

ORAL HISTORY INTERVIEWS

PHILLIP DOE



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Statement of Donation

**STATEMENT OF DONATION
OF ORAL HISTORY INTERVIEWS OF
PHILLIP T. DOE**

1. In accordance with the provisions of Chapter 21 of Title 44, United States Code, and subject to the terms, conditions, and restrictions set forth in this instrument, I, Phillip T. Doe, (hereinafter referred to as "the Donor"), of Littleton, Colorado, do hereby give, donate, and convey to the National Archives and Records Administration (hereinafter referred to as "the National Archives"), acting for and on behalf of the United States of America, all of my rights and title to, and interest in the information and responses (hereinafter referred to as "the Donated Materials") provided during the interviews conducted on March 14, and July 20, 1995, at Building 67, Denver Federal Center, and prepared for deposit with the National Archives and Records Administration in the following format: cassette tapes and transcripts. This donation includes, but is not limited to, all copyright interests I now possess in the Donated Materials.
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Phillip T. Doe

INTERVIEWER: Bill Allen Storey
Bill Allen Storey

Having determined that the materials donated above by Phillip T. Doe are appropriate for preservation as evidence of the United States Government's organization, functions, policies, decisions, procedures, and transactions, and considering it to be in the public interest to accept these materials for deposit with the National Archives and Records Administration, I accept this gift on behalf of the United States of America, subject to the terms, conditions, and restrictions set forth in the above instrument.

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Editorial Convention

A note on editorial conventions. In the text of these interviews, information in parentheses, (), is actually on the tape. Information in brackets, [], has been added to the tape either by the editor to clarify meaning or at the request of the interviewee in order to correct, enlarge, or clarify the interview as it was originally spoken. Words have sometimes been struck out by editor or interviewee in order to clarify meaning or eliminate repetition. In the case of strikeouts, that material has been printed at 50% density to aid in reading the interviews but assuring that the struckout material is readable.

The transcriber and editor also have removed some extraneous words such as false starts and repetitions without indicating their removal. The meaning of the interview has not been changed by this editing.

While we attempt to conform to most standard academic rules of usage (see *The Chicago Manual of Style*), we do not conform to those standards in this interview for individual's titles which then would only be capitalized in the text when they are specifically used as a title connected to a name, e.g., "Secretary of the Interior Gale Norton" as opposed to "Gale Norton, the secretary of the interior;" or "Commissioner John Keys" as opposed to "the commissioner, who was John Keys at the time." The convention in the Federal government is to capitalize titles always. Likewise formal titles of acts and offices are capitalized but abbreviated usages are not, e.g., Division of Planning as opposed to "planning;" the Reclamation Projects Authorization and Adjustment Act of 1992, as opposed to "the 1992 act."

The convention with acronyms is that if they are pronounced as a word then they are treated as if they are a word. If they are spelled out by the speaker then they have a hyphen between each letter. An example is the Agency for International Development's acronym: said as a word, it appears as AID but spelled out it appears as A-I-D; another example is the acronym for State Historic Preservation Officer: SHPO when said as a word, but S-H-P-O when spelled out.

Introduction

In 1988, Reclamation began to create a history program. While headquartered in Denver, the history program was developed as a bureau-wide program.

One component of Reclamation's history program is its oral history activity. The primary objectives of Reclamation's oral history activities are: preservation of historical data not normally available through Reclamation records (supplementing already available data on the whole range of Reclamation's history); making the preserved data available to researchers inside and outside Reclamation.

The senior historian of the Bureau of Reclamation developed and directs the oral history program. Questions, comments, and suggestions may be addressed:

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For additional information about Reclamation's history program see:
www.usbr.gov/history

Oral History Interviews
Phillip Doe

Storey: This is Brit Allan Storey, senior historian of the Bureau of Reclamation interviewing Phil Doe in Building 67 on the Denver Federal Center, at about 1:15 in the afternoon, on March 14, 1995. This is tape one.

Well, Mr. Doe, I'd like to ask you where you were born, and raised, and educated, and how you ended up at the Bureau of Reclamation.

Background

Doe: Well, I was born November 8, 1937, in Boise, Idaho. I spent my youth between Denver, Colorado and Genoa, Nebraska. I call Nebraska home, simply for some blind loyalties. I like the people there. I went to college, I graduated from high school in Genoa. I went to college at Doane College and got a B.A. in English literature. I worked for several years and went back to graduate school on a scholarship at the University of Denver, and took an M.A. and completed work on a PhD, and oddly enough towards the end of that tenure at D-U, I decided on a bet to take the PACE [Program for Adult College Education] exam with the members of the basketball team in the D-U English Department. I think a case of beer was bet on who could get the highest score. Much to everyone's surprise I did. (Laugh)

I never considered a job in the federal government, and a lot of people probably think I never did have a job in the federal government. (Laugh) But, I was on the top of the Register, my scores, given my military preferences, my points put me over a hundred percentile and I had a number of job offers almost immediately. Because I was also getting divorced at the time, I decided to take the job offer with the Bureau of Reclamation, who I had never heard of, rather than going through—I think I had a job offer from the Securities Exchange Commission and one from the Department of Defense. But, the Bureau of Reclamation allowed me to stay close to home to my kids.

So, I took a job in Grand Junction, worked on the first Environmental Impact Statement ever written in that region. I was there a year, went to Salt Lake City and took over the management of E-I-Ses [Environmental Impact Statement] for the Upper Colorado Region, the Division of Planning. In a three-year period there

worked on, I either wrote or oversaw the development of about fifteen E-I-Ses. At one time I think I could brag that I had written more E-I-Ses than the rest of Bureau of Reclamation put together. I was asked if I would be interested in—in about 1978, during the Carter administration, I was asked by people in Washington D.C. if I would be interested in writing the E-I-S on acreage limitation. The Carter administration, under Secretary [of the Interior Cecil D.] Andrus, tried to implement rules governing acreage limitation that had been stopped by court order, requiring them to write an E-I-S. I said, “I would be interested.” It got me back to Denver, which is where I wanted to be, and worked for two years on this E-I-S.

We finished it. Carter was defeated and it was deep-sixed. To this day, I’m extremely proud of the effort that went into that, of the people that worked on it. It’s a very informative piece of work. It had very little to do with what Congress passed in 1982, which they, in an act they laughingly called the Reclamation Reform Act.¹ Most of our recommendations, or most of the recommendations we found that were made in the E-I-S were simply overlooked or abused. Consequently, I think that the fight has gone on in the interceding thirteen years, most people, or at least people who know, should have been able to understand that they were inevitable. Because of the kinds of exceptions they decided to make in the ‘82 act have haunted any sort of reasonable enforcement of the law.

‘82 Act Haunted Any Sort of Reasonable Enforcement

With the election of Ronald Reagan and the threat of [Secretary of the Interior] Jim Watt, that if a new law was not passed they would enforce the Andrus/Carter Rules, which were quite good, as a matter of fact, and would have reinstated the residency requirement of the law. Congress passed the ‘82 act. I was asked then if I would like to help write the rules. I said, “I would,” since I was largely without a job, (Laugh) though I was somewhat suspicious of the Reagan administration, but it was work that I was interested in. And so, I did come to work on the issue again with Vern Cooper. We wrote the rules in something less than five months, after numerous conferences with the water user interests, made many concessions, too many to my mind. Vern Cooper retired shortly thereafter, in 1980, late ‘82 as I recall, and I was made the branch chief for the Acreage Limitation Branch, and served in that capacity until 1988. It was a somewhat fiery six or seven years, or however long it was, six years I guess. We had many disagreements over the application of the law. It extended a subsidy to giant corporations, winking at

1. For more information on the 1982 Reclamation Reform Act, see United States Department of the Interior, Bureau of Reclamation, *Federal Reclamation and Related Laws Annotated: Reclamation Reform Act Compilation 1982-1988*, Paul B. Smyth, editor (Denver, Colorado: United States Government Printing Office, 1988).

certain provisions of the law, but it was interesting. I enjoyed it thoroughly. I wouldn't give up those seven years for anything.

The disagreements between myself as head of the Branch and some of the political appointees brought in during the Reagan administration became so fractious and contentious that eventually I was removed. I think largely at the behest of certain congressional interests and agribusiness interests in the West. Shortly thereafter I went on *60 Minutes* to explain what all the hoopla was about. *60 Minutes* promised that they could bring an end to what I saw as abuses of the public trust in the administration of this program. That hasn't happened. Things go on as they always have. It should be a clear reminder to people that the forces and the powers that exist in this program are not going to give up their stranglehold on the American purse very easily. There's hundreds of millions of dollars at stake every year and they guard it jealously. As Gladstone once said, "Property never sleeps, and when it does one should be most cautious," or, "when it appears to, one should be most cautious," and these people never sleep. And, in those years, they were pretty, they pretty much held the upper hand. The assistant secretary had been a past board member and legal counsel for the N-W-R-A [National Water Resources Association], which is the chief lobbying group for agribusiness, western water development. A number of other people within the Department and the Agency had close ties to those interests. For instance, Hal Furman, who became deputy assistant secretary, came directly from [Nevada Senator Paul] Laxalt's staff. He is now a water lobbyist, in the West, and recently ran for [U.S.] Senator under the, on the Republican ticket in the state of Nevada. Jason Peltier came over from [California U.S. Senator H. I.] Hayakawa's staff, and was a bosom buddy with the water interests in California, Central Valley Project. I believe his uncle was a citrus grower down around Visalia.

The list goes on and on. But it was, it's kind of interesting to look back on it when the, when people in the Reagan administration first came in they were full of a kind of religiosity about conservative government, but it didn't take them very long to realize that what really counted in that town was payola, and some of their ardor simply disappeared. They stopped talking about the Reagan Revolution and conservatism very quickly, and decided that if they wanted a future in government, or a high-paying future in government, they better get on board and play ball with the interests, in California particularly, and that's exactly what happened. So, what do you say about that?

After '88, they made me the hazardous waste coordinator. There was no program, as I've said in other, other places. I think that their intent was that I would

leave. I would find it so unwholesomely dissatisfying that I would simply leave. I can't deny that I spent a lot of time deliberating over whether I should leave or not, but in the end decided I would give hazardous waste a try. I developed a budget for the program and laid out certain guidelines and it's been a success. As I get ready to leave in a couple of months, I don't regret that I stayed on, but I think it is time (Laugh) to leave and go on the outside and try and do some of the things that I wasn't allowed to do here. One of the reasons I think this program has managed to go on as it has, it's become so complicated, the rules governing the management of the program have become so complicated that nobody understands.

Storey: We're talking R-R-A [Reclamation Reform Act] now?

Reclamation Reform Act

Doe: R-R-A are simply—well, they're the underpinnings for the whole program. I mean, without the R-R-A, without Reclamation law you have no Bureau of Reclamation, and you have no program. But over time, through the, you know, through the willing complicity, in my opinion, of the Congress, or certain elements in Congress, they've made so many exceptions, and the Bureau, in a rather benighted way, has allowed one law to ooze onto another without ever trying to separate and look back and find out if provisions in earlier laws have simply been superceded. So, it allows them to put this crazy quilt of a law together, really taking one part from an old law, another part from a new law, to come up with a tapestry that really resembles what they want to do.

If you want to reform this program one of the first things you would have to do is go back and say, "We're going to start from ground zero and this is the way it's going to be." And, for those who have benefitted unjustly through friendly contracts, lavish giveaways, there will be a case-by-case review. But, it simply can't be done the way it is now. The agency finds a way through either its lawyers or the lawyers of the water users to get about whatever they want, and they usually do. But, I think that it's interesting, you know, in 1995 that with all this talk about reducing the size of government that there may be forces being unleashed here that even these special interests won't be able to control. Because, thus far with [Congressman Newt] Gingrich and his henchmen they've only been looking at one side of the coin, and that is the welfare side of the coin. They haven't looked at the tax subsidies that go to the rich. But there's, you know, if you read the paper you see even the conservative elements, or at least the conservative elements that aspire to some sort of intellectual honesty, are calling for reductions in subsidies to the rich. And unfortunately, this program has encouraged wealthy investors to come in

and feed off the benefits, which were really created initially for small family farmers, or at least that's what the masthead says. It's never been quite that way. But, that was the original concept. But, (Storey: Uhm-hmm.) if you go back to the very and look, beginning and you look at the Newlands Project, [Nevada Congressman Francis G.] Newlands was a land speculator. He was a congressman and he knew damn well the best way to get a good deal out there is get the federal government involved and get somebody else's money to develop it.² And, to some degree this program has always been prey to that kind of motivation.

Storey: Uhm-hmm. Let's go back to Genoa. Is that the correct spelling, or pronunciation?

Doe: Well, it's Genoa to the rest of the world but to us it was Genoa [*pron.* Genōa.]

Storey: Genoa?

Doe: Yeah.

Storey: Is that a rural community?

Growing Up in Genoa

Doe: Yeah. It was, yeah, it's about 1,500 people. I think it's a lot smaller now. It was started, oh let's see, my great, great uncle, who was a Mormon missionary, and it was a Mormon settlement. My great, great grandparents moved on to Utah and settled there in the early, well, I think 1860, and for some reason lost in history they decided to, at least my great, great grandfather decided to come back to Nebraska. He left two children in Utah. I have a lot of Mormon relatives. But he came back to Nebraska and resettled in Columbus and was, built homes and, I think, owned a car dealership. And, my grandfather moved back to Genoa, and was a rancher and farmer, and that's where I grew up. That's where my mother grew up and that's where my uncles grew up, and that where I grew up.

Storey: Genoa?

Doe: Uhm-hmm.

Storey: Is it an agricultural community?

2. For more information on Francis G. Newlands, see William D. Rowley, *Reclaiming Arid America: The Career of Francis G. Newlands* (Bloomington: Indiana University Press, 1996).

Doe: Oh yeah.

Storey: Were you raised on a farm or a ranch?

Doe: No. We lived in town. My grandfather lived out on the farm but we lived in town when I was growing up. I worked for the University of Nebraska, Department of Agronomy every summer all the way through high school, and actually had a scholarship to the University of Nebraska, and offered the scholarship, which I didn't take. But, so I worked on a farm all the time I was going to school there when we lived in town.

Storey: And you studied, did I hear you correctly, English literature?

Doe: Yup. My whole career was--well, I didn't start out that way. I started out studying math. Then I went to the Army for three years and came back and decided I didn't want to have to do math problems every night, and I changed by degrees from philosophy, to religion, to English, and there I stayed.

Storey: Uhm-hmm. Even with your M.A. and Ph.D work?

Doe: Yes. Yup. All of it was on the study of English literature. I wrote my masters thesis on Jonathan Swift, and I was working with, my PhD subject was on 18th Century deism and the rise of liberalism.

Storey: Really?

Doe: Of which I wasn't too fond. (Laugh)

Storey: You didn't finish your Ph.D, though?

Doe: No. I got--well it just wasn't very valuable to me at the time. I was getting a divorce and I was, things were frantic it seems to me as I recall back in the early '70s.

Storey: And when did you go to Grand Junction? I'm figuring about '74?

Doe: Yeah. That's about right, '74 to '75. I think probably '75. If I've got this calculated correctly I have twenty years in the federal service, other than my military, in July of this year. So, I will, real-time as they say, I will put twenty years in.

Storey: Now, where did the military come in?

Doe: That was after my first year in college. I didn't have any money to go back and I hadn't done very well, which seems to be symptomatic of immature young men. (Laugh) So, I enlisted in the Army. I spent two years and nine months and some days, from Texas, to Georgia, to Alaska, which allowed me to mature some, I think, and refocus.

Storey: Hmm. You'd never heard of Reclamation before?

Never Heard of Reclamation

Doe: Never heard of it at all.

Storey: Is . . .

Doe: Even though in my hometown of Genoa, the Loop Power District was built, was built by Reclamation but I didn't know that until after I came to work (Storey: Okay.) for Reclamation. You know, it was just something that was, wasn't important to me.

Storey: And, you weren't aware of it?

Doe: No. Huh-uh.

Storey: What was the name of the office in Grand Junction at that time?

Doe: It was the Grand Junction Projects Office.

Storey: Okay. And it had responsibility for what?

"They Didn't Know How to Write an EIS"

Doe: Well, at the time the Upper Colorado Region had a multitude of problems, major of which it seemed to me was the fact that they had all these old projects that were associated with the Colorado River Storage Project Act,³ all these associated

3. For more information on the Colorado River Storage Project Act, see "Colorado River Storage Project," April 11, 1965, in United States Department of the Interior, Bureau of Reclamation, *Federal Reclamation and Related Laws Annotated*, Volume II of Three Volumes through 1958, Richard K. Pelz, editor (Washington, D.C.:

(continued...)

projects that they hadn't finished the planning on. And it, or Dave Crandall, who was the regional director, was under a lot of pressure. The major problem was they didn't know how to write E-I-Ses, but they were under tremendous pressure locally and from Washington to finish these planning documents, particularly the E-I-Ses, and that's what I did for the three years I was there. I just worked totally on writing E-I-Ses and planning reports. I worked on several that were built. In fact, I may have worked on more that were built than almost anyone. I worked, the first project I worked on was Dallas Creek, and that was when I was still in Grand Junction. Then I worked on the Savery-Pot Hook, which is an abomination on the Colorado-Wyoming line. That's, thankfully, never been built. I worked for a while Fruitland Mesa, then I went to Salt Lake City and worked extensively on the Dolores Project. I worked on Upalco Unit, Uinta Unit. I worked on the M&I Unit, the Central Utah Project. In fact, I wrote the justification for doing a phased construction on the Central Utah Project. I'm not too proud of that, but it allowed them to get over the hurdles that were being imposed by the environmental community. Let's see, what else did I work on? I worked on Paradox Valley. I worked on Animas-La Plata. I can recall asking Harl Noble who was then the planning officer for the Upper Colorado Region. I mean, I've worked on some pretty bad projects and maybe Savery-Pot Hook was the worst. But, I recall once telling Harl that I wasn't really too happy working on Animas-La Plata because it looked like such a dog, and he told me, "Just shut up and finish it. It will never be built." (Laugh) Well, there it is, still out there, (Laugh) what, sixteen years later. (Storey: Uhm-hmm.) This was 1979, '78 or '79, we were finishing the E-I-S on Animas-La Plata, and he told me not to, not to be concerned about it because it would never be built, but it's still there. And, we're threatened with this outrageous expense for what I consider to be a very small problem, a real problem. The Indians deserve their water, but it's not a billion-dollar problem. But, I suppose if the special interests can convince enough congressmen that this is the only way the thing can be done, that the rest of us will get to spend a billion dollars plus to satisfy the Indians' legitimate water rights.

Storey: Were any of these projects that you worked on what you would consider to be good projects?

Few Good Projects

Doe: Well at the time, given my experience, I didn't, it was hard for me to make those kinds of judgments. I learned early on, on Dallas Creek for instance, and I worked on the Dolores Project too, extensively, on Dallas Creek there was a lot of muttering

3. (...continued)

United States Government Printing Office, 1972), 1248-59.

in the Grand Junction Office about the fact that we were adding to the Dallas Creek Project a development on the west side of the valley called Log Hill Mesa, which was kind of an upscale country estate type of thing. But, in order to do this we would have had to cut a huge diversion canal across West Divide, and it's not, you would have, you would have been able to see it for miles and miles, and then you have this big incision running across right in front of Mt. Snuffles, etcetera, etcetera, and locally there was tremendous resistance to that.

And I can recall going to, the first public hearing I had ever been to was in Montrose, and a woman who ran the Ouray paper, her name was Jorgenson [spelling?], I can't recall her first name, she came. She was at the hearing. And, I had no idea what to expect, but the locals were simply up in arms over the Bureau's playing footsie with this private development and causing all this visual negative impact. And, people got up one after the other and spoke against what the Bureau was proposing to do, and it was within a day that I was asked to change the E-I-S and to leave Log Hill Mesa. (Laugh) (Storey: Uhm-hmm.) So, I got, I guess that was my first inclination that this wasn't an even-handed approach to planning, and that maybe the special interests did have more control than I thought initially. And, I've seen that to be true, I think, on every project I ever worked on. On Dolores, on the Dolores Project, in order to get the thing built they had to make a number of accommodations with the Montezuma Valley Irrigation District. And they, in fact, were dewatering a river, which I find an abomination, but in fact they were dewatering the Dolores River.

Storey: You mean the Montezuma?

“They Were Dewatering the River”

Doe: Yeah. They had a, they had a diversion structure just, just outside the town of Dolores, just downstream, and they had a tunnel with, into which they diverted the flows of the Dolores River, and basically, during low flows, they would take it all. What we did was built McPhee Dam there and captured most of the flow during runoff and restored the river. Actually created a blue-ribbon trout stream, a magnificent trout stream in my opinion, then proceeded to destroy it once we started operating the project. The Bureau's, of course, looking at that, and probably looking at it for five or ten years. But, we had to make all sorts of accommodations to M-V-I-D [Montezuma Valley Irrigation District] because they held a lot of water rights, and basically they got a new tunnel, a more reliable water supply, were allowed to maintain their diversion rights, which are excessive, and they got it all for nothing, which is pretty much like the Strawberry Water Users Association on

the Central Utah Project.

You know, unfortunately too often the pressures are, the pressures from outside and inside, in as much as this is an engineering organization, are to build. And, whatever gets in the way of building has to take second billing, and in this case M-V-I-D was promised and given all sorts of accommodations that really aren't in the public interest but they had to be done in order to build. And, as we go out and look for water to restore the, to restore the Dolores River we should be looking at M-V-I-D, but of course we won't. (Laugh) Let's see.

Storey: You had, we had to make concessions to them because they had water rights?

Doe: They had water rights, plus they had, they had a diversion structure that we would have to inundate. We needed to, at least initially we wanted to divert water and send it down the Towaoc. (Storey: Yeah.) But, we modified—I haven't kept up with the Dolores, you know, in its as-built stage, but it seems to me that a lot of the water that was promised to Towaoc out of the Dolores isn't going to materialize and I'm not sure if, in fact, to get Animas-La Plata built more water isn't being promised out of Animas-La Plata to make it more feasible from the standpoint of this is an Indian project.

Storey: Yeah. I'm not aware of any (Doe: Yeah.) of that kind of stuff.

Doe: It was a long time ago, and that's my recollection, but I'm pretty sure that I'm accurate. It would be interesting to see what we said in the planning documents, or at least in the E-I-S about Towaoc and how much they're actually getting out of it, but way too much.

Storey: Yeah. When you were talking about the Dallas Creek project (Doe: Uhm-hmm.) and this public meeting, (Doe: Uhm-hmm.) which public interest was it that you were saying had too much influence on Reclamation?

Developers Had Tremendous Influence

Doe: Oh, I think the developers. The Log Hill Mesa people, I think, had tremendous influence on the way the Bureau of Reclamation conducted its business, (Storey: Right.) because we, we added Log Hill Mesa kind of as an afterthought. And, we could have pumped the water up the hill onto Log Hill Mesa, but that would have increased their operating costs. (Storey: Uhm-hmm.) So, rather than do that they were prepared to divert water coming out of Mt. Snuffles and the, you know, that

range there, the San Juans, and cut this feeder canal, and thus spoil the landscape there. There was a woman that owned the land. I have a letter that she wrote the Bureau expressing her objections (Laugh) to despoiling the landscape. She's dead now, but she was, she was quite forceful.

Storey: But . . .

Doe: But those people, you'll always find those people out there and I hope they always exist, that are ready to stand up in the face of what seems to be an imperial government. (Storey: Yeah.) They were successful in this case.

Storey: Yeah. And that's what I'm a little confused about, because the way I understood what you said, virtually you had a public meeting and the next day that aspect of the project was killed because of the public reaction?

Doe: Right, but see it, our public involvement process in those days isn't what it is today. We had already made up our mind what we were going to do and we published the draft Environmental Impact Statement, (Storey: Uh huh.) with Log Hill Mesa in it. And, there were many people in the agency that disagreed with that entirely, for various reasons, some of which were environmental, some of which were just simply from cost standpoint. But, the Bureau was going to go on and push the Log Hill Mesa until they found out that they couldn't get local support for it. (Storey: Uhm-hmm.) They should have known that already. They thought they had local support and probably did from the developers, but what they didn't have was local support from the little people. And, you know, the most outspoken, I think, was this, I think her name was June Jorgenson [spelling?], who ran the Ouray paper. And she hadn't been, she was a recent arrival in Colorado. She bought the paper. She was an easterner, as I recall, and she'd come there, I suppose, for a lifestyle and she wasn't about to, to let the Bureau of Reclamation go in willy nilly and destroy it.

Storey: Uh huh. Well, I reviewed a number of these things. I reviewed the environmental statements when I was at the Advisory Council. (Doe: Uh huh.) But, let's branch a little into an area I'm particularly interested in. If you were right in on the ground floor in Environmental Statement development and implementation of NEPA [National Environmental Policy Act] (Doe: Uhm-hmm.)—oh, this was five years after NEPA was passed, but it was just really beginning to take hold, how was the Bureau of Reclamation staff responding to NEPA and the requirements of NEPA? Was it real compliance? Was it cosmetic compliance? How would you characterize that?

Upper Management Motivated to Develop

Doe: Well I mean, upper management, I think, has always felt that its primary goal was to develop. You already had, you know, festering, if that's the right word, within the Bureau of Reclamation, an employee cadre who were very dissatisfied with the way the Bureau of Reclamation conducted its business. And, I don't think that anyone would deny that the E-I-Ses were done primarily to allow the Bureau to build, and it's always been that way. I think in many cases what they did build was better by going through the process, but no one ever seriously thought that we were looking at an option of non-construction, and that wasn't, (Laugh) nobody, we didn't go into planning meetings and talk about those options in a serious way. And, the economics are not big in Environmental Impact Statements. In my opinion they should be bigger. But, it's the economics that really should stop these projects, in most cases. But, one of the things you'll find in Reclamation projects is that you can buy everybody off, and I think that's what the Bureau of Reclamation learned as time went on. Why fight with the environmental groups? Why fight with Fish and Wildlife Service? Give them money, mitigate it. Because, at least in the Upper Colorado Region, for instance, on the . . .

END SIDE 1, TAPE 1. MARCH 14, 1995.

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Doe: So . . .

Storey: You were, you were saying that Reclamation took the approach of buying people off by offering money for mitigation of various impacts?

Doe: Sure. I mean they, I, you know I think it's, I think that you could go back and look at these projects and the worse the project the higher the mitigation costs. I mean, it's almost axiomatic. And, because in many cases mitigation is nonreimbursable, particularly with Colorado River Storage Projects, there's no disincentive not to mitigate to high heaven, and so that's what they've done. Now they're broke. (Laugh) But, that's the way it was done. It's an interesting paradox, but I think it's still is accurate that in many cases you buy off the environmental interests. Look at, look at Ridges Basin Reservoir for god sakes. I mean, the people, it was an [inaudible] . . .

Storey: Now we're talking Animas-La Plata, right?

Doe: Animas-La Plata. I mean, the reservoir basin was sold to us by the Nature

Conservancy. It had been given to the Nature Conservancy to manage as a, as a wildlife area. We paid for the land and then we also paid for other land to replace the wildlife refuge, and we may never build that project. Well, I hope we don't ever build it. It is so benighted, so astronomically costly. But see, look at there. I mean, what you've done is by contract with the Fish and Wildlife Service we've allowed them to study endangered species seven years and whatever it is, given them money to do so. In the meantime we get to plan and work toward ultimate construction.

That's the trade off, and it's done all the time. You just simply buy off these interests. Fish and Wildlife Service needs budget, but they've been studying the squaw fish for twenty years. They've been studying the squaw fish ever since I've worked for the Bureau of Reclamation. I think that they've spent probably well over \$20 million and they still don't know very much. And, if you get their Squaw Fish Recovery Team, the people that manage that program, "What do you know?" they immediately go into a stuttering fit because they don't know very much. So, and the Animas-La Plata is even more absurd than that because there's a very good chance that we'll go ahead, we could build the reservoir to its maximum size, build the dam so that it has maximum capacity, and right now the Fish and Wildlife says, "Well, you can divert 54,000 acre feet," I think it is, or something like that. But that may be, after they get done with their studies, that all the capacity you ever use in that reservoir.

So you've got this huge reservoir and you can only use a small part of its capacity because of E-S-A [Endangered Species Act] considerations, but you'd already built it. You know, it's kind of like the Bureau once wanted to put a power plant in below Navajo [Dam] and the rationale, rather than do the environmental studies and then build the power plant, they were going to build the power plant and then do the environmental study. (Laugh) Well which, you know, you might have had the end result being you had a power plant you couldn't use, but it never seemed to bother them that much. I mean, they, it was just this looking-glass logic that would come up time and time again. The pressure was always to build, and then, you know, "We'll fix it up later, whatever the problems are." It's just that—at McPhee, look at how much they spent on the recovery of artifacts.

I mean, the place was just honeycombed. Well, they'd take care of it. I mean, I don't know how many millions of dollars they spent, and nobody can pay for that project. I mean, it is, it is a terrible investment for the American people. The only good thing it did, in my estimation, is it allowed the river to be restored, and then we set right about the business of destroying it as soon as we were in a drought situation, and holding back water that rightfully belonged to the Indians, which they

couldn't use, and it could have gone in the stream to preserve stream flows, but they saved it back for the water users. Well anyway, that's, (Storey: Uhm-hmm.) that's my reading of what went on in those projects.

Storey: You mentioned Fruitland Mesa. I believe that was a supplementary water project?

Fruitland Mesa

Doe: Well, there was some full-service land on it. There was, I think that my recollection is that there was land around Crawford that would have got some of the water, but there was full-service land too involved. But, it was so high in the growing season. (Laugh) I forget what. In order to get the benefits up, we were talking about orchards, those are the kinds of things they would do so that, you know, you'd get a B-C ratio that was pretty close to uniform.

Storey: A Cost Benefit Ratio?

Doe: Right. Yeah. So they would, they would fictionalize the types of crops that people could be growing to get benefits up.

Storey: And that was done on the Fruitland Mesa?

Doe: Yeah, but it wasn't constructed. It was so bad that they just couldn't get enough support for it, and the same was true of Savery-Pot Hook. (Storey: Uhm-hmm.) But, you know, these were lands—the early projects you had lands that were really ripe for development and for agriculture. And, when I came into the agency all those projects had been built and they were really looking at the marginal projects, which had some local support. And, you can feel sympathy for the people that wanted that development, but they just didn't make any sense, I mean from an engineering standpoint or even an economic standpoint. They would have been difficult to build, tremendously expensive to maintain, and benefits were marginal. Maybe they were, you know, a little grass or alfalfa, but there weren't going to be a lot of orchards up there.

Storey: Not a lot of orchards at Fruitland, huh?

Doe: Well, you know, Paonia, around Paonia where we'd already developed a project, yeah. I mean, those were successful.

Storey: Yeah. That has a very long growing season (Doe: Yeah.) in that particular area,

though?

Doe: Right. Which was quite a ways. I don't know what the elevational difference is (Laugh) but it's quite a bit. (Storey: Yeah.) That's my recollection anyway.

Storey: Yeah. You mentioned a moment ago, "The worse the project the higher the mitigation expense"?

Doe: Uhm-hmm.

Storey: How would you—Reclamation obviously had a different standard for determining what a "good" project was than I think the standard I see your mind creating?

Doe: Right.

Storey: How would you create those standards? What are those standards in your mind that would tell you whether it was a good or a bad project?

What Constitutes A Good or Bad Project

Doe: Well, I think, you know, and maybe I'm being circuitous here, but it seems to me that if you're going to build a project and what you have are disastrous environmental effects, and you have to mitigate for those environmental effects, to the tunes of, you know, tens or hundreds of millions of dollars, as you will probably will be, have to do on Animas-La Plata, then you have by definition a very bad project. I mean, it's that simple. I mean, I don't think that every, every impoundment built on a river necessarily results in tremendous environmental damages.

I think, for instance, the projects that are built, the project they're going to build up on Muddy Creek, which is the Bureau project, but I think that will have a tremendously beneficial effect on the Colorado River, in cleaning, in cleaning up the stream flows and capturing a hell of a lot of silt that's, you know, that's carried into the Colorado River. I think it'll have a beneficial effect. Now complicating, contributing to the degradation is the way that we allow western ranchers to use the streams and destroy riparian zones and destroy stream banks, etcetera, etcetera. But, we hardly ever deal with that. I think that's one of the things we should be dealing with is, (Storey: Uhm-hmm.) is these kinds of studies where we understand an entire river system or a watershed, not a river system but a watershed, so that we can make reasonable decisions about what needs to be done, who's contributing to

degradation of water quality, etcetera, etcetera, but we can't seem to get our minds wrapped around that. We keep going on frantically hither and yon, trying to do this thing, that thing, and the other thing, and not systematically look at our water courses.

Storey: Yeah. Who was the head of the Grand Junction Projects Office when you were there in '74?

Gand Junction Project Office

Doe: Well, let's see. There were two of them. Ed Wiscombe [spelling?] was the first project manager. He kept his Naval regalia behind his desk. (Laugh) He conducted himself as a commander too, I think. And then after he left and retired, J. R. Rinckle became the project manager. Nice guy. He'd been the planning officer. Everybody expected—oh, I can't think of his name—Wayne from the Durango Construction, or Planning Office to be named the project manager, but he wasn't. J. R. Rinckle was. Wayne Cook is who I was thinking of. But, J. R. was. He was a nice fellow.

Storey: How do you, how do you spell his name?

Doe: R-I-N-K-E-L, I think. (Storey: Okay.) It might be R-I-N-C-K-E-L. (Storey: Okay.) I'm not sure. But, he was a very nice fellow. He had a little topper, which was comical. (Laugh) Nice guy. Do anything for the locals, and quite frankly thought that was his job. I mean, any sort of macro consideration just wasn't, wasn't within his vision. He saw himself as being responsible to and for the local population.

Storey: And he was the planning officer (Doe: He's from . . .) from Grand Junction?

Doe: Right. He'd been the planning officer when Ed Wiscombe [spelling?] had been the project manager. (Storey: Uh huh.) And, they never built much of anything. He liked to tell me that his favorite project was the Grand Mesa Project, which was totally infeasible, (Laugh) but he just liked it, you know. It was kind of a toy, you know. (Storey: Uh huh.) But, you'd have had to run a canal along the, along the south edge of the Grand Mesa. It was infeasible. The construction engineer down at Montrose told me that, "That thing would be a nightmare from an O&M [Operations and Maintenance] standpoint. You'd be up there all the time trying to maintain the canals, (Storey: Uh huh.) because of the side slope ratio."

Storey: Was Rinckle and engineer?

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- Doe: Oh yeah. Oh, they were all engineers. When I came into this organization, (Announcement on loudspeaker in background) John Jensen, John Jensen was the regional planning officer.
- Storey: They're powering down the . . .
- Doe: Right. So, but generally speaking everybody in a position of power and authority was an engineer. I would venture to say that there weren't any project managers that weren't either engineers or agriculture economists. (Storey: Uhm-hmm.) It was pretty much run by those two.
- Storey: How did, or what experience did you have with how the Project Office in Grand Junction related to the water users? Did you see that up close?
- Doe: Oh sure. I mean, when I worked on Savery-Pot Hook there was no money in the budget to work on Savery-Pot Hook. There had been no money appropriated, but I worked on it almost full-time for over a half a year trying to get the E-I-S done, and yet there was no money at all appropriated for it. But, there was pressure from the water users up there and I think from Dave Crandall, by whatever means, whether it was, I suspect, congressional to get that thing done. And yet, we had no money to do it. So, we robbed from other, other areas where we did have appropriated money and did Savery-Pot Hook.
- Storey: Dave Crandall was the regional director?
- Doe: Yeah. He was a nice fellow too. I liked him.
- Storey: What kinds of things did Mr. Rinckle do for the, for the water users? Are there any specific things that stand out in your mind?

The Door was Open for People Who Wanted the Projects

- Doe: You know, I, there aren't, other than the fact that the door was always open and it always has been opened throughout Reclamation to the people who want the projects. That has not always been the case with the environmental or other special interest groups, whether they be taxpayer motivated or environmental, environmentally motivated. The door hasn't always been open for them, but the door has always been open for the water users. Then, of course, he, as project manager, would go to countless meetings, evening meetings, with the proponents of these projects. (Storey: Uhm-hmm.) So, I mean, he was, you know, he was the

liaison between the Regional Office and the water users, and he was, you know, he was a convinced advocate for all these projects. I mean, he didn't make sophisticated distinctions.

I mean, and I think that there's some reason for that. I mean, you get out there and, I mean, these are very nice people for the most part, and you know, their farming and ranching out there is pretty marginal existence and the hope is that the government will come in and give them one of the things that nature didn't provide and that's water. Now, they can't do anything about the climate. They can't do anything about the quality of the soil, but you can give them water, (Storey: Uhm-hmm.) but it was the Bureau of Reclamation's business.

But, it's resulted in disasters where, you know, you created false hopes in these people. They continue to farm out there and scratch out a marginal existence, and the United States taxpayer has to continue to underwrite these projects just to keep them alive. (Storey: Yeah.) I would draw your attention to the Riverton Project. (Laughter) I mean just, I mean you know some of these things just don't work, but yet you get, you know, you get the local stalwarts and then you get, you know, the congressional delegation, you get this logrolling effect, and the Bureau, of course, in its desire to design and build projects and, you know, a never ending continuum gets onboard too, and so you've got nothing to control.

Storey: I noticed you've been talking about proposed new projects that the Environmental Statements were being done for?

Doe: Uhm-hmm.

Storey: At that time, were you involved in doing anything for existing projects and their effects, that you remember?

Doe: No. We were required to do a Cumulative Impact Analysis of the C-R-S-P [Colorado River Storage Project] which I was in charge of before we could go ahead with any new projects.

Storey: That's the Colorado River Storage Project?

Cumulative Impact Analysis of CRSP

Doe: Right. And, we did that. I and a fellow who worked for the Fish and Wildlife Service, Vern Helvick [spelling?], who came to work for the Bureau of

Reclamation. And, but you're dealing on such a monumental scale that nothing seems to, I mean everything is kind of overwhelmed by the vastness of the system. I mean, when you start looking at the Colorado River and the miles, you know, the miles of river, and tributaries, and then you look at how much has been blocked by the Bureau of Reclamation it pales by comparison. And so, you get a false sense that, "Well, this really hasn't had that much of an impact." Until you go look at some of these gigantic structures, and then you change your mind. (Laugh) (Storey: Uhm-hmm.) But, I mean, I think you can deceive yourself, delude yourself into thinking that the impacts aren't as great as they have been simply by doing this kind of quantitative kind of assessment, which really doesn't get down to the truth of the matter.

Storey: How do you get down to the truth of the matter?

Doe: I think that you, you be cautious—my feeling is that on these grand scales you don't get much. I think that you have to be cautious on a watershed basis. It's kind of like this administration wanted to make a big splash on this ecosystem management, but they, and we put together a proposal doing a watershed basis, a very small watershed to get their feet wet and find out, you know, what kind of problems you're really going to kind of encounter in trying to understand the system. They wanted to do it on the whole Uncompagne Plateau. My god, (Laugh) "Can't we just start out small?" But, I think if you start out small, understand what you're doing locally, in time you can, you know, you can put this thing together, this puzzle together so that you understand the entire system. But government, you know, always wants the quick answers so they want to take the whole system and manage it, model it, manage it. And I think, "My god, you know, I mean by the time you've understood the system well enough it changed, it would have changed so radically that what you knew no longer applied. And . . .

Storey: And, of course, that's the essence of a project like CRSP, the Colorado River Storage Project?

Doe: Yeah.

Storey: Huh.

Doe: But, that's the only time I was really asked to go back. We used to talk some about going back and looking at these projects and trying to assess the accuracy of our predictions, but there was never any money for that and nobody ever wanted to do it. Now, I did work on, one of the first jobs I had was doing the fish screens for

Flaming Gorge [Dam]. And, I can recall at the time telling Bill Miller, who was the fisheries biologist in Grand Junction, he and I worked on it. He had a PhD in fisheries biology, but he could hardly write. So, I had to do most of his writing for him, and he would, you know, kind of scratch the stuff out and then I'd try to make sense of it.

But, the cost was about, we estimated the cost at \$3 million, and I was telling Bill, I said, "My god, isn't this awfully expensive to put some, (Laugh) you know, some shutters in so you can draw water out of the water column at certain elevations to get the right water temperature for the river?" Because, the fish weren't growing in the river. I mean, all the requirements were there except the water was so damn cold there wasn't any, there wasn't any fish growth. And, but they put those fish screens in and lo and behold the result is, you know, one of the blue stream fisheries of the West. I mean, it's overused. It isn't managed very well, but it creates hours, and hours, and hours of recreation for people all over the Salt Lake and Denver area, and it's a tremendous boon the local economy. (Storey: Uhm-hmm.) But, it cost \$3 million. The point I was going to make was, then you go out there and look at what they're doing in California at Shasta, and I don't know what the hell we're (Laugh)—I mean, in twenty years the cost has gone up. I think they're talking about something over \$60 million for the same sort of screen principle so they can control the water temperature (Storey: Yeah.) for the spawning salmon. (Storey: Yeah.) It's interesting. It's interesting.

Storey: Now, when you say you worked on this you mean you worked on the Environmental Impact Statement?

Doe: Right, we did an E, I think we did an E-A [Environmental Assessment], if you want to know the truth. (Laugh)

Storey: An Environmental Assessment?

Doe: Yeah. It's my recollection we did an E-A. I'm pretty sure we did.

Storey: And so, he was providing the technical data and you were providing the writing expertise?

Doe: Right. One of the things that I always tried to do when I started out was understand all the disciplines. In fact, I found it very interesting. (Storey: Uh huh.) And so, I came to it cold. I had no idea what the engineering aspects of a project were, the geologic, or the fisheries, or wildlife, but I found all those specialities very

interesting. I found the soil scientist's contribution very interesting, and I never took sides. But, you know, and it was a big advantage to me, and people knew that when I came to them I was interested in what they were doing and I would try and make sure that it go fair play in the planning documents. And, that was pretty new to a lot of those people, particularly the environmental science people, the geology people, and the soil scientists in particular, because they were always given second shrift. I mean, their expertise was always sacrificed to the interest of agricultural economics and engineering. And, I simply refused to play that game. I thought they were all equally interesting, and if you laid this thing out you should be able to get a pretty good answer. The problem was, we'd already made our decision. So, we usually got a pretty bad product.

Storey: In advance?

Doe: Yeah. Oh yeah.

Storey: This is what . . .

Doe: Yeah.

Storey: This is what you were talking about, they never really considered not building?

Dallas Creek

Doe: Right. Yeah. The only time I ever saw a--well, I take it--you know, Dallas Creek,⁴ I mean, we made the changeover just like that, and we did the same thing on Savery-Pot Hook. We had a bad dam site. The head of the Geology Branch in Grand Junction told J. R. that it was impossible to build a dam on the site that they had selected because, I think it was, well it was the west side of the dam, they told him the dam was, as Joe described it, "the largest landfill in North America," or "the largest landslide in North America." (Laugh) And, J. R. Rinckle says, "Well, couldn't we just wait?" Well see, there was tremendous pressure on him to get the E-I-S out, and rather than go back and redo the E-I-S so that it would show a new dam site, J. R. just wanted to show the old dam site, knowing that what he was telling people was infeasible. So, we went, went ahead and issued the E-I-S over everyone's objection. I went around and got the opinion of all the people in the office. J. R. asked me to do it. I went back to him and I said, "J. R., nobody liked this solution." and he said, "Well, let's do it anyway." So, I said, "Well put this

4. For more information on the Dallas Creek Project, see Wm. Joe Simmonds, "Dallas Creek Project," Bureau of Reclamation, 1999.

other one as an alternative.” Well, we did. That was the concession that was made.

So we put the real dam site, the only dam site that we had, in as an alternative, and went with the dam site we knew we couldn’t build. And then, we went out to Baggs, Wyoming for a public hearing. And, the people that would have been, their lives devastated by this, who lived right below the proposed dam site, got up and spoke passionately about how stupid this was. Fortunately it was never built. It’s interesting, but the nephew of a man who got up at that hearing called me about a month ago and wanted to join R-E-O [Regional Ecosystem Office]. (Laughter) It’s a small world.

Storey: Did the fact that Environmental Statements were done have anything to do with Savery-Pot Hook not being built, for instance, with other things not being built?

EIS Process Slowed Everything Down

Doe: Yeah. I think it did. You know, I hope I’m not contradicting myself, but I think it gave, well, several things became possible because of the E-I-S. I think it gave people and opportunity to organize, because the process, the E-I-S process slowed everything down. So, it gave them, you know, it gave them an opportunity to organize locally and, you know, nationally in some cases. But, it also gave them better data with which to object to the project, data that they didn’t have before. Before all they had was a lot of very, very technical data, the D-P-Rs [Definite Plan Report].

Storey: D-P-R?

Doe: Definite Plan Reports.

Storey: Okay.

Doe: And, it was hard to understand. And, we used to have tremendous, I had tremendous fights with the environmentalists in particular over the size of E-I-Ses. I always felt that if the E-I-S were over a hundred pages long nobody would read the damn thing, and that we were defeating our own purpose. And if it, you know, if we were trying to educate the public to what the results were going to be, we should try and keep it as slim as possible and as informative as possible. And, the trouble is that specialists when they do the work they want all that work in there, you know. They don’t want any of it in an appendix. They don’t want it referenced. They want it in there. I was successful in getting it referenced.

But I, you know, had a lot of fights with people, and very good friends of mine. I mean Steve McCall [spelling?], who's still over on Grand Junction, I used to go round and round over this. (Laugh) And, Lee Swenson [spelling?]. But, you know, it was a Planning [Division] function and we would cut it down. But, I would make sure that the significant stuff stayed in. I mean, if we were going to destroy miles and miles of stream, or degrade, you know, that's what I thought was important and that's what needed to be in there, you know, not a very technical description on and on for pages about that. And, the same is true of the engineering. We'd cut, I'd cut the engineering descriptions down to maybe three or four pages, and use pictures and, you know, various, and say "This is what we built."

But, I was never very successful in getting costs in. They didn't like that. And, I think it's a, I think that the public needs to know what it's going to cost them feature by feature, and what the return on that is going to be, and we haven't done a very good job of that. But, I think that's the essential ingredient. I mean, it's hard to organize on a grand scale if the concerns are simply environmental. But, it's a hell of a lot easier to organize if the, you know, if the results are economically disastrous, and we all have to pay outrageous costs for something that just isn't warranted.

Storey: Yeah, now this was, of course, mid and late '70s?

Doe: Right.

Storey: Do you still think Environmental Impact Statements should be say around a hundred pages?

Doe: Oh sure. I mean, the acreage limitation E-I-S, which Bob Davis said was "the best E-I-S ever written in the Department of Interior"—I take great pride in that (Laugh)—(Storey: Uh huh.) was not much over a hundred pages and that covered the whole West. In fact, we had a case study of Westlands and a West wide study within the E-I-S and it's very readable. And, you know, there were only two or three of us that, I mean I wrote the whole thing but Dave Shuy was in charge of the economic studies, and there were two or three of us, literally, that did that whole thing, (Storey: Uh huh.) and did it, you know, in a couple of years. And, we could have done it sooner had we had all of the finance, or all of the economic information we needed on western farming. So, I'm quite proud of that. I mean, of all the things I've done that certainly is near the top, is that E-I-S. I think it shows a lot about the Bureau of Reclamation and the projects and who the beneficiaries are. (Storey: Uhm-hmm.) And reasonable alternatives to the way the law has been

implemented.

Storey: How did you end up going to Salt Lake from Grand Junction?

From Grand Junction to Salt Lake

Doe: Oh the woman, the best boss I ever had at the Bureau of Reclamation for sure, who ran the Reports Branch in Salt Lake City, took a real liking to me, and she was nearing retirement. Her name was Louise Lang. She lives in Phoenix now. But, she'd been a major in the Marine Corp in the Second World War, (Laugh) and still had a lot of those qualities. (Laugh) (Storey: Uh huh.) But, she took a liking to me and asked me if I would come over there and work on the E-I-Ses for them. And, that was after we'd done Dallas Creek, which Grand Junction Office hired me to do, and Savery-Pot Hook, which we did in about a year. And so, I went, you know. It offered a promotion and I didn't like Grand Junction. It was during the heyday of the oil boom over there, oil shale. So, I went to Salt Lake City and enjoyed it, and I enjoyed working for her a lot. She was a good boss, honest.

Storey: I forgot to ask you what grade you started at in Reclamation?

Doe: A GS-7. I went up pretty rapidly. I must admit, I reached my level in the columns rather quickly. (Laugh) But, I went, I've been a fourteen a lot longer than I've been anything else. In fact, I've been a fourteen longer than I've been all the other grades combined. So, I have been a fourteen since '82, thirteen years, and I'll have twenty years in in July. So, I was seven years getting to the grade of GS-14.

Storey: From a seven?

Doe: Yeah, from a seven.

Storey: So, a grade a year on average?

Doe: Yeah. But I, I mean, to be, I worked very, very hard in those first, well, right through the rule making, and I mean extremely hard to understand the program. But, it helped me out. I don't think the rating people liked me, but they knew that I knew more about this program than anybody else did by far. So, and I think they used me pretty well. (Laugh) I mean, as I would. (Storey: Uhm-hmm.) I was rewarded.

Storey: Tell me about Louise Lang. How many people—oh, well, first, excuse me, before

we leave Grand Junction, how large was the Projects Office? Do you remember?

Doe: Oh, I think it was about seventy. Maybe a little larger, seventy-six. It was a pretty big office, (Storey: Uh huh.) because we were working on all those, all those projects, you know. We had a lot of young engineers we were at the same—we were in a big compound out there, which the Atomic Energy Commission owned in those days, down by the Gunnison River, right off the banks of the Gunnison, where it emptied into the Colorado. It was, I liked it there. I liked the office. In fact, I found the work life more rewarding in the Project Office than any other place I've ever been. It was just a nice environment. (Storey: Uh huh.) A lot of, a lot of comradery among the people that worked there.

Storey: Were any of those seventy people devoted to running any of the projects in that Project Offices?

Doe: No. I mean, as with most places operations and projects are usually turned over to the water users. (Storey: Uh huh.) We had an O&M Branch. It was very small and very sleepy, and they only, they only responded to calls from the water users. They didn't do much else.

END SIDE 2, TAPE 1. MARCH 14, 1995.

BEGIN SIDE 1, TAPE 2. MARCH 14, 1995.

Storey: This is tape two of an interview by Brit Storey with Phil Doe on March 14, 1995.

Saying that the O&M Branch was small and sort of sleepy, and responded directly to irrigators. (Doe: Right.) But other than that the office was (Doe: All Planning people.) a Planning Office?

Doe: Right. Yup. All Planning people.

Storey: Well, then when you moved to Salt Lake how large was the Reports staff?

Doe: Oh in those days, let's see, well people that work here now, Gary Baker [spelling?], Carol Baker [spelling?], or Carol Berry [spelling?], myself, there were probably ten or twelve of us. We had a tremendous workload. I mean, all the time. I mean, all the time. I remember I was taking a class at the University of Utah in environmental law and it was 7:30 at night and Louise told me I couldn't take it. I had to drop it. (Laugh) She said I was too busy, (Laugh) which was true. (Storey: Uh huh.) But, that was, I mean we were extremely busy. I mean, we, I'm not

kidding. I think, I took count once. I worked on fifteen E-I-Ses, I think, in that three-year period, and some, I mean I wrote large parts of them. (Storey: Uh huh.) So, it was a busy time.

Storey: Does this mean that you were doing more than eight hours a day?

Doe: Oh god yes. (Laugh)

Storey: And, how was that dealt with in that office at that time? Were you paid overtime, or how did it work?

Doe: I was paid overtime. Yeah. I was paid overtime. There was a lot of, there was a lot of friction between our office and the Environmental Office, Harold Sersland. Most of it pretty unwelcome, as far as I was concerned, but we did all the work and Harold would tell us, and Debbie Link [spelling?], who now works for WAPA [Western Area Power Authority], would tell us whether we'd done it right or not. Well, once or twice, you know, around that maypole and you get pretty tired of it. So, there was, Harl Noble didn't think that they did anything and he, I think he was largely right. They played, they played overlord, the environmental gurus.

You know I, I think it's one of the things that the Bureau did wrong, and I think it's one of the reasons they've never been any more successful in embracing NEPA than they have, and that is that they've never made NEPA the responsibility of every manager. They've always set it aside and told people, "Well, you do what you do and then we'll tell you whether you did it right or not." And, I've always objected to that concept. NEPA isn't that difficult to understand. Mostly it's an honesty contract with the American people. You don't need, you know, gurus, or keepers of the keys. What you need are managers that understand the law and take an oath to support that law. And, I think it's one of the reasons in our success in really implementing NEPA has been so low, because we've always made it somebody else's responsibility, rather than making it an integral part of our decision process. And, we go on that way.

I, you know, I argues with Darrell [Webber] constantly during, you know, during the last reorganization. I objected to the idea that we keep a NEPA guru around. It's time that these managers understand what NEPA's all about, and if they don't you should find managers that do (Storey: Uh huh.) understand what it's all about. In fact, it would be my recommendation that if you, if you're going to take on a management position in this organization or any other organization you ought to be reasonably familiar with the laws that you're going to have to uphold.

And if that takes, if that means a written exam like the British do it, so be it. But, I mean, you ask any manager in the Bureau of Reclamation what, what Reclamation law is all about, what the acreage limitation laws are all about, they don't have a clue. I mean it was—and, they don't want to have a clue. They want somebody else to be responsible so that they can go to that person and not have to deal with the intricacies of the situation.

And, the same I think is true of NEPA. But, it's just abhorrent to me that, that we adopt that sort of management concept to where you have all these specialists sitting out and that you have to go to them. I mean, of course you need somebody that's, you know, infinitely specialized in certain things, but the manager ought to have a pretty good grasp of these laws, I mean a very—and, NEPA in particular. I mean all that, I mean that's simply a planning concept is all it is. I mean, how do you plan, (Laugh) you know, if you don't know, you know, the basic framework under which you have to plan. (Storey: Yeah.) That's daffy. And, we still, I mean we do a lot of Planning documents and then we do the E-I-S separately, and there's no reason not to integrate those things. We're doing Resource Management Plans. And, because of the petty jealousies in the field between the Operations people, the old 400-people, and the 150-people, the 400-people do the Resource Management Plan, the 150-people do the E-I-S. I mean, that's absurd. I mean, it's extremely costly. I mean, it's blind, you're half blind. It's like separating the lobes of your brain. And, when you get done you don't know if these things are going to meet or not. (Storey: And the . . .) They should be done conjointly.

Storey: And, the 150-people are the Reports people?

Doe: No, the 150-people are the Environmental people. I think in most regions, Upper Colorado may have been the only region I know of where the 700, the Planning people actually did the environmental documents. But, Harl was a very powerful planning officer, and Harold wasn't a very, very dynamic environmental officer, and certainly didn't want the responsibility of doing all the E-I-Ses. So, it was kind of handed over to 700 by default, but the authority on whether they were any good or not always remained with 150.

Storey: Uhm-hmm. How many people, or do you recall how many people there were in the region at that time?

Doe: Oh god, I don't know. There were a lot. You know, in the Carter administration they separated the power people, so that took away a pretty good chunk of the workforce. But it, I suppose there were 400. You know, it's hard for me to say

(Storey: Uh huh.) exactly. There were a lot though. Yeah, a lot of support people.

Storey: And, you said Dave Crandall (Doe: Dave Crandall was the first.) was the regional director?

Doe: He was the first regional director. He left. Then came Bill Plummer, as I, as I remember. And, who was it after that? He was only there for a short time. And then, the fellow that just retired was the ACER Chief, he was the regional director for a while. He had just come out of charm school.

Storey: We're not talking about Darrell Webber?

Doe: Yeah, Darrel Webber. Yeah.

Storey: Okay.

Doe: I knew Darrell from those days. (Laugh)

Storey: Well, tell me first about Louise Lang. How does she spell her last name?

Doe: L-A-N-G.

Storey: Without an E?

Doe: Without an E.

Storey: Okay. Tell me why you liked her so much as a boss? What was her management style?

Different Management Styles

Doe: Well, I mean she was extremely demanding, but she understood what you were doing, and she knew, she understood how difficult it was, and how many different personalities and interests you had to try and balance. And, she'd been through all that and she was just a, a good person to work for. She'd listen to you, she would take your advice, and she would always defend you. That's the reason I liked Harl Noble. When I would tell him things that I thought were wrong with a planning document he would go to bat for me. He said, he once told me, he said, "Phil, I'll always go to bat for you," he said, "but don't ever be wrong." (Laughter) But, he'd call, (Laugh) he'd call up the project manager down in Provo, we had so many

problems on some of it. I mean, it just didn't make any sense, the things they were doing, and I couldn't make them add up, you know, and it just wouldn't add up. And, if it wouldn't add up, you know, I just wasn't happy with putting this down on a piece of paper. So, we'd call up down there and Harl would just chew him out. I mean, here's a Mormon bishop just screaming at the top of his voice, just every other word's a swear word, (Laugh) and just, you know, just raising hell with these people and he didn't care. And, nothing went out of there unless those, what we considered to be errors of logic or fact were cleared up. They just would not go out and he didn't care what they said. He basically ran the place. He really did. But, he could never be regional director because he was too mercurial. He fought too hard, I guess.

Storey: Uh huh. Is he still around over there?

Doe: Oh, he's retired, yeah. He's still around. In fact, he may have been the only GM-15 in the Planning Office the Bureau ever had. But, yeah, he was around for a number of years, but he's retired now. (Storey: Uh huh.) His son worked for the Bureau for a while, but I think he set up a private consulting firm down in Provo.

Storey: Tell me about Dave Crandall. What was his management style?

Doe: Oh, it was . . .

Storey: What were your perceptions of him?

Doe: Well, he's a very likeable fellow, low key, extremely low key, liked to fish, liked to hunt, and you know I was pretty far removed from him, though I did fly around with him, and he did call me in to ask me questions about certain things in the E-I-Ses. I just found him to be a rather low-key man, and maybe a little bit confused by the world he found himself in once NEPA was passed, and the environmental movement had leverage on agencies such as the Bureau of Reclamation. But, not unfriendly to the environmental movement as all. Actually, quite friendly, I think.

Storey: How would you see that manifested?

Doe: Well, I think he was concerned about the impacts of these projects. And, if there was anything he could do about it he would do it. I think that's the reason he hired Harold Sersland. I think he and Harold were kind of bosom buddies, old hunting partners, and Harold was a strong advocate of the environment. He just, he wasn't really into strenuous effort. (Laugh) That's my perception, anyway. I don't mean

to damn people. It's just, I mean that's my perception. But, he'd rather play the dog in the manger than be an advocate up front for something.

Storey: Was there resistance to environmental considerations?

Doe: Oh, hell yes.

Storey: In the Office? Where was it? If it wasn't in the Regional Director's Office?

Resistance to Environmental Considerations

Doe: There were plenty of people out in the field, particularly the, you know, Provo. There was plenty of objection to a lot of these environmental concerns. I think that Harl wasn't always sympathetic to some of these issues, particularly if they were presented, depending, in some cases I think depending on who they were presented by. I think that his reaction, particularly to Debbie Link [spelling?], was predictable. He'd just go into orbit. But, he wasn't against the environment. He just thought a lot of these things were made up. And, I think indeed some of them were.

Storey: Who's Debbie Link [spelling?]?

Doe: Oh, she worked for Harold Sersland. I mean, this is so far back. (Storey: Yeah.) But, she was his assistant and she did a lot of his bidding. Harold held himself above all that, most of the time, so we had to deal with Debbie. But I, but I think that in some cases Harl was right. I think some of these things were overblown. And, and it gets back to what I was saying initially is that the Bureau never really set about making NEPA everyone's responsibility. They always said, (Storey: Uh huh.) "We're on this side," and allowed those people to gouge now and then, with a predictable reaction. So, he lost sight of the issue and it became an issue of personalities too often.

Storey: Are you saying, people inside Reclamation overblew the issues, or, was this (Doe: No, I think sometimes.) from coming outside?

Doe: No, I think sometimes they did. Yeah.

Storey: Coming from outside? Yeah.

Doe: Sometimes the--well, I mean the environmental movement within the agency often

carried water from the outside, and in some cases I think their concerns were justified, and sometimes I think they weren't. I know on Savery-Pot Hook there was a tremendous to-do made about Savery-Pot Hook destroying some of the best grouse country in the world, yet they, they couldn't produce any evidence and I think it was largely overblown. I mean that doesn't, that, in no way does, does that help make the argument for Savery-Pot Hook. I mean, Savery-Pot Hook should have been destroyed on its own merits, but I think that particularly the Fish and Wildlife Service would sometimes exaggerate because it's the only weapon they had. (Storey: Uh huh.)

And, the environmental movement has, I think, not been as successful as it should have been if it looked at some of the economics of some of these things and tried to get the two issues before the public simultaneously, the terrible economics and the environmental damage. I think they're getting better at it, but initially they took the attack that, "We have to, you know, we have to go after the environment." And, I don't think it was always a successful strategy. I think they would have been a hell of a lot better off if they would look at it in its totality, and then they wouldn't have had to fabricate so many things. And, I think they did have to fabricate some, in some instances. (Storey: Uh huh.)

Well, I mean, look at Dolores. I mean, you would never build the thing. You wouldn't spend \$600 million to build the Dolores Project based on the benefits you're getting. But one of the, you know, one of the really tremendous environmental accomplishments is restoring a river, which is no mean feat. (Laugh) And, to my mind, I mean it's not worth \$600 million. I'd go tell M-V-I-D, "You can buy all the land out there that's raising these surplus crops for a fraction of that cost and restore the river." But, you know, we went about it backwards and we did restore the river, and that's an environmental accomplishment. But see you would have—the arguments that were made when we were working on the E-I-S never saw that river being, being restored to the, to the quality it is today. Never. Never. Never did we ever think that would happen. (Storey: Uh huh.) It's kind of interesting.

Storey: Yeah. Bill Plummer was regional director while you were there also?

Doe: Yeah, he was there for a while?

Storey: And, that's P-L-U-M-M-E-R (Doe: Right.) I believe?

Upper Colorado Region Managers

Doe: Right. Yeah. Yeah, he went from, he went from there down to Lower Colorado, as I recall. (Storey: Yeah.) And, Darrell Webber⁵ was there, I think, as Bill's assistant, and then he went to Amarillo, and then came back to Salt Lake City. I may be off in the relationships there, but it was something like that. (Storey: Uh huh.) Plummer wasn't there very long. He wasn't a very likeable fellow, in my opinion. Autocratic. (Storey: Uh huh.) Crandall by far, was the best of the three, in my opinion.

Storey: Uh huh. What about Darrell? You were there while Darrell was there also?

Doe: Yeah.

Storey: So, this was all in a three-year period?

Doe: Yeah. I think I was there three years, yeah. Yeah, there was a lot of, a lot of transition. (Laugh) (Storey: Uh huh.) A lot of turmoil. And, you know, that was the period of the Carter, Carter hit list.⁶ So, lots of things were going on. Darrell was, he was all right. He was kind of an odd duck, as far as I could figure out. And it was, I don't think it was a happy period of his life. So, best leave it as it is.

Storey: Huh. Well, you mentioned a number of Central Utah Project (Doe: Uhm-hmm.) things, Upalco, the M&I, Environmental Statement. What did C-U-P [Central Utah Project] mean to you all at that period of time? Was it the main concern of the Regional Office, or how did this work?

“Without CUP Hardly Any People Would have Been There”

Doe: Of course. I mean, without the Central Utah Project hardly any of those people would have been there. It was extremely important that they keep, keep it afloat. I think it's interesting that the Central Utah Project is approaching the cost of the

5. Darrell Webber participated in Reclamation's oral history program, see Darrell W. Webber, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interviews conducted by Brit Allan Storey, senior historian, Bureau of Reclamation, Denver, Colorado, edited and desktop published by Andrew H. Gahan, 2012.

6. Jimmy Carter served as President of the United States from 1977 until 1981 after his election in 1976. Within a few weeks of the beginning of the Administration, an internal discussion document accidentally fell into the hands of a reporter. The document proposed cancellation of a number of water projects considered environmentally or economically unsound. This proposal came to be known as Jimmy Carter's "hit list." This happened while Commissioner Daniel P. Beard worked in the Carter Administration, and he discussed his perspective on the issue in his Reclamation oral history interviews and in "The Passage of the Central Valley Project Improvement Act, 1991-1992: The Role of George Miller," an Oral History interview by Malca Chall, 1996 for the Regional Oral History Office, Bancroft Library, University of California.

Central Arizona Project, but yet it never gets any attention. And, in some ways it's even a worse project. But, it was absolutely essential to the Regional Office and to the Provo Office. If you didn't have that you didn't have a reason for being there. There just wasn't any. So, we spent a lot of our time on it. (Storey: Uh huh.) A lot of our time. (Laugh)

The environmentalists were very much opposed to it, to the trans-basin diversions. We, You know, we made a commitment to build Jordanelle [Dam], and we didn't need to build Jordanelle. If we would have made the decision then that we were not going to deliver water to the Sevier Basin. And, that decision had been made, as far as I could tell. Harl said it was, you know, infeasible. The land is marginal. But, we built the project as if we were going to build, you know, what is called the ag portion of the Central Utah Project, which is to divert water down the Diamond Fork and into the Sevier River valley, which is south of Provo. Had we made a decision then—and this would have been the right decision to make and in the public interest—that we weren't going to do that, then we would have never built Jordanelle. We would have piped water directly out of Strawberry, and that would have been the end of it, and probably saved well over a billion dollars.

But the decision was made that, you know, “You don't screw with it and we'll just go ahead and spend the money.” So, we did, and we built Jordanelle, and all the problems with water quality that may or may not occur there, but which were, I mean serious subjects of conversation when I was in Salt Lake City was just what the water quality was going to be in Jordanelle because the entire west arm is, has no, you know, has no feeding flow, so it just backs up in there and you've got all this mining, mine tailings and stuff that we tried to clean out. But, it's going to be interesting to see just what the water quality is going to be like. (Storey: Uh huh.) But, it didn't need to be built. So, whatever the cost of Jordanelle is. And, then you wouldn't have had to do all those improvements on the Diamond Fork, which they're still working on, which were tremendous costs. But then, the Strawberry water users wouldn't have got all their freebies. They wouldn't have got a new tunnel for free, you know. They wouldn't have got all the land over to the north of enlarged Strawberry [Reservoir]. All those things they wouldn't have got. Strawberry water users have benefitted mightily (Storey: Uh huh.) from the Central Utah Project.

Storey: Tell me more about Harl Noble.

Salt Lake City Planning Office

Doe: Well, just a salty old guy. As I said, extremely prone to flashes of anger. (Laugh) You know, he swore like a deckhand, you know. But, he used to come down to Louise Lang's office every Monday morning and he would get his mark—actually, Louise Lang kind of ran the region, at least from the Planning standpoint, and Harl would come down there and put his foot up on her, on a chair, and Louise would explain to him what the work, the week's routine was supposed to be, (Laugh) and then Harl would argue with her. And, they were very close. Even though she was, she had grown up in Salt Lake City and had been what I'm sure felt held back by, you know, the Mormon's notions about "Women should be in the home and not in the office place." I mean, I know she felt that way. She talked to me about it. And, she probably, you know, she'd have been a tremendous regional director, compared to some of the women they're trying to promote now. I mean, there's no comparison.

But, you know, she was a branch chief. And, but she knew a lot about the Planning process. I mean, a lot, a lot, and she was invaluable to the, the economist there, Paul Sant [spelling?], who I think was a nice, a very nice man, but I think would do anything to get a project built and make the economics look good. And, Harl and she were, were very important to that region, I mean to run it. And, before Harl came there, John Jensen [spelling?] was there and he was entirely devoted to, to Louise. I mean, he relied on her (Storey: Uh huh.) for her good judgment and opinion. She's a fine woman.

Storey: When you—yeah. When you say that Harl Noble would "blow up," (Laugh) is this the kind of blow up where you would, you'd be walking around wearing your chain mail because you were wondering where the knife was going to come from? Or, was this the kind of blow up that's like a summer storm and it goes away and everything's fine again?

Doe: No. It'd go away. It'd be fine. I think there were people he disliked and for them he probably gave no quarter, but for other people it went away. He'd get angry with me sometimes because I insisted that it make sense, and he sometimes thought (Laugh) that I was, I was making a tempest, you know. But no, it would go away. He'd blow up and then go away. But, there were people he sincerely disliked and distrusted, and for them he was always on his, always on his guard, and if the opportunity presented itself he'd chew them out royally. And most of them, most of those people were in Provo, with the obvious exception of Harold and Debbie. But he was, I think, a good manager. I think in today's world, and this is only, you know, less than twenty years ago, you know, his type of management wouldn't be accepted. But, it was accepted then because he knew what he was talking about

and, you know, you would, if you, if you had a legitimate concern or a legitimate problem he was interested in solving it, and honestly, you know. Given, you know, a certain bias (Storey: Uh huh.) as an engineer to build a project, which he thought was his job, and I'm sure he was right about. (Laugh) (Storey: Uh huh.) You know, he had never gotten there if he had some other attitude.

Storey: You said earlier that you got to Salt Lake with a raise. Would that have been a nine?

Doe: Yeah.

Storey: Did you get any other promotions while you were in Salt Lake?

Doe: Yeah. I went from a nine, to an eleven, to a twelve. My twelve was held up for a few months because Harold Sersland said that my job description, by my job description I was doing his job. (Laugh) So, I told Harold, I said, "Well, why don't you pay me a fourteen, because that's what you're being paid." (Laugh) But, Liz was successful in getting me the twelve, and then I came over here as a twelve and was promoted to a thirteen. I took over the management of E-I-S and was promoted to a thirteen, and then maybe a year later was a fourteen.

Storey: The thirteen was when you came to Denver to do the R-R-A E-I-S?

Doe: Not at first. I came over as a twelve, and, but I was promoted maybe a year afterwards. I can't remember. It wasn't very long. (Storey: Yeah.) I took over the study and then I was promoted.

Storey: How did that transfer happen?

Doe: You mean from Salt Lake City to Denver?

Storey: Yeah. How were, how did it come about that you were offered the Reclamation Reform Act E-I-S?

Reclamation Reform Act EIS

Doe: Well, everyone knew that they were going to write this E-I-S because they had been stopped by Westlands and this coalition out in California from implementing the Rules on Reclamation law. So, the agency, people in the agency knew that the E-I-S had to be written, and people knew that it was going to be written out of the E-N-

R [Environmental and Natural Resources] Center, which was kind of this, you know, this distant place where funny people came out of now and then and didn't talk to you. I don't know how my name surfaced in their search for somebody to write the E-I-S, but Dave Schuy, who was the study leader, called me up and asked me if I thought I'd be interested. Of course I was, you know, I'd jump at the chance to get back to Denver, because that's where my kids were. And, I told him, "Of course, I would be interested." And so, he said he'd like to meet me. We met and talked, he apparently liked me, and it was pretty high-powered. I mean, that E-I-S advisory team, and I think Dan, well Dan Beard was on it, you know, high, people very high up in the Carter administration within the Department of Interior were on there. And so, they said, "Go," and I was on the team, and I was delighted. In fact, I mean working with Dave Schuy was the best time I ever had in the Bureau of Reclamation. Those three years were an absolute joy.

Storey: Could you spell his name for me?

Doe: S-C-H-U-Y.

Storey: S-C-H-U-Y?

Doe: Right.

Storey: Okay. So, but the three years were not devoted to the R-R-A E-I-S?

Doe: Oh yeah. That's all we did.

Storey: For three years?

Doe: Yeah. I think I came in '79 and it--well, it took two years. I take that back. It took two years and there was a year of hiatus because the new administration was debating over what they were going to do. So, we never finished. We never wrote a final E-I-S.

Storey: Now, you mean you came in '82?

Doe: No, I came in '79, and I worked '79 and '80, and we issued the draft E-I-S in December of '80, right after the election.

Storey: This was before R-R-A (Doe: Oh yeah.) was passed?

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- Doe: Oh yeah.
- Storey: Oh, okay.
- Doe: This is—see, there were—I tried to explain earlier.
- Storey: Yeah. I'm . . .
- Doe: What happened was . . .
- Storey: I'm getting a little confused on my times.
- Doe: You had the 1902 Act, (Storey: Uh huh.) and there were a number of small farm advocates in California who had brought suit against the United States because the United States had never legitimized the law through the Administrative Procedures Act.
- Storey: They had never enforced it, either?

California Agribusiness Sought to Stop Acreage Rule Implementation

- Doe: Well, they'd never sent any Rules out. So you, you know, you have no idea how they were going to act in any given situation. (Storey: Uh huh.) That was the claim of the small farmers with some, I think with some justification. So the Carter administration, Guy Martin, who was assistant secretary, set about writing these Rules and Regulations. John Leshy, who's now the solicitor, was the deputy solicitor, and Krulitz [spelling?], who I think was a really fine man, was the solicitor, from the things that I read that he did. All those people were involved and they wrote the, they wrote the Rules and Regulations. They got ready to implement those Rules and Regulations and they were stopped in California by agribusiness, the Westside Coalition, which included a lot of the big growers in Westlands.

They went to court in California. The court said that the agency had to write an E-I-S on the 1902 Act, which spelled that you could only own 160 acres, that you had to be a resident on the land in order to be eligible for the subsidy, that the value of the federal investment, which is astronomical in this acreage, couldn't be sold until over half the project costs were repaid. Well hell, (Laugh) that would be into the twenty-fourth century the way they're going now. So, there were a lot of restrictions on speculative buying and selling, and speculation on reaping the benefits of this program. It was really, I mean as the law had been written, had it

been enforced that way, you really would have had small family farmers out there enjoying the benefits of this program, which I applaud, but it's never been administered that way.

And, it's not just the fault of Bureau of Reclamation. It's the tremendous pressures that were brought from higher up, from the Congress, and from the various administrations. A lot of money involved here. I mean, we're talking millions, and millions, and millions every year. So, that's when I came, was when they, when the court told them they had to write the E-I-S and these guys wanted to get it done, this was in '78, and they wanted to get it done before the Carter admin, before the end of the first term. So, we worked very, very hard, and we were always behind because a lot of the studies were paid for weren't getting done on time. And in the end, part of it, you know, a lot of the social stuff I just wrote whole cloth, because we didn't, our studies weren't done and the people responsible for those studies weren't getting their work done. But, that was in 1980. Carter was defeated. Reagan comes in, [Secretary of the Interior] James Watt holds the trump cards. He tells Congress, "You guys either give me a new law or I'm going to enforce the old law." It was, you know, it was a threat that he didn't want to . . .

END SIDE 1, TAPE 2. MARCH 14, 1995.

BEGIN SIDE 2, TAPE 2. MARCH 14, 1995.

Storey: You were saying that Watt went to Congress and said, "Either you give me a new law or I'm going to enforce the old law"?

Doe: That's right.

Storey: And, he didn't really want to do that?

Doe: Oh, of course not. I mean, I don't, the Carter administration, there were some in the Carter administration I think that would have tried to enforce the residency requirement, but there wasn't any, they didn't want to do that. I mean, you had all kinds of absentee ownership out there. I mean, you had corporations owning land. You had foreign corporations owning land. You had Southern Pacific owning 200,000 acres . (Laugh) I mean, how do you enforce? I mean, so it would have created havoc, but it's, you know, it's what should have been done, you know, if only in piecemeal style, because at least you'd have got the thing back to, to some sort of social objective for which it was established. Congress, in its infinite wisdom, if you want to read the Manager's Report and get a laugh out of over just how little they knew about what they were doing you just, you know, go back and

read the conversations that went on with those people sitting in the conference rooms.

Storey: What were the highlights of the recommendations of the Environmental Statement?

Environmental Statement Implementations

Doe: Well, we looked at a number of issues. We looked at the issue of economic efficiency. There were a lot of people that said, you know, "You just couldn't get economies of scale unless you had real large farms." We had a number of test districts that we looked at, eighteen, and we tried to, we tried to select districts that were varied so that we were, you know, at least in a sampling concept we were getting the entire range. And, with the exception of a couple of districts, where they never did, you know, things were so out of whack you wondered why they were even out there, economies of scale were reached at 320 acres, in all cases that you'd reach ninety-nine percent efficiency. So, I mean there wasn't, there's no good argument from economies of scale perspective to say that you need 960, when 320 does it. We looked at what constitutes a family farm.

Storey: Well, does that mean you made a recommendation that 320, of . . .

Doe: Yeah.

Storey: Regard . . .

Doe: In those Rules, 320 was it, husband and wife. (Laugh) You know, I . . .

Storey: Because that gave you the ninety-nine percent (Doe: Right.) efficiency?

Doe: The argument that you needed more to reach economies of scale given your machinery, and all these other things that go into a farming business, it just didn't—you know, our analysis, which was done by Dave, who, you know, I would trust to the ends of the Earth, didn't bear this out. And other people. I mean, we had economists from all over the country working on this, ag economists. We looked at what constitutes a family farm, in terms of labor. I mean we measured it from different perspectives, but one of the measurements of the family farm is that the family contributes over fifty percent of the labor. And there again, I mean, for intense, intensively-cropped farms, 160 acres, I mean these people are already employing almost as much hired labor as they, they were personal labor. So, the arguments about a family farm, if you wanted to create a family farm under any

reasonable definition, in most cases when you got to 320 again you were at the outer limits of what a family farm is. I mean, if the family's going to, you know, perform the majority of the labor. We looked at infrastructure, and I must admit that I have a particular bias towards the social purposes of Reclamation, and the small farm, and the infrastructure it creates. And, our analysis in Westlands, for instance, showed that you'd created these latifundium with these tremendously wealthy land owners, and they were dependent on hired labor at very low wages, and there was no infrastructure.

Storey: What do you mean no infrastructure?

No Social Infrastructure in Some CVP Districts

Doe: Well, I mean, what you had were these small towns like Huron, and oh there are a number of them. They don't come to my tongue right now, that Coalinga, where mostly you had migrant labor, poor schools, poor hospitals, poor police, poor everything. In other words, the public, you know, the public structure was as weak as the labor force and that, in fact, most of the wealth was simply being robbed from this area and going to, you know, Fresno, or San Francisco, or Tokyo, or wherever. And, I think that was fairly strongly brought out that the environmental climate, or the economic climate, where you had small farms, was probably much stronger, and that large farms tended to rob areas of their wealth because they relied on a very, very poorly-paid labor force. (Storey: Uh huh.) It's an old, I mean it's an old social, you know, agricultural sociology argument, this, Goldschmidt wrote this book *As You Sow, So Shall You Reap*.⁷ I think it pretty much bares up what he, he had to say. But, it's kind of odd that in a program that was sold to the American people and is, has funds that are appropriated every year under this concept of supporting family farmers, what you find in the very wealthiest of these projects is these huge, huge farms, and nobody lives out there and it's actually devastated the local economy in the sense that it's created a rural, stable rural society. It hasn't. In fact, it's worked to the opposite end, or at least contributed to it.

Storey: Because there are so few highly-paid people (Doe: Yeah.) and as a result the infrastructure is weakened?

7. Walter Goldschmidt conducted his study of the economic effects of irrigated agriculture in relationship to acreage limitation during the 1940s. Goldschmidt compared what he called the "good society" of the Central Valley community of Dinuba, where small farms were prevalent, against the lack of community services and prevalence of large numbers of poor agricultural laborers in Arvin, California, where large land holdings dominated. See Walter Goldschmidt, *As You Sow: Three Studies in the Social Consequences of Agribusiness*, foreword by Gaylord Nelson (Montclair, New Jersey: Allenheld Osmun, 1978).

Doe: Right. Right. Yeah.

Storey: What other . . .

Doe: You have few owners. I mean, in Westlands, for instance, when we looked at—now, this is a district of over 600,000 acres. I mean, it's bigger than the state of Rhode Island, and you only had 245 farms, and their agricultural production, in that one district alone, was greater than the agricultural production of sixteen states in the United States. This is a huge, huge enterprise. I mean, tremendous wealth. There's only 245 farms out there. There's a lot of owners, but there's only 245—there weren't, and I don't think there are anymore now, and there might even be fewer. And so, you know, it would be interesting to see what the results of the R-R-A are, but you can't, you're not going to be able to get these people to look at that. You go back to Westlands and say, "Are there really more farms or are they simply paper farms?" and I think you'll find, for the most part they're paper farms.

Storey: Uh huh. What other issues did you study?

Doe: Oh, my god, we looked at the environmental impacts, which, you know, are just so broad that you, there was just no way that you could, you could get a handle on the kind of issues we were dealing with. We looked at income, you know, and there again, you know, income levels at 320 acres, in most cases, didn't, you know, it was enough to get by on. Some weren't, but you know some were better than others, of course. I mean, those in California and in the southern tiers of states, you know, generally made more money, because of the crops they could raise. But then you have, you know, some of the orchard districts up in Oregon and Washington who do quite well, always at the lower expanse where some of the interior Rocky Mountain projects, which were marginal, just because of the growing season and where they are. But, you didn't need thousands of acres to make a living.

Storey: Yeah. And, was this the kind of data you've been talking about included in the Environmental Statement?

Doe: Oh, of course. Chapter and verse.

Storey: And, what was the name of the Environmental Statement?

Doe: Acreage Limitation E-I-S, oddly enough. (Laugh) Yeah, we, I printed thousands of them, and then Carter was defeated and everything was put on hold. (Storey: Uh huh.) So, we never acted on the final one. Well, we looked at, you know, land

tenure issues, land ownership, farm size, you know. It was clear that while there were a number, you know, a lot of owners out there, there had been a lot of consolidation, and that farm operations were much, much larger which meant that you had a lot of absentee ownership, to a rather amazing degree, all of these things seemed to be working against the idea of the social purpose of the law, which is to establish in an environment where people could I've, (Storey: Uh huh.) and a number of people, you know, not just one or two.

Storey: Did anyone, during this process, try to step back from the Environmental Statement document and address the question of whether or not the original purposes of the act were actually still appropriate?

Carter Administration Believed the Purpose of the 1902 Act Still Valid

Doe: Well, (Storey: You know . . .) I think that the people in the Carter administration believed that, believed that the purpose of the act were, were still valid. (Storey: Uh huh.) As I studied it, I had a lot of time to read and I read a lot, I read a lot of the floor debate on the original act, the 1902 Act, on the purposes. The statements were made over time as amendments were made to the act, and what people were saying on the floor and some of those were quite recent, and there had been a number of, a number of hearings in the '70s that had taken place in the West about the family farm.⁸ And, I think most of the people that I worked with under the Carter administration were convinced that family farming and the widest distribution of the public benefits were still viable concepts and should be protected. So, the debate went on and everything that we found helped, I think, to convince us that it was reasonable and that we had probably erred in not being more rigorous in enforcement of the law. So, there wasn't, I can't, I don't recall anything, and I may not be the person to ask, but I don't recall any of the studies that we undertook which would indicate that there was, that time had outgrown the social purposes of the program. I just don't think it was there. Now, one of the things that you would have had, had you gone to 320, is that you'd have had a lot of disinvestment, because there's some very rich, rich, rich people out there who have taken advantage of lack of enforcement and they would have had to sell off this land, and that would have, there would have been some severe impacts, locally, and immediately, but in the long-term I think you'd have had, you know, some reason for the Bureau of Reclamation to be around.

8. For an example of congressional investigations of the acreage limitation issue, see United States Senate, Select Committee on Small Business, *Will the Family Farm Survive in America?: Federal Reclamation Policy*, S. Rpt. No. 95-702, 95th Cong., 2nd sess. (Washington, D.C.: United States Government Printing Office, 1978).

- Storey: But, yeah, but apart from the studies you did, (Doe: Uh huh.) was there anybody just standing there and saying, “Maybe we need to address a different issue than what we’re addressing here? Maybe we need to look and see if this is still a valid concept.”?
- Doe: Well, I think that the E-I-S, that’s what it was about, was to look at these, you know, to gather this information and to test certain hypotheses against this information. That’s what we did. We had a number of alternatives there that went over 1,000 acres to look at, and we had some that did away with residency, and eventually a lot of the things that were in those alternatives became the law, but there was no justification for them in the E-I-S. They were done because it was convenient and there were strong forces arguing for those things. I mean, there were strong forces arguing for the, for official relocation of the residency requirement, because Krulitz [spelling?] wrote an opinion that said that residency was required under the old law, and just because the Bureau hadn’t enforced it didn’t mean that it still didn’t have form and function.
- Storey: That’s right.
- Doe: And so, that was a real problem for them. And, Congress took care of that. They simply revoked it. Krulitz [spelling?] said that, you know, 160 was what, and they, and that Congress didn’t expect, nor could you get a reasonable reading of the law to allow every member of a family to own 160 acres, which is what the Bureau of Reclamation was allowing. You know, he could see 320 for husband and wife, but anything beyond that seemed unreasonable. And, you know, it’s interesting at the very end of that thing Rich Wahl came in as a recent hiree for the Department of Interior as an economist and we added at the very end, after we were all done, we added the full-cost pricing concept to the E-I-S, which basically, you know, became a very important concept in the new law. And, Dave Schuy, (Laugh) he said he, he was all done. I mean, it was hard work. I mean, really hard work. I mean, a lot of, you know, it was a lot of information to deal with, you know, lots, lots of economic data that had to be analyzed, and he refused to work on the full-cost pricing (Laugh) addition. He said, “I won’t do it.” I thought, “Oh my god.” Bob Davis is sitting there looking at him, and all these economists look at each other in some kind of wild ways, but we get at it, but Dave refused to participate. So Rich Wahl and I had to add that section.⁹

9. Richard Wahl produced a number of studies regarding water issues in the West. See Wahl, *Markets for Federal Water: Subsidies, Property Rights, and the Bureau of Reclamation* (Washington, D.C.: Resources for the Future, 1989); Wahl, Lawrence J. MacDonald and Bruce C. Driver, *Facilitating Voluntary Transfers of Bureau of* (continued...)

Storey: Yeah. Wahl's name is W-A-L-L?

Doe: No, W-A-H-L.

Storey: W-A-H-L? Now, the Environmental Statement, the draft Environmental Statement, was actually published and circulated, (Doe: Oh yeah.) is that correct?

Doe: Yeah. We sent out a thousand copies. I forget, several thousand copies maybe.

Storey: Did it ever go to a final Environmental Statement?

Acreage Limitation EIS Never Went Final

Doe: No. It was, like I said, when the Reagan administration came in there was a moratorium placed on the E-I-S, and that's when James Watt said, I think not publically but it was understood that he told Congress, "Either you guys give me a new law or I'll enforce this one." And, the Bureau set about, I mean the records will show that we gave information to Congress about what we thought should be in there, and we objected to some of things they wanted to do, but they did them anyway. And so, you have the Reclamation Reform Act of 1982.

Storey: So, Reclamation had shown through the Draft Environmental Statement what it thought its official position should be?

Doe: They had, there was a recommended alternative, yes, and that was, the recommended alternative was the Rules that had been published, basically, but we had other alternatives in there. We had a small, what we termed a "small-farm" alternative. We had a "large-farm" alternative. We had the Rules. To me the small-farm alternative was by far the best.

Storey: And, that's the 320-acre alternative?

Doe: Yes. You know, it's been a long time. I haven't thought about those alternatives, but that's my recollection. Yeah. I'd have to go back and look.

Storey: Do you remember who signed the document? Was it transmitted by the commissioner?

9. (...continued)

Reclamation Water (Boulder, Colorado: National Resources Law Center, 1991); Wahl, *Water Marketing in California: Past Experiences, Future Prospects* (Los Angeles: Reason Foundation, 1993).

Doe: Well, no. That's funny. They didn't, we used to have meetings with—I remember the first meeting we had we put out an Interim Report in 1980 and Dave and I went back to Washington and he and I, Dave and I were the only people from the Bureau of Reclamation. They wouldn't even allow the commissioner to go in there. Everybody else was from the Department. And [Secretary of the Interior] Cecil Andrus was there, and Guy Martin, and a number of people from the Department, almost all political appointees, and we gave the results of our preliminary studies and they were very happy with it, and we were given the go ahead to do the E-I-S. But, [R. Keith] Higginson,¹⁰ who was the commissioner, was invited out. So, they didn't participate. We basically worked for the Advisory Committee and had very little contact with people in the Bureau.

Storey: Tell me about this Advisory Committee.

The Advisory Committee

Doe: Well, it was just made up primarily of political appointees, though there were some high-ranking Reclamation people in it, but career people. But there was, I mean, Bob Davis was the chief economist on it. He was a career employee. He was basically the chief economist for the Department. Let's see. Vern Cooper was on it. I'm trying to think of the guy that was the head of the O&M policy staff for the Bureau of Reclamation. He always slept through all of the meetings, and I can't—Nielsen [spelling?]. He was on it. Dan Beard was on it.

Storey: He would have been deputy assistant secretary, I believe?

Doe: He was deputy assistant. Right. He worked for Guy Martin. I don't believe Guy Martin was on it. I think that Dan was his designee, but for the big meetings Guy would show up, and then Andrus would show up smoking cigarettes one right after the other. (Laugh) But, it was a pretty open group. Let's see, Jim Flannery [spelling?] was on it, and he was a career economist in P-B-A, Policy Budget and Administration, and a very good man. He and Davis were both good guys. I liked them a lot, and they were, you know, they appreciated what you did. They knew how, just really how hard this work was, and they, you know, they liked the report.

It was, you know, it was easy to read. The first part of it gives a lot of

10. Commissioner Higginson participated in Reclamation's oral history program, see R. Keith Higginson, *Oral History Interviews*, Transcript of tape-recorded Bureau of Reclamation Oral History Interviews conducted by Brit Allan Storey, senior historian, Bureau of Reclamation, March 22, 1995 and April 19, 1995, Boise, Idaho, edited by Brit Allan Storey.

background on, you know, what framed this law in the first place, and what its underpinnings were, and then it would end to a description of the Reclamation program and a description of Westlands. And, I'm sure Wetlands didn't like it, but it's accurate. I mean, there's nothing out there except tremendous wealth. There are no people. I mean, there are no roads. I mean they have, they even farm the roads out there. (Laugh) They don't need, you know, they don't need section roads out there. Hell, they just farm the whole thing because, I mean, the farms are huge. (Storey: Uhm-hmm.) And, you know, there's, there are no fence rows. I mean, it's just all cropped, and then you have these hovels in these small towns where they, when they need imported labor they bring them in, and there were a number of reports in those days, which you don't see in the paper much anymore, about the social costs to these people living in these places. The *San Francisco Chronicle* and the *Los Angeles Times* both, as I recall, ran a series of articles on the social costs of these kinds of operations. Very interesting stuff. I'm persuaded by it. Still am.

Storey: So, if I'm getting the picture, there's an Advisory Committee (Doe: Uh huh.) which was directing Reclamation's R-R-A Environmental Statement effort?

Doe: No. Acreage limitation. Don't—you've got to get these two things straight.

Storey: I'm sorry. (Laugh)

Doe: Acreage limitation . . .

Storey: Was before?

Doe: Right.

Storey: Yeah. I'm not expert enough.

Doe: Acreage limitation's always been there. We were working on the 1902 law (Storey: Right.) and law subsequent to it, but the basic, you know, framing document was still the 1902 Act.

Storey: Okay. And so, this Advisory Committee was supervising or providing advice to (Doe: Providing advice.) the acreage limitation?

Doe: Right. To Dave and I and, basically the two of us, though there were a couple of other people working on it, but we did most of the work. Dave did the work on the

economics, which was the major effort, (Storey: Uhm-hmm.) and I put the stuff together. I tried to trim it down and write all the introductions, and make sense out of what they were giving. Economists are very hesitant to draw conclusions, unless, they have so much information you gag on it. (Storey: Yeah.) But, Dave and I worked pretty, I'm, we worked well. I just think, you know, if you've got information you have an obligation to at least take a stab at what you think it means.

Storey: Well, the question that started this discussion was, "Who signed the Environmental Statement?"

Doe: Well now you, I think Keith Higginson did.

Storey: As commissioner?

Doe: As commissioner. I'm pretty sure.

Storey: Even though he wasn't really allowed to participate in the (Laugh) . . .

Doe: That's right. And, I don't think that Keith probably disagreed with a lot of the stuff that was going on in there. (Storey: Uh huh.) It's just that it was really, I mean I swear that that first meeting we had on the Interim Report the only, well I know this to be true, the only people to go in there from the Bureau of Reclamation were myself—and it was in the secretary's conference room, that big conference room—were myself and Dave Schuy from the Bureau of Reclamation. (Laugh) (Storey: Uh huh.) Everybody else was from the Department of Interior.

Storey: What about subsequent meetings?

Doe: Well, in the Advisory, you know, we had people from the Bureau, but things had been, you know, Bob Davis was, you know, he was driving this thing and Guy Martin, but Bob Davis, you know, was driving the study, primarily. So, we took our marching orders from him.

Storey: He was Martin's staff person?

Doe: He was, yeah, I guess Martin was assistant secretary for Water and Science. He worked for P-B-A, which is a different secretary. He, basically they work for the secretary himself. But, Bob was a career employee.

Storey: Bob Davis?

Doe: Yeah. He's up at C-U [Colorado University?] now. He's kind of semi-retired. (Storey: Uh huh.) He's a resource economist. A good guy.

Storey: Okay. Well, I'd like to continue but our two hours are gone. (Laughter)

Doe: [Inaudible].

Storey: It's hard to believe, isn't it?

Doe: Yeah. Really.

Storey: I'd like to ask you now if you are willing for researchers both from inside and outside Reclamation to use both the cassette tapes (Doe: [Inaudible]) and any resulting transcripts from today?

Doe: Sure. I don't care.

Storey: Good. Thank you.

END SIDE 2, TAPE 2. MARCH 14, 1995.

BEGIN SIDE 1, TAPE 1. JULY 20, 1995.

Storey: This is Brit Allan Storey, senior historian of the Bureau of Reclamation, interviewing Phil Doe on July 20, 1995 at about nine o'clock in the morning in the Denver Office of the Bureau of Reclamation. This is tape one.

Let's see, Mr. Doe, last time I believe we were talking about your involvement in Environmental Statement preparation and we had gotten you moved to Salt Lake City and talked about Savery-Pot Hook. So, there were a number of other projects left that you worked on, evidently, Fruitland Mesa, Dolores, the Upalco Unit, Paradox Valley, and Animas-La Plata. Why don't we start with maybe Fruitland Mesa and talk about that one if you remember anything about it at this late date?

Other Project EISes

Doe: Well, Fruitland Mesa was a bookend to Savery-Pot Hook. Neither of them made any sense at all, but they were, they were on the books. They were part of the

settlement with the [Colorado River] lower basin states to build projects. So that the Central Arizona Project could be built the northern tiers of states got a number of projects, of which Fruitland Mesa was one as I recollect. It was an extremely high altitude. It made no sense at all. And fortunately, it died a deserved death, much like Savery-Pot Hook died. It was in western, central Colorado, I think at an elevation close to 7,000 feet. They were going to raise fruit trees. That's the only way they could justify the project. It just didn't make any sense and it finally fell apart.

Animas-La Plata still lives, as we know. I don't think any of us ever believed that it would be built. I can recall one time asking why Harl Noble why I had to work on Animas-La Plata because it was so, so fraught with impossibilities, and he told me, as I recall, to "Shut up and just finish it. It would never be built," which I did do. Unfortunately, fifteen years later it's still on the books and at least has a very small chance of being built, primarily because the politicians support it. And, the Indian tribe supports it, and I hope that they will finally get some water.

But, the Bureau refuses to look, because of political pressure, I think, this administration, as past administrations have done, have refused to look at alternatives. And so, what we face is the prospect of paying over a billion dollars to develop a little water for the Ute tribes, when in fact we already have six projects in that very part of the state, the southwest corner of Colorado on the New Mexico line. It's an idiotic project. The development costs will be over \$7,000 per acre for land that's only worth \$300 acre without water, and you can buy land down there for about \$1,000 acre with water. So, you can see that the investment, the market would only realize about, expects only about \$700 of the \$7,000 that would be invested, and on top of that much of the land would raise surplus crops or alfalfa, would be dedicated to raising surplus crops or alfalfa.

On top of that you'd have to pump water 500 feet out of the Animas River into a closed sink, really, a bathtub, and then make releases out of this bathtub back to the river or pump it out another 200 feet into the La Plata drainage. Eventually, that water might reach Indian lands. But, as anybody that's looked at the project closely realizes the Indians don't get their water until the second phase, and the building of the second phase is dependent on the state funding. I don't know how you feel, but I suspect that most the people in Colorado will vote against funding for Animas-La Plata Phase II in which the Indians get their water. The estimated costs for Phase II are about \$245 million. Given the amendment to the constitution last election that has to come to a public vote for that kind of spending and I just don't see it's in the cards.

So, what we have here is this giant and continuing ruse perpetuated on the public about the need for Animas-La Plata and what it would cost. There's a lot of water down in the southwest part of the state. It's been appropriated by a lot of hobby farmers. They use it to water their horses and raise a little alfalfa. It seems to me that the Indians have a right to that water and the general citizenry should be in support of some of that water going back to the Indians. Another alternative that's simply easier and would give them more direct income is to allow them to sell water out of the mainstem reservoirs of the Colorado River. Those reservoirs were built to maintain a water supply that would always guarantee the lower basin states their supply, even in periods of drought. Right now California and Arizona are taking that water for free and there's no reason that the Indians shouldn't be able to lease it, except for the [1922 Colorado River] Compact, which, you know, Congress would have to revise. There's no reason the Indians couldn't sell that water and get immediate revenues, and literally no cost to the rest of us. (Storey: Uh huh.)

But, those kinds of solutions are too simple, too direct, maybe too smart for the politicians. The one thing it doesn't do, it doesn't cause this huge infusion of cash into the southwest corner of the state over, you know, a construction period of ten or twelve years, and perhaps even more importantly it doesn't develop the last little bit of water for the state of Colorado developers. I mean, one of the things that people don't understand about this whole, this whole process is that the Reclamation program as conceived was public money for public land for public settlement, for a land settlement program, but over time what we've seen is that now we're being asked through the Congress to put up huge sums of public money to develop our water supply to privatize it and put it on private land, thus raising the value of the private land but we still get to pay all the costs. I mean, that's what this program is really all about. And, Animas-La Plata is the, you know, is the quintessential example of how screwed up the system has become. Because, what we do in Animas-La Plata is we take our water, the public's water, we pay to privatize it, and we can never get it back. If we want it back we have to pay thousands of dollars to get it back and the people we gave it to are not going to pay us anything.

And if you think I'm exaggerating, just look what's being proposed on the Columbia River at this time. John Keys in the P-N Region is proposing that we spend, we go back and get appropriations of perhaps \$100 million to buy water back from farmers who have basically never paid us anything for it, so that we can put it back in the river for salmon. That used to be our water, and by any reasonable estimation of who paid for it it should still be our water. But since, under western water law and this cockeyed scheme of first in use, first in right, we paid to take that water out of the river and give it to somebody so that they can raise, in many cases,

surplus crops, and now we have to buy it back, and in most cases they haven't paid anything for it at all. I mean, studies have been done on the real value of water repayment in the Reclamation program, Rich Wahl, for instance.

Storey: W-A-H-L?

Water Users Pay About Five Percent of the True Financial Costs

Doe: Right. And, his study shows that on average the water users pay about five percent of the true financial costs of these water projects, of the costs allocated to them. You and I, as citizens of this country, pick up the other ninety-five percent, (Storey: Uhm-hmm.) but then to get it back we have to pay the full hundred percent again. It's, you know, similar, it's similar to what happened on the Harquahala, where we bailed out—Harquahala went bankrupt. Now, this is how cockeyed this system gets. Harquahala went bankrupt. It has one district on the C-A-P [Central Arizona Project]. They had a contract with the United States for water and they, we built a distribution system. Because they couldn't pay us we paid them for what they hadn't paid us. So, we gave them \$29 million to relieve them of a contract in which they owed us \$29 million.

So, in fact, it was like double jeopardy. We ended up paying them \$58 million because they couldn't pay us at all, in very real terms. So, that's the way, that's how convoluted this can become, and we run the risk of doing this all over the West if we don't, you know, stop and think about what we're really doing, and Animas-La Plata simply, to me simply represents another example of how the public's being deceived into believing that they're developing their water supply. What they're doing is paying their money to develop a water, a private water supply. And I hope that, does that make sense? Do you understand what I'm saying?

Storey: I think I understand what you're saying, yes.

Doe: A lot of people might not believe, I mean agree with what I'm saying, but it's true.

Storey: It's a little hard to comprehend (Doe: Yeah, it is.) when it's thrown at you new?

Doe: Yeah, it's, but it—that is precisely what's happening. I mean, it made sense in 1902, if you were going to take public resources to develop a public water supply for the settlement of public lands. But, almost immediately from the first project, from the Newlands Project, Newlands was a Congressman from Nevada. He owned much of the land in the Newlands Project. And so what, you know, he found a way for the

public to do what private developers could not do and that's develop the water supply, and he profited off of it. I mean it's, you know, it's a fact. (Storey: Uh huh.)

And so, over time what has happened is there's less and less public land available, more private land has been the beneficiary of these public endeavors, and they pay nothing because the Bureau of Reclamation has developed the concept of "ability to pay," and the beneficiaries never have the ability to pay, at least for agriculture. (Storey: Uh huh.) So, it's a, I mean I, you know, I don't know, I wouldn't call it a conspiracy but it's simply the Bureau, in order to sustain its construction program, has had to come up with ideas to allow them to continue to build and still transfer all the costs away from the beneficiaries, direct beneficiaries, back to the public, and that's what's gone on for the last thirty or forty years. Farmers don't pay for this water supply, nor do they pay for the environmental damage, you know.

It's like the Salinity Control Program, which was also, you know, you've got all these salinity control projects out there, some of which were being built, some of which are not, but none of those costs are paid by the people responsible for them. They're nonreimbursable. That's the way Congress wrote it in. The western interests were successful in Congress in making the general tax-paying public pay for the salinity problems created by irrigated agriculture, which seems to me to be absolutely idiotic. On Animas-La Plata they don't, they don't take that as a cost, necessarily, but it is a cost and it should, you know, it should be paid by the people responsible for it, and if they can't pay then you should start wondering, "Do we really want to do this?" You've got a salinity control project right below where Animas-La Plata is planned called San Juan Hammond, and the investment costs there are about \$3,000 an acre to line canals on land that's only worth about \$600 or \$700 an acre. And, in fact, there are no commercial farms there at all except for the Mormon church and I think a guy that was the governor of New Mexico for a short period. All the other farms are hobby farms. Those aren't the kinds of investment America can afford to make anymore, but yet we continue to do that because nobody's really set down to explain what it all means. And, as long as it's as convoluted and complicated as it is I think it will survive, but there needs to be some light brought on the subject, and that's what I intend to do when I get out of here. (Laugh) I mean, this is just an abomination.

Storey: What are you going to do later? How are you planning to do this?

"We're Being Robbed of Our Resources"

- Doe: Well, I'm trying, you know, my hope is that I can write articles that will be printed that explain to people how this process really works, and I intend to go to work for some like-minded people who are interested in public policy issues dealing with western water, and who think that the way the resources of the West have been allocated need to be totally revisited. And, I couldn't, I don't think there's anything more essentially true than that. We're being robbed of our resources. We're told over and over again that we should treat them like commodities, but we never get anything for them. I mean, we give them away and then if we want them back we have to pay the prince's ransom. Water's free in the West. Nobody pays a penny for it. All you have to do is go down to the state engineer and if there's water available, even if there isn't water available you, for \$25 you can file for a water right, and if you can find a way to get it out of the river it's yours, free. And there is very little, there's very little public oversight. But, if we want it back we've got to pay an arm and a leg.
- Storey: But, the kinds of resources I think you're talking about are the kinds of resources that are allocated by the Mining Act of, what is it, 1872?
- Doe: Right.
- Storey: Grazing on federal land, both Forest Service and B-L-M [Bureau of Land Management], and the water issues are, seem to be the three predominate issues in the West?
- Doe: Yeah, timber. I mean, they're all true.
- Storey: Yeah, timber. And in the past whenever anybody has attempted to change that system they've been met by a firestorm of opposition.
- Doe: Yup. Right.
- Storey: And, for instance, Baca's [spelling?] dismissal from the Bureau of Land Management by Secretary Babbitt is just the latest example. So, how do you go about changing the political structure so that you can actually achieve something?
- Doe: Well, I don't think you can change the political structure. I mean, I've been at this business for twenty years and, you know, that, the Iron Triangle¹¹ is there. I think

11. According to political scientist Daniel McCool, "an iron triangle is an informal political alliance that forms to influence a specific public policy to its advantage." McCool further maintains that iron triangles influence "the
(continued...)

it's a structure that's going to be very difficult to break. I think the only way you're going to break it is for the public to become so outraged by this that they insist upon a change. And, I think that's happening. I mean, the public is incensed over the way the government's wasting its money. I think, unfortunately it focused on areas where very little, you know, very little expenditure is actually taking place in a lot of the welfare programs. But, on these western resource issues they, their focus, they really haven't focused on that yet, but I think they can be made to focus. I mean some western resources issues are greater than anything you could ever discover in Aid to Dependent Children.

I mean these are, I mean these are rich people on welfare, by and large. I mean it's, you know, like the case of J. G. Boswell Corporation. I mean, you know, they netted \$18 million, and we may have talked about this earlier, in, I think between the years of 1880, 1982 and 1988. In each of those years they netted \$18 million off their farming operation and you and I paid their entire water bill. Now, it seems to me that they could pay the water bill. And, they raise surplus cotton. I mean, so it goes on, and on, and on, and on, but you don't see that being written about on the front page but you do see the welfare queen who, you know, is almost always black and drives a Cadillac, you know, and it is insightful. I mean, those were insightful examples, but I don't think they're anymore insightful than the J. G. Boswell Corporation could be.

Storey: And, J. G. Boswell is one of the corporations over in the Fresno area?

Doe: Yeah. Sure.

Storey: In the Central Valley?

Doe: They set up a trust to evade the law and we allowed it, over my strenuous objections, (Laugh) simply because they have clout. They have clout in the White House, and they have clout in Interior. And so, we allowed them to set up a trust for 32,000 acres and they farmed it all with subsidized water, and the word on the street is they just bought another 30,000 acre because the trust is coming due. And so, they'll sell off that land and buy another 30,000 acres and probably find another scheme to evade paying very much for their water supply. Thus, though it's unseen

11. (...continued)

allocation of government goods and services" whereby elected representatives receive credit for meeting constituents' needs, government agencies achieve expanded budgets and influence, and "interest groups get what they want from government." See Daniel McCool, *Command of the Waters: Iron Triangles, Federal Water Development, and Indian Water* (Tucson: University of Arizona Press, 1994).

to most of the public, we get to pick up the tab. (Storey: Uhm-hmm.) And, you know I just, it's an outrage. It goes on at pace. So, that's my interest, is trying to expose some of these things, find people of similar, similar attitudes about it, and I have. They just don't, they just--there are a lot of people in the Bureau of Reclamation that feel as I do. They just don't happen to be in management positions and they never will be, or at least senior management positions. They can't get there and have these kinds of attitudes.

Storey: Now why is it, on Animas-La Plata for instance, (Doe: Uh huh.) that Mr. Noble, yeah, Noble told you to go ahead and do the environmental document?

“There Were Forces that Wanted Animas-La Plata Built”

Doe: Well, I mean it's, there were forces that wanted Animas-La Plata built and inside the bureaucracy, I mean, your job is to fulfill the requirements to do the analysis. I don't know. I suppose it was most peoples' hope that I was working on it, at least most of the worker bees, that this thing wouldn't be built, that, you know, the E-I-S [Environmental Impact Statement] would expose its infeasibility, but that doesn't always result in it not being built. I mean the Bureau, for instance, has a draft paper it's afraid to release, or Dan Beard won't allow it to be released, looking at the economics of Animas-La Plata and it shows its, its benefit-cost ratio to be .3 to 1. That hasn't dissuaded Ben Nighthorse Campbell or Scott McGinness, both of who find a lot of their political support in the southwest part of the state, from disavowing the project. They support it, despite the fact that it's shown to be a terrible investment. But see, they wrap themselves in an Indian blanket and say, “Well, this is for the Indians.” But, as I said earlier this isn't for the Indians. This is for the developers. This is so that the rest of us pay for a water supply that's available to development the southwest part of the state, (Storey: Uh huh.) and development in the southwest part of the state is dependent upon the water. I mean, water is the scarce resource in the West, and if you don't have enough of it you can't develop. I mean, you put a limit to it, but you, we've developed a tremendous water supply down there and some of that should be available for redeployment, if you will. Some of it should go to the Indians. (Storey: Yeah.) I mean, after all it is their water. You know?

Storey: But, the Environmental Statement you did, didn't it have the facts that showed that the project was not feasible?

Doe: No. Environmental Statements generally don't look at economics. They look at the physical environment. And, I used to argue that there needed to be more economic

analysis. I mean, the public is interested in how their money's being spent. They're also interested in not destroying the environment. But, in many cases, if you start looking at the economics, and particularly mitigation they proposed down there, you just have, you know, have to shake yourself in wonderment. Plus, I mean, even at this point you run the risk of using so much power, enough power on an annual basis to supply the needs of a city of about 60,000 people, at a price these people can't afford. When you start pumping water up a hill 500 feet to put it in a bathtub, and then add another 200 feet to get it out, you're talking about tremendous energy costs and tremendous energy use to raise surplus crops. And, one wonders, well, not only "Why should we do this?" but "Can they afford it?"

And, you know the fact of the matter is they can't. They can't even afford to pay the pumping costs. As the costs escalate, as these projects are paid out and what wasn't paid by the water users then becomes the obligation of the power users under the way the Bureau of Reclamation has put this program together. So, all these things are starting, you know, to come together and conspire against what was once possible to do and that's build these foolish projects to irrigate western land to raise surplus crops. But, the long-term impact is that that water becomes available to developers and they haven't paid anything for it, and the C-A-P they can't pay. We spent \$5 billion of the public's money down there and they can't pay, and we knew they couldn't pay back in '87, but yet we still continue to spend money and we still continue to squander money down there yet nobody can pay.

And, Congress is, you know, all puffed up about its ability and its desire to cut out waste. Well, where better to start where the people have told you they can't pay? Why not stop spending? If you're not going to pay why spend some more of the public's money? (Storey: Uhm-hmm.) And if the analysis on Animas-La Plata shows that it's really a bad investment, why wouldn't you look at other alternatives? I mean, the issue here is not whether the Indians should get some water. I think everybody agrees they should. And I think it, you know, that it's not for them to decide how they want to use those revenues but, you know, you, on average on Indian reservations in the West I think you've got seventy percent unemployment. I mean they need jobs, and they need revenues to provide jobs, you know, to try and locate small industry or whatever. You know, I don't know what they want but they do need the revenues. They're not going to get any revenues off Animas-La Plata, maybe forever, but there's going to be a hell of a big expenditure down there and there will be a water supply developed.

But I don't know if that's, in my opinion that's just not in the national interest at all. It's, you know, it's in the interest of Colorado and the developers and that's

why they continue. Because you, it's, they're getting public money. I mean, everybody, the guy in Detroit's paying for it, the guy in Atlanta's paying for it, the guy in Jacksonville, Florida is paying for it and so they can, they can use the resource of the entire nation to build a project that they couldn't build on their own. It wouldn't make any financial sense. But, if you can get everybody to ante up and not have to pay it back, why not? (Storey: Uh huh.) That's the attitude.

Storey: Now, you mentioned that Savery-Pot Hook wasn't built?

Doe: No. Savery-Pot Hook wasn't.

Storey: Fruitland Mesa wasn't built?

Doe: Fruitland Mesa wasn't built.

Storey: Dolores was?

Doe: Dolores was. Yes.

Storey: And Upalco was, or is?

Doe: Well, no, I don't . . . I don't think they ever did anything with Uinta or Upalco. You've got the, you've got projects already built over there. All this was part of the deal to try and, so that you could divert water and make trans-basin diversion, enlarge Strawberry and bring it into a closed basin, Great Salt Lake, but I don't think any of those projects have ever been built.

Storey: Oh, okay.

“You Were Spending Huge Amounts of Water on Very Little Benefits”

Doe: I think they all, they may have done some work over there on lining canals, but I don't think Upalco was ever built. It was another dog. I mean it just didn't pan out, you know. You were spending huge amounts of money and very little benefit. It really, the problems were that people were wasting water, and it's very difficult, I mean it takes a lot of political courage to go in and tell people that you're wasting it. And, we're not going to offer, we're not going to offer up more public fund so that you can continue to live as you always have. No one will do that, but that's what needs to be done, in my opinion. So, you know, it's just like enlarging Strawberry.

Storey: What happens if they don't waste water?

Doe: Well eventually, if you leave them alone, they'll go out of business. I mean if, you know, it seems to me is that one of the things we have to come to grips with in the West is that we need to quit spending money on these old programs where the real cause of their problem is through misuse or, in some cases, the land they're irrigating isn't suitable for irrigation. I mean, some of these projects we're just going to have to walk away from and it may take some resettlement money, but in the long-term that's a hell of a lot better.

It's like on Price-San Rafael, which is another salinity control project. You have no commercial farms out there. The land's worth about \$600 an acre, and yet we propose to line all the canals out there. Now, they're not farming commercially. You know, most of them work in Price and surrounding areas, but they live on, you know, ten, twenty, thirty, forty-acre ranchettes. It's a lifestyle out there, seemingly. But yet, we intend to go out and spend millions and millions of dollars of public money to line these canals in this project, which isn't a commercial farming enterprise at all. It isn't a commercial operation. Now, wouldn't it be better just to, you know, face this thing head on and say, "Look, we made a mistake. We're very sorry, but we're going to turn off the tap. Rather than spend \$3,000 an acre on land that we can buy for \$500, or \$600, we're going to buy your water rights and we're going to put them back in the river," and the state of Utah has to recognize this as a viable solution. And, we'll restore the river. We destroyed the river. We took all the water out of it.

Storey: But, that isn't the way the water law probably works in Utah?

Doe: Well, I mean, but they—you know, this is, this is a Gordian knot, as it stands. I mean, unless the states start recognizing, and the states are run by the agricultural industry in most western states. I mean, it's still that way. Unless they start recognizing the problems they've created for themselves, and until the American public in general starts denying anymore funds for these kinds of idiotic enterprises, we can't get there. See I, on Price-San Rafael they don't even look at the option of land retirement. And, I asked the kid that was the project manager, Dave Truman, and I said, "Well, why isn't that a reasonable alternative?" He said, "The state doesn't want it." "Well then," I said, "well why don't we look at it and say, 'This is, you know, this is the most reasonable alternative.' and state of Utah, if you want some other alternative you have to pay anything beyond the cost of this alternative, which is \$500 an acre, at most." And, which is really the value of the federal investment in the first place, as captured in those land values.

And, you know, if you want to invest \$3,000 an acre, fine, we'll put up \$500, you put up \$2,500 and see if the state, and get the people in the state of Utah to vote for it. See, you couldn't take, you couldn't, just as you won't be able to in the state of California take that kind of issue before the public and expect them to vote for it. [inaudible] When, you know, you can look and see, plainly, that the best alternative is \$500 an acre to retire the land, and the water goes back in the river. Now you can say, "Well, then somebody else will appropriate the water." The state of Utah recognized that probably from the standpoint of overall general good it's better off in the river. It provides more benefits. It certainly provides recreational benefits, fishing benefits, aesthetic, environmental benefits, but we never put a value on those. Never. See I, I think that one of the things that needs to be done . . .

Storey: Unless we're justifying a project?

Doe: Right. Well, or you know we want to buy some water, (Laugh) then we can put a value on it. But, when we take it out of the river we never put a value on it. It's only when we want to bring it back that we do it. (Storey: Okay.) And, at present it has unlimited value. But, I think that one of the things that would help the West is that if we started putting a price on water in terms of its value to the river, and then if somebody wants to take that water out they at least have to pay that value plus the construction costs. And then a lot of these goofy—see Animas-La Plata is infeasible even under today's guidelines, but if you put those kind of guidelines on it it would clearly be infeasible. You know, if the public, if you want the public's resource you should pay something for it. You shouldn't be able to go down to the state engineer's office and get it free and then still come back and ask the public to build the works it takes to get it out of the river. But if it's, if it has value to the public in the river then you should have to pay that value to take it out. I mean, that seems like just compensation. You know?

Storey: But then . . .

Doe: But, it doesn't work that way.

Storey: Who does the money go to if you do a system like that?

Doe: Well it would go, I mean if it's, you know, it's federal water. It could either go to, it could be split between the state and the federal government, depending on who financed it, who helped finance it. I mean, those kinds of things. I mean, those are just simply, you know, mini little problems. I mean, the concept is what's important and the, I mean the important concept is that we start recognizing these things as

natural resources and they have value where they are. And, if you're going to appropriate that, then you have to pay that value. It's in the public interest that they, the public—you know. And it seems to me even beyond that the public should have a right to say no, even if they can afford to do it. Those things just don't happen and the public doesn't have the right to say "no" on how their resources are used. I mean, they should through our representative system of government that we have, but, you know, find a rep, you know with very few exceptions you're not going to find very many western congressmen or senators that understand western . . .

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Doe: So, whatever—yeah.

Storey: You were saying that they simply see them as exploitation of natural resources?

Exploitation of Natural Resources

Doe: Well that's, you know, so they, it's the accepted model. It's the accepted paradigm.

Storey: Well Reclamation, of course, went into business recognizing that state water law was going to be the way, the system within which we operate. (Doe: Uhm-hmm.) And basically, that means that now the federal government is struggling to claim, assert claims for land, for water on lands that it owns, like the national forests, (Doe: Sure.) and the B-L-M [Bureau of Land Management] to protect the water sources there?

Doe: Sure.

Storey: And Arizona is proposing law, or has in the recent months, proposed a law that says anybody can claim water on federal property and assert ownership of it. How do you . . .

Doe: How do you rally the public?

Storey: How do you deal with those problems, especially given that one of the key issues in western water seems to be that we need to shift water from rural uses to urban uses, from rural uses to in-stream uses? Those kinds of issues.

Doe: Well I, I mean I think they're extremely complicated and of course you've got the

people that use the resources for free, that are organized, they understand the value of what they're getting and they're going to resist any change. The problem you've got is organizing the public to some, into some sort of powerful unit to oppose these old special interests. And, I mean I think it's going to be long-term and probably incremental, much to my chagrin, but I think the public is becoming more aware about how it's resources are being squandered in the name of public works, which is really private, private development, private enrichment, but paid for by the public. So, I think it's a long-term, I think the solutions are going to be long-term. They're going to have to be long-term, because you've got these vested interests.

And trust me, I mean I've been face to face with these people and they're not going to give up what they've got without a fight, without a tremendous fight. And they, I mean one of the supreme ironies is that the value of our investment is being spent to thwart our best interests, because they take part of the subsidy and lobby with it. I mean it's just, it truly is ironic that in order to, we can't make the changes that need to be made in this country because the subsidy we've provided these interests, which is huge, I mean between thirty and seventy million dollars to a billion dollars in the Reclamation Program alone, because these people have this money and they use it to protect those subsidy programs. They go back and buy congressman, you know. You think Scott McGinness isn't in the hip pocket of the Animas-La Plata developers? Do you think that Ben Nighthorse Campbell isn't? And, they don't care about the facts, you know. It makes them look good to be able to bring this pork back to southwestern Colorado, but the rest of us pay, and we're being sacrificed on an altar of special interests. That's all. And it goes on, and on, and on.

Storey: Well, one of the projects in southwest Colorado is the Dolores Project, which has been built or is at least under construction?

Doe: Yeah, that's pretty much completed. Yeah that's, there's a, there's another example of why, you know, it's, we should be very suspect about the Bureau's estimates on the cost of the Animas-La Plata Project. When we worked on the Dolores Project I think the final cost estimates during the planning process were about \$245 million. Well, the project . . .

Storey: This is in the late '70s?

An Interesting Dilemma

Doe: Right. And the project is now over \$600 million, approaching \$700 million. Now,

it's an interesting, there's an interesting dilemma there, because we've developed all this water supply and these people cannot pay for it. They can sometimes pay their operating costs, but what they're going to repay on the construction costs is minimal. And, it shows the mindset of the Bureau, a few years ago there was a drought down there and one of the positive things we did in developing this project was we restored the river. Montezuma Valley Irrigation District used to divert almost all the flows of the Dolores River below the town of Dolores for irrigation. They squandered water. We rebuilt their system. We gave them all these freebies so they would buy into the Dolores Project, because without their buy in we couldn't have built it. So, we just gave them everything we could. We built them a new tunnel. We lined canals. We gave them an improved water supply because of McPhee Dam, all these things, but one of the positive side effects, unintended really, was that we restored the river below McPhee Dam.

And, in fact, during the construction period we restored the river so that it became a blue-ribbon trout fishery. I find it one of the most enjoyable parts of Colorado because it's all public land. There's no private development. It gives you a feel for what the public resources could really be like if we paid attention. But, the first critical moment, and that is when we had a drought, we stopped, we reduced our diversions to the river so that we reduced the trout population, reduced the fishery by probably seventy percent, and we diverted the water to the irrigators. But, the fact is that there was a lot of water in that reservoir that belonged to the Indians, who could not use it because the distribution system to them had not been built.

Storey: This is down to Towaoc?

Doe: Yeah. Right. The Ute Tribe. And, it was my feeling, and I told people privately that that water should be released to the river to save the fishery. But no, they didn't. They saved it for the water users, who were not paying for it. They weren't paying for the Indian water. They were only paying for their own, and they, there were shortages there. But, you know, there was a real decision there as to, you know, what is the higher use? And, to my opinion once, you know, if we have the power to create something we ought to have at least enough sense to try and sustain it. But, the decision was made to pump it out of the McPhee and give it to raise surplus wheat and other crops.

And then, you know, at that time there were all kinds of people up in Dove Creek that wanted out of their contracts. They didn't want to, they didn't, even though they had signed a contract for water out of Dolores they didn't want to pay

for it. Of course, the Bureau was mightily embarrassed by all this and fought heaven and earth to keep them in, (Storey: Uhm-hmm.) but if, you know, in my opinion it would have been a hell of a lot better to let them out of their contracts, which are absolutely valueless anyway, and keep the water in the river. I mean that, there was a public benefit there. I mean, everybody can use that river. I mean, it's open. You can walk along it. You can do whatever you want. There is a public value. I mean, a tremendously expensive one, I'll admit, (Laugh) (Storey: Uh huh.) and one you might not do, you know, you wouldn't build a dam to restore a river and spend those kinds of costs. You might got to M-V-I-D [Montezuma Valley Irrigation District] in a sane world and say, "Look, you people are drying up a river and this is not, you know, this is not acceptable public practice. It's against the public (Storey: Interest?) interest, and therefore you have to modify your behavior." But we'll never, we, you know that needs to be done in the future. And then you could have restored the river. But, M-V-I-D, "Well, we just dry it up." But, you know, they got a weir there and they just divert all the, you know, low flow they need water so they take it all out.

Storey: What kind—excuse me. What kinds of issues came up as you were doing the environmental document?

Issues Arising Doing Environmental Documents

Doe: Well, a lot of issues came up with M-V-I-D. I mean, it was crucial to get them on board to build this project, because they had a huge water supply on the Dolores River already. They had water rights and we needed their participation in order to build the project. That was, that's the issue I remember most clearly. And, in order to get them onboard we had to promise all these freebies, and of course those costs are passed on to the public, but the project was built.

There were a lot of issues about releases in the Dolores, into the Dolores River for the white-water rafting. Even though the river is destroyed late season by irrigation diversions, there's a huge, as an uncontrolled stream it has a huge spring runoff and people make money out of white-water rafting. And so, those interests were there, and they were staunchly opposed to the project unless they get what they want, which is high spring flows out of the Bureau. They weren't willing to pay for any of this, of course, but they wanted things as they were. And so, we made high spring flows so that white-water rafting could take place. The commercial interests got their way once again but they didn't pay for any of these releases. But we did, as much as possible, try and mimic nature, at considerable cost, I think, to the detriment of the river system itself, since some of that water could be stored for

later, you know, later-year releases to preserve the aquatic environment. But, be that as it may, that was one of the big arguments. Those are the things that stick out in my mind.

I think that we were all surprised, I know Steve McCall was, I can remember talking to him about the Dolores River and whether or not it could be a sustained fishery, and he didn't think so. But, it shows how wrong we can be.

Storey: Who is Steve McCall [spelling?]?

Doe: He was the, he's a biologist, the Fisheries biologist in Grand Junction, a good friend of mine. We used to hunt and fish together. He didn't think that it could be restored and that's why we allowed a minimum flow of 20 c-f-s. But once, once we established a 70 c-f-s regimen for all those years of development, we couldn't actually make good diversions for irrigation. It seems to me that we had some obligation to the public, since we were spending their money, to make sure that the resource we'd actually created for them was sustained. But, oh no. I mean, these guys can't see that far. They just can't see that they have an obligation to the public.

Storey: Well, you've used two different words that interest me. One is "create" and one is "restore."

Doe: Right.

Storey: And, I'm interested in which it really is. Historically, would there have ever been a blue-river fishing stream there?

Restoring and Creating River Environments

Doe: Oh sure. I mean, you know, it's, the Dolores River—you have a lot of mine tailings from upstream on the Dolores drainage. There's a lot of mining activity up there, up around Rico, and so you've got a lot of heavy metals coming into the river. But prior to that, sure. I mean, there's no reason there wouldn't have been a fishery there. I don't know if historical records, you know, demonstrate that, but prior to irrigation and prior to mining I'm sure there was a tremendous fishery there.

Storey: Well, the reason I'm asking is I sort of have this image of a lot of western streams running very full, as you've indicated, in the spring, and then virtually drying up in the fall, (Doe: Well . . .) and the late summer?

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- Doe: Yeah. I mean, the flows would have been greatly diminished, but this was a perennial stream, and I think it's high enough elevation, and it was wooded enough, and the stream channel is narrow enough with enough depth, I think, to allow for temperatures that would sustain a trout fishery.
- Storey: So, then the issue becomes whether or not Reclamation as the builder, and owner, and constructor, well the builder and owner of Dolores, chooses to use water to maintain the river that they've recreated?
- Doe: Right. And, when you have these competing demands they always look to the contract. But, to my mind the real contractors are the American people, because they paid for it. The people at the Bureau of Reclamation have a contract but they haven't paid anything. Not a cent. Now, they have expectations, and I think the United States should, you know—well, I know, I mean they have to be as fair with these people as they possibly can, but the contract, the primary contract's with the American people because they've spent their money, and there needs to be some calculus, ethical calculus developed whereby an area manager down there, who was basically a construction engineer, isn't free to make decisions that are, you know, to my mind basically destructive, and do it with impunity, and defy what is clearly the public, you know, the larger public interest.
- Storey: But if he were to do that would he be operating within the Colorado law that Reclamation asserts it's bound by?
- Doe: Well, I think in this case he certainly would have been because there was, there is storage in Dolores in McPhee Reservoir for the Indians, and I know at that time we could not make those diversions (Storey: Uh huh.) for the Indians. So, there was water available that he could have, he could have earmarked for this river. But rather than earmark it for the river and, you know, a larger public good, he earmarked it for the water users and didn't ask them to pay for it. So I, I mean there was great duplicity there. (Storey: Uhm-hmm.) But, it shows their orientation and their mindset. Now, he would have been under assault by the local users, but hell the commissioner was telling him to make the releases to the river. But, you know, the local lawyers, I suppose, and lawyers for the water users said, "You gotta make deliveries to the water users." It's, the program just is, you know, it just doesn't make any sense in today's world. Every time something goes wrong the public gets sued for any damages of this program.

In Westlands, for instance, we continue to rebuild the systems at basically no cost. In the Central Arizona Project we're simply rebuilding a dike on Reach 11 of

the aqueduct for flood control, at no cost, because our design instruments weren't as good as they should have been and perhaps the dike material wasn't as sound as it should have been. But, no one pays for that. That's all nonreimbursable. The result has been, however, you've got tremendous residential development below this dike because of the flood control. Because, I mean, isn't it logical that some of those costs should be paid by the people that benefit, that the developers don't always get away scot-free and the rest of us have to pick up all their costs. I mean, those are true development costs.

I mean, that development there would be possible, but all those costs are being forced off onto the public. (Storey: Uhm-hmm.) I mean they're, you know, flood control should be a reimbursable cost. If you can identify the beneficiaries they should pay for those benefits. Certainly their insurance goes down, but why shouldn't that be? It's just easier and you don't have to keep a sharp pencil if you can foist all these costs off on the general tax-paying public. It isn't as difficult to get approval to do something, and that's exactly what the Bureau did in its construction program. When they found out that these farmers could not pay for these projects they came up with this scheme of ability to pay, and you will find no legislation anywhere in Reclamation law where Congress said specifically, "These guys only have to pay within their ability to pay, and if their ability is only a penny on the dollar, so be it." They never said that. The Bureau invented that to maintain its construction program. It took a section of the 1939 Act that doesn't say what the Bureau's also contended it said and used that. Now, the '39 Act gave the secretary ability to review ability to pay on an annual basis, and in periods of drought reduce their payment, but it didn't say you could reduce their payment forever. When this program was . . .

Storey: That's the Reclamation Projects Act,¹² (Doe: Yeah.) I think?

Doe: Of 1939. Yeah. It's basically our, the contracting provisions that we use are found in that act. But, we took that and manipulated it in a way that allowed us continue to construct, and consequently you have these huge, huge subsidies. When this program was invented in 1902 the original legislation called for a ten-year repayment period and all construction costs had to be repaid. Now, they were repaid without interest, but hell 1902 the interest rates were two percent, and over ten years, I mean that's, that is a small subsidy, but now we're talking about

12. For more information on the Reclamation Projects Act, see "Reclamation Projects Act of 1939," in United States Department of the Interior, Bureau of Reclamation, *Federal Reclamation and Related Laws Annotated*, Volume I of Three Volumes Through 1942, Richard K. Pelz, editor (Washington, D.C.: United States Government Printing Office, 1972), 634-64.

repayment periods of a hundred years. The C-V-P [Central Valley Project] will never repay. And there's, I mean the, the agricultural production out there is in the billions every year, but we, we have to pay their water bill every year because of contracts that were written by people who apparently were in bed with the water users, and we continue to honor those contracts.

And, for instance, Central Valley Project there for a period of time we were actually delivering four million acre-feet of water every year, billions and billions of dollars worth of produce were being raised, and the water users, because of the contracts, owed us more at the end of the year than they did the previous year. So, we were actually going in debt, but they weren't going in debt, the public was going in debt. But yet, no one would challenge those contracts. I mean these are, you know, they say, "Well, I remember Hal Furman, who recently wrote, ran for senator from Nevada as a Republican, he was defeated in the primary, fortunately, but he came up with this idea, which I'm sure he was just repeating from other water lawyers in the West. He was a Reagan appointee in the Reagan Revolution, but he signed the contracts.

But, these aren't contracts in the sense that you and I expect equal treatment. These are welfare contracts, but on a very large scale for very rich people. The deal is that, you know, "We guarantee that you can get water and we'll pick up some of the costs." But, we're not supposed to pick up all the costs and we're certainly not supposed to pay the O&M. But, as it turned out, these contracts were written for the C-V-P because they didn't mention O&M and the costs, or the water rates that were set up in those contracts, over time, were not enough to cover O&M. So, we were actually going into debt every year because the United States was picking up some of the O&M costs. And, my attitude was, "Well, if it didn't mention O&M—I mean, a provision of the 1939 Act is that you have to pay your O&M costs. If you don't pay your O&M costs, plus some component towards capital reduction, then you're ineligible for water. But see they wouldn't, they wouldn't enforce that provision. (Storey: Uhm-hmm.)

So, we ended up paying, each year we had to pay them to take water to raise billions of dollars worth of crops. At the end of forty years, the entire repayment on the C-V-P, an investment of, you know, maybe \$2 billion for agriculture, was \$40 million, and going down each year. They were actually robbing their capital repayment every year to cover their O&M costs. You know, I don't know how the, you know, anti-deficiency laws—I mean, they just, you know, they just looked the other way on all the requirements of law. But, it seems to me if, if you go, if the public goes out there and invests that much money to help people out that those

people should have some sense of obligation about treating the public fairly, and they have none. I mean, they don't want to pay. They want us to pay. And, you've got, you know, you've got mindless buffoons in the bureaucracy that continue to accommodate these kinds of schemes, this kind of, you know, this wholesale disavowal of, of the larger public interest, or respecting the public's (Storey: Uh huh.) contribution to their well being. You know, that's amazing to me. (Storey: Yeah.) Absolutely amazing.

Storey: When you say that "we gave" a lot to the Montezuma—it was Montezuma Valley Irrigation District (Doe: Irrigation District.) right?

Doe: M-V-I-D. Yeah.

Storey: Do you mean Congress told us to?

Doe: No. That's just what . . .

Storey: Do you mean we did it because that was the only way we could move the project forward and Congress had told us to move the project forward? What do you mean exactly?

The Desire to Build

Doe: Well, I mean that these were decisions made by, by the Region, by the regional director and project manager down there, Wayne Cook. First and primary, first and foremost was the need to build Dolores, and the state would certainly accommodate all this. That was first and foremost. You've got to understand that. So, whatever it took to get that done was what was done.

Storey: Because we had been told to build it?

Doe: Yeah. Well it's, you know it's not, these distinctions are not that clear. I mean, you've got a mind set within the Bureau that it has to be built. You've got to support the construction program. You've got the E-N-R [Environment and Natural Resources] Center here, and you've got, you know, 1,200 engineers here that need work, (Storey: Uh huh.) and on and on it goes. Plus, you've got powerful political forces in the state of Colorado and the West that want this program to continue. I mean, it's a way of getting money back into the states. Outside of defense one of the big sources, traditionally, for large public expenditure was through public works like the Reclamation programs. So sure, "Let's build this sucker, you know. We've

got the money. We can get the money from Congress. They're favorable towards it. What the hell are the details, you know? The devil's in the details. Let's just give them what they need so we can get them onboard." (Storey: Uh huh.) And, it was a big fight. I mean, they had their water and what, and they knew they had the Bureau over a barrel, because they, you know, the Bureau could not move without these people signing on. So, concessions upon concessions, upon concessions were made. (Storey: Uh huh.) So, that's the way it works.

Storey: Did you ever participate in any meetings with M-V-I-D?

Doe: No. I was up in Salt Lake City, but I got weekly accounts of how it was going from my friends down in Durango. And, I spent a lot of time in Durango when we were working on the E-I-S. No, I never, I never participated. Now, I did participate in a lot of meeting with the N-W-R-A [National Water Resources Association] back in the '80s on the Rules and Regulations for acreage limitation, and I sat in on meetings in '87-'88, as I said.

Storey: That would be after you moved to the Denver Office?

Doe: Yeah. Right. I moved to the Denver Office in '78, or '79, to work on the acreage limitation E-I-S. (Storey: Uh huh.) And then I became chief of a program in '82 or '83, right after the law came out, and I was in that job until '88. Actually, in '87 when the second set of Rules came out I was kind of pushed aside because I couldn't, I just couldn't abide what they were doing. It was a complete sell out to the agribusiness interests.

Storey: Well, let's talk about what happened between '78 and '82. When you went to Denver you were working on the E-I-S?

Working in Denver on the Acreage Limitation EIS

Doe: I came over here to write the E-I-S on acreage limitation. I think as we talked earlier, the Carter administration had been sued by an organization called National Land for People,¹³ and it sued on the basis that the agency had never written Rules and Regulations under the Administrative Procedure Act, on the Reclamation Program, on the laws that formed the basis for this program, and they were right. They sued the United States. The Carter administration wrote the Rules and

13. For more information on the National Land for People lawsuit, Andrew H. Gahan and William D. Rowley, *The Bureau of Reclamation: From Developing to Managing Water, 1945-2000*, Volume 2 (Denver, Colorado: Bureau of Reclamation, Department of the Interior, 2012), 855-6.

Regulations, published them, before they could be adopted the agribusiness interests in California, parading under the banner of the Westside farmers, countersued and said that they couldn't implement the Rules and Regulations until they wrote an E-I-S. So, at a cost of I suppose \$4 or \$5 million dollars we wrote an E-I-S examining Rules and Regulations and alternatives. We finished it. I was in charge of, co-team leader with Vern Cooper. We finished it in, right before the election when Reagan came in.

Storey: So, that would have been '80?

Doe: Eighty. Right. The draft went out, Reagan came in, Watt threatened the Congress with implementation of the Carter Rules unless they wrote new legislation. He put a moratorium on those Rules and Regulations and the E-I-S, and in 1982, October of 1982, October 12, 1982 the new law was passed called the, I think mockingly called the Reclamation Reform Act. It didn't reform anything. It simply allowed the agribusiness interests to take over the program entirely. I was asked to help write the Rules and Regulations on the new act, which I did do.

It became apparent almost immediately that the agribusiness interests were going to control how those Rules and Regulations came out. We had numerous meetings with the Farm Water Alliance, the Westside farmers, representing the agribusiness interests out West, you know, clearly against the Administrative Procedure Act. We're not supposed to be having private meeting with the people. We're supposed to be regulating. But nevertheless, we had numerous meetings. Each draft we wrote of the Rules and Regulations would go out to them. They would provide comments. Then it would go through the commissioner. We would make revisions based on what they wanted. Vern Cooper and I tried to save as much as we possibly could and were successful in some areas.

One of the things they didn't like was the section they called the "Hammer Clause," 203(b),¹⁴ which would have required them to pay full cost for any land leased above 320 acres for people being under prior law. As a concession to them we didn't address that particular provision in the 1982 ruling, over my objections. I said, "If we don't do this," I told Broadbent, I said, "If we don't do this it's going to be extremely expensive and we'll have to come back to it in 1987 when this provision goes into effect. But, the agribusiness interests wanted to sue the United States claiming that that provision was unconstitutional. They did sue. They lost. And, in 1986 we started new rule making to incorporate 203(b). By that time

14. For more information on the "Hammer" clause, see Ray G. Huffaker and B. Delworth Gardener. "The 'Hammer' Clause of the Reclamation Reform Act of 1982," *Natural Resources Journal* 26:1 (Winter 1986): 41-67.

Broadbent had left. He'd gone up to become assistant secretary for Water and Science, and had gone back to Nevada, and he's now the manager for the international airport there in Las Vegas. He had been a county commissioner before that.

Dale Duvall had come in and we started rule making. Duvall actually was a pretty decent guy.¹⁵ He didn't know anything about the Bureau of Reclamation, but he was a nice fellow. And, there were some people that came, a new group of political appointees. Roland Dolly came over from a senator from South Dakota, and a number of people. When they came in they wanted to know what they should do. I told them that, you know, we had to rewrite the rules and that there were areas I felt where the public interest was being abused. And I, you know, I gave them briefing papers on all these sections. And, I think Dale, I didn't deceive him but I think he didn't understand the political power of these western agribusiness interests. All hell broke loose. They just came out of the, they came out of their tree. They were after my hide. They didn't like the Rules, because I was trying to curtail some abuses that they, some schemes they had come up with to escape paying full cost. And, to make a long story short, there were hearings, a number of hearings, none of which ever amounted to anything or resulted in any true changes. I was told that I either had to go along with, you know, the water user community, agribusiness interests, or I would simply have to go. And, I made the decision I would, you know, I would take my chances. But, I just couldn't in conscience do what they were asking me to do. So, in the end I put together a briefing paper and Dave Houston and I were supposed to argue our points before O'Dell, and there were about seven issues. That never took place. I just found out one day that Dave Houston was going to rewrite the final Rules in California, and that I was supposed to act as kind of intermediary. I objected to that. I said, "I'm not going to sign off on these Rules if Dave Houston is going to write them with the help of agribusiness interests in California." They had a meeting in Las Vegas at the time the final Rules were, the final drafts were revised, and I was not invited to go. Dale Duvall asked the staff if they would, if they thought they could support those Rules. He said that he didn't think I could, and he already knew I couldn't. And, of course, I mean what could they say. They said, "Yeah." So.

END SIDE 2, TAPE 1. JULY 20, 1995.

BEGIN SIDE 1, TAPE 2. JULY 20, 1995.

15. Commissioner Duvall participated in Reclamation's oral history program, see C. Dale Duvall, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview, conducted by Brit Allan Storey, senior historian, Bureau of Reclamation, January 26, 1993 in Washington, D.C., edited by Brit Allan Storey.

Storey: This is tape two of an interview by Brit Storey with Phil Doe, on July 20, 1995.

Doe: So, I stuck around for a few months after the Reno meeting. Terry Lynott had been made assistant commissioner for O&M, Planning and O&M, and I never had a conversation with anybody after that. It was just almost like I didn't exist. And, they managed to do a, they managed a reorganization in '88 and I found myself as the Hazardous Waste Coordinator. I think they expected me to fail. I don't know. I think, I'm sure they were hoping I would fail. I know they were awful fearful that I would, that I would do something that would create more attention, cause more attention to be brought upon the program. I guess I did that by going on *60 Minutes*. I only went on *60 Minutes* because I had assurances from them that they could correct what was going on. I think they underestimated the power of these people. I think they underestimated that the willfulness of certain congressional interests, and the amount of money and swag that agribusiness has in Congress and the White House.

Storey: Swag?

Doe: Power.

Storey: Oh.

Doe: And so, you know, the *60 Minutes* thing, I think, was in the fall of '87, November of '87, something like that. It was after that that I really was persona non grata, and I've been pretty much persona non grata ever since. Jay [inaudible] once told me that Darrell Webber who was then the assistant commissioner for Engineering here said that they would get me every chance they got, and I guess that's pretty much it, but my turn's coming since I'm getting out in a week. And, I think that this is a program that if it can't be reformed should be done away with, and I intend to do everything in my power to inform the public about the abuses I see here, you know. Whether they're shared by the management or the western political interests I don't care. I have great confidence these are abuses and they're not in the public interest, and if the bureaucracy's not going to fulfill its public promise then it should be done away with. And, I think there's a lot of public support for that. I think the tragedy is that there are many good people within the Bureau of Reclamation and they're going to be painted with the same brush. That's unfortunate. To some degree they, you know, they participate in the guilt.

Storey: Uhm-hmm. Back to the Carter administration prepared rules and regs for acreage limitation, and at that time the limitation was 160 acres, (Doe: Right.) 320 for a

husband and wife?

“Congress Never Revoked the Residency Requirement”

Doe: And residency. Krulitz [spelling?] wrote a great opinion, and Leshy was his assistant. Leshy's now the solicitor. He wrote a great opinion on the residency requirement and his opinion was that Congress had never revoked the residency requirements of Reclamation law, which meant in order for you to be eligible for these subsidies you had to live on or near the land. Well see, this would just wreak havoc with this program because you've got all these agribusiness interests, these corporate interests out there, how the hell can they, I mean they can't satisfy the residency requirement at all, and then you've got these tremendously wealthy interests, such as Boswell, who live in Los Angeles. I mean, they can't satisfy the residency requirements. I mean, this was a truly fearsome proposal, and the private talk around the Bureau was that Carter didn't think he could enforce it. I mean, even though it was a requirement of the law that Congress would probably go through and take that provision of the law out.

But, nevertheless the Rules we wrote enforced acreage limitation. It was the one control that worked. If you have acreage limitation it's very difficult to circumvent the law because you can't live ten places at once, and so these people that own land in ten or fifteen different districts, of whom there are some, couldn't possibly satisfy the requirements of the law so they would be exposed. I mean, corporations can't live on or near the land. There are all kinds of things that would start to become discernable if you enforced that provision, but the Bureau hadn't enforced it since the '40s. Because once again, it created impediments to building projects. I mean, if you've got the most powerful interests in a district that want a water supply, but if you enforce the residency requirement and they can't satisfy that requirement they're going to close the project. It's just like M-V-I-D. A different issue but the same problem exists. “How can we build this project?”

So, any impediments that exist to building the project have to be dealt with in a way that's satisfying to the people that, whose support you need to build it. So, residency was simply overlooked, simply wasn't dealt with, ever. (Storey: Uh huh.) And, but the Carter administration was going to enforce it. It's interesting that Dan Beard was a deputy assistant secretary of Water and Science at that time. He didn't have much to do with Rules and Regulations. He was on the task force, but I hardly ever saw him. I don't think he ever understood it much. I still don't think he understands it very much, judging from what he's done over the past two years, which I think haven't helped the program at all, despite what the popular press may

say about him and what he may say himself.

Storey: Who actually wrote the rules and regs?

Doe: Those rules and regs were written by the Solicitor's Office, Krulitz [spelling?], pretty much. Dave Shuy was my boss when I came here was a senior economist for the Bureau. His and my job was to put together the E-I-S. He was in charge of the economic study. I was in charge of putting together the E-I-S. He eventually left, went to work for Harza [spelling?] and I took over the entire study.

Storey: Schuy, S-H-U-E?

Doe: S-H-U-E, S-H-U-Y.

Storey: Okay.

Doe: Yeah, he was great, a great guy.

Storey: So, when you came the rules and regs already existed or (Doe: They'd been published.) they were in process? They had been published?

Doe: No, they had been published. See, that's the reason for the lawsuit, because they published the Rules and Regulations in the *Federal Register* as the result of the lawsuit brought by National Land for the People.

Storey: And who were National Land for People?

Doe: Well, they were just a coalition of small farm advocates, in California primarily, who thought that the promise of the Reclamation program had not been fulfilled. I agree with them.

Storey: Is this Dr. so and so?

Doe: Yeah.

Storey: I've forgotten his name.

Doe: Ben, oh god, down . . .

Storey: Down in the Imperial Valley, I think?

Doe: Right. Uhm-hmm. Yeah. That's awful. And, there have been, you know, Dr. [Paul S.] Taylor at Berkeley, there have been people that advocated for a long time, have been critical of this program, and who thought that it never fulfilled the promise expected in its enacting legislation. I think that a person that's actually working in the Secretary's Office now, Joseph Sax,¹⁶ wrote I think extensively on the Reclamation program back in the '50s, and I've read everything he wrote about it and I, as far as I know he was also another critic. I think National Land for People, they were absolutely right. I mean, this program was set up, its purposes were social. It was to provide opportunities for family farmers to make a living, raise a family, provide, you know, sustainable and healthy rural economies, and look what's happened to it.

Storey: And, of course, that's what the laws were set up for?

Doe: Yes.

Storey: How do you factor into that though that American society was evolving and changing?

Factoring in Rural Economics in a Growing Urban Society

Doe: Well, I mean, it was evolving and changing, sure, but I mean that doesn't, I don't think that gives license to the bureaucracy to make of the program whatever they want. The program—and, the studies we did in 1978 and '79, show that you could make a living on 320 acres, I mean, a reasonably good living in most cases. Now, some of these projects you can't make a living no matter what, because they should have never been built. They're simply pork. But, the better projects you can make a very good living at 320 acres, make a lot more than the average citizen, you know, the median family income in this country.

Storey: When you say a "good project," what are we talking about?

Doe: The Central Valley Project, for instance, or the Columbia Basin Project. I mean, I was just up on the Columbia Basin Project a couple of weeks ago on sabbatical and I stayed overnight with a small family farmer up there, who farms about 230 acres, and he does quite well, you know. Interestingly enough, he's raising cottonwood trees for the pulp industry. It takes no dyes. He uses hardly any insecticides, very little, you know, very little fertilizer. All he does is irrigate these cottonwood trees.

16. For an example of Joseph Sax's studies, see Joseph L. Sax, "Selling Reclamation Water Rights: A Case Study in Federal Subsidy Policy," *Michigan Law Review* 64:1 (November 1956): 13-46.

They harvest them in, I think, about three years, and because the pulp is white they don't have to use any dyes. They create no dioxins. I mean, it's a terrific deal. But he's making, I think, from looking at the number of cars and things he had around, quite a handsome living. You know, I think that's what the program was created for and I don't have any problem helping to support that, up to a reasonable limit, but I sure as hell have a problem supporting Southern Pacific owning 200,000 acres in Westlands or, you know, J. G. Boswell, paying his water bill, or TemCo [spelling?]. Yeah. That is not what this program is created for and yet we continue to pay their water bill. And, you have the bureaucracy, the hierarchy, lined up to protect these interests, and you know ultimately to the disadvantage of the small farmer, because they find it very difficult to compete with these people.

Storey: But, isn't that fewer than one percent of the folks on Reclamation projects?

Doe: Well no, I don't think so. I don't have the statistics in front of me, but when I, back in 1980 we spent \$3 million with the Department of Ag to do a complete census of the Reclamation farms. Most farm ownerships, well over eighty percent, were below 320 acres. So, I think it gives a lot of that, I mean what is intended, I think, even with, within the bureaucracy. Now, there was a lot of concentration of ownerships in the larger farming operations, but even at that I think well over seventy percent of your farming operations were less than 320 acres.

Now, there, I think an interesting statistic is that something less than three percent of the large farming operations control thirty percent of the land. And that's what, you know, those are the people for whom this program is dedicated now. It's not the other, you know, ninety, ninety-seven percent who farm the smaller acreages, many of whom happen to be hobby farmers and to my mind should be paying full cost for water, since it's not, they're pursuing a lifestyle and they're not making a living from it. But no, I think there still are small farmers out there, quite a few of them. There are quite a few in the Central Valley, but they're becoming fewer and fewer because public policy makes it harder and harder for them to survive. But you look at the, you know, you look at the social consequences. Go out to the Central Valley, you know. Go to those towns. Go to Hebron, or Huron. Go to Fireball [spelling?] and just look at them. It's disgusting. And then you think billions and billions of dollars of public money has been spent to create this, and the people that get all the wealth live in high rises in San Francisco. You've got brown people out there living in hovels. No infrastructure. It's awful. And yet, billions of dollars have been spent on the promise this would create a healthy rural environment. What a lie, and unconscionable lie.

Storey: What you're saying is it's supporting poverty?

Program is Supporting Poverty

Doe: Well, it's creating poverty, because of the way we've allowed the law to be implemented. I mean, it actually creates huge pockets of poverty, because, I mean, the most, the most at-risk people in this society, farm laborers, are out there working at minimum wage, suffering all kinds of environmental diseases from pesticides, etcetera, etcetera, etcetera. I don't mean to overemphasize this, but certainly in California this is the case. I think it's becoming the case in the Columbia Basin Project as you get larger and larger land holdings in there, because we've allowed it to happen the way we've put this law together, which allows almost uncontrolled farming operations.

And, there's a lot of money to be made. I mean it gives the lie of the idea that farmers can't make money, make a living out there. The hell you can't. J. G. Boswell, \$18 million a year, net. (Laugh) Don't tell me you can't make bucks out there. You make big bucks, and investors can see that. They'll go in and buy this land and if they think that they've got an accommodating government that will allow them to do anything they want to they'll do it. So, that's what you've got. In the meantime, (Storey: Uhm-hmm.) you've got migrant workers, tenant farmers, very low paid with hardly any safety net at all. I mean health insurance, worker safety, I mean these are things unknown to these people. I mean, it's awful. I mean, just, we should be forced to go out and look at what we've done.

Storey: Now, you mentioned you and Shuy were working on the Environmental Statement, (Doe: Uhm-hmm.) and you mentioned the Hammer Clause is one of the key (Doe: Right.) arguments of contention?

Doe: Right.

Storey: Well now wait. Was that in the E-I-S? That was in, that was later?

Doe: That was in the law. That was in the 1982 Reform Act.

Storey: Yeah. What were the major issues that came up in development of the Environmental Statement?

Major Issues in Developing the Environmental Statement

Doe: Well, actually that was one of the better periods of my Reclamation career. There was a task force that was created by the Carter administration, [Secretary of the Interior] Andrus. And, the head of the task force was a fellow by the name of Bob Davis, who now, I think, is an adjunct professor in resource economics at Boulder. And, the issues were simply trying to get the truth out. I mean, not once did anybody ever tell me that I was supposed to shave what I felt was the truth in trying to describe the anticipated impacts of an alternative. Never once. Now, that happened a lot during the Reagan and Bush years. I mean, I was told constantly that I had to shave the truth here or shave the truth there. Never during the Carter administration was I ever told to shave the truth.

So, we had this task force, we would do our work, we'd show our progress, and there would be discussions about what we thought the conclusions should be, and then we'd go on about our business, and we would meet periodically, but we had tremendous freedom to do what we thought was right. And, I can recall when we finished, when we finished the draft, Bob Davis said he thought this was the best report ever done by the Bureau of Reclamation, pure and simple. But, the emphasis was on economics. It was not on the environment. And, you know, it's, it probably, it probably exposes some of their biases but in fact the impacts are social and economic, and so our emphasis was on social and economic impacts in this EIS. I mean, they're clearly social. That's how the public spends its money, on the social impacts. There are environmental impacts, of course, and you know I think with water pricing it had some positive environmental impacts.

One of the interesting things about this was that when we got to the very end, Rich Wahl, who was then working for Bob Davis in the Department, and Bob Davis decided they wanted, with the approval of the secretary, they wanted to look at full-cost pricing as an alternative within this E-I-S. Well, Dave Shuy, at that point, who had worked for three, I mean for three years, and we worked very, very hard. We worked lots of hours trying to get this done, you know, towards the end of the Carter administration, and they wanted Dave to do the analysis. He said, "No." (Laugh) I looked at, I looked in disbelief. I mean he meant, when he said, "No," he meant no, he wouldn't do it. And so, Rich Wahl and I had to add this section to the E-I-S. He wouldn't, in other words he wouldn't do the economic analysis. And, it's interesting that we added that and that became a provision in the 1982 Rules. I think it's been a disastrous consequence.

Storey: Now, the Rules or the law?

Doe: In the law and the Rules. But, they picked up this idea, rather than having a

statutory limit on farm size, or ownership, they went with full-cost pricing. But, almost immediately we started whittling away at the concept. I was asked, after one of the meetings in Las Vegas, by the commissioner, by Broadbent, to put together a concept that will allow farmers to pay full cost. And, I said, "Well, what do you mean?" He said, "Well . . ." I knew what he meant, but I said, "Well, what do you want me to do?" He said, "Put together something that makes the cost so they can afford it." Well, if you had taken full cost in its true meaning you would have gone back and added in all the foregone interest over time, all the construction costs, and then you would have come up with the rate that repaid each parcel of land based on those true costs. But, you know, I guess with some shame devised a concept that we would forego the interest up to the date of the act.

So, any interest that was accrued on the debt up to '82 we simply forgot, and we started accruing interest from the date of the act. As a result, the older projects have a very low full cost rate. In fact, some of them had a rate that was even less than their contract rate, because you forgave all that past interest, and the debt remaining up at that point was very small. But, it made it possible for these guys to expand beyond 960, which was the new non-full-cost size limit under the new law. And, on top of that the lawyers for the large farm interests were, convinced the commissioner and the lawyers within the Department that Congress didn't really mean to limit the subsidy, they only meant to limit the subsidy if it was a lease. So, they came up with the concept of farm management arrangements. So, you could literally have a 20,000-acre farm operated under a farm management arrangement that wasn't full cost.

Similarly, they decided that whereas trust that, you know, even though the law said the trust couldn't be any larger than 960, a family could string together ten trusts of 960 for each of their children, and grandchildren, and aunts and uncles, and all of that would be an eligible ownership. And, we have these out there now. We have ownerships of thousands and thousands of acres owned by one family, in a trust, and operated under a farm management arrangement, and not subject to full cost. I mean, these concepts certainly confound the law. I mean, they confound its intent. I mean you can't, you can't abide these kinds of schemes and think that you've satisfied what Congress intended, or that in any way this is in the public interest. I mean, if one of the intents in the law is to distribute the benefits widely, how can you allow these latifundium-type arrangements to exist? I mean, you just can't, and yet they do.

And these last set of Rules we just put out? They don't do anything. They don't do anything to curb this stuff. You know, Beard is such a, you know, a

mindless environmentalist that he puts all his efforts into water conservation. I mean, you will get conservation if you price the water right. But no, he wants to go out and throw it in their face and alienate them all at the same time. And, you know, as a result he's out of here. I mean, it's odd to me that the man has such political . . . intelligence. I don't know who, what audience he was playing to. (Storey: Uhm-hmm.) You know, the law is there. I mean, just enforce it. Just tell them, "We're not going to allow these schemes. Period. We're just not going to do it. I mean, if it's above 960, then you're going to pay." But even better is to just—once they eliminate the residency requirement the law is almost unenforceable. It becomes very, very difficult and very, very expensive to the public to ferret out these schemes.

And, I proposed a long time ago, at the request of G-A-O [General Accounting Office] that we go to means testing, needs testing, and that you do that on the basis of some percentage of gross income, not net income. There's too many, too many ways to, that farmers don't pay taxes, and everything's a write-off, blah, blah, blah, but on the basis of gross income. For example, let's say a farmer, let's put the limit for subsidy at \$250,000 of gross income, which would give, you know, the Department of Ag thinks that, you know, a quarter of that probably is net, on average. A lot of these guys in the West in it's a hell of a lot higher than that, because they own the land first and they don't have much debt service. But, for a new guy that has debt service, on average he might make, you know, \$50,000 on that. So, or you know, \$60,000, something like that, which is a hell of a lot more than the median family income in this country. So, you would put the subsidy limit at \$250,000. So, let's say that, and you would, you know, the basis for his subsidy, or for a subsidy entitlement, would be if in fact he were a real farmer, and if in fact he would document—rather than us, you know, having to prove that he wasn't eligible, he would have to demonstrate to us he's eligible for the subsidy. Just like the Food Stamp Program. So, he would come in with his I-R-S, his tax return. If he made \$500,000 gross income and, you know, the predominate part of his income was from farming he'd be entitled to half of his water at subsidized rates. That's five hundred, half of 500,000 would be \$250,000 gross income, so, and the other half he'd pay full cost. And, if he didn't come in he'd have to pay full cost for all of it. And, you would only make this, only make family farmers eligible.

And, if you were a hobby farmer out there and a lawyer, and you happened to own eighty acres out there and you're raising horses for your daughter, for Muffy, so she could, you know, go to riding school, that's fine. You're entitled to, but we're not going to pay your water bill for you. You'd have to pay the full-cost rate, and make the full-cost rate a full-cost rate. If you would do this—I mean, I'm kind of

ranging far afield I suppose, but if you would do this in southwest Colorado, if you would go back to all the hobby farmers, and most of the farmers down there are hobby farmers in these old projects that we built, and say, “We’re not going to subsidize your lifestyle anymore. This program wasn’t set up for lifestyles. It was set up for people who, you know, to farm as a means of making a living and raising a family, and if you’re not doing that, if your income’s from, comes from being a lawyer in Durango, or a doctor in Durango, or an airplane pilot who happens to like Durango and flies out of Denver, that’s fine. We don’t want to interfere with you, but we’re not going to pay your water bill anymore.” You would free up a lot of water. And then, you would not only free up a lot of water, you would have a lot of income that you could make available to the Indians for, you know, development on the reservation, and it wouldn’t cost us anything. It wouldn’t, I mean, and it’s a much, it’s a much saner solution to the problem. It’s just saner.

But, we should do that all over the West. I mean, we should just quit subsidizing people who want a ranchette. I mean, if they want it, fine, but I don’t think it’s our obligation to provide them a water supply at practically no cost, and at the same time be responsible for all this environmental restoration that we’re going through. It just doesn’t make any sense. I mean it’s, it’s looking-glass logic. I mean, there’s a logical disconnect there that just is awesome. Yet, it goes on. It goes on. It goes on. But see, Dan refused to deal with anything. I gave him an entire list of things I thought they could do in the public interest, you know. He just walked away from it. Maybe, you know, maybe he felt that the political, you know, the political environment wouldn’t allow it, but when do we start? I mean, when are you going to find anybody with enough courage to bring these things before the American people? Maybe never. (Laugh) (Storey: Uhm-hmm.) From what I’ve seen in twenty years of this organization it just isn’t going to happen. I mean ironically, Dale Duvall probably came closer than anybody I’ve ever met, and I’ve worked for quite a few of them and was close to them. But even Dale, when push came to shove, I mean, I think he felt very bad about what happened to me. I know he did. But, I recall one time down in, I think we were at Hotel Del Coronado, or whatever it is in San Diego. You know?

Storey: It’s the Del Coronado.

Tin Cup Sessions

Doe: Yeah. Isn’t that a funny place for bureaucrat federal workers to be? But anyway that’s where we were. It was the N-W-R-A convention, and we’d gone there and, you know, I was there with the commissioner. And, you know, you have what they

call these Tin Cup Sessions where the water users come in and ask for these special favors. And, they'd set aside a meeting with the C-A-P [Central Arizona Project] water users and Dale asked me if I would sit in on this. It was almost godfather-like. It's really odd, but it really is. I mean, it's taken right out of the godfather concept, where these people come in and ask for favors, and the commissioner sets there with his staff and [inaudible]. He just didn't have stones in his mouth, that's all, to be sure. But anyway, we're there and Harquahala District comes in. This is 1987, I think, '86-'87, somewhere in there. And, they tell the commissioner they can't pay for the water. Well, I'm, I'm not surprised because, I mean, privately everybody in the Bureau knew that C-A-P wasn't going to work, but what really interested me was that just weeks before I'd seen this full-page ad in the *Arizona Republic* saying, and it was from the district manager and the president of Harquahala District, a full-page ad saying, "Finally! C-A-P water," you know, "it's going to save the state of Arizona." You know. Two weeks later I'm in this room, drawn curtains, and here are the, here's this same manager and president telling the commissioner they can't pay for the water. (Laugh) I mean, it's supposed to save the state of Arizona and now it—so, you know, we—Dale listens to all this and that night the regional director and his staff come in and say the same thing.

Of course they wanted to build, they wanted to blame acreage limitation for making it infeasible for them, you know, them to pay for the water. I told them to get off that. I mean, when these people bought into the program it was a 160 acres, it's now 960. But anyway, so we had a meeting with Harquahala and we're walking back towards the hotel and Dale asked me what he should do. I said, "Well," I said, "Dale, I think you better take another look at the economics of this project, and if it, you know, if it doesn't pan out I think you better tell Congress that you've got major problems down there and these people can't pay for the water." And, at that time there was about \$180 million I think in contracts to other districts for distribution systems funds. And, I said, "I wouldn't sign those contracts until you've got a better feel for whether these people are going to be able to repay their debt." And, Dale just looked at me and he said, "No. I can't do that."

So, he signed the contracts, and right now we continue to spend hundreds of millions of dollars down there, and Don Glaser has just spent the last year trying to negotiate contracts down there where these people don't have to pay their water bills. I mean, they were actually coming up with trying to sell the Indians' water to the cities at less than O&M, but it all fell through last week. But, everything they said in 1986-87 is true. They can't pay for the water, you know. You can't pump water 1,500 feet out of the Colorado River at Phoenix to raise cotton. I mean you just can't, you couldn't do it in 1960 and you can't do it now, and you won't be able

to do it tomorrow. And so, you know, we've just wasted, we've squandered the public's money, and no matter, no wonder they're angry with us. Wouldn't you be? I'm angry about it, and you should be too. I think everybody that knows about should be angry. We should be angry with ourselves for allowing it to continue. We should be angry that we haven't been more forthright in telling the public about what's going on. I mean, there's a number of reasons to be angry.

Storey: Well, if it's so uneconomic why did we go ahead and build it?

“Tremendous Political Pressure to Do It”

Doe: Jesus. I mean, it's tremendous, tremendous political pressure to do it. I mean, [Arizona Congressman Morris] Udall was the head of the, you know, House Interior Committee. Hell, I can remember going to [Congressman] George Miller's people and saying, “Look, this . . .” I mean, I told everybody I could about what was going on down there. Would they step forward? Not on your life. Not on your life. Not as long as Udall was the head of that committee.

Storey: Morris Udall?

Doe: Yeah, uh, yeah. Is it Morris? Yeah. I guess it is.

Storey: I think it is.

Doe: Yeah. I mean a very, I mean he's very—but, he's a crook.

END SIDE 1, TAPE 2. JULY 20, 1995.
BEGIN SIDE 2, TAPE 2. JULY 20, 1995.

Doe: These people didn't want to take on Morris Udall. You know. No way. So, we continued to spend, even though everybody knew that it was infeasible. But, what does it do? It gives Arizona a water supply for the developers into the foreseeable future, and all paid for at public expense. And, what are we going to . . .

Storey: At federal public expense?

Doe: Yeah. You know, some guy that's seen his, you know, his disposable income go down every year over the past fifteen years, that's the guy that's paying for all this crap. I mean there's something just fundamentally wrong with all this, and no one would stand up. “Oh no, well, you know, we can't do that,” you know. I'd talk to

the environmentalists. “Well, you know, George, you know, Morris Udall’s, you know, he’s good.” Good god. I mean, it’s really interesting to see how the formula works out. It’s an extremely complicated formula. “He may be a son-of-a-bitch, but he’s our son-of-a-bitch,” you know, is really the way it works out. So, we’ve continued to spend the money down there and I don’t know what’s going to happen, you know. I just think we should quit spending money.

It’s like the money they’re spending at, for the recreation around New Waddell. Hell, we’re pouring money into that. You know, Dan Beard’s upset about the Boulder, you know, the Boulder Visitor’s Center. You know, we’re spending almost as much at New Waddell, and we’re not getting anything out of that. In fact, we’re paying them money to operate it. The stuff that goes on in this agency is just bewildering. It’s almost like, “God, we can’t let the public know, so we’ve got to do everything we possibly can to hide it. We’ll even give them additional money.” (Storey: Uhm-hmm.) And, that’s what they do. I mean, you know, we’ve got a district up there in the Pacific Northwest that hasn’t paid us for four years, refused to pay us, yet we continue to deliver water. Why?

Storey: What district is that?

Doe: Oh, it’s the apple orchards. It’s a small district. They’ve had problems with their pumps, pumps clogging. Oroville-Tenaska. I think it’s four years now. They even, the Region proposed to take down one of their old water delivery systems, which wasn’t even ours, at the cost of a million dollars. And yet, they refuse to pay us? These things are just absurd to me, absolutely absurd. I mean we’re—I don’t know how you get accountability. I mean it really is bothering, I mean it bothers me beyond just Reclamation, but how do you get accountability back into the public sector? We’ve got all these special interests. It’s really baffling. But, you know, I’ve come to the conclusion, probably wrongly, that the only way you’re going to do it is to get the public so outraged. And, maybe it’s only for me, you know. Maybe it only satisfies my need to feel sane about it, is to simply stay outraged about what I’ve seen. (Storey: Uhm-hmm.) You know, I couldn’t have dreamt the things I’ve seen and heard since I’ve been here. As an outsider I couldn’t, there is no way that I could have dreamt these things up. (Laugh) I mean it’s just they’re unbelievable. I mean, we’re only touching on a few of them. I mean, it just goes on, and on, and on.

Storey: Yeah. Now, if I recall correctly the Rules and Regs for acreage limitation were put in because of a suit brought by Land for People, was it?

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- Doe: National Land for People. Yeah.
- Storey: Okay. Then why were we doing an Environmental Statement?
- Doe: Because we were countersued by the Farm Water Alliance.
- Storey: When the Regs came out?
- Doe: Westside Farmers. Right.
- Storey: Why didn't they like the Regs?
- Doe: Well, because they were going to enforce residency, for one thing.
- Storey: And acreage limitation?

Set the Acreage Limitation at 320

- Doe: Well, acreage limitation, yeah. And see, one of the schemes that the Bureau had allowed to go on was this stair stepping, where you allowed each family member 160 acres, and they were going to do away with that, you know, they were going to put it all into the 320 for family farmers.
- Storey: Uhm-hmm. Husband and wife, (Doe: Right.) in effect? Kids don't count?
- Doe: Kids don't, kid, well I mean you . . .
- Storey: In terms of that?
- Doe: Yeah. Kids don't—the Department of Ag doesn't allow kids to be, they don't allow kids to be eligible for program benefits under the Department of Ag. I mean, Reclamation's, (Laugh)—I mean, can you imagine an infant owning 960 acres? (Laugh) I mean, Jesus. (Storey: Uh huh.) Well . . .
- Storey: So, so then you spent did I hear you say three years doing the Environmental Statement?
- Doe: A couple. Yeah, it was pretty close. Maybe about two and a half years.
- Storey: And, you got to the end of the Environmental Statement (Doe: We issued an

Environmental Statement.) period? You issued it? What happened?

Doe: Carter was defeated, went on tearfully and told people that he was sorry. Reagan came on, you know, under the mantle of fiscal conservatism, and I was told to not do anything on the E-I-S. So, I sat here for a few months helping Bob Lankey [spelling?] in Planning, and Watt threatened the Congress with implementation of those Rules unless they came up with a new law. And so, by October of 1982, with the help of the Department of Interior, the Reclamation Reform Act was written. You had, you still had a Democratic House but you had a Republican Senate. And, I've heard some really interesting stories. I, these I only know second hand, but I do, and I believe them because the person that told me about them I think is very reliable. I was told that the banking industry actually wrote their own section of the law. There's some provisions of the law that don't, that preclude speculation on the federal investment, and particularly on foreclosure. The bank isn't supposed to be able—the bank, banks aren't supposed to be able to capture the value of the federal investment through foreclosure, but they can now. (Laugh) They got it rigged so they could. So, the anti-speculation provisions of the law, which were really pretty important up until the 1982 Reclamation Reform Act, have been thoroughly thwarted to rule making and the way the banking industry's wrote the provisions of the law. I was just told that there were people that got in there and wrote their sections so that they were comfortable with what was going into the law, and as it's turned out it seems to me that that probably the case.

Storey: But you didn't see any of that or participate in any of that?

Doe: Well, I did. I mean, I participated in a lot of special interest pleading during the rule making on the 1982 law. I mean, as I said we had countless meetings.

Storey: In the rule making, but not in the law making?

Doe: No. I never—I was—no.

Storey: Did anybody from Reclamation that you're aware of?

Doe: Oh, I think Vern Cooper indirectly did. I mean, he was back in Washington at that time. I mean he had been co-team leader with me on the E-I-S. (Storey: Uhm-hmm.) He may have. I don't know how, how closely he may have been involved, but I think he did know some of the things that were going on. I think that the Congress, we made some recommendations that they didn't follow. I think that's part of the official record. I think those things you can see, if they haven't been

destroyed, what we recommended and what was actually done. (Storey: Uhm-hmm.) But, the special interests pretty much set the agenda for the Reclamation Reform Act. And probably, one of the most devastating, other than the repeal of acreage, or repeal of residency, which kind of makes it impossible to enforce the law, I think full-cost pricing provisions have been a disaster, rather than having a statutory limit on farm size, by allowing the full cost to be repaid, which isn't full cost.

On average, I think Rich Wahl has estimated that the full-cost rate is forty-five percent of the true financial cost, on average if you look at all the projects. I think, and then raising the acreage limitation to 960 was not justified by anything that we, any, any information that we developed in the 1980 E-I-S, not from farm, farm efficient, farm-size efficiency, not from income, not from any of the different ways we looked at what constitutes a family farm was 960 justified. About the highest you could go was about 640. But in almost all cases I think above 320 you were relying more on hired labor than you were on family farm labor. So, I mean, that's one means of testing "What is a family farm?" is how much farm labor and how much hired labor? And, I think, you know, irrigated agriculture is pretty, I mean even on if you're raising low-value crops it's pretty labor intensive. And see, my recollection is that above 320 you were really becoming a corporate farm. Income, those guys, everybody made income at 320 acres.

Storey: Even up in the northern low-value crop (Doe: Yeah.) areas?

Doe: There's some districts that never, like I think on, up on Montana, the Milk River Project, they never made any money ever. I mean, no matter what you did. And, I think it was, the problem was the farm budgets. But see, we let them tell us what the inputs were on the farm budgets and hell we could never get them to show a profit. There were several like that. I think over there in Utah there was a project, that could never show a profit. But, they're out there, so there must have been something wrong with our farm budgets. But, I always felt that they were, you know, raising their inputs just to show lower income, and we just finally gave up on them, but they're in the E-I-S. We looked at efficiency, and in almost all cases from a standpoint of machinery you didn't get anymore efficiency above 320 acres. I mean, you'd get bigger but there wasn't any, you didn't get any more farm efficiency. So, I mean, it just wasn't, you know—the 960 was a giveaway to the big guys, you know. It was a concession to them. And so, here you have Reagan talking about smaller government at the same time you're, you know, you're enacting legislation that creates the, you know, a six hundred percent increase in the amount of subsidy that any one person can get. And, as it turns out (Storey:

Legally?)—yeah, legally—(Storey: Yeah.) as it turns out even that isn't, even that isn't a limitation, since you can get around it through trusts, through farm management arrangements. So, the whole thing has just been this tremendous ruse on the public, and we've spent millions and millions of dollars trying to justify it. We just went through it again, and the result's even worse.

Storey: The . . . well, whatever that question was I just lost it. (Laughter)

Doe: They need to, the Bureau, you know, we need new legislation. We need to change the program. It just, it's out of control. It's just unjustifiable in today's, today's economic climate, and you just, you can't justify it. It's just crazy, crazy, crazy. It's just spinning out of control.

Storey: Oh. I think I finally remembered it. Why would the politicians feel threatened by Watt saying he was going to enforce the law?

“It's Breathtaking on How Little People on the Hill Understand This Program”

Doe: Well, one of the problems is, and I mean, I mean it's breathtaking how little people up on the Hill understand this program. But, I guess if you could think about this program in relationship to the myriad of programs that exist, federal programs that exist, I guess maybe you can understand why that is. But, if you go up and talk to these people they simply don't understand what this program's all about. They just do not understand it. And, what happens is that they'll get a call from one of their constituents, and they don't get a call from Snuffy Smith who's out there farming 160 acres most of the time because he's not threatened by this law in any way, shape, or form, except for the reporting requirements, but he'll get a call from one of the big operators, you know, one of the big operators in the Pacific Northwest, one of the big operators in the Columbia Basin Project, one of the big operators in C-V-P. This guy contributes. You know, he probably goes to dinner with him. He probably, you know, has a drink with him now and then. Who knows? But, he's going to go to bat for that guy and he's going to come down without, you know, without any knowledge at all on the bureaucracy.

You know, I saw it. I mean, I could see it in the hearings we had in '86. Vic Fazio came to a hearing in Washington D.C., and just laid into the Bureau for trying to limit the subsidy on the Sac River, on the Sacramento River. I mean, he was a Democrat. And then on the other side you've got that imbecile down there in Fresno, who is a Republican, laying into them, you know. They have no idea. But, they know where their dollars come for reelection campaigns, you know. And, as

long as they can, you know, spend some part of the subsidy, as long as they get some part of the subsidy they're not going to look too closely at how this subsidy is derived, and if it's really in the larger public interest. I mean I, that's not, I don't think that's a cynical view of the way the system works. It is the way the system works. And, they don't have anybody on their staff particularly that really understands these things. Even George Miller. I mean, Dan Beard was, you know, senior staff person on the House Interior. Dan never understood this program. I mean, he got in bed with them and finally tried to pass a bill, HR-429 I think it was, you know, back in about 1988. It was an awful bill, just awful. And, I spent my own money, because the Bureau would, I was, [Senator Bill] Bradley asked me to testify. They "had no money." They asked me to testify on this bill. I had to spend my own money, my own plane ticket, take annual leave to go back there and testify about this bill. Now, the Bureau supported it, you know, nominally, but it was awful. I mean, it would be worse than what they've got now. But, it came out of Dan's committee, you know, his senior staffers. He should have been advising George Miller and these congressmen about how stupid this was. But, one of the problems you've got on those committees is that westerners want to get on these committees that rule that, you know, regulate western resource programs. So, you get all these rural interests out there and they don't want to limit the subsidy. They don't want to, you know, trim these programs. Shit no, get those people in the cities that are, those welfare mothers. Shit, you can pick them out. They're black and they're brown, you know, but you know those farmers out there they're, they're all one color. (Laugh) (Storey: Uhm-hmm.) We . . .

Storey: Did the Reclamation Reform Act come as a surprise to people at Reclamation?

RRA was No Surprise at Reclamation

Doe: No. I think that they knew it would come. There was nobody in Reclamation that had any, had any desire to try to enforce the residency requirement. I mean, it would have just been chaos out there, absolute chaos. Because, they hadn't enforced it for four years, what the hell were they going to do? And, it would have been a tremendous embarrassment to them.

Storey: Why hadn't they enforced it?

Doe: Like I said before, I mean they just, to enforce it would have been an impediment to maintaining support among the people you need to build projects, and, you know, money talks. And, residency requirement, 160 acres, is not something you're going to find large-scale support for among monied classes, because they don't intend to

live out there and they don't intend to farm, but they want the water developed and they want to participate in the largess, (Storey: Uhm-hmm.) but not under the terms described in that law. So, the Bureau's found it convenient not to enforce it. And, by not enforcing it they got large-scale support.

Storey: Was it because it wasn't politically possible to enforce it?

Doe: Well, I think it . . .

Storey: Possibly?

Doe: Maybe. I mean, I'm not willing to concede much to the bureaucracy. I think, you know, this is a nation of laws—not to sound like a schoolboy—but, if we're not going to support the laws then, you know, we're about the business of creating an uncivil society. And, it would have been difficult and they would have had to stand up to the powerful interests, but it was the law, and if Congress wanted to change the law then you would have forced their hand. But, there's a great little history of the C-V-P, and this is during the Kennedy administration, and the large land owners in C-V-P did not want acreage limitation at all. And, Wayne Morris, was then in the Senate, was insistent that if the public's money was going to be spent for C-V-P acreage limitation was going to have to apply. It's a tremendous history of just how devilish the politics have always been in this. I mean, it's really good. It's very, very good.

Storey: Who wrote it?

Doe: Oh, god, I can't think of the guy's name. He's a, Angus, Angus McDonald.¹⁷ Is that right? Angus. It's, I think it's still used in political science classes. It's out of Rutgers University. It's a series of kind of broadsheets they did on politics, resources use. But, the interesting thing about it was that not only was Wayne Morris insistent that the C-V-P be subject to acreage limitation, but the State Water Project as well, since they, and Wayne, and I think rightly so are inextricably tied, since they were joint use facilities. And he was, you know, he was going to filibuster this thing. There was no way that this was going to get done. Well, during the Kennedy administration they kind of tabled it and it went over to the

17. Angus Henry McDonald produced a number of studies regarding the Reclamation's land limitation rule. See Angus Henry McDonald, *The Shadowy Law: An Account of the Efforts to Prevent the Subversion or Repeal of the Family Farm Law*, 1982; McDonald, *One Hundred and Sixty Acres of Water; the Story of the Antimonopoly Law* (Washington, D.C.: Public Affairs Institute, 1958); McDonald, *The San Luis Reclamation Bill* (New York: McGraw-Hill, 1962).

Justice Department where Robert Kennedy was in charge of running the Justice Department. It sat there for a long time, this piece of legislation. I forget the exact details. It's been a number of years since I've read this. When it came back, miraculously, that provision of the law that required the State Water Project to be subject to acreage limitation, the same restriction as the federal project, was missing. This is a true story. (Laugh) So, the law came out. The State Water Project, even though it left the Senate, Congress, with it in there, when it came out of the Justice Department for review it was out. I guess Wayne Morris was just livid. He was (Laugh) doing pirouettes on the Senate floor. But it's, it's bipartisan, trust me. I mean, there are a number of people that have written, I think, passionately about the promise of this program and what its actually accomplished. The fellow I mentioned earlier is Paul Taylor at University of California at Berkeley.

Storey: Now . . .

Doe: He's written a lot of articles about it.

Storey: Where was, it was Senator Morris?

Doe: Uh huh. Wayne Morris.

Storey: Where is he from?

Doe: Washington.

Storey: The state of Washington?

Doe: Yeah. The state of Washington. Yeah. Yeah.

Storey: Really?

Doe: Yeah. Oh, it's just great reading. I mean, it is just great reading. (Laugh) I mean, you know, it reads like a novel. I mean, Jesus, it's a thriller. I mean, you can just, you can see these forces. I mean, it ought to be required—see, I've always believed that one of the things the Bureau needed to do was have an orientation program for everybody that came to work here. I don't care whether they worked in the mail room or they were working on the fourteenth floor. They need to have an orientation program of what this program was set up to do and what it was supposed to do, and what their responsibilities in all this were. I could go into meetings,

when they used to have the regional directors, whatever they call it, Leadership Committee, or whatever it is, I'd go to those meetings with [Commissioner] Dale [Duvall].

Those people didn't have any idea what this law was all about. Didn't have the vaguest idea. It was appalling. They've gotten to the pinnacle of success within this organization, they're responsible for hundreds of millions of dollars of the public's money, but didn't have any idea what the hell they were supposed to be doing with it. And it's even worse now, after Dan giving all these area managers all this freedom to spend the public's money. As far as I can tell, there were absolutely no controls of what they're doing. And, if you think I exaggerate just go talk to the people out there working. (Storey: Uh huh.) But, they don't know, and they'd rather not know. It puts, you know, it puts sideboards on their, you know, on the decisions they can make. Yeah. But it was, you know, they just wanted to stay away from this stuff. They could see it was a loser. It's always been a loser, and this isn't an agency that's into enforcement. They see it as enforcement, you know. They associate it with E-P-A or something. (Storey: Yeah.) What we're talking about here is the public's money, you know. How much can you give away? How much do you have a right to give away and when are you supposed to say, "no"?

Storey: Well, speaking of enforcement. After the Reclamation Reform Act was passed, then you were in the enforcement of that act, right?

Doe: Right.

Storey: And, you were the branch chief was it?

Doe: Yeah. I was the branch chief.

Storey: Did we then have to do new Rules and Regulations?

Enforcing RRA

Doe: Yeah. We finished the Rules and Regulations. We finished them in a matter of months. We actually had the law as we thought it was going to be written before it was passed. So, Vern Cooper and I started on writing it probably, he and I started working on it, I think, in about May of '82. So, by the time the act was passed in October of '82 we'd already done a lot of, a lot of work on it, and there were some changes, naturally. (Laugh) But, you know, we, the basic, the basic fingerprint was there and 960 is what came out. You know, I was really disappointed when I saw

that it was going to be 960, because all the studies we'd done had just been ignored. But, anyway, so it was done and, you know, we felt, in reading the conference report, the *Congress Minute*, when it said, "We want to limit the subsidy at 960 acres." And so, the first set of Rules that I wrote, that Vern and I wrote, they looked, I mean they put real, I mean the controls were there. And boy, I, you know, we went out to Las Vegas. I think the first meeting was in Las Vegas. Most of the meetings were in Las Vegas, because that's where Broadbent was from.

Storey: What were these meetings for?

Doe: To talk about these draft Rules. The first set of draft Rules.

Storey: This was an internal meeting?

Doe: This was a meeting between the commissioner, a couple of people on his immediate staff, Vern Cooper, myself, and lawyers for western agribusiness. That's who it was, and Gordon Nelson, who was a lobbyist for the Farm Water Alliance. The environmental interests weren't there. American taxpayers' interests weren't there, just the Bureau of Reclamation and agribusiness, and they looked at our Rules. They had all kinds of comments, they didn't like them, and we started whittling away at the concept of having real limitations on subsidies.

Storey: Who made those decisions to whittle away?

Doe: Well, I mean I was told by Bob Broadbent. I was told what to do. And, in fairness to him I must say that I think he was taking his instructions from someone else too. When the Reagan people first came in, it seemed to me that there was some feeling that a lot of these programs should be made more businesslike, but it didn't take long for them to learn that the people that were getting these program benefits had access to the White House. I know when we were writing the Rules in '86 that correspondence between Westlands and Ed Meese in the White House were constant. In fact, I think I still have some of the correspondence in my files, that I intend to use someday in writing about this. But, I mean we're talking about the highest echelons. There were people in the Reagan administration and Interior that were incensed, that were political appointees, the thought that what was going on was just an outrage, but they were overruled. I mean, these guys have power. Trust me. I told that, I tried to tell that to those guys at *60 Minutes*. I mean, they're not going to give this stuff up easily and they're willing to spend tremendous sums of money to protect the fact that they've got their hand, their arm in the federal treasury every year, and they're grabbing as much as they can get, and they're going

to protect that. (Storey: Uhm-hmm.) So, it's going to be, it's going to be a difficult fight.

But no, I mean, I don't want to paint the picture that there was no one in the Reagan administration that was opposed, because there were. I mean, there were political appointees, particularly over in the Policy Analysis Office. I mean I, you know, Rich Wahl, I used to go talk to one of the deputies over there. I mean, he was a very good guy. I mean, he thought this was just an abomination. In fact, he was ready to take it to the kitchen cabinet over in the White House over it. But somehow it all got shoved aside, because the higher up it got the closer it got to Meese, is the way I saw it, and there were, you know, there were forces in the White House that were going to support these things.

And then, when Ziegler came in, the second term of the Reagan administration, he'd been chief legal counsel for the N-W-R-A, which is nothing more than a back group of western agribusiness. And he, now he's sitting in Interior, legal counsel, and his, one of, you know, he'd been a vice president for one of the large brokerage houses in New York, and one of his, you know, he makes money off of, you know, selling bonds for agricultural development in these districts, and he's there to protect their interests. I mean, he went, you know, he tried to get me out of there. Once he tried, I think he even offered me a job, or tried to offer me a job, and wondered why I was interested in something as arcane as western water, and if I wouldn't be more interested in working on Wall Street, or something to that effect. I said, "No, I wouldn't be." It irritated him. But, he was just trying to get me out of the way, because they were afraid of what I was going to do? But, they knew they had to, they knew they had to roll me but they didn't know exactly how they were going to do it.

I remember one time a lot of the western interests refused to fill out their reporting forms, which were a condition for getting the subsidy. And, this had been going on, well hell this is in '86-'87, it had been going on five or six years and we still didn't have any reporting forms from them. The districts refused to comply. The water users refused to comply. And, it got to the point where I said, "Well, I think the only way we can satisfy this requirement and bring it to a head is just to turn off the tap." And, we'd gone on and on about, round about this. I'd gone to Ralph Tarr, who was then the solicitor, and I explained to him how important it was that we get something like this, because we're simply wasting tremendous amounts of money and any leverage we had under this law was being undermined by our inability to act in any forceful way, and he told me I was a communist, (Laugh) and that I didn't believe in due process. I said, "Jesus, it's been five years. How much

due process do we need here?”

So, we never, to this day I don't know that we've ever turned off the tap, and we go on, and on, and on wasting the public's money trying to cajole and coax these people into coming forth so they're eligible for the subsidy. But see, the responsibility's all on the government and that's the way they see it. They just take it as an entitlement program that they have all this coming and that any, any qualifications are simply in their way, and it's a big government. Now, Dale once said, "Well, you know, this is [inaudible]. We've got to deregulate." And I said, "Okay Dale, let's deregulate. I'm all for that. Let's just deregulate this whole program." He looked at me, you know, and he knew something, this was going to be cross-eyed. I said, "Dale, if you really look at this properly the way you deregulate this program is to charge them what it cost us to develop the water. I'm all for that tomorrow. Let's just tell them that we're going to sell the water at full market value, or whatever it's worth." [inaudible] (Laughter) I mean, that's deregulation, isn't it? I mean, you know, "Quit regulating us and we'll deregulate, sure. Let's just charge them what it's worth. Charge them what it cost us." That's deregulation. These guys had, no, deregulation was to let, you know, let Boswell call the shot every time. That's deregulation. (Laugh) (Storey: Uh huh.) So, the rest of us get regulated to high heaven. (Storey: Yeah.) But, Dale was good. I actually liked Dale. He sure didn't know much about western water though, but he tried. I'll give him credit. God, Ziegler hated him. (Laugh) I remember one time, I mean it got to the point—you want to see how infantile these people are. Bradley called hearings based on some information . . .

Storey: This is Senator Bill Bradley?

Doe: Yeah. He called hearings on the 1987 Rules.

Storey: And, we're talking about Jim Ziegler, the (Doe: Yeah.) the assistant secretary, right?

“Feeding Information to [Sen.] Bradley’s Staff”

Doe: So, Ziegler thought that I was feeding information to Bradley's staff, which I was, and so he told me that I had to come back to Washington. And, I brought Richard Riese [spelling?] and Don [inaudible] and I was supposed to be, I was supposed to sit there for a week and dream up every question that they could possibly ask and I was supposed to write responses so that he would have all these canned responses to all these questions. Well, what they were really trying to do was get me out of the, you know, get me almost incarcerated so I couldn't give any information to Bradley

and people on his staff. Well so, I went back there and did it, and the day before the hearing I was in Ziegler's office and he was asking me a bunch of questions about this and that, and they already knew that, you know, I had, I was totally opposed to what they had done and what they were doing, and Dale came in and Dale said . . .

END SIDE 2, TAPE 2. JULY 20, 1995.

BEGIN SIDE 1, TAPE 3. JULY 20, 1995.

Storey: Tape three of an interview by Brit Storey with Phil Doe on July 20, 1995. Go ahead.

Doe: So, Dale comes down to Ziegler and says, "Well," he said, "what time are we supposed to go to the hearing tomorrow?" And, Ziegler looked at Dale and he says, "Dale, you're not going." And, he says, "You'll just make a fool of yourself." So, this was a time that Ziegler had tried, tried to get Dale out of the Bureau. He had brought Joe Hall in and they were going to move the Commissioner's Office to Denver. That was the way he was going to get rid of Dale, because he knew Dale wouldn't move. And, Congress stopped that. But, he'd brought Joe Hall in and Joe Hall, he felt, would be the next commissioner. He'd move to Denver. Well so, the next morning Joe Hall's, he's in Washington temporarily working for Dale, and so earlier Joe Hall came down to me and said, "Well now, anything you give to Dale I want to make sure you give to me." I said, "Oh fine, if that's what Dale wants." And, but anyway the next day, to get to the point here, Joe Hall comes in and says, tells Dale, he says, "Well, I guess I, you know, I better go up to the hearing this morning." Dale looks at Joe Hall—now, these are just schoolboys, he says, "Look," he says, "I was told yesterday I couldn't go, and if I can't go you by sure as hell can't go." (Laugh) So, Joe Hall didn't get to go either. Dale wouldn't let Joe Hall go. The great pecking order. Ziegler wouldn't let Dale go and Dale wouldn't let Joe Hall go.

And so, the people who went up there were Ziegler, Dave Houston, who was then the regional director who subsequently went to work for Ziegler selling bonds in California to, you know, for development of water, water districts, and Ralph Tarr, who was the solicitor. He was the man that called me a communist. Not only called me a communist, he called me a fascist, and I think it was hyphenated. I don't think he understood political philosophy at all. But, so they went up there and Jim Hanson was still in the Senate. That was before he retired. And, they get up there and they try to explain what's going on. They don't have a clue, you know, none of them do. And, Tarr is the chief lawyer for the Department of Interior, who's trying to explain all this. And I can remember, I think it was probably still in

the record, but Tarr's trying, going on trying to explain why the trust provisions were written as they were, allowing minor children, etcetera, etcetera, to own 960 acres of land and receive the subsidy. And, Hanson listens to this, Hanson—no, not Hanson. Jim, what's his name, from Idaho? Not Hanson.

Storey: Well, there's a Church?

Doe: No. No. This is . . .

Storey: There's . . .

Doe: These are Republicans. Jim, ah, Jim? Jim? Well, anyway, Hanson's a congressman. But, I don't know. I can't remember his name right now. But, so he listens to Tarr's explanation of what the, what the trust provisions were all about and he looks at Tarr—and I'm sitting right behind, they made me sit right behind him in case there were some questions they couldn't answer and they could get the information from me—and he looks at Tarr and he says, "Solicitor," he says, "if you think that's what the law is all about, you don't understand the law." And, I can just see the red coming up the back of Tarr's neck. (Laugh) And, of course, there's, you know, huge peels of laughter throughout, and this room was just packed, you know. And, here's this Republican telling Tarr, who's the solicitor, he doesn't know what the hell the law's all about. But, I mean, the whole history of this thing was kind of that way. (Storey: Huh.) But Tarr, as chief solicitor, had been a partner in a law firm in Fresno that dealt exclusively, well dealt substantially, with the growers around Fresno and Westlands. So, I mean, here you have all this, this configuration of these special interest people actually running the program within the Department of Interior and you think that they're going to, you know, they're going to be very sincere about limiting the subsidy (Storey: Yeah.) for these large growers in California. Not on your life. Not on your life. You know, he worked for Ken, what was it, Baker, Mannock, and Jensen, or whatever the hell it is. Ken Mannock was the guy that helped write the trust agreement for the Boswell farms, Westhaven. They call them Westhaven Trust.

Storey: How do you spell Mannock?

Doe: Ah, let's see. What is it? M-A-N-N-O-C-K, I think. (Storey: Uh huh.) But I can't, you know, I've got it in my files.

Storey: Well, I'd like to keep going but I'm afraid I've kept you over (Doe: Oh, that's fine.) and I have an appointment in a few minutes.

Doe: Yeah. Well.

Storey: I'd like to ask you again whether or not you're willing for the information contained on these tapes and in the resulting transcript to be used by researchers from inside and outside Reclamation?

Doe: Sure.

Storey: Good. Thank you very much.

Doe: Okay.

END SIDE 1, TAPE 3. JULY 20, 1995.
END OF INTERVIEWS.