

# U.S. keeps mum on killings by eagles

CHEYENNE, Wyo. (AP) — A government agency has decided not to publish the estimated number of sheep and lambs killed by eagles in Wyoming this year following nationwide controversy over the subject.

One year ago, the Federal Crop and Livestock Reporting Service reported that eagles were estimated to have caused 8,600 sheep and lamb losses in Wyoming in 1970.

That report led to outcries from conservationists that the figure was absurd. The report was made public shortly before the deaths of eagles from gunshot, poisoning and elec-

trocution made national headlines.

The 1971 report, made public during the weekend, lumps eagles under the classification of "other predators" with no specification of how many sheep losses were attributed by ranchers to the eagles or other predators.

Coyotes, however, were given special attention.

They were blamed with killing 88,600 head of sheep and lambs in 1971 — some 23 per cent of the total lost in the year.

The statistician in charge, Lester Hoffman of Cheyenne,

said Monday "other predators" also included eagles, dogs, Bobcats, bears and foxes. He said the decision to lump them together this year was because they accounted for a smaller loss — 33,800 head or about 9 per cent of the total 1971 loss.

Nonetheless, the reporting forms sent to ranchers sampled for the study did ask how many losses there were to each type of predator. But Hoffman said the forms were made this way to avoid ranchers writing a lot of words on the forms and the results were tabulated together.

Asked if lumping eagles into one general category might be

a way to avoid a hot issue. Hoffman replied, "sure."

He said no changes were made in the way the sheep and lamb losses were reported despite criticism from some quarters that the method was not accurate.

The 1971 return was based on returns from about 400 farmers and ranchers who have about 50 per cent of the sheep and lambs in the state. Random sampling was used to select the ranches getting questionnaires but Hoffman said the bulk of sheep are held by a few owners so that a valid survey must include many of the large operators.

In one change, however, the method used to calculate the losses was published whereas last year no explanation was given. He said there had been confusion over the method used.

Hoffman said Monday he understood Democratic Sen. Gale McGee of Wyoming had asked officials in Washington to come up with cost estimates on gathering information on livestock losses to predatory animals in the western states. McGee is one of those who has said no accurate count of predator losses exists.

As of now, Hoffman said,

only Wyoming has a system under way among the major sheep producing states. He said he was under no pressure to change the Wyoming method.

He said the statistical study is requested by state agriculture officials and is paid by them. He said it is beyond the normal scope of the federal agency's operations but that it is done on a cooperative basis with the state.

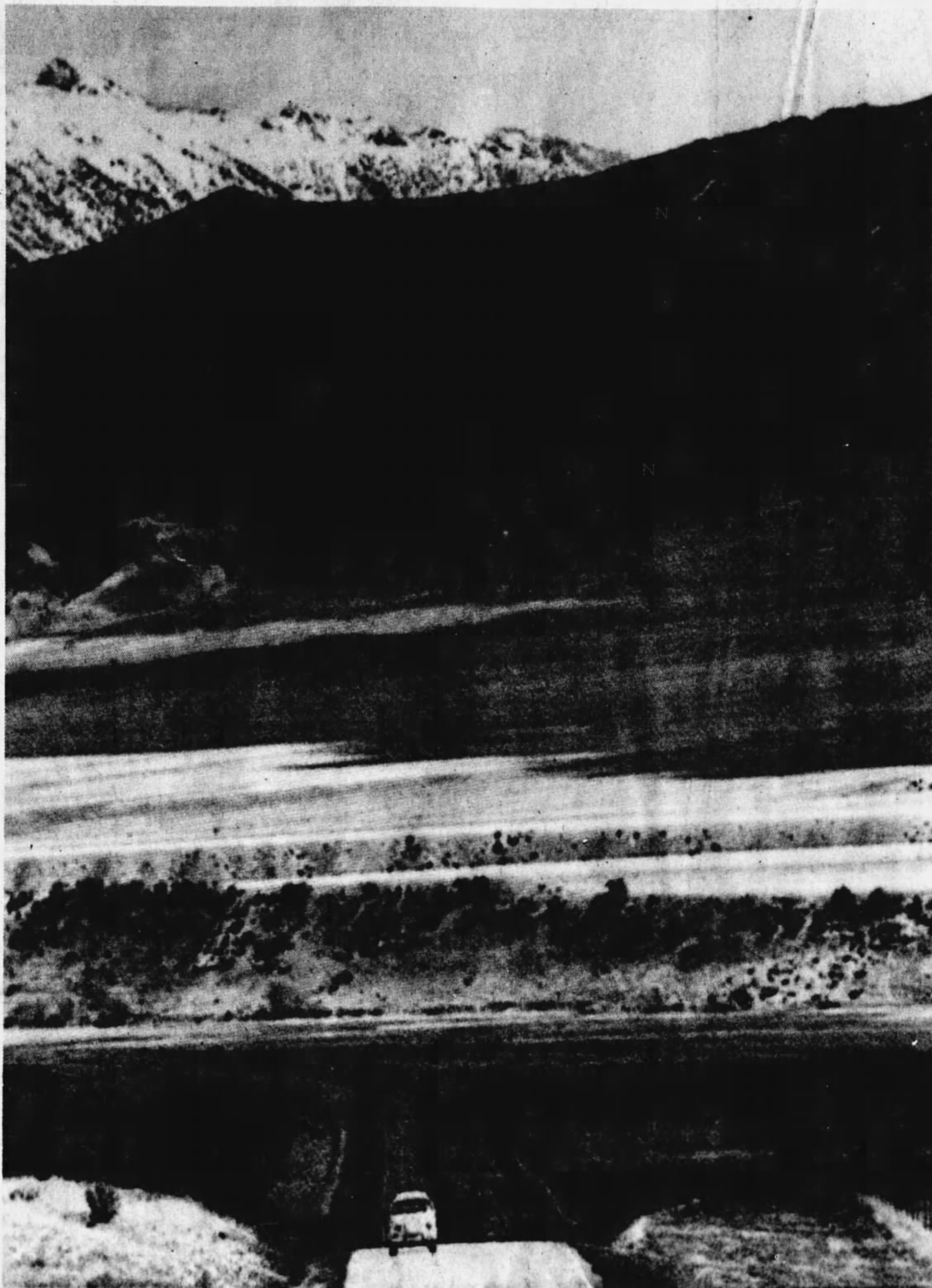
More than 50 per cent of the sheep and lamb losses in Wyoming in 1971 — or 205,000 head — were from "all other causes," Hoffman said this primarily was weather, disease,

poisons, lost or stolen sheep.

Although total losses of sheep and lambs in 1971 was up 4 per cent from 1970, the loss to predators, including coyotes, was down from 130,200 head to 122,400 head in 1971.

Hoffman said he knew of no reason why ranchers would lie about the causes of livestock losses on the reports.

He said the prime purpose of the annual survey was to point out the losses caused by predators. He said he assumed livestock interests used the statistics to back up their efforts to maintain predator control programs through the government.



## Sunlight and shadow

Giant shadows play across a broad valley near Ennis in Southwestern Montana, highlighting the northern Rockies in the background. Montana Highway 287 had heavy traffic over the

Memorial Day weekend as travelers to Yellowstone Park and Virginia City began to arrive.

—Photofax

## Montana News

### Tree kills man

MISSOULA (AP) — A Somers man, Donald Leroy Commers, 28, was killed Sunday when struck by a tree in the Bird Creek area about 20 miles west of Missoula.

The acting coroner of Missoula County, John Maletta, said Commers died instantly. The victim had been cutting trees.

### Help for Conrad

LIBBY (AP) — Lt. Gov. Thomas L. Judge called on the Nixon administration Sunday to take all steps necessary to indemnify Conrad residents for losses resulting from termination of the ABM program in Montana.

The Democratic gubernatorial candidate praised President Nixon for "reducing the possibility of nuclear confrontation and easing international tensions" through the arms accord reached at the Moscow summit.

However, Judge said, Conrad residents who have heavily invested in anticipation of the growth that would surround the ABM project could be bankrupted if adequate assistance is not provided by the federal government.

"The good people of Conrad acted in good faith in planning to absorb the impact of the ABM system," he said. "And now the project is canceled. The people of Conrad are going to suffer severe losses and the federal government must help."

### Hearings put off

WEST GLACIER (AP) — Planned wilderness hearings for Glacier National Park, which were scheduled for June 27 at Great Falls and June 29 at Kalispell, have been temporarily postponed, according to Supt. William J. Briggie.

The Department of Interior said the hearings, which also included master plan meetings, were postponed because of questions raised at recent Senate hearings regarding the suitability of preliminary wilderness proposals.

### Taxation plea

HELENA (AP) — A Montana legislator seeking re-election says, if re-elected, he will propose a constitutional amendment in the 1973 legislature to limit statewide property taxes, if the proposed constitution is passed.

"It is highly possible — whether the new constitution is passed or not — that Montana, in view of many court cases in the education area, will be forced to a statewide levy to finance education," says Rep. Francis Bardanouve, D-Harlem.

He said his legislation would probably receive "very warm legislative support and would be on the ballot the next election."

At the same time, Bardanouve blasted opponents to the proposed document, which goes to the voters June 6, calling them the "uninformed, the misinformed, those fearful of

change in any form and the corporate interests who will be the beneficiaries of obsolescence and weakness in the present constitution."

### Offers plan

HELENA (AP) — Republican Public Instruction Superintendent candidate Jerry L. Agen, Eureka, calling his opponent's methods "out of step with needs of Montana education," introduced today his idea of how the office should be run.

Agan, opposing incumbent Dolores Colburn, said he would decentralize the office by reducing the present 179 members of the Helena staff and create regional offices, probably five of them.

He said they would be located "on the basis of population and geographical isolation from Helena."

"Each office will be staffed by Montana's most competent educators and will serve as depositories for special educational services can draw," Agen said.

### 'Can of worms'

HELENA (AP) — Geoffrey L. Brazier, D-Helena, calling the proposed constitution "a can of worms," Sunday announced he would vote against its adoption.

The lawyer-delegate to the Constitutional Convention disclosed his opposition to the document he helped write on a radio discussion program.

"I ran as a delegate to amend the present constitution," he said. "We didn't amend it but wrote a new one."

"It's a can of worms and way too much power is given away from the people to the legislature," he said.

### Entrance manned

WEST GLACIER (AP) — The west entrance to Glacier National Park is being manned for informational purposes on weekends until June 9, scheduled opening for Going-to-the Sun Road over Logan Pass, according to Supt. William J. Briggie.

He said entrance stations will be manned daily and fees will be charged once the road opens.

### Police, fire cutbacks

GREAT FALLS (AP) — Financially troubled Great Falls, facing a general fund deficit of \$567,657 by June 30, may have to find ways to cut back in the police and fire departments, the main drain on the general fund.

Mayor John J. McLaughlin, following a report from an accounting firm, said only that police and fire protection would not be reduced to point where public safety is concerned.

The financial report compiled by Artz, Clark and Stevens, certified public accountants, said the two major cost factors of the general fund are the police with expenditures of \$960,457 and firemen with expenditures of \$901,778.

"These two departments total nearly 40 per cent of the total all-purpose fund expenditures and more than 63 per cent of general fund expenditures," the CPAs reported.

## Billings Gazette

SECTION TWO

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## Environmental protection goal of constitution

This is one in a series of stories examining key provisions of the proposed new constitution and their effect on the people.

By DENNIS E. CURRAN  
Gazette State Bureau

HELENA — Montana's proposed new constitution, like many politicians, offers promises to protect Montana's environment.

But it would be up to the politicians, especially the legislators, to make the constitutional promises come true, and actions speak louder than words.

FEW ARTICLES in the new constitution have caused so much disagreement over the ultimate effect.

Some see it as the "strongest environmental article of any state" and say it will not only protect the environment but improve it. Others, disappointed over the lack of citizen enforcement powers, complain the section is merely nebulous window dressing which would not force the legislature to do anything it cannot do already.

But even if the new provisions serve only as a broad statement of public policy, most agree they have the potential to help insure Montana's environmental quality. The present constitution does not mention the environment.

ENVIRONMENTAL PROTECTION in the new constitution would be accomplished through a new article on environment and natural resources and a new "right to a clean and healthful environment" in the bill of rights.

The new constitution would direct the state and each person to "maintain and improve a clean and healthful environment for present and future generations."

The legislature would be directed to provide for enforcement of the duty and also to provide "adequate remedies" to protect the "environmental life support system" and to prevent "unreasonable depletion and degradation of natural resources."

LIKE MANY constitutional

provisions, the effect depends on how the provisions are implemented and how key words like "improve" and "adequate" and "unreasonable" are defined.

What constitutes "improving" the environment, or what is an "adequate remedy" for protecting natural resources? When is depletion of natural resources reasonable and when is it unreasonable?

But the potential is clearly there. The new provision could be used to justify strong state air and water pollution standards; it could lead to limitations on clearcutting or strict controls on mineral extraction.

ANOTHER PROVISION would require "reclamation" of all lands disturbed by the taking of natural resources but would not set any standard of reclamation. The legislature could require only a bare minimum or the best possible reclamation.

Legislative provision for enforcement also would help determine the ultimate effect of the article.

A strong minority wanted the

constitution specifically to allow citizens to bring lawsuits against polluters even if they could not prove actual damages to their property. But the citizen suit concept was defeated repeatedly on the convention floor.

PROPELLED BY CITIZEN suits argue that environmental degradation harms everyone and that citizens should not have to wait until they can show damage to go to court to stop pollution. But a majority of delegates feared that citizen suit might result in legal harassment of polluters and should not be locked into the constitution.

The proposed environmental section would allow the legislature to authorize (as it can now) citizen suits as a means of enforcement. But the legislature would not have to allow citizen suits.

MOREOVER, SOME believe (though a convention majority disagrees) that the environmental right in the bill of rights could be interpreted to allow citizen lawsuits.

The new constitution would not include the controversial public trust doctrine, but the legislature could extend the state's police power over private property to prevent environmental degradation.

In fact, the proposed new environmental provisions would not limit legislative actions at all, meaning Montana's environment can be as protected as the legislature wants it to be.

## Anaconda flume blasted

ANACONDA (AP) — A dynamite blast ripped out a section of an Anaconda flume 12 miles west of here Sunday, destroying a bridge and raising Warm Springs Creek to near flood stage.

Investigating officers said it appeared the explosion was done by amateurs. They said seven sticks of Atlas dynamite, a number of blasting caps and primacord was recovered from the water.

From 30-40 feet of the four foot flume line, carrying 17 inches of water from the Twin Lakes-Fourmiles Basin drainage to storage at Silver Lake, was ripped out of the blast. About 60 million gallons of water per day was carried by the flume.

The explosion occurred

where Twin Lakes Road bridges the flume line about 3½ miles south of U.S. 10A, officials said.

Water released into the creek gouged out the hillside and washed a large quantity of debris into Warm Springs Creek.

Anaconda Co. crews worked Sunday tapering flood banks to stop erosion and clear debris.

The damage was discovered shortly after 7 a.m. Witnesses told authorities they heard the blast about 5 a.m.

## 'Return land to farming'

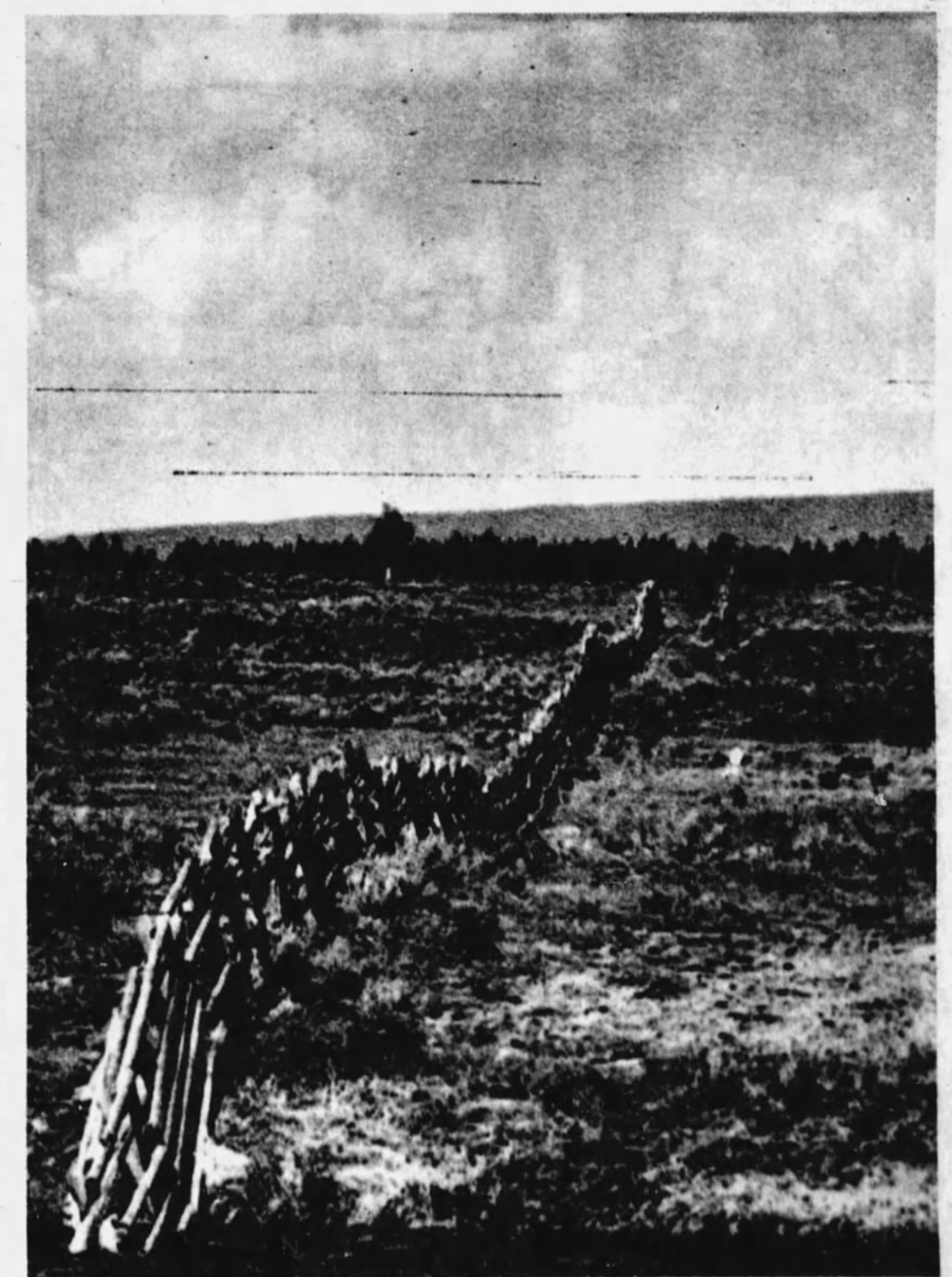
HELENA (AP) — Harriet Miller called for federal action Sunday to restore Montana ABM sites to their original farm use and prevent environmental degradation.

The missile projects in the wheat fields of northcentral Montana were scrapped as part of the arms limitation agreement reached at the Moscow summit.

"Acres of farmland have been taken off the tax rolls and stripped of grain in preparation for construction, and tons of concrete and steel already are in place," Miss Miller said.

The candidate for the Democratic congressional nomination in the western district said environmental restoration work offers potential employment and would return the land to productive, tax-paying use.

"The federal government must not be allowed to abandon this project without undertaking the necessary environmental restoration," she said.



## Ribbon of wood

Rail fencing stretches across Targhee National Forest north of Ashton, Idaho, in intricate woven pattern. Fencing is used where

ground is too rocky for fence posts, helps control wildlife and livestock.

—Photofax