrong with the desert tortoise? The desert tortoise has respiratory disease syndrome. It's got a cold. I don't mean to belittle that, because a lot of them are dying. However, the real reason the tortoises are in danger is that the ravens are killing them. The ravens are decimating the young tortoise population. Look what's happening. It's not because they only get the respiratory disease when they're 15-20 years old. So, if you can keep them alive for the next 20 years, you can save the species for the desert tortoises. But the ravens are eating the young.

So BLM announced a program to kill 1,500 ravens. The Desert Fish and Wildlife Service people said, "No, even more laughable is that they stopped them. I talked to Ed Hastey, a good friend of mine, state director of the Cali­

Do you know about the desert tortoise? What's wrong with the desert tortoise? The desert tortoise has respiratory disease syndrome. It's got a cold. I don't mean to belittle that, because a lot of them are dying. However, the real reason the tortoises are in danger is that the ravens are killing them. The ravens are decimating the young tortoise population. Look what's happening. It's not because they only get the respiratory disease when they're 15-20 years old. So, if you can keep them alive for the next 20 years, you can save the species for the desert tortoises. But the ravens are eating the young.

So BLM announced a program to kill 1,500 ravens. The Desert Fish and Wildlife Service people said, "No, even more laughable is that they stopped them. I talked to Ed Hastey, a good friend of mine, state director of the Cali­

Do you know about the desert tortoise? What's wrong with the desert tortoise? The desert tortoise has respiratory disease syndrome. It's got a cold. I don't mean to belittle that, because a lot of them are dying. However, the real reason the tortoises are in danger is that the ravens are killing them. The ravens are decimating the young tortoise population. Look what's happening. It's not because they only get the respiratory disease when they're 15-20 years old. So, if you can keep them alive for the next 20 years, you can save the species for the desert tortoises. But the ravens are eating the young.

So BLM announced a program to kill 1,500 ravens. The Desert Fish and Wildlife Service people said, "No, even more laughable is that they stopped them. I talked to Ed Hastey, a good friend of mine, state director of the Cali­

Do you know about the desert tortoise? What's wrong with the desert tortoise? The desert tortoise has respiratory disease syndrome. It's got a cold. I don't mean to belittle that, because a lot of them are dying. However, the real reason the tortoises are in danger is that the ravens are killing them. The ravens are decimating the young tortoise population. Look what's happening. It's not because they only get the respiratory disease when they're 15-20 years old. So, if you can keep them alive for the next 20 years, you can save the species for the desert tortoises. But the ravens are eating the young.
How many of you have read or heard of this book Eco Defense: A Field Guide to Monkey Wrenching? Every man, woman and child in America ought to know about this stuff. The dark side of the environmental movement. It is a recipe book for murder and mayhem. It’s tough to read. Folks. It’s an advocacy piece for placing in jeopardy the anchor bolts and pylons and tried to topple the chairlift. If they had succeeded, we probably would have lost more people than died aboard United 932.

Who are these people, anyway? Who are those guys, anyway? The American people have the right to know it. It’s essential to our winning that we show the world we are the true environmentalists. We are the people who live on and love the land. We are the people who want clean air and clean water and an absence of toxic waste. We are the people who want to turn this beautiful country over to our children and our children’s children. Not the no-growth advocates who wish to shut us down. For I don’t believe that it is the spotted owl and the red-squirrel and the desert tortoise that will go the way of the dodo bird. But I think it is towns like Forks, Washington and Molalla, Oregon and Ivapah, California and Georgetown, Colorado, and Benson, Arizona and Dubois, Wyoming that will go the way of the saber-tooth tiger.

Former Ambassador to the United Nations Jeanne Kirkpatrick once said that the greatest accomplishment of the Reagan Administration at the United Nations was to take off the “Kick me” sign. I think it’s time we take off the “Kick me” sign and build and keep coalitions — united together. There’s an Arab expression that I like: “The Timbersman alive today, alive but disfigured, and facing the years of reconstructive surgery because the band saw that man chair was sabotaged by environmental terrorists.

I attended a conference where I heard a leading environmentalist proclaim that if it came down to saving the polar bear or saving the 5 billionth human being, he would save the polar bear. We are in the midst of national agony over Roe vs. Wade, and this man... this man has made his decision. He wants to save polar bears and not people babies. Who are these guys, anyway?

Many how many of you have read or heard of this book Eco Defense: A Field Guide to Monkey Wrenching? Every man, woman and child in America ought to know about this stuff. The dark side of the environmental movement. It is a recipe book for murder and mayhem. It’s tough to read. Folks. It’s an advocacy piece for placing in jeopardy the anchor bolts and pylons and tried to topple the chairlift. If they had succeeded, we probably would have lost more people than died aboard United 932.

Who are these people, anyway? Who are those guys, anyway? The American people have the right to know it. It’s essential to our winning that we show the world we are the true environmentalists. We are the people who live on and love the land. We are the people who want clean air and clean water and an absence of toxic waste. We are the people who want to turn this beautiful country over to our children and our children’s children. Not the no-growth advocates who wish to shut us down. For I don’t believe that it is the spotted owl and the red squirrel and the desert tortoise that will go the way of the dodo bird. But I think it is towns like Forks, Washington and Molalla, Oregon and Ivapah, California and Georgetown, Colorado, and Benson, Arizona and Dubois, Wyoming that will go the way of the saber-tooth tiger.

Former Ambassador to the United Nations Jeanne Kirkpatrick once said that the greatest accomplishment of the Reagan Administration at the United Nations was to take off the “Kick me” sign. I think it’s time we take off the “Kick me” sign and build and keep coalitions — united together. There’s an Arab expression that I like: “The Timbersman alive today, alive but disfigured, and facing the years of reconstructive surgery because the band saw that man chair was sabotaged by environmental terrorists.

I attended a conference where I heard a leading environmentalist proclaim that if it came down to saving the polar bear or saving the 5 billionth human being, he would save the polar bear. We are in the midst of national agony over Roe vs. Wade, and this man... this man has made his decision. He wants to save polar bears and not people babies. Who are these guys, anyway?