

Montana versus the mining companies: New awakening or impractical idealism?

Montanans at a Senate hearing take a strong stand against resource development in the Beartooth Mountains

by Richard H. Gilluly

Montana's state motto is "Oro y Plata," gold and silver, and the motto in the past has accurately reflected the orientation of a majority of the state's citizens. Exploitation of natural resources and economic development, as in so much of the nation, have been Montana's prime values.

Periodically, however, there have been revolts in the state against the power once exercised by the Anaconda Co., which through its control of the minerals industry in the state also controlled its economy and politics. In recent years the company gradually began to relinquish its hold on the state. It sold its newspapers—most of the major dailies in the state—and its heavy hand grew lighter.

There arose recognition of the need for good hospitals for miners with silicosis and for a taxation system that would assure good public schooling. But there was continued insistence that the state's resources be exploited to maintain maximum employment, a solid tax base and prosperity for the main-street businessman.

All of this would be of no particular importance—Montana, with less than a million population, is a minor cog politically and economically—except that a new consciousness reflecting environmental and human values seems to have evolved there almost overnight. The new values appear truly to have sprung from the grassroots.

The new sentiment in Montana was perhaps most clearly expressed at hearings of Senate subcommittees there in August—especially one held in Billings concerning possible mining developments (by the Anaconda Co. and others) on national forests in the lofty Beartooth Mountains.

There were some local witnesses supporting development—most probably open-pit mining. But there was a startling number of ordinary citizens, some appearing on their own and some

Science News environmental sciences editor Richard H. Gilluly was born and reared in Montana and before coming to Washington was conservation and natural resources writer for the Billings Gazette there. He recently returned to cover Senate hearings on resource development in Montana—and was startled with the change in attitude he says he saw.

representing conservation organizations, who questioned the need for any development at all. Often they explicitly questioned the underlying values of a mass consumption economy. Applause from the large audience greeted their statements, until Sen. Frank E. Moss (D-Utah), the chairman, demanded that it be stopped.

Official opinion is largely in favor of development (although not always explicitly so), and a few years ago eventual mining in the Beartooths seemed inevitable, given favorable economic factors. At the hearing, Moss, a liberal, made clear his belief that pure preservationism is impractical and that the economy demands resource exploitation. But it was apparent his views were nearly as out of tune with the thinking of many of the citizens as the Anaconda Co.'s. After the hearings, development seemed far less inevitable. As Montana Sen. Lee Metcalf put it, "The days of plucking ripe tomatoes in this state are over."

Being examined in the "informational" (as opposed to legislative) hearings was development of the "Stillwater complex" and nearby areas in the Beartooth Mountains, 75 miles southwest of Billings. The complex, about two miles in width and 30 miles long, includes parts of the Stillwater and Boulder River drainages in the Custer and Gallatin National Forests. There were two chromite mines in the area during World War II, but they are now closed. There was little renewal of mining company activity in the area until recent years when several com-

panies began exploration work, reportedly with a view to exploiting low-grade nickel and copper ores.

The exploration work involved building roads and trenches and drilling test holes. According to local residents and Montana Fish and Game Director Frank E. Dunkle, the exploration work alone has severely damaged delicate ecosystems. A Forest Service report, prepared for Montana Sen. Mike Mansfield last year after mining company activities became controversial, steered clear of partisan statements, but it was obvious whoever prepared the report was concerned with the damage. Photographs accompanying the report showed clear evidence of erosion.

Much of the problem, says the report, is due to the unique character of ecosystems in the area. From the foothills to the high mountain tops (some in the 12,000-foot range) there is a wide variety of climate, rainfall and ecosystem types. Some 15 distinguishable ecosystems exist between the grassy foothills, through the forested mountainsides to the alpine plateaus above the timber line. Each ecosystem is dependent on the others, and the total area, in turn, is important—in terms of wildlife habitat, water sources and other factors—to a far larger area.

Precipitation in the foothills, for instance, averages about 17 inches a year. But precipitation higher up is around 40 inches annually. About 24 percent of the Yellowstone River watershed above Billings (this includes the Stillwater and Boulder Rivers) contributes about 60 percent of the total flow of the upper Yellowstone, and this water from the Beartooth Mountains is the purest that enters the Yellowstone. Particularly endangered by the mining activities are the highly fragile subalpine areas, where vegetation is relatively thin, the growing season is short and slopes are exposed to wind and rain erosion.

The Forest Service report outlines the damage that has already occurred—siltation of waterways, esthetics degraded “to some extent,” fish and wildlife adversely affected, and some grazing land lost. With full-scale mining development, says the report, there may be acid-mine drainage, deterioration of recreational opportunities, elimination of wildlife habitat (either through actual destruction or because of noise and blocking of migration routes) and damage to game-fish spawning areas through siltation and further loss of grazing land. This would be done to mine ore that is of borderline economic value: Overall, it averages 0.4 percent nickel and 0.35 percent copper, considerably lower percentages, claimed some of the witnesses, than could be found in auto wrecking yards.

Mining company witnesses insisted, with justice in many cases, that the companies are far more oriented to environmental quality than in the past. “Controls are needed,” conceded Woodville J. Walker of Phelps-Dodge Corp., “but these controls cannot amount to prohibitions.” Allowing mining, with controls, he said, is “in the interests of the United States, which cannot be isolated from the interests of the resource-using industries.”

Dr. Charles F. Park, a Stanford University geology professor, described (for the Anaconda Co.) the ways economic activity benefits people: “Peoples throughout the world want the modern conveniences of civilization. They want automobiles, refrigerators, freezers, washing machines, televisions, radios and telephones . . . the things we have come to recognize as necessities.”

The citizens disagreed: “What I am saying is this,” said John Heyneman, a rancher in the Beartooth foothills. “To risk destroying any more of our natural environment to produce material that will . . . have to have a demand created for it is nonsense. The easiest example of this is the selling of power through air conditioners and so forth and then saying we have to build dams to supply the power for the air conditioners just sold.”

And witnesses continually questioned the assumption that mined areas could be reclaimed, even with the best of intentions and laws. “No one has demonstrated that these fragile, subalpine ecosystems can be reclaimed,” said Bob Anderson, a civil engineer and a member of the Beartooth-Absaroka Task Force, a local conservation group. (The scientific evidence on the reclaimability of mined mountain environments is still not all in, and Anderson is probably correct that the question is still unsettled [SN: 5/1/71, p. 297]. His knowledge of the scientific data often marked the local testimony at the hearing.)



U.S. Forest Service

Subalpine ecosystem: Especially susceptible to damage from mining.

Anderson also questioned the traditional formulas by which cost-benefit ratios are arrived at: “The esthetic qualities which were destroyed in the Stillwater complex . . . are often said to have no economic value. This view misinterprets the meaning of economic value. . . . Because of its intangible qualities, the market value of wilderness cannot be determined. Since economic techniques as we know them are bound to market values, usually expressed in dollars, they cannot be applied to problems involving esthetic values such as wilderness.” Anderson concluded by saying, “We must stop being a disposable society.”

Citizens displayed clear awareness of the laws involved, too—and of their efficacy, or lack of it, in protecting the environment. If the Stillwater complex is developed, it will be under the 1872 mining laws, which, in effect, allow companies or individuals to take public-domain land as their own, if they develop the mineral potential.

“To allow vast mining corporations . . . thus to diminish the amount of public domain is a violation of the public trust and confidence,” said Ellen Louise Pfister, a housewife.

Speaking of Montana’s recently passed mine-reclamation laws in relation to the 1872 law, Dorothy Bradley, a state legislator from Gallatin County, said, “No state law can be effective without repeal of the 1872 act.” Even if it were repealed, she added, state law is ineffective because it contains no

provision for absolute prohibition of mining.

Miss Bradley also questioned the need for mining: “Why do we need mining? Because, we are told, the world needs minerals, the state needs industry and the companies need income. But are these valid needs in all cases, or only desires generated by an economy based on unlimited consumption and waste?”

Mrs. Zoe Gerhart, a Billings housewife, pointed out “disincentives” that exist in present law. “Ironically,” she said, “it is cheaper to mine new metals than to recycle the old. The current internal revenue code allows a 15 percent depletion allowance as a tax deduction [for newly mined minerals]. The Interstate Commerce Commission gives new metal a \$2 per ton freight preference.”

The questioning of the need for mining and for a consumer civilization followed no political lines. “Our grandchildren may not be entirely enthusiastic about our unquestioned presumption that the mountains should be lower and the junk piles higher,” said State Rep. George Darrow, a Billings Republican. Jeff Scott, another Republican legislator from Billings and a mountain climber, expressed similar views. In testimony read by an aide, Gov. Forrest Anderson, a Democrat, said, “Our people have seen the environmental destruction that has occurred in other areas of this country. And we will not permit this plague to

be visited on our land." Gov. Anderson in the past has been a strong supporter of new industrial developments for the state.

Senate employees at the hearings were startled—and sometimes confused—by the testimony. Said a Metcalf aide: "I've never seen the anti-corporation feeling running so high in the state." A Senate Interior Committee staffer compared the testimony to the Consciousness III described by Charles Reich in *The Greening of America* but suggested that West Coast-based conservation groups such as the Sierra Club may have organized the Montanans into an effective conservation lobby which has all the appearances of grassroots spontaneity. But even if this is so, the ground was fertile.


The role of the Forest Service is interesting. It has often been characterized as an agency partly the captive of economic interests, and thus sometimes forced to act in ways contrary to the better judgment of its better officials (SN: 12/5/70, p. 430). Whatever the truth, the agency's report to Mansfield clearly outlined the dangers in the Beartooth Mountains from mining, even though it seemed to take no stands. Robert May, the Forest Service's minerals chief in Washington, was equally circumspect in an interview, but he seemed to concur with witnesses who said the 1872 mining law made environmental protection difficult. May said there are some 63 patented and 833 unpatented claims in the Stillwater complex. The patented ones have passed into fee simple (outright) ownership by the mining companies, while the unpatented ones are still technically the property of the people of the United States. But in effect, he says, there is little difference: Legally the Forest Service can do little to regulate mining practices on either kind of property. It has to rely on whatever leverage it can gain through the companies having to get rights-of-way over lands still under clear Forest Service jurisdiction.

Exactly what Metcalf's "ripe tomatoes" remark might ultimately mean is conjectural. At the least, companies will have to devote more resources to maintaining and restoring environmental quality. At the most, they might have to halt some mining proposals. Regarding the Stillwater complex, the intentions of the companies are unclear. They probably depend on world economic conditions. "... We have encountered sufficient mineralization to warrant further exploration," said Giles Walker of American Metal Climax Co. If foreign sources of ore become inaccessible to the companies—as in the case of nationalization of mines by South American countries—the Stillwater ore will likely become highly attractive.

A number of bills have been introduced in both Houses of Congress to regulate surface mining and to alter public land policy, especially relating to mining. Frequently called for is amendment of the 1872 law to provide for leasing of public lands for mining as is now done for oil and gas drilling. Leasing allows the Government to retain control of activities on the land and also provides for competitive bonus bidding with the highest bonus bidder getting the lease. Royalties would then be paid to the Federal Government for any production from the land, with part of the revenue then going to state governments. May pointed out that such a system might not increase revenue to the Federal Government as much as it might at first appear, because the companies would be able to deduct bonus, lease and royalty payments for income tax purposes. But it is likely the Government would net more than it does under the 1872 law; more important, it would be able to control environmental practices.

There is no doubt the 1872 law represents a major subsidy to mining companies, as does the 15 percent depletion allowance and other favors. As Mrs. Gerhart pointed out, these are disincentives to recycling, as opposed to new metal mining. Here the problems become immense. Not just Congressional Interior committees but also various commerce and finance committees would be involved in any total, comprehensive approach to the problems. It seems doubtful that the necessary coordination could be achieved.

But even larger questions were raised at the Montana hearing. Does the nation indeed need to slow down its consumer economy? If it does, how will it cope with the traumas that would result? Montana already suffers from chronic and acute unemployment problems akin to those in Appalachia or any other area that depends largely on marketing of a relatively small number of raw materials. Certainly in today's terms, Moss is right: Not to exploit natural resources is impractical. Harvard economist John Kenneth Galbraith believes the answer is to divert the economy to producing a much larger proportion of publicly funded amenities, such as urban mass transit, as opposed to individual consumer goods (SN: 7/31/71, p. 75). From the point-of-view of the Montanans testifying at the hearing, this may be part of the answer. Urban mass transit, for instance, uses far less energy, space and materials (including copper and nickel) per passenger mile than the automobile. But if amending the tangled complex of laws relating to the mining industry is a formidable hurdle, sweeping and major changes in the nation's economic orientation will be far more difficult. □



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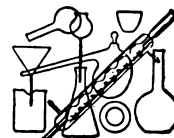
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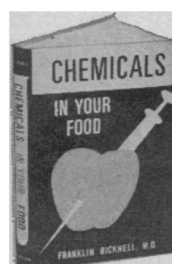
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