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#### FOR IMMEDIATE RELEASE - April 19, 2012 FOR FURTHER INFORMATION CONTACT: David Gover or John Echohawk - (303) 447-8760

# Klamath Tribes Score New Victories in Klamath Basin Water Rights Adjudication

**Boulder, CO** – An important milestone in the Klamath Tribes' effort to secure their treatyreserved water rights was reached on April 16 with Administrative Law Judge Joe L. Allen ruling in favor of quantification of the Tribes' water rights for two water sources, the Klamath River and Klamath Lake, in the amounts claimed by the Tribes and the United States, Bureau of Indian Affairs as trustee for the Tribes. The rulings were a resounding victory as they adopted, acrossthe-board, the water amounts sought by the Tribes, and confirmed, once again, that the Tribal water rights are the most senior in the Basin. The Proposed Orders add to six earlier victories achieved by the Tribes in December 2011 – for Tribal water rights in the Williamson, Sycan, Sprague, and Wood Rivers, the Klamath Marsh, and in 140 springs scattered throughout the former Klamath Reservation – and bring to a close this phase of the decades-long litigation of the Tribal rights.

Since time immemorial members of the Klamath Tribes hunted, fished, trapped, and gathered throughout their vast ancestral homeland located in and around the Klamath Basin. In their 1864 treaty with the United States, the Tribes reserved the right to continue their traditional harvest activities on the Klamath Reservation. And for the last 36 years, the Tribes have been involved in litigation to secure the water rights necessary to support fish, wildlife, and plants to allow the Tribes to exercise their treaty-reserved harvest rights.

As in the six earlier Proposed Orders, Monday's Proposed Orders confirmed the amounts of water claimed by the Tribes and the United States are the amounts necessary to establish and maintain a healthy and productive habitat for treaty species that will enable the Tribes to exercise their treaty-protected hunting, fishing, trapping, and gathering rights, and also ruled that the Tribal water rights can extend to off-reservation water sources where necessary to support the

Tribes' on-reservation harvest rights. Tribal Vice-Chairman, Don Gentry stated, "These rulings are definitely a victory for the fish and all the water dependent resources that are important to the Klamath Tribes."

At the same time, the Klamath Tribes' Negotiation Team has also been working hard on settlement negotiations regarding Klamath Basin water and related resource issues, resulting in the introduction of legislation last fall to enact the Klamath Basin Restoration Agreement (KBRA). "These rulings reconfirm the role that the KBRA can play in resolving Basin resource issues. The Tribes will continue to work with others in the Basin to determine the best path from here on," said Jeff Mitchell who leads the Team. "With the results of the adjudication process becoming more clear, now is the time for Senator Wyden and Representative Walden to join Senator Merkley in supporting KBRA legislation and press forward with Senate hearings," added Mitchell.

"This is an important step in the Adjudication, although much work remains to be done as the cases move on from here to the Oregon Water Resources Department Adjudicator and then on to the state circuit court. Meanwhile, it is a time for the Tribes to feel good about their commitment to protecting Treaty water rights and other resources," said Tribal Attorney, Bud Ullman.

Along with Klamath Water Adjudication Project attorneys Bud Ullman and Sue Noe, the Native American Rights Fund has represented the Klamath Tribes throughout the Klamath Basin Adjudication process. "NARF is honored to represent the Klamath Tribes and we are pleased for what these rulings mean to the Klamath Tribes and its citizens. This is a good time to recognize all those involved, notably NARF attorney David Gover and former NARF attorney Walter Echo-Hawk, as well as the support staff that is instrumental in these types of cases. We also appreciate our counterparts at the U.S. Department of Justice and Bureau of Indian Affairs for their tireless efforts over the years, but we are mindful that it's not over," said NARF Executive Director, John Echohawk.

For more than 41 years the Native American Rights Fund has protected the legal and sovereign rights of tribes and Native people within the American legal system. NARF is a non-profit organization headquartered in Boulder, Colorado with offices in Anchorage, Alaska, and Washington, D.C.

Native American Rights Fund 1506 Broadway Boulder, CO 8030 303-447-8760

#### **2013 International Conference**

#### Save the Date

The 2013 International Conference of Indigenous Archives, Libraries, and Museums has been set for June 10-13 in Albuquerque, New Mexico.

#### Host Hotel

Conference sessions and lodging will take place at the Hyatt Regency Tamaya Resort & Spa located on the Santa Ana Pueblo, outside of Albuquerque, New Mexico. Conference attendees will receive a negotiated room rate of \$119 a night.

#### Press: "One Google Books To Rule Them All?"

"Enter the **nonprofit alternative for bringing the world's books online for all readers**: the newly-funded Digital Public Library of America."

April 27, 2012 San Francisco, CA Registration required

DPLA West | Agenda | Register | Scholarships | Logistics

DPLA West—taking place on April 27, 2012 in San Francisco—is the second <u>major public event</u> bringing together librarians, technologists, creators, students, government leaders, and others interested in building a Digital Public Library of America. Convened by the DPLA Secretariat at the Berkman Center for Internet & Society and co-hosted by the San Francisco Public Library, the event will assemble a wide range of stakeholders in a broad, open forum to facilitate innovation, collaboration, and connections across the DPLA effort. DPLA West will also showcase the work of the interim technical development team and continue to provide opportunities for public participation in the work of the DPLA.

**<u>Registration</u>** for DPLA West is required and is free and open to all. We invite all those interested from the general public, the educational community, public and research libraries, cultural organizations, state and local government, the creative community, publishers, and private industry to join us.

#### **Carter Center Teacher Resource Center**

http://www.cartercenter.org/news/teacher\_resource

Middle school and high school lesson plans dealing with democracy, international elections, human rights, peace and global conflicts, and public health/disease eradication.

Lessons are aligned with state of George performance standards for social studies (American Government and Civics, International Economics,

United States and World History, and Geography).

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# IP (Intellectual Property) Awareness Assessment : USPTO http://www.uspto.gov/inventors/assessment

Web-based IP Awareness Assessment Tool designed to help small businesses, entrepreneurs, manufacturers, and independent inventors evaluate their knowledge of intellectual property assets. Users are linked to educational materials that meet needs identified by their answers to assessment questions.

#### Frackers Outbid Farmers for Water in Colorado Drought

Rebecca Leber, ThinkProgress: "Colorado is facing drought not seen since 2002, following the fourth-warmest and third-least-snowy winter in US history. Colorado State University scientists report that 98 percent of the state is facing these drought conditions. Colorado's hydrofracking boom - a technology that heavily relies on water - only adds additional strain as farmers and drillers bid for a scarce resource...."

Read the Article

Since 1999, average **student loan debt** has increased by a shameful 511%. In 2010, total outstanding student loan debt exceeded total outstanding credit card debt in America for the first time ever. In 2012, total outstanding student loan debt is expected to exceed \$1 trillion.

In response to this crisis, U.S. Representative Hansen Clarke of Michigan has just introduced H.R. 4170, the Student Loan Forgiveness Act of 2012, which would extend a helping hand to those struggling under massive amounts of student loan debt.

That's why I created a petition to Rep. John Kline, Chairman of the House Education and the Workplace Committee; the United States House of Representatives and Senate; and President Barack Obama on SignOn.org, which says:

Total outstanding student loan debt in America is expected to exceed \$1 TRILLION this year. Millions of hardworking, taxpaying, educated Americans are being crushed under the weight of their educational debts, while the economy continues to sputter. Support a REAL economic stimulus and jobs plan. Support the Student Loan Forgiveness Act of 2012 (H.R. 4170).

#### Will you sign the petition? Click here to add your name, and then pass it along to your friends: http://www.moveon.org/r?r=272847&id=39566-1227130-UA2jCKx&t=2 Thanks! –Robert Applebaum

### **IMLS Updates**

#### Call for Applications: Learning Labs in Libraries and Museums

IIMLS is accepting applications in the Learning Labs in Libraries and Museums grant program, with a deadline of June 15, 2012. <u>Read More</u>

#### New Multimedia Tools Help Museums, Libraries Support 21st Century Skills

IMLS has made new resources available to museums and libraries looking to build 21st century skills in their communities. Read More Sign up for Let's Move! Museums & Gardens Your museum or garden can answer First Lady Michelle Obama's call and join a high visibility national initiative that has the capacity to change children's lives. Sign up at www.imls.gov/letsmove.

To learn more about the interactive exhibits, afterschool and other programs and food service offered by *Let's Move! Museum and Gardens* see this month's report (PDF, 105KB)

#### IMLS on YouTube: Pratt Museum Explores the Science, Art, and Culture of Kachemak Bay

On the IMLS YouTube Channel, the Pratt Museum in Homer Alaska describes its Museums for America project, The Kachemak Bay: An Exploration of People and Place. <u>Read More</u>

#### StoryCorps Captures the Transformation of Libraries and Their Impact on Communities

The StoryCorps blog offers a behind-the-scenes look at two National Medal for Museum and Library Service winners: the San Jose Public Library and Weippe Public Library and Discovery Center. <u>Read More</u> Libraries and the Future of Our Democracy After hearing a speech by the founder of AmericaSpeaks at the LSTA Grants to States conference, IMLS Senior Program Officer James Lonergan reflects on the role of libraries in preserving and reinvigorating democracy. <u>Read More</u>

#### **Museums and Libraries Are Promising Venues For Behavior Change**

Chris Beakey of Ogilvy Public Relations explores the value of museums and libraries in promoting healthy behaviors. <u>Read More</u>

## April Director's Message from the <u>UpNext Blog</u>: Museums and Libraries Can Promote 21st Century Skills

Since our *Museums*, *Libraries and 21st Century Skills* initiative was launched in 2009 we have been inspired by the stories of many libraries and museums that are taking action to become 21st century institutions. They are "embedded" in their communities providing opportunities for individuals and organizations to co-create and co-deliver audience-centered learning experiences across the entire community. With the recognition that learning happens throughout the lifetime and that in fact MOST learning happens outside of the formal classroom setting, our libraries and museums are powerhouses that have a true stake in sparking countless opportunities for learning new skills.

One of the first IMLS events I attended as Director was a 21st Century Skills workshop in Detroit, Michigan. Along with library and museum representatives the room was full of community leaders with diverse roles, from economic development, education, and health care to corporate and charitable foundations. Together they recalled their most powerful learning experiences and imagined the skills that workers of the future will need for success: collaboration, creativity, communication and civic engagement, were among them. The conversation was animated and forward-looking and soon the group was forming new alliances and partnerships to address some of the community's most vexing problems.

Just this week we released new multimedia resources that can help libraries and museums work within their institutions and throughout their communities to learn why 21st century skills are so important and to re-imagine how to use their digital and physical learning spaces to create learner-centered relevant programs and services.

I encourage you to take leadership in your own community and visit our new <u>Museums</u>, <u>Libraries and 21st Century Skills</u> website to download the report, take the self-assessment, read the latest research, watch videos and hear first-hand stories of success. There are also powerful tools you can use to create your own community workshops. These resources have been developed together with hundreds of library and museum professionals. So, dig in and let us know how your institution is thinking about the future in new ways.

-Susan Hildreth, Director, IMLS

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# Make an Earth Day Pledge and You Could Win a Mountain Escape

John Muir believed that if he took people outdoors, they'd fall in love with our country's wild places and be moved to protect them.

<u>Take the pledge to spend more time outside and you will be entered to win a Sierra Club Outings</u> <u>trip</u> to Washington's rugged North Cascades, where you'll visit breathtaking gorges, stunning lakes and waterfalls, and view spectacular mountain vistas.

The winner will receive two round-trip plane tickets to Seattle, seven nights' accommodation, most meals, and two premium Borealis backpacks from The North Face. Enter by May 4.

Allegra Print and Marketing is pleased to announce the start of our annual Footprint Fund, which provides free printing and marketing to help enhance the image, expand services, and extend printing budgets for local non-profits and charitable organizations. Please contact Debra or Mary (829-7768) to request an application.

#### Frackers Outbid Farmers for Water in Colorado Drought

# The first Earth DayBy Dennis Myersdennism@newsreview.com04.19.12

A big Nevada employer took a beating in 1970.

It wasn't actually just a day. It was two. Some cities marked the first Earth Day on March 21, 1970, others the next day.

The second day of the occasion happened to fall on Lenin's birthday, which prompted a few folks on the fringe, such as the Daughters of the American Revolution and Georgia comptroller general James Bentley (running for governor) to call it a communist event.

Among less loony figures, there was an effort to use this activist moment to push off in the right direction, to give guidance to a movement that—thanks to environmental disasters like the Santa Barbara oil spill the previous year—was rising fast.

#### **EVERYONE'S FOR IT**

There was concern, even among Earth Day leaders and participants, that the new environmental movement would become a safe form of activism that would allow the middle class to be involved in non-controversial issues and thus avoid other, tougher issues. "Conservatives were for it," New York Times reporter Nan Robertson wrote. "Liberals were for it. Democrats, Republicans and independents were for it. So were the ins, the outs, the executive and legislative branches of government. It was Earth Day, and like Mother's Day, no man in public office could be against it." (Sexist language was still in vogue.) The Times' Joseph Lelyveld reported on New York City's observances, "If the environment had any enemies, they did not make themselves known. Political leaders, governmental departments and corporations hastened to line up in the ranks of those yearning for a clean, quiet, fume-free city."

To many Earth Day leaders who saw ecology linked with other issues, that kind of universal acceptance was a lure and a snare. They tried to warn against letting environmentalism slip into becoming a warm, fuzzy issue with all the edges filed off to smoothness or slickness. And even environmentalists wanted the movement kept in perspective alongside other equally or more pressing issues.

In an editorial, the Times asked, "Is the sudden concern for the environment merely another 'nice, good middle-class issue,' as one organizer put it, conveniently timed to divert the nation's attention from such pressing problems as the spreading war in Indochina and intractable social injustice at home?"

At an Earth Day event at the Sylvan Theatre on the grounds of the Washington Monument, renowned journalist I.F. Stone gave it to his audience with the bark off:

"In the ancient world the Caesars did it with bread and circuses. And tonight, I'm afraid, is the first time that our Caesars have learned to do it with rock and roll and idealism and noninflammatory issues. In some ways, I'm sorry to say, we here tonight are being conned. This has many of the aspects of a beautiful snow job. The country is slipping into a wider war in southeast Asia, and we're talking about litterbugs. ... The divisions of white and black in this country are getting to the point where they threaten our future, and we're talking about pollution. ... We are spending, on new weapons systems alone, more than 10 times as much, in this coming fiscal year, in the Nixon budget, than we're going to spend on air and water. We're spending a billion dollars more a year on space than all our expenditure on natural resources. The priorities of this government are lunatic—absolutely lunatic. And we're not going to save the air we breathe and the water we drink without very many fundamental changes in governmental policy and governmental structure."

At New York City's Bryant Park, Kurt Vonnegut had a similar message:

"I have no idea which sporting event the president is watching this time of day. [During a national antiwar protest the previous year, President Nixon affected unconcern by putting out the word that he would be watching football during the protests.] I tell you this, that if we don't get our president's attention, this planet may soon die. ... He has our money and he has our power. ... He should help us make a fit place for human beings to live. Will he do it? No. So the war will go on. Meanwhile, we go up and down Fifth Avenue picking up trash."

Stone later wrote that the pollution problem was real, "but it cannot be solved in isolation."

One of the dangers of the motherhood factor was that it could mean that when it came time for hard truths, naming names, and opposing money and power, those in the movement who were unaccustomed to tough fights for issues would falter. In Madison, Wis., Earth Day founder Gaylord Nelson said, "An environment without ugliness, without ghettos, without discrimination, without hunger, without poverty, without war ... will require some tough decisions—political, economic, and social decisions that I am not certain the majority of people in this country support. In terms of dollars it will not cost a mere two or three billion, but a commitment of \$25-30 billion a year [\$139 billion to \$167 billion in 2010 dollars], and soon thereafter a commitment of \$45-50 billion a year."

At New York University, anthropologist Margaret Mead suggested there was already reason to doubt the wisdom of relying on the middle class: "The middle class have gone away to the suburbs. It's the poor who are affected."

Nobel biologist George Wald said in a speech at Harvard, "The environment has been called a motherhood issue. Everybody's for motherhood, though one can get even too much of that. And it's easy to hold eloquent speeches about it, but there comes the point at which one has to decide what to do. And then one finds that one is encountering very powerful forces, both powerful and sensitive."

#### 'They are all interrelated'

One of the reasons for the motherhood concern, Earth Day leaders said, was that the environment was interconnected with other issues that were not so bland and did not enjoy the same universal appeal. Those who saw ecology standing on its own were told repeatedly that it did not. Major figures warned that being *for* something, like clean air or water, was not enough. Activists, they said, needed to get into other issues that seem unrelated but actually deny funding for environmental programs, such as military spending, or that contribute to a poor environment.

"And I think this environmental concern now that brings us here tonight, and our concern with the war, and our concern with the draft, and our concern with the militarization of the country, and our concern with Pentagonism—they are all interrelated," Wald said.

There was in 1970 a plainly evident exhibit of the way the environment was linked with other issues. The nation was still at war in Vietnam. A massive U.S. herbicide program to destroy forest cover had sharply reduced Vietnamese harvests, destroyed wide swaths of forest, made seeds infertile, threatened the food supply. Agent Orange inflicted horrible effects on both its targets and its distributors. Bomb craters littered the land and unexploded bombs took (and take) their toll. The U.S. used aviation fuel on vast tracts of soil to make it unfarmable in areas where Vietnamese insurgents dominated.

Referring to his estimate of the amount needed for environmental spending, Nelson said, "Twenty-five to \$30 billion sounds like a lot of money. It is. It is equal to the amount we are wasting on a mistaken enterprise in Vietnam right now."

There were examples closer to home. At the State University of New York in Buffalo, former Robert Kennedy aide Adam Walinsky said, "Black children in Harlem eat lead paint as it flaked off tenement walls. ... Farm workers are exposed to pesticides that are the commercial counterpart of nerve gas." At a separate appearance at Columbia University, Walinsky chastised the environmental movement for ignoring industrial workers, the poor, and the Vietnam war.

In speeches at several colleges, U.S. Sen. Clifford Case—a New Jersey Republican—said, "What have justice and freedom have to do with the environment? The answer is: everything. At least, that's the answer for me."

In Civic Center Plaza, Amalgamated Meatcutters Chicago vice president Charles Hayes said, "The steelworkers have been living under the belching smokestacks of the steel mills. ... The packinghouse workers have been breathing in the stench of rendering plants. ... It is small comfort to breathe clean air while you slowly starve to death. ... Our nation has been spending \$30 billion a year to inflict death and defoliation on a small Asian nation. At the same time, our national administration's major new contribution to the preservation of life on this continent is the offer of \$4 billion, spread over five years, for a better sewer system."

In another context, Robert Kennedy had said, "We must grab the web whole." It was one of the messages of the 1970 Earth Days.

#### **Public relations and preemption**

But there were the first stirrings of a safe environmentalism that threatened no one. There was concern that the corporate world would preempt the movement, and plenty of evidence that it was already doing it. For one thing, there were early indications of the way business would manipulate Earth Day for its own purposes, robbing the movement of its verve and daring. Speakers, including businesspeople, said environmentalists needed to resist corporations that wanted to partner with the movement only for their own ends and had to get good fast at countering myths created by corporate public relations.

Investment banker Dan Lufkin, building business support for the movement, spoke to a utility organization executive about plans for Earth Day. The executive told him "Oh, our members will participate—definitely—some may even give a nice lunch, a tour of the plant, and perhaps a ride in an electric car."

"Nor do they deserve to be let off too lightly," Lufkin told an Earth Day audience at Harvard Business School. "To suppose that Earth Day is an incident best handled by the public relations department is the surest evidence of the corporate shortsightedness which has led us to a need for Earth Day in the first place. ... In all areas, and in all forms, quality of life must weigh equally with Adam Smith's market mechanism in the allocation of resources. Does this mean the death of the profit system and of free enterprise capitalism? In a thousand speeches before a thousand Rotary clubs, it perhaps will."

One of the green issues of that time was soft drink bottles. At Kearney State College in Nebraska, Cornell ecology professor Lamont Cole said, "Our decision here is that we make all of our decisions on the basis of short-term economic considerations. Today we are seeing the nodeposit, no-return bottle. In fact, in the town where I live all the grocery stores have put up signs that they won't accept any deposit bottles. Statistics show that a deposit bottle makes an average of 20 round trips, so by this one move, we are increasing this particular solid-waste disposal problem by a factor of 20."

At Las Vegas High School for Earth Day, a sign read, "EARTH ISN'T NO DEPOSIT NO RETURN."

In Washington, at a time when state governments were considering laws to require banning nodeposit bottles and requiring returnables, Pepsi Cola marketer James Anderson advised local bottlers to get involved in Earth Day activities: "By doing so, you will win many friends and influence those people who might otherwise attempt to push through legislation banning nonreturnables."

U.S. Sen. James Pearson, a Kansas Republican and an Earth Day supporter—there were still moderate Republicans then—told a Kansas audience by telephone to get ready for some rough battles. "I want to warn that antipollution is not what we politicians call a 'warm puppy' issue, one that if we pass enough laws, spend enough money and have a good heart, happiness is assured and soon America will be beautiful again. Antipollution means that someone will be hurt. Profits must be cut, comforts reduced, taxes raised, sacrifices endured. And, as in all human struggles, the powerful will fight the hardest to hurt the least."

"And that's the hang-up," Wald said. "It's the American, not as man and woman, but as consumer. The primary duty of every good American is to consume his share. That's why most of my generation are so incensed with the hippie style. The hippies have some trouble, but most of them are their own private business. But there's one trouble with hippies that cuts at the roots of American life—*they don't consume enough*. Not enough clothes, not enough haircuts, not enough expensive food, not enough high rental properties. And that's the hang-up."

#### Today

It would be nice to be able to report that those guidelines were taken to heart and helped steer the movement thereafter. There were encouraging signs of interconnected issues. Six days after the first Earth Day, the United Auto Workers announced that it would "raise this issue [pollution] sharply" in collective bargaining with the auto manufacturers because workers had a stake in "unchecked pollution by the auto and related industries."

But in another demonstration of issue linkage, while the 1970 Earth Days were being held, President Nixon was planning to widen the war and eight days after the observances, he did it. U.S. forces invaded Cambodia on April 30. The environmental devastation spread as U.S. bombers pounded the new theatre of war.

The Cambodia invasion was more typical than the UAW move of the movement's future. Successful linkage has been rare.

When the first Bush administration was revving up for war over Kuwait, the environmental component was not a part of the public discussion over whether to go to war, though the ecological consequences were foreseeable. Depleted uranium weapons were used by the United States in the war. Two years later, U.S. Sen. Donald Riegle of Michigan issued a report on the

health of veterans of the Kuwait war that concluded that biological and chemical weapons used against U.S. troops originated with biological agents supplied to Iraq by the United States.

Just weeks after the war ended, a United Nations team found that bombing of Iraq during the Kuwait war had left Iraq in a "near-apocalyptic" state facing famine and disease, undercutting U.S. claims in 2003 that Iraq had recovered enough to develop weapons of mass destruction: "Now, most means of modern life support [in Iraq] have been destroyed or rendered tenuous. Iraq has, for some time to come, been relegated to a pre-industrial age, but with all the disabilities of post-industrial dependency on an intensive use of energy and technology."

It goes the other way, too. Just as the environmental factor in other issues is ignored, so other issues are seldom called into play when environmental initiatives are launched.

There are those, including some of us at this newspaper, who believe that buying local grocery produce helps to reduce the impact on the environment of long distance shipping.

But as that movement spread, the environment was considered in isolation. No one asked questions about the economic fairness. The United States spent decades making Latin American nations—and thus their workers—dependent on the U.S. produce market, sometimes using military force and invasions to enforce privileges claimed by U.S. produce corporations. Does a large nation have the right to hook other nations on sales and then withdraw its market from people who in some cases live at subsistence levels?

More to the point, why have those questions not been raised as part of the equation, instead of promoting localism in isolation from all other considerations?

Environmentalists never got very good at making their cases in the face of corporate P.R., nor at exposing the myths the corporate world created—nor at avoiding partnerships with undeserving industries. Industries that put on green faces are among those that fund rent-a-scientists who create doubt about climate change.

Then there is the preemption of the good will of environmentalism by business. Earth Day sales, Earth Day products, Earth Day coupons are sometimes the principal contact many people have with environmentalism.

Had the web been grabbed whole, the impact would have been greater and the slickness less.

For more information on how corporations and scientists they fund have created doubt about climate change, acid rain, tobacco and the hole in the ozone layer, see Merchants of Doubt by Naomi Oreskes and Erik Conway.

#### Related stories this week:

Earth Day events <u>A calendar of Earth Day events in Northern Nevada</u>.