

The Environmental Bi-Weekly

High Country News



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Lander, Wyoming

Friday, September 14, 1973

The face and character of our country are determined by what we do with America and its resources.

Thomas Jefferson



Photo by Lynne Bama

The face of the land is being changed because too many look upon it as a marketable commodity, rather than the base which supplies our food and sustains us. Speculation in

second-home development sites such as this area west of Cody, Wyoming, concerns county officials across the West. These lands support not only a ranching base but the foothills beyond are important as elk and bighorn sheep winter range.

Our Land Is Finite . . .

Nixon

Viewed in historical perspective, the disruption of our western landscape by second home (or recreational home) developments may be of far greater importance than any other factor. This would have to include all the far-reaching implications of strip mining for coal, oil shale and uranium.

(Continued on page 4)

HIGH COUNTRY

By Tom Bell

Population growth poses an urgent problem of global dimensions. If the United States is to have an effective voice in world population policies, it must demonstrate willingness to face its own population problems at home.

Richard M. Nixon
Address to the Congress
August, 1970

It must be apparent to almost everyone, in these days of shortages, that something is wrong. And the answer shouldn't be too difficult to determine. There are too many of us making too many demands on the finite resources of a small planet.

The argument goes on as to whether we really are crowded or not. Some demographers say the world's population could double and then double again, to some 14 billion bodies. But at what price our humanness and that illusive state known as the "quality of life."

From the moment of birth, the human being is a creature of comfort, of self satisfaction, and of high expectation. We come into the world crying for attention and we never relent. In those societies, such as our own for the most part, our egos, our whims, and our fancies are spoon fed. And instead of being satisfied, our expectations rise to an ever higher degree. We have even coined a term for it -- keeping up with the Jones'. Only among such small minority groups as the Amish is the natural greed and selfishness sublimated into the needs of the groups.

Our capitalistic system is a natural to feed the ego of the individual and foster the philosophy of society itself that every demand must be met. Full page ads in every newspaper and magazine attest to that. Advertising on TV ranges from animated cartoons for the kiddies to Joe Namath and a sexy blonde for the more sophisticated. Congress resting on top of Ford billboards give each of us that wild feeling of power when we take to that jungle on the freeways. There is no expectation too high that cannot be fulfilled by any ambitious man or woman who wants to get out and hustle, hustle, hustle!

We have been fed the lie for so long that we sit in raging frustration at the empty gasoline pump. Or seeth inwardly that we are denied the T-bone steaks which are no longer in the meat counter. And still we are fed the false hope that it is only temporary -- tomorrow, or next year, we will have more than ever.

The philosophy of growth, to provide ever more things for ever more people, is a powerful and persuasive one. There has never before in the history of man been a time when there were no new worlds to conquer. Man can go into space but only at the ever increasing costs of the ever decreasing energy resource base.

Sooner or later man is going to have to face two awesome realities. Those realities are that we are going to have to limit our population, and we are going to have to limit our demands upon the resources of the earth. To mention either is to border on heresy.

Wyoming is a microcosm of the earth. And yet it is not, for Wyoming must now help furnish energy resources on a magnitude undreamed of only a few short years ago.

Today, controversy rages over the two realities of growth -- population and resources. The state abortion law has just been struck down. But abhorrent as that practice may be, we are still not willing to face the fact that abortion must be considered one alternative (albeit least desirable) of population control.

A hearing in Jackson Hole on enlarging the airport to accommodate jets is a classic example of the growth-no growth philosophy. Those who advocate taking more park land to build a longer runway do not consider how much more resource can be exploited before it is ruined. They are interested only in how many people can be crowded into the valley to spend how many dollars.

It will be interesting to see how both issues are resolved in the years ahead. The authors of *Limits to Growth*, Jella H. and Dennis L. Meadows, have written, "... by relying on the false promise of growth, social institutions are able to delay facing the very important and difficult tasks of redistributing wealth and of defining social goals."



Letters

Dear Sir:

I have just had two experiences which have prompted me to write to you.

The first, I have just returned from a week-long backpacking and fishing trip to Cliff and High Meadow Lakes in the Popo Agie Primitive Area of the Shoshone National Forest. I have never enjoyed a camping trip so much in my life! The grandeur and rough majestic beauty of the Wind River Range made a lasting impression on me and my four companions. Although all of us were novice backpackers the experience was a great one for us.

To a man, each was startled to see what those before had done to make their mark in this primitive wilderness. One can't help but notice the rusting Muriel Cigar can glaring from the rocky bottom of Cliff Lake, or the rusty discarded sardine can from a long abandoned campsite on the East shore of High Meadow Lake. All this made each of us aware of our own presence and to be conscious that we did nothing to spoil the area for those who would follow us into this area.

We all marveled at the sights we saw as we drove to Lander. From the Snowy Range, Split Rock, the red plains, the approximately 500 antelope we saw, to the mountain range behind Lander, the drive from Laramie through Rawlins to Lander was exciting and beautiful.

The second experience occurred this morning as I enjoyed my morning coffee. I read my new copy of *Audubon* and read the feature on the rape of Wyoming by mining and power companies. Then I read with interest the article about your paper, *High Country News* and the interview with you. As I read your statements I recognized some of the areas as ones I had seen, driven through, or located on the map. I just can't stand the thought of this area being ruined by commercial interests. My two young sons and millions of others of their generation have yet to experience seeing and walking through this vast area of "Big, Wonderful, Wyoming."

I sympathize with you and what you are trying to accomplish through your publication. If enough people have your courage and foresight we may be able to save enough "worthless wilderness" so that our children and grandchildren may be able to experience the joys that I just experienced by walking through a wilderness unspoiled by lumbering,

oil derricks, or strip mining pits.

Sincerely Yours,
Ron Barkley
High School Biology Teacher
Goodland, Kansas

* * *

Dear Mr. Bell,

I became an immediate admirer of yours after reading the article about you in the latest issue of *Audubon*. I am a transplanted Southwesterner currently languishing in the East and our family recently visited Wyoming, where we stayed at a guest lodge near Pinedale. We took an immediate liking to the people there and of course were thrilled by the near-pristine state of the Bridger Wilderness, where we did some hiking and fishing. We were also impressed by the bountiful creativeness -- in terms of artwork and handicrafts (some of it ingenious) -- of the native residents. I'm not speaking of the Indians, for unfortunately we saw little evidence of them west of the Divide and did not have time to get over to the Wind River Reservation.

My admiration for you stems partly from the fact that I am a former newspaperman and can appreciate the difficulties you have undergone, and partly from the realization that you are intensely involved in a very large and continuing story that is vital to the West. The whole idea of uprooting large amounts of terrain, draining the rivers and ruining the air so somebody in Seattle can operate his electric toothbrush makes me fighting mad. I am enclosing a check for \$10 for a year's subscription to help you keep up the battle against what I see as *The Rape of the West*.

Sincerely,
Thomas A. Dau
New York, NY

* * *

Dear Mr. Bell:

Enclosed is my check for \$10 for my subscription to *High Country News*. I read about this in the *Audubon Magazine* for July, 1973.

Please accept my hearty congratulations and enthusiastic encouragement of your good work. I was born in Thermopolis, raised in the Copper

Editorial



The Two Faces of EPA

During this past summer we have witnessed the split personality of the Environmental Protection Agency (EPA). The occasion for the duality is enforcement of the Clean Air Act. The agency reaction to the law has varied from strict enforcement to outright subversion. Gladwin Hill, writing for *The Denver Post* and *The New York Times*, aptly described the clean air campaign as having "taken on some aspects of soap opera, with dire and sometimes implausible exigencies materializing almost by the day."

The first face we saw this summer was a serious one. EPA required the states to draw up plans to control transportation and complex air pollution source development for major population centers. This was in compliance with the



Mountains, went to school in Shoshoni, where my parents still live, and am deeply concerned about strip mining and the devastation it will certainly create in this beloved Wyoming countryside.

If you have not enlisted the help of my good friend, Rollio Cox, who teaches high school in Lander, I would urge you to do so. He is a live wire, and certainly most desirous of preserving this primitive country.

Best wishes. Keep up the good work, and "hurry up with my copy of *High Country News*."

Sincerely yours,
C. F. Humphreys, M.D.
Oakland, CA

Editor's note: We are most grateful to **Audubon** for the article referred to in the preceding letters. And we are equally grateful for the letters which have come to us, eloquently expressing the feelings not only of themselves but many others. Our deepest appreciation and heart-felt thanks.

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Clean Air Act. When cities refused to react or produced only half-hearted attempts, EPA stepped in.

When EPA put its foot down, it did so as if it was intentionally clumsy. EPA told Los Angeles it must cut traffic by 80 per cent to meet Clean Air deadlines. New Jersey was told it may have to reduce its northern-metropolitan traffic as much as 60 per cent. Gasoline rationing, declared EPA, answers problems it sees around Denver. In Salt Lake City, part of EPA's solution was a ban on on-street parking during rush hour traffic. If a city did not comply, a threat of jailing its mayor was put forth.

Reactions varied from "incredulous protest" to "outraged defiance." Only the occasional conservationist spoke in favor of these outright attacks on a car-oriented lifestyle. Utah Gov. Calvin Rampton called it unconstitutional and vowed a fight in the courts. An editorial in Phoenix's *Arizona Republic* stated "... EPA's crackdown is typical of the instant happiness route which stoically ignores hardship on citizens, basic tenets of human freedom and the absence of technological reality."

EPA had hit the public where it hurt. Right in the gas tanks of their Chevrolets. The opposition was almost unanimous. Almost too unanimous. In Salt Lake City, a standing-room-only crowd of 1,200 "broke into frequent applause during attacks" on EPA.

It was as uneventful as a fixed fight. In fact, maybe it was just that.

EPA complied with the law. There is no question about that. The reception was anticipated and on cue. As applaudable as these efforts were to staunch supporters of clean air, there was some fear that EPA was not wholeheartedly behind their plans. Gladwin Hill cites candid EPA acknowledgements that many of the proposals were of doubtful practicality.

Perhaps EPA was not looking for a winner,

they were looking for a loser that would lend support to their ultimate position. EPA may be trying to tell Congress that the Clean Air Act needs revision, particularly in terms of time deadlines.

Enter the second face of EPA. Still serious. But this one is genuine and not part of what Gladwin Hill called the earlier "unusual government charade."

Under the Clean Air Act, EPA is required to "protect and enhance" the quality of air resources in the country. This has been interpreted by the courts to mean that EPA must prevent "significant deterioration" of air that is cleaner than national secondary standards. EPA maintained that all air could be degraded to secondary standards. A running battle between EPA and the Sierra Club went through the entire judicial process until even the Supreme Court upheld that EPA must prevent "significant deterioration of existing air quality in any portion of any state."

EPA met this challenge to protect clean air in a bizarre fashion. Rather than producing another "outrageous" plan to meet the letter of the law, they produced four possible plans, none of which guarantee the prevention of significant deterioration. Declaring that every American "has the right to expect to be able to participate in the economic growth of this country," EPA came on more like the Chamber of Commerce than the protector of our national environment.

At the hearings on the four proposals, EPA came out shining. Any industry testifying could pick the plan that let him pollute the most. Only the outraged citizens concerned about our remaining clean air made any noise. These opponents were very few since EPA made it clear earlier in the summer that the alternative was to take away the public's smog machines.

Now EPA is a popular agency. Everyone is happy. Yes? No! The Clean Air Act has been violated. We are faced with a plan to grey America's skies from sea to shining sea. Dirty air is not a necessary evil. We must not look at our present effluent society to measure what the possibilities of the future might be.

Has the real EPA stood up? BH

Guest Editorial



Reprinted from THE IDAHO STATESMAN, July 9, 1973.

No Time to Bury One's Head

The specter of violation of states rights has been raised in the passage by the U.S. Senate of the National Land Use Policy and Planning Assistance Act.

Former Idahoan John A. Carver Jr. told the Idaho Mining Association the bill "overrides state constitutional rights."

It is just another case in which the states have not acted and have shown no desire to act. Without the move toward land use planning legislation at the federal level the last few years, it is doubtful if any state would have got into the acts.

A few states have written their own land use planning laws. The last two Idaho Legislatures gave the subject only cursory examination. But an interim committee now is at work on the issue and with the push from the federal level, the next legislature ought to get the job done.

The act passed by the Senate authorizes grants totaling \$100 million to the states to

assist them in drafting their own "statewide land use planning processes" and "state land use programs."

It is quite true that although the states would be allowed to develop their own programs, the Senate bill provides specific federal guidelines. The measure passed the Senate, 64 to 21, with both Sens. Frank Church and James A. McClure in support of it. The House has yet to act on the legislation.

Legislation proposed in the last session of the Idaho Legislature contemplated as much local control as possible, but did not authorize creation of "areas of concern" where land use planning and zoning would be the province of the state. Land use planning connotes zoning, which is necessary for proper land use, but also raises controversies.

It behooves Idaho to write the best possible land use planning law. Land use planning in Idaho is imperative. This is no time to bury one's head in the issue of states rights.

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Our Land...

Minerals are only where you find them. Any beautiful mountain valley in private ownership (and even some in public) is fair game to the fast-buck developer. Across the West today, there is not the vaguest idea of how much total land area is under sub-division or second-home development, or how much land is held for speculative purposes in the second-home market. But county authorities almost everywhere can tell you there is far more than the general public has knowledge of. Certainly, it is on such a scale that it has become one of the major concerns of county and local officials.

MUSSELSHELL COUNTY

One such official is Claude Fletcher, County Clerk of Musselshell County, Montana. There, he estimates one-twentieth of the county may be facing subdivision into small acreages. So far only 1,000-2,000 acres have been sold off into 20-acre tracts. But he estimates Reforestation, Inc., a sub-divider from Spokane, Washington, may hold as much as 10,000 acres. Timber Tracts, Inc., a local group, may hold 5,000-6,000 acres. Fletcher has no way of knowing the total number of tracts actually sold. Under present Montana law, tracts of more than 10 acres which are square or rectangular and can be fairly accurately described as a part of a larger tract do not even have to be surveyed before being sold to some willing sucker. Neither does anything more than common access have to be assured to the buyer. There is no guarantee of roads, water, sewer, or other services. The developer has bought land in Musselshell County for around \$35-\$40 an acre, then turns around and sells it for \$4,000 an acre. The sale of tracts does not have to be recorded as long as the developer holds a long-term sales contract.

In the State of Washington, Okanogan County, northeast of Seattle and north of Grand Coulee Dam has a virtual land boom underway. There, 25,000 acres a year are being carved into 20-acre tracts. Washington State also does not require registration of tracts larger than five acres.

LAND RACKETS

The second-home, or recreational-home developments, are for the most part lucrative, modern-day land rackets. It has been common knowledge in business and financial circles that real estate investments constituted one of the most profitable in the American scheme of things. Land is basic to all real estate. Land which can be obtained relatively cheaply can be turned for a handsome profit when converted to "the little dream-house in the West."

It comes as no surprise that rural sub-division developers approach county officials with glowing accounts of increased tax revenues from all the new property which goes on the tax rolls. And of course local chambers of commerce and local merchants have visions of many more patrons and customers.

A Nader Report (*Power and Land in California: The Ralph Nader Task Force Report on Land Use in the State of California*, Center for the Study of Responsive Law, 1971) describes the process. The report says, "Once the options are all in for the purchase of the land, the developer then moves into more serious planning and preparations, investing in necessary preliminary engineering, drawing of maps, borrowing of money, and preparing the local community. First, there are discreet enquiries as to whether the local business community wants such a development, usually coupled with glowing goldmine estimates of the trade that will accrue to them. Then comes the assault on the local planning commission or



Approximately one out of six acres per square mile of the typical mountain subdivision will be occupied by roads and structures once it is fully developed. . . Nader Report. Above, development near Steamboat Springs, Colorado.

board of supervisors."

The process is so new that local authorities are literally overwhelmed. They usually have little or no expertise in land planning; and usually no one they can turn to -- except the "experts" hired by the developers. However, more and more counties are hiring land planners and have active land planning commissions. Some areas even have regional planning groups. The Regional Planning Association of Western Montana covers a nine-county area tied together by geography and problems.

More planning, plus better laws and regulations can come none too soon. The Department of Housing and Urban Development says that since 1963, the value of land bought sight unseen by the public has gone from an estimated \$500 million to a present \$6 billion. HUD says much of this land was sold through deceptive sales practices. Brochures claim that in the idyllic setting nothing will be changed. Buyers have found themselves stuck with a piece of swamp or steep hillside. Buyers of ranchettes in Wyoming's Red Desert find they are many miles from a paved road, or a utility pole. Buyers usually wind up getting swindled when they sign a contract promising improvements that will increase the land's already inflated value.

In Marble, Colorado, buyers were lured by promises of a large scale ski development which has never materialized.

NO BOON

Neither is it all roses for the county in which these boons to the economy are located. Nader's report found in one northern California county that "there is a 28 percent delinquency rate in tax payments coupled with a \$2 million bill for repairs on roads, drainage, sewage, etc., installed by the promoters to be paid by county tax payers."

Argus (Seattle, Washington, Feb. 16, 1973) says of the Okanogan County situation, "Nor do the taxes help the county, says planner Art Olson. One recent subdivision of 2,800 acres jumped taxes from \$10,000 to \$327,000, says Olson. It's no bargain: the road department now loses \$3,400 a year servicing the new subdivision; the sheriff's office \$4,500, and it costs \$2,136 to run a school bus out there to pick

up nine children each day."

The *Argus* article says, "The Okanogan is a classic instance of bad planning resulting in a loss for almost everyone -- except the developers. The purchasers of the lots do not learn that they do not acquire grazing rights; later they discover they are deterred from putting up fences or building. The cattle industry is driven out by the taxes. The county is put through ruinous costs. And the land usually returns a poor investment, since most of the profit has been taken out by the developer."

The loss usually isn't confined just to the economics of the county tax base. Environmental consequences can lead to other economic, as well as ecological losses. Nader's report says, "Erosion and siltation of streams is a serious problem. In Nevada County (California), an estimated 160 miles of streams (37 percent of the stream mileage in the county) has already been damaged by siltation, stream bank alterations and domestic waste discharge. . . In addition, five major reservoirs within the county have been degraded by turbid waters from development run-off. At Lake Tahoe, erosion from subdivision roads is the biggest source of sediment discharge into the lake (48 percent). Such roads produce average annual sediment discharge into the streams ranging from 40 to 165 cubic yards of material per mile. One result is the reduction of stream flow to water supply needs. Poor design of mountain roads is responsible for much of the erosion. Approximately one out of six acres per square mile of the typical mountain subdivision will be occupied by roads and structures once it is fully developed. This results in double or triple the normal peak run-off following a heavy rainstorm which in turn results in great amounts of bank erosion, channel scouring and consequent damage to fish habitat. . . Erosion may increase from as little as 50 tons to as much as 50,000 tons per square mile."

WILDLIFE LOST

Mountain subdivisions which lie along the lower slopes and in the lower valleys are often placed squarely on big game winter range, or athwart a critical migration route from summer range to winter range. The problem is acute

... Is Finite

in such areas as the Gore Creek Valley in Colorado, where Vail is located. A large and once healthy deer herd is on the way out. Elk and bighorn sheep which once used the valley have long since removed themselves from the scene.

On the mountain above Dubois, Wyoming, the threat of a subdivision was averted when the Game and Fish Department and a unanimous private donor paid nearly a quarter of a million dollars to buy the land. The subdivision, replete with dogs, would have been on one of the very important segments of winter range for one of the nation's largest bighorn sheep herds.

REACTION SETS IN

County officials and county planners throughout the West are slowly reacting to the planned disasters pushed on them by developers. Many are bewildered, most are nonplussed by the magnitude of the developments and the speed with which they come on the landscape. Almost without exception, no community has been able to withstand the assault of the first development. But after that, the planning commissions and the county officials

When rapid growth is coupled with a long delay between cause and effect, the growth may proceed far beyond sustainable limits before the effects that can stop it come into play.
Donella H. and Dennis L. Meadows

begin to cast skeptical eyes on the big schemes. Often they act only after local residents see what has happened and take the most direct citizen action.

Last week, before a standing room only crowd, the Teton County Planning Commission rejected three major developments in the famed Jackson Hole of Wyoming. The developments would have added about 500 more dwelling units to an area which many feel is already becoming crowded.

One developer from New Jersey wanted to put 32 residences on approximately 46 acres just east of Teton Village. The designer for the project said his client was just "trying to make a return on his money. It is basically an economic thing."

Not everyone is looking for the big return on their money if they can realize an interest in another way. Nature Conservancy now has a program underway in the Jackson Hole by which a landowner can assign over to the tax-exempt group his or her development interests in land. The donation can be taken as a tax write-off in the amount of the value of the development potential of the land. It also shelters the landowner from property taxes and gift taxes. It even has something to offer to the developer who can donate part of his land to green belt or open space around a planned development.

STATE REGULATION

But it is only through state regulation that any relief is anticipated from the pressures of development. Several states have gone further than others in statewide planning -- among them Hawaii, Oregon and Vermont. It is in the latter state that attention now focuses. And it was brought about by a land boom for recreational property similar to what is happening in the Rocky Mountain Region.

Essentially, Vermont has established nine district commissions that review every commer-

cial, industrial or residential development in the state, public or private, which involves more than 10 acres or contains more than 10 units. A construction permit must be obtained from one of the commissions before any project can be started. The construction permit must fully consider the impact on air and water pollution, aesthetic impact, and the burdens it would place on public services and facilities. A failure in any one of these areas provides grounds for rejection. A rejection can be appealed to a statewide environmental board.

The projects have to conform to a state land-use plan. The draft plan proposes that as much as two-thirds to three-fourths of the state remain free of development. Tax relief is provided to those who do not sell to developers, while a heavy tax penalty is imposed on those who do. The tax penalty could take as much as 60 percent of the profit in some cases. The penalty is based on the number of years the property is held before development, as well as the increase in value of the land developed.

HUD ACTS

Last week the Department of Housing and Urban Development took steps which should bring some relief. Effective Dec. 1, new rules will cover any lands offered for sale across state lines. It is estimated that will cover about 99 percent of the sales of undeveloped land.

Developers will have to make virtually complete disclosure about all aspects of their property to potential buyers. They will have to make a certified disclosure of their financial condition, to be included with a registration report to HUD. New standards for sales documents and for advertising are much more strict. And developers must disclose more details of promised improvements and spell out the timetable for them.

A NATIONAL INTEREST

President Nixon, in his message to Congress, August, 1970, said, "We have treated our land as if it were a limitless resource. Traditionally, Americans have felt that what they do with their own land is their own business. This

attitude has been a natural outgrowth of the pioneer spirit. Today, we are coming to realize that our land is finite, while our population is growing. The uses to which our generation puts the land can either expand or severely limit the choices our children will have. The time has come when we must accept the idea

When a man tells you that growth is good, look him in the eye and ask him how much of that good will end up in his pocket.

Daniel B. Luten

that none of us has a right to abuse the land, and that on the contrary society as a whole has a legitimate interest in proper land use. There is a national interest in effective land use planning all across the nation."

But though the realization has come that we have a crisis on the land, and that land use planning is a must, meaningful national legislation still languishes in Congress. S 268, the Land Use Policy Planning and Assistance Act of 1973, would go a long way toward implementing the policies required to halt the reckless growth of the second-home industry. It has been passed by the Senate but the House is not expected to pass similar legislation until 1974. What is needed is a push from the folks back home.

The Environment Subcommittee of the House Interior Committee will be working on the bill now. Letters and telegrams are needed to some representatives who have not taken an active part on the bill. Those include Roncalio, Wyoming; Melcher, Montana; Foley, Washington; Kastenmeier, Wisconsin; O'Hara, Michigan; Steelman, Texas, and Cronin, Massachusetts.

You should tell them it is important that an Office of Land Use Planning be created in the Department of Interior; that sanctions be written into the bill; that **subdivision controls** be kept in the bill without any weakening amendments, and that the federal government should be required to study land use impacts of federal projects.

Letters should also go to Mr. Carl Albert, Speaker of the House, House Office Bldg, Washington, D.C. 20515, urging a strong House bill with sanctions. **by Tom Bell**



Photo by Laney Hicks

Critical range for bighorn sheep, deer, and elk is affected in many ways by the recreational or second-home development. If not actually placed directly on either summer or winter range of big game animals, the development may lie across a critical migration route. Activities in and near the developments such as those of free-ranging dogs also seriously affect game. Fences and highways lead to increased mortality.

High Country News
Friday, Sept. 14, 1973

MOUNTAIN RESORTS-5

Aspen Battles Bulge

by Joan Nice

Letting the community zone itself may be a solution to the problems of runaway growth in the area around Aspen, Colo., county commissioners think.

Resident Ken Moore describes the place as a "super, high-class suburb with the city turned into a service station." Downtown lots are selling for \$400,000 an acre.

"We did nothing unique," Moore says. "We simply copied the zoning regulations and building codes that have created pit stop cities and snob suburbs everywhere."

But despite lack of planning, the area still offers high quality surroundings, culture, and recreation. Probably all is not lost -- not yet. In the county election last November, the campaign centered around growth. Two young lawyers joined Dr. Jay Baxter as county commissioners. Both had run on a controlled growth ticket. One of the successful candidates, Joe Edwards, called himself a member of the "preservation party."

GRASS ROOTS ZONING

A few months after their election the commissioners organized a community group to reassess county zoning, the Master Plan Revision Committee. The commissioners wanted to let the people set the goals and make the plans. Professionals could refine and implement the plans later, they said. The group included residents from each section of the county. They agreed that the master plan prepared by professionals in 1966, which zoned the county for a population of 200,000, did not meet current needs.

While the people were zoning, the commissioners proposed a tool to control the rate of growth -- a building permit quota system.

Under the proposed system, the planning and zoning commission would review the ultimate densities projected by the new Master Plan and the current status of development each year. To determine the permit quota for any one year, they would subtract the current development from the ultimate development and divide by

the number of years until 1985. The quotient would equal the number of units which could be built that year.

The commissioners devised a rating system to determine which projects would be approved. All projects would be evaluated for their 1) conformity with the Master Plan 2) availability of public facilities and 3) quality of design and contribution of public welfare and amenity. The developers who scored highest would be given the go-ahead.

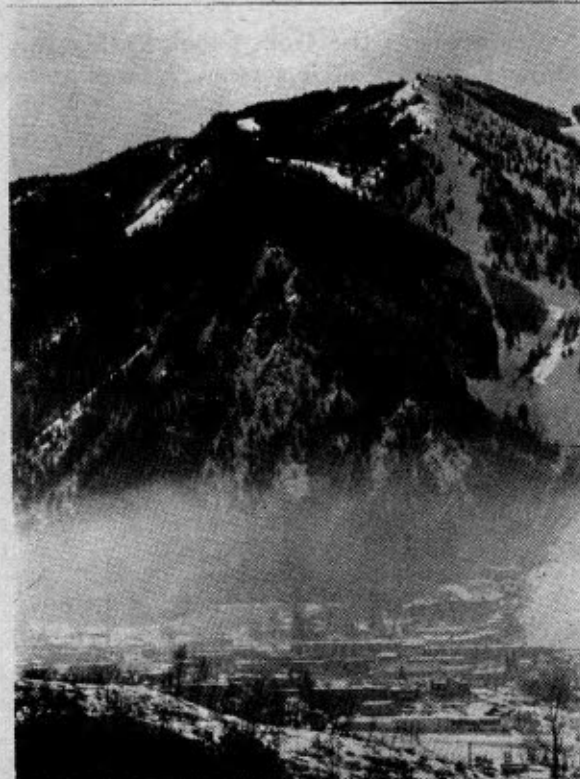
Under the third category, each developer would be rated in each of these areas: 1) harmony of site and architectural design 2) landscaping 3) efficiency of circulation 4) provision of public and private usable open space 5) contribution to foot or bicycle paths 6) provision of needed public facilities 7) contiguous extension of existing development 8) provision of units to meet policy goal of 8 to 12 per cent low and moderate income dwelling units 9) preservation of natural habitat 10) on-site employee housing 11) design to de-emphasize or eliminate substantial private automobile usage.

AVOIDING THE RUSH

The commissioners have passed ordinances which will help them avoid the anticipated rush of building permit applications which may appear before the new Master Plan and the building permit quota system are adopted. The new laws allow them to deny any application which might be inconsistent with the proposed zoning codes. Before the ordinances were passed, land prices rose 30 per cent in six months.

Although the commissioners were elected by a wide margin on their control platforms, their proposed controls have met with less favor. In July heavy opposition turned out for a public hearing on the building permit quota system. All but one speaker criticized the plan. Restrictions were being "forced down the public throat" and would "force the little guy out of the valley," one said. Another said he was afraid they'd be creating an "economy of scarcity." Another simply was "tired of being told when to tie my shoes."

Photo by Alison Ehrlich, Aspen Times



Aspen has a smog problem.

The new Master Plan, which was presented to the planning and zoning commission in June, has also been met with criticism. Implementation of the plan would require down-zoning in many areas of the county. The plan recommended that base development at the Buttermilk, Aspen Highlands and Snowmass ski areas be limited to 25 per cent, 25 per cent, and 50 per cent of lift capacity, respectively. The committee also recommended that five new zoning categories be created: agriculture only, trailer court, AF-10 (one unit per 10 acres), conservation zone and undevelopable zone.

Critics sent the citizen committee back to the drawing boards to reinforce the ideas presented in the report. One objected to the committee's lack of data and expertise.

Since the hearing in July the commissioners "have been trying to re-evaluate criticism, but it doesn't look like they are about to change their basic approach," said *Aspen Times* editor Nick Pabst.

"The County Commissioners are developing a voice that is neither subject to nor synonymous with the commercial interest of the area," an *Aspen Times* editorial stated. "The sacred cow is less sacred."



Grassroots government is a tradition in Aspen. Here, the city council meets to discuss growth issues.

Aspen Times photo.

MOUNTAIN RESORTS-6 Flathead Valley Subdivides

by Robin Tawney

The Flathead Valley is the fastest growing area in Montana.

And it's no wonder. Situated in northwestern Montana, the valley borders on Glacier National Park and Flathead Lake, one of the region's largest freshwater lakes. The region abounds with recreational opportunities -- skiing, hiking, swimming, boating and hunting. Yet despite its well-scrubbed recreational appeal, the Flathead Valley has problems.

Montana's Environmental Quality Council, an agency of the legislature, chose to tour the state's fastest growing region to kick off its two-year land use study. The council was directed by the 1973 legislature to study statewide land use problems and to recommend solutions to the 1975 assembly.

So the 16-member council arrived for its two day tour of the Flathead "not to point an accusing finger, but to observe the varieties of land use," according to Fletcher Newby, EQC director.

With nearly 3.3 million acres, Flathead County is the third largest in the state, yet more than 80 per cent of that acreage is owned by the state or federal government, and 8 per cent is held by large private timber companies. An estimated 43,000 county residents live on only a small percentage of the land.

Flathead County has grown 30 per cent since 1960, and the population is expected to increase one-third to 57,000 in 13 years.

From 1961 to 1973, 115 subdivisions encompassing 2,140 acres and 2,655 lots were filed and recorded with the county clerk and recorder. During the same period, another 712 subdivisions, including 41,315 acres and almost 4,000 lots, were divided and sold by the common metes and bounds method.

Countless plats were filed with the clerk and recorder prior to July 1, the effective date of Montana's strict new subdivision law. Will Aikin, of the State Department of Health, said his agency is processing more than 40 subdivisions and trailer courts in the Kalispell area at this time.

The majority of development which has occurred since 1960 took place without any review, comment or control by any public agency, according to Don Kendall of the Flathead County Area-wide Planning Organization.

Whitefish, the fast growing town in the state's fastest growing county, has all kinds of subdivision development and all kinds of potential problems. Near Whitefish is Big Mountain, one of the state's largest skiing areas, and beautiful Whitefish Lake, a haven for anglers and swimmers alike.

Picturesque lagoons lie just below the Big Mountain ski resort, processing approximately 40,000 gallons of sewage daily during the busy winter season. Aikin told the EQC he fears the three lagoons will someday wash down into the Whitefish water supply which is fed by nearby streams. Although the first two lagoons are sealed with bentonite to prevent seepage, a third is not, yet Aikin said any seepage cannot be traced.

Looking down the Big Mountain, practically all the land below is owned by developers who have plans for or are in the process of subdividing.

One development, Ptarmigan, is considered to be one of the best in Montana. A \$21 million, low density project, Ptarmigan features condominiums and single-family dwellings on 457



Flathead Lake in Montana's Flathead Valley.

acres. Developers made a real effort to integrate buildings with landscape.

Aikin called development on the shore of Flathead Lake at Bigfork a "monument to the ineffectiveness of subdivision laws." Remarking on an outside toilet constructed a few feet from the water on a landfill in the lake, he said, "The matter of sanitary restriction has been winked at so long they won't pay any attention to us."

He noted that this and many other situations, were unacceptable and that "in theory we have adequate laws."

State Rep. A.L. "Bud" Ainsworth, R-Missoula, criticized health officials for "sitting on their hands." Director Newby noted, however, that prior to the last session of the state legislature, action was left up to the county attorneys.

The 35-lot landfill where the privy is situated is owned by former Lake County Attorney Calvin Christian.

One of the subdivisions visited on the tour is owned by State Sen. Fred O. Broeder. Broeder's development is called Many Lakes after the kettles or potholes, a glacial phenomena, which dot the area. Broeder has provided public access to these lakes and has

More on Wyoming's Wapiti Valley

Editor's Note: Lynne Bama has submitted the following correction to her article on development in Wyoming's Wapiti Valley, which appeared in the last issue of High Country News (Aug. 31, 1973).

I erroneously stated that the Soil Conservation Service report cited had been presented to the Park County Commissioners before the plans for Cody's Country were approved. In actual fact this report was not given to the commissioners until several months after the plat was approved.

The sequence of events was as follows: In October of 1972 Mikelson Company presented their plans to the Park County government for approval. In late December the commissioners made a request to the SCS for a soil survey of the site. It was not possible to begin this study immediately, and in late January, before it had been begun, the plat was suddenly approved without it.

The commissioners still expressed interest in the study, and in late May it was finished and given to them. But to date no changes have been proposed for the project that would help

dedicated parks along them.

Loren Bahls, staff ecologist for the EQC, said the problem of polluting these lakes is very real because of the character of the lakes; they have no outlets and enlarge year after year.

Richard L. Konizeski, forestry professor and hydrologist at the University of Montana, conducted water quality studies of the Broeder development, but apparently these studies have never been made public.

Kendal said the relationship between his organization and Broeder's development is a "touchy situation." The development had been in progress for several years before the Flathead County Planning Board or APO were established. The APO has made suggestions in the latter phases of Broeder's project which he generally accepted, Kendall said.

EQC members were shown another factor in land use by Mike Thompson, Flathead National Forest landscape architect. He pointed out raw clearcuts which could be seen from any point throughout the Flathead Valley. Thompson said the size and shape of clearcuts must be modified to the terrain and visual impact lessened.

"It is becoming increasing evident that everything affects everything else," Thompson said.

to overcome the severe limitations mentioned in the study. Unless the situation changes, the buyers of home sites in this development will probably be left to deal with the problems caused by deficient planning. -- Lynne Bama

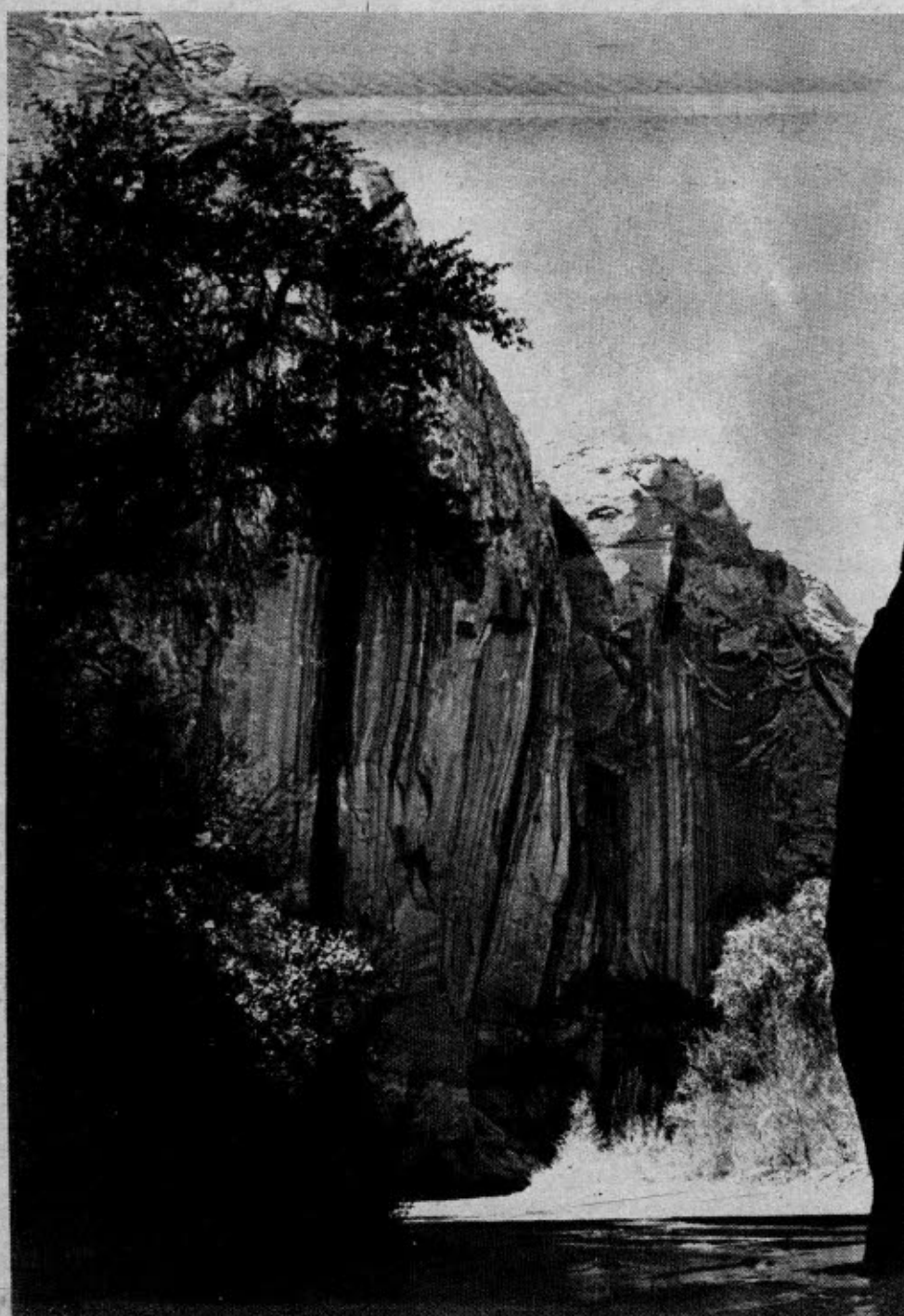


To say that America has enormous expanses of land that have yet to be touched is to miss the whole point. In their drive to capitalize on America's affluence, mobility and leisure time, private developers are carving up the already limited prime scenic areas first -- the valleys, the waterfront, the hillsides, the mountain vistas, the historic sites, the forests, the land surrounding national and state parks. Far from any random, local occurrence, the private development of our most treasured scenic areas has become a powerful national force and a major national concern.

Senator Gaylord Nelson

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Friday, Sept. 14, 1973

COYOTE GULCH - in the E

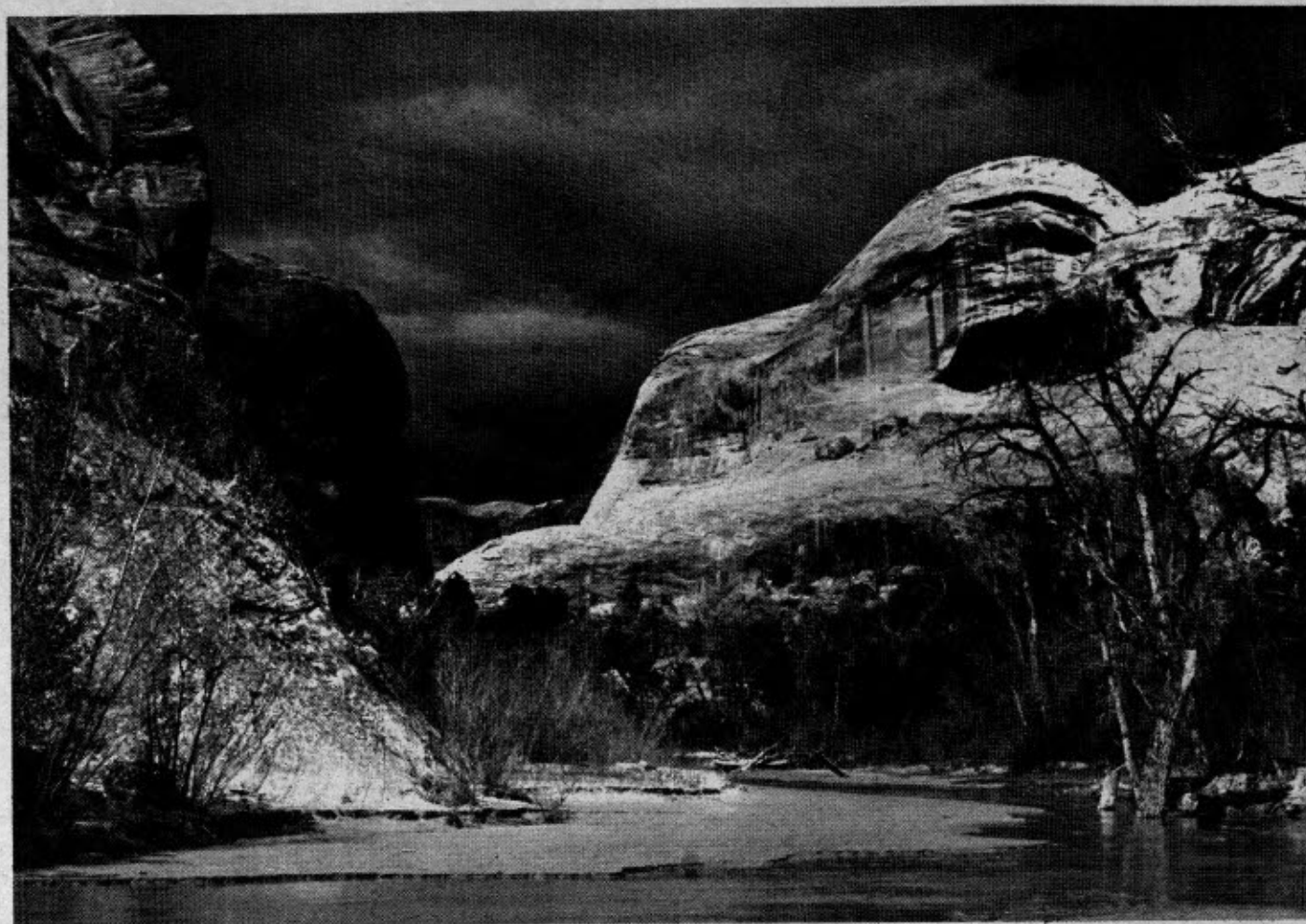


Photos by R. P. Pharis



High Country News-9
Friday, Sept. 14, 1973

he Escalante country



aris



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Friday, Sept. 14, 1973

Reckoning from Washington

by Lee Catterall

Wyoming people are about to face the deep, jarring effect of a population explosion that is imminent, then a "period of adjustment" into being "urbanized," reports a federal study released last week.

The prediction is made in two sobering pages of a 3,200-page final environmental impact statement concerning proposed development of shale oil deposits near Rock Springs and in parts of Utah and Colorado. Population in those areas would probably double if the development occurs as tentatively planned, the Interior Department report says, and that could have important effects on the way people there live and think, and how they regard their fellow man.

Those two pages of the study hardly mention oil shale. Where they do, the words could be transposed with "coal strip mining" or "uranium enrichment" or something else that's planned for Wyoming, for the state -- not just Rock Springs -- faces a population boom.

"For the most part, these people will migrate from more urbanized and densely populated regions," the study says. "They will expect certain amenities and conveniences, and patterns of living which will not be readily available. . ." Some will adjust, others won't.

Their arrival, however, "will have the greatest impact on the original inhabitants of the area. Over the leasing period, their life styles will change.

"The transformation from a semirural environment to an industrialized one will mean a faster, more crowded pace of life at the very least," it continues. "It will increase crime rates, change recreation patterns to more sophisticated, and more costly, styles, and will probably influence the unemployment rate as many unqualified people migrate to new areas of development looking for something better."

The study warns about "inadequacies of housing facilities" with the arrival of the new pioneers. "The first effect could be overcrowding of existing facilities, possibly creating health and safety hazards. Secondly, disproportionately high rents may also occur because of the high demand for housing. This could also affect the worker turnover rate. It is also expected that many of the workers, both construction and production, will bring mobile homes into the area.

"One additional area of concern which cannot be quantified is the differences and possible antagonisms between the original townspeople and the immigrants. Though in many of the affected communities the immigrants will outnumber the original inhabitants, the immigrants would still be considered newcomers or outsiders and as such may not be readily assimilated into the communities.

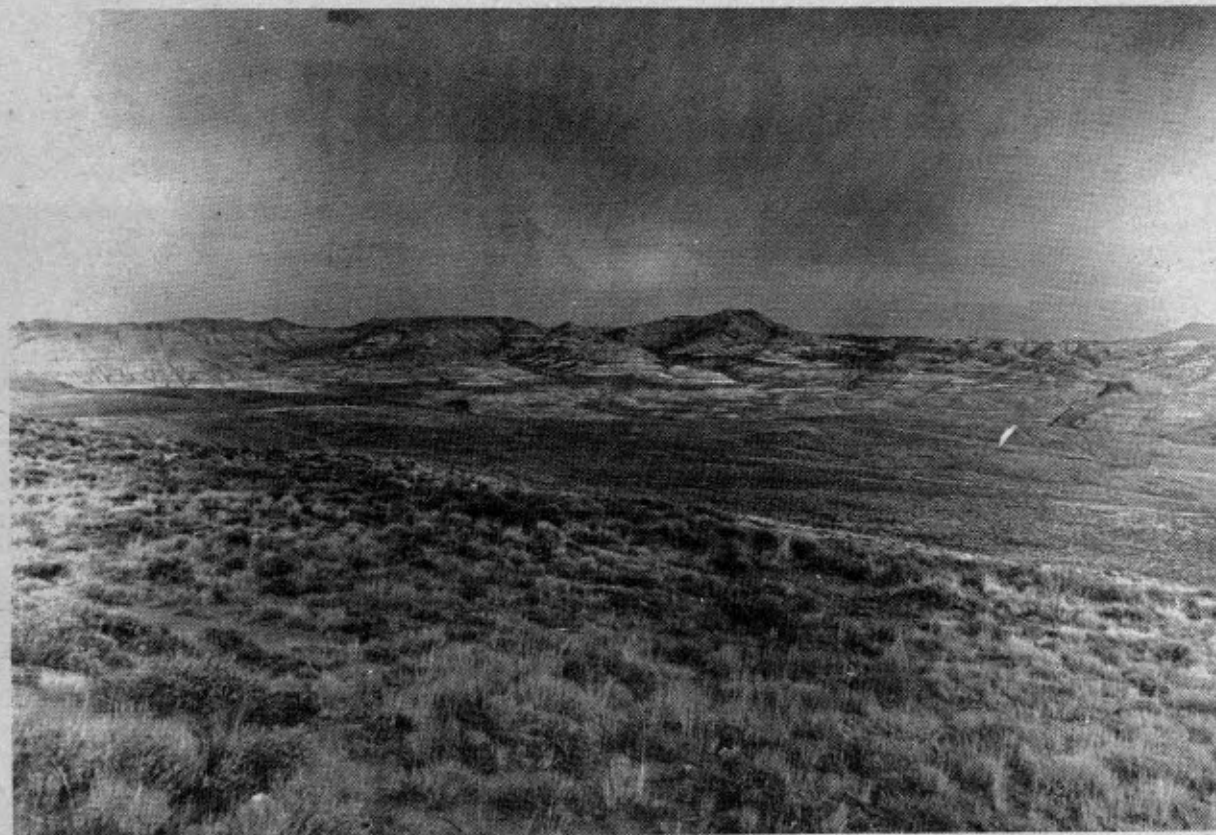
"Many of the inhabitants of these small communities chose and remained in this area to escape the pressures of urban living. They may resent immigrants because they represent urbanization."

The study mentions a few other effects that will be felt mostly by the city and town governments, such as increased school populations and more water and sewer needs, but after a "lag," local governments would be able to fulfill these needs with increased tax revenues that "urbanization" will produce.

Other problems not mentioned in the study seem sure to crop up. Will there be racial strife? Will air become polluted with auto exhaust fumes? Will there be traffic jams? What will politics be like?

All of this is very discomfiting to some people, puzzling to others. In a bull session on Capitol Hill recently, somebody brought up a proposed "model city" of 50,000 that a company plans near Buffalo.

"In my day," a Senate aide recalled, "we used to call them company towns."



These hills south of Green River and Rock Springs, Wyoming, are the focus of a new energy industry -- if oil shale is eventually developed. Last week the Department of the Interior released the final environmental impact statement on the oil shale program -- a 3200-page, six-volume report. Interior Secretary Rogers Morton says he will not make any decision on the program until about Nov. 1.

Oil Shale EIS Released

by Lee Catterall

Washington -- Development of shale oil deposits near Rock Springs, Wyoming, are promising but less certain than those in Utah and Colorado, according to Reid T. Stone, coordinator of a federal task force that last week released the final environmental impact statement of the proposal.

The uncertainty exists because conventional mining would be unsuitable for extracting the Wyoming shale, and the process considered appropriate for Wyoming hasn't been perfected, Stone said. However, he added that studies and experiments currently being conducted provide "optimism" that such technology can be used soon.

A large area near Rock Springs and Green River could undergo sweeping changes in lifestyle and environment if Sec. of Interior Rogers C.B. Morton finds the statement acceptable. That is the assessment contained in the statement itself, a mammoth, six-volume, 3,200 page study that took four years to complete. Morton will make a decision on the proposal after October 30. Approval could mean an eventual doubling of population in Sweetwater County and neighboring areas.

By 1981, if the development occurs as planned, Green River would increase in population from 4,200 to more than 6,000 and Rock Springs from 11,650 to 17,000, but the numbers of fish and wildlife would decrease dramatically, the statement says.

The government proposes to support energy companies in extracting immense amounts of shale oil -- in solid form mixed with other minerals in sedimentary rocks -- in parts of Utah, Colorado and Wyoming that are called the Green River Formation. The deposits beneath the 25,000 square mile area (6,700 in Wyoming) represent 600 billion barrels of oil.

However, of that, only 30 billion lies beneath Wyoming's surface, partly because Wyoming's shale oil is not as rich as that found in the other two states. Wyoming's oil shale ranges from 400 to 3,500 feet deep, much deeper than that in Colorado and Utah.

In Utah and Colorado, the shale would be mined by conventional methods and, in a separate operation above ground, heated to separate the oil. In Wyoming, it would be heated underground using a technology that still hasn't been perfected.

The underground extraction process, called "in situ" (Latin for "in its original place"), would avoid the controversial aspect of waste, but it currently is too expensive and environmentally risky, according to the statement. "The in situ environmental factor of major uncertainty at present concerns subsurface movement of liquids and gases."

Stone said Occidental Petroleum Corporation has been "quite successful" in its testing of the technology in Colorado, and other research activities elsewhere have aided the effort. These include testing five miles west of Rock Springs and studies at the Bureau of Land Management's Energy Research Center in Laramie, he said.

The immediate Interior Department proposal calls for six, 5,100-acre "prototype," or "pilot," projects, two in each of the three states. The two sites in Wyoming are located together alongside the Kinney Rim, a land ridge about fifty miles southeast of Rock Springs. The land has been used by ranchers for grazing cattle and sheep and by others for hunting either wildlife or arrowheads, and camping. That would change with the coming of development.

Among effects the task force concluded "cannot be avoided" are serious damage to wildlife and vegetation.

"Antelope, mule deer and sage grouse habitat will be severely damaged or destroyed," the statement says. "Nesting habitat for the endangered peregrine falcon. . . will be adversely affected."

Land in the area would undergo "less physical damage" than if it were developed by conventional mining, it says. "However, large truck-mounted drilling rigs and other heavy equipment would impact and disturb much of the natural habitat, since about four wells would be required for each acre in the areas."

FOE Warns Against Nukes

WASHINGTON, D.C., Aug. 30, 1973

Friends of the Earth today issued a stern warning of the dangers of reliance on nuclear power as a solution to the energy crisis. Commenting on a recent Atomic Energy Commission decision to scale down the operating capacity of a number of nuclear power plants because of unresolved safety problems, Robert Rauch, Director of FOE's Division of Legal Services, said, "The AEC's action should be a further warning to those who see nuclear power as the answer to our future energy needs. Not only are there numerous known hazards involved but new problems can crop up at any time."

On Monday the utilities affected by the derating responded to the AEC order. Some announced that they would be derating, while others indicated that they would be able to comply with the order while still maintaining present power levels. Both responses present grave problems for the consumer. Those plants which lower their power levels may be unable to supply all the power needed. On the other hand, plants which maintain their power output will be able to do so only by replacing their fuel more often. The consumer will be getting power which is either unreliable or more expensive.

Rauch emphasized that the time for reassessing further commitment to nuclear power is now. "As I discussed at length in my affidavit in our suit to shutdown 20 currently operating plants, the shutdown of those plants would have little or no effect on our power supply. Power can still be obtained from alternate sources. But if we continue to shift our power production to nuclear plants this will not continue to be true. A nation relying on nuclear energy might find itself faced with the choice of either cutting back its energy production because of some newly discovered safety problems or else operat-

EDF in Denver

by Ron Wolf

The Environmental Defense Fund, one of the largest public-interest legal organizations, plans to open an office in Denver next month to pursue environmental cases in the Rocky Mountain region from Montana to New Mexico.

EDF is the group which won a nationwide ban on DDT, stopped the Florida barge canal, and blocked the trans-Alaska pipeline for more than two years. According to attorney Rod Cameron, "One of the first actions of the new office will be to look into the northern plains coal development problem," which he calls "one of the worst environmental problems in the country."

Another early goal will be to investigate the legal situation in the continued storage of nerve gas at Rocky Mountain Arsenal. EDF had gotten involved in an Alabama nerve-gas case in 1969 which led to halt in the army practice of dumping obsolete chemical weapons at sea.

Cameron describes EDF as "a group composed essentially of lawyers and scientists." Nationally the membership is "about 45,000" people who supply half of the funding for the organization. The other half comes from foundation grants, particularly from the Ford Foundation and the Rockefeller Brothers Foundation.

The Denver office will be the fourth "action office" for EDF. Others currently operating are in New York, California, and Washington, D.C. Cameron stresses that the focus of the new office won't be Denver itself, but "the entire Rocky Mountain region."

The new branch will consist of two attorneys and a scientist. EDF is now interviewing "a large number of attorneys" in the area. Says Cameron, "Our plan is to have the office at least partially staffed by mid-autumn."

ing plants that could, at any time, be the source of a radiation accident that could cause widespread death and environmental destruction."

"Nuclear power is an unproven process. Given the many unanswered questions about it, further commitment would be fool-hardy. Fuel densification, the phenomenon that resulted in the derating, was discovered only last year. It is impossible to anticipate at this time what new problems could develop next year or twenty years from now. To continue to plan on nuclear power to supply our future energy needs would be to betray the trust of the American consumer," Rauch said.

Rocky Flats Wastes

In August, officials at the Rocky Flats nuclear weapons plant northwest of Denver admitted publicly for the first time that hundreds of tons of radioactive waste materials are buried on the site.

The wastes were buried over a 17-year period ending in 1970. They include materials contaminated by plutonium and uranium.

A Rocky Flats official insists that the wastes pose "no hazard."

The Colorado Health Department wasn't told of the wastes until four years ago. The department's director of occupational and radiological health division, Robert D. Siek, agrees that the buried wastes are probably harmless. But he points out that there is the "extremely remote" possibility of (buried radioactive) material moving into the underground water strata.

When the health department learned about the burial site, they found that Dow Chemical, which operates the plant for the Atomic Energy Commission, hadn't met AEC criteria for a disposal site and had no inventory of the burials.

"They knew they had a lot of burial sites, but did not know what was in them," Siek said.

It was not until the late 1960's that Dow began a full-fledged sampling program to check for leaks of radioactivity. The health department intensified the leakage checks in May of 1970. The department also requested that 1,400 barrels of solid and liquid wastes be reprocessed or repacked and shipped off-site. Dow complied.

According to Dow, two sources of possible contamination of underground water remain at the site - plutonium under an asphalt pad and a small amount of plutonium-contaminated sewage in burial trenches. The plutonium under the pad will be removed, says a Dow official, as soon as the AEC finds the answer to the question of long-range disposal of radioactively contaminated wastes.

"That could mean many years," said the official.

Rio Blanco Hearing Replay

Underground disposal of radioactive wastes from Project Rio Blanco will be considered at a second hearing in Denver on Sept. 24, the Colorado Water Quality Control Commission has announced.

The record of the initial hearing on Aug. 10 has been erased because of the recent death of the hearing officer. The new hearing officer will determine if CER Geonuclear Corp.'s injection plans are justified by public need, if pollution could result, and, if so, what limits should be placed on the plan.

Conservationists fear contaminated water might flow into underground streams leading to larger surface streams and rivers.

Continental Oil Company, unit operator of Project Rio Blanco's nuclear-stimulated gas well in the Piceance Basin will re-enter the well this month to begin production testing.

High Country News-11
Friday, Sept. 14, 1973



Following the lead of Governor Tom McCall of Oregon, Montana Governor Thomas L. Judge ordered state agencies and employees to save 10 percent on all energy consumption. He said conservation was necessary to prevent serious fuel and electricity shortages this winter. The energy crisis in the Northwest has been brought on by one of the driest years in history, reducing hydroelectric power supplies.

Denver area school districts have agreed to coordinate efforts to conserve fuel and other energy resources. School thermostats will be set at 68 degrees this coming year instead of at 72 or 74 as in past years. Students will be informed of the change so they can dress appropriately. Last winter, 22 Denver schools were forced to close because of fuel oil shortages.

Soviet and American coal researchers have reached a tentative agreement to collaborate on a new field of coal gasification. The complex system, known as magnetohydrodynamics (MHD), converts coal to a gas to electricity in one operation. The Soviets are known to be ahead of U.S. efforts in this field of energy technology.

Pipeline gas, comparable in heat content to natural gas, has been produced in a pilot plant using the Hygas process. The process can use coal of all types including high-sulfur coal from the Midwest. Cost of producing the gas is substantially higher than natural gas but competitive with imported liquefied natural gas. The pilot plant was built and operated by the Institute of Gas Technology, an affiliate of the Illinois Institute of Technology.

Michigan Consolidated Gas Co. has filed a proposal with the Michigan Public Service Commission to loan its customers 80 percent of the cost of installing six inches of insulation in the attics of their homes.

Two University of Utah coal scientists say it will be at least 12 years before gasoline and other liquid petrochemicals can be made economically from coal. The two researchers have received some \$1.35 million for work on the conversion technology.

The U.S. Defense Department says the military forces have set a goal of reducing gasoline consumption by 14 percent. The savings would be in the order of 600 million gallons over the next 12 months.

A Federal interagency task force called the Sulphur Oxide Control Technology Assessment Panel has concluded that ways are now available to clean sulphur oxides from power plant smokestack emissions. The study says that this technology may permit the use of over 400 million tons of high-sulphur coal annually.

12-High Country News



by Verne Huser

Floated the Snake River in Grand Teton National Park the other evening -- the most delightful experience I've had in ages. Now, I'm an old river guide -- first ran this stretch back in 1957, and I've had more than a thousand trips down this same 10-mile segment of upper Snake in Jackson Hole.

But this particular trip I'll remember as one of the best I've ever taken. The people who took the trip -- a family of four from Kansas, a family of five from Michigan (including a little black girl from a Chicago ghetto who was living with the family for the summer) and a couple from California -- were all tuned in to the wild world, knew birds and flowers and animals, and they really cared about the world we live in, really wanted to see some of wild America saved.

Saved from what? From the bulldozer and the developer, the airport expander and the tourist trapper. Saved for what? For the enjoyment of future generations, a concept based upon the assumption that there will be future generations. Saved for whom? For the ghetto girl and her children and for the ghetto children who haven't yet experienced the wild world; saved for my children, too, so that they will know the wild world as I have come to know it and love it.

But what brought on all this philosophical digression? The total trip from Park Headquarters at Moose where I met my passengers back to the parking lot where they'd left their cars and campers and mobile homes. The float trip had gotten them out of their cars for a couple of hours, a major accomplishment that the Park Service strives to accomplish throughout the National Park System and is nowhere so successful as in Grand Teton National Park.

Driving down the steep hill from the main highway to the river, we were delayed by another vehicle heading up the hill. The delay gave me an opportunity to explain the plant succession pattern and to point out more than a dozen wildflowers blooming along the way: lupine, columbine, scarlet gilia, twin flowers, wild strawberries, yellow woolly asters, pussy toes, stone crop, groundsel, fleabane daisy, fireweed, harebell, wild geranium, wild roses and others: a veritable garden of wildflowers growing in and on the edge of a lodgepole pine forest that had been heavily hit by the pine bark beetle.

And then we were at the river, uncovering the boat, passing out life jackets, launching the craft, loading the passengers, and finally pushing off into the late afternoon shadows, onto the clear, cool Snake River flowing over the polished glacial cobblestones.

We chatted for a few minutes getting acquainted -- small talk mostly, but it led to deeper and more detailed discussion concerning the fuel shortage and the larger issue of the energy crisis and the related problems of the Alaskan Pipeline and the value of the dollar. We talked of wilderness and wildlife, of pollution and population, of the Rainbow Bridge controversy and of the bear problems in Yellowstone. It was easy talk with people who knew the subject matter -- no high pressure or hard sell but free-flowing talk, as fluid as the river, dealing with issues that concerned these people on vacation in Grand Teton National Park.

When we approached the eagles' nest, the talk turned to the national bird and its chances for survival. The prolific pair here on the river had produced 33 eaglets in 18 years using the same nest in a giant old cottonwood. Taking a good channel for beaver viewing, we anticipated seeing the nocturnal rodent busily cutting willows for a new lodge, but no beaver were out yet. What we did see was a lone cow moose browsing on an island.

The sun had sunk behind the Teton peaks by now, and the cool, fresh feel of evening descended. Then we saw the beaver, a large brown blob on the bank that entered the water, then climbed out on the bank, cut a twig and



returned to the edge of the water to feed.

Even as we watched, someone spotted a young moose on the opposite bank, and as it turned and ran, we saw the reason: a cow with a young calf, no doubt the yearling's mother and this year's calf -- and the yearling knew it was unwanted.

The beaver was still in view but back in the water once more when we spotted the big bull, then another, and a third moose -- a young cow with no calf -- feeding together on the right shore. Almost too much activity for us to cover.

And then nothing but shadow and sun streak, nighthawks and cooling night approaching. The sky grew more vivid, a violent sunset -- travelers' delight. A great blue heron standing on stilts fishing in the dying light, a pair

of deer (both does) and another moose, a flock of geese settling down for the night on a gravel bar. Still the sunset glow grew in intensity, and I wished I'd brought my camera -- fantastic light on the water, reflection of the sunset hues. The whole sky seemed to participate, and the earth rose up to meet it.

And then the moon appeared in the eastern sky, so nearly full that we were all startled at its huge roundness. We hardly dared to speak, so awed were we. It was nearly dark now, but the sunset glow still lingered on the clouds flying above the Grand Teton, and the rising moon cast shadows -- it was so bright it almost belied the night. We landed at Moose: gently, reverently, respectfully, quietly, all of us with a greater appreciation for the wild world and a greater insight into our own souls.

N.H. Open Space Act Signed

If at first. . . : Seven years, one constitutional amendment, seven different bills and four legislative sessions later, New Hampshire's Gov. Meldrim Thomson has finally signed into law an open space act that may serve as a model of environmental equity for the whole country. Henceforth, instead of assessing land as if it were inevitably going to be developed into house lots or sub-divisions, open space can be assessed for tax purposes at the value of its current usage. Which is to say, of course, on a non-speculative basis. Under the new law, an owner of farm, forest, wet, wild or recreation lands can apply to local assessing officials for a tax rate commensurate with the property's relatively low-intensity use. The law also covers city lots, only the owner must provide (and the community accept) a ten-year non-development easement.

Who decides what's "current usage?" An 11-member board, appointed in a nice blend of politics and pragmatism by the governor, the Speaker of the House and the President of the Senate -- plus qualified bureaucrats from five state departments and the U. of New Hampshire.

If you have specific questions on how New Hampshire's Open Space Act works, we are assured that SPACE, a hard-working

RR Hauls More Coal

Reprinted from WESTWORDS, newsletter of Burlington Northern Railroad, Sept., 1973.

Three new unit train operations will up BN coal tonnage 20 percent this year. Montana-Wyoming low sulfur coal from Decker, Mont., Bel Ayre, Wyo. mines will fuel midwest, Colorado power plants. Test shipments now moving from Decker to Superior, Wis., for lake haul to St. Clair, Mich., first of its kind. By 1976 Decker will move 10 trains weekly to furnish 4 million tons a year to Detroit Edison plant., 180 million tons through 2002. In operation is unit train haul from Bel Ayre near Gillette to East St. Louis, then by barge to power plants in Indiana, West Virginia, farthest east haul yet for western coal. Current schedule calls for 120,000 tons monthly to East St. Louis, more later.

environmental group will be happy to field them. Write: Patrick Jackson, SPACE, Box 757, Concord, N.H. 03301. Or phone (603) 679-8731.

* * *

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Bulletin Board

The Sierra Club Wilderness Conference will meet Oct. 6 and 7 in Boulder, Colo. Debate, panel and action sessions are scheduled. Registration costs eight dollars. Make your check payable to the Sierra Club and send it to Diane Nielsen, 1973 Wilderness Conference, High Mar, Box 3241, Boulder, Colo. 80303.

* * *

The California Recycling Convention will take place on October 9th and 10th, 1973, at the Jack Tar Hotel in San Francisco. The purpose is to improve and strengthen the effectiveness of citizen and municipal recycling programs. Government, industry and citizen groups will participate. For further information contact the Ecology Center, 2179 Allston Way, Berkeley, Calif. 94704.

* * *

The American Society of Planning Officials has prepared an anthology of readings on land use for the Environmental Protection Agency. The publication, entitled Land Use and the Environment is available from the EPA, Office of Research and Monitoring, Environmental Studies Division, Waterside Mall, 401 M St., S.W., Washington, D.C. 20460.

Forest May Disappear

If souvenir hunters continue to rip off the Petrified Forest National Park in Arizona at the current rate, then by the year 2000 the Petrified Forest will be the Invisible Forest. That's the word from the park officials, who say that souvenir hunters cart off some 12-tons of petrified wood every year. At that rate, they say, the entire forest will have disappeared by the turn of the century. :: EARTH NEWS

Western.....Roundup

Utah Studies Ranch Purchase

Last winter the Utah Senate passed a bill authorizing purchase of a 200,000-acre ranch for \$8 million. The Utah House rejected the proposal. But the Legislature did authorize a Land Purchase Study Commission. Last week the Commission learned from land specialists that the ranch was worth \$1 million more than the \$8.5 million asked by the Deseret Live Stock Co. The owners of the company say their original offer still stands. But it was learned that at least two private firms have made cash offers.

The chairman of the Land Purchase Commission said his group was strongly considering that the ranch be purchased for multiple-use purposes. Ranchers in the area who had earlier opposed purchase by the State have indicated that if grazing leases would be granted, they would no longer oppose. The *Deseret News* has editorially endorsed the proposal (July 28, 1973) and it has other influential backers.

The 200,000 acres runs from the Wyoming border to within 65 miles of Salt Lake City. It is approximately one-fourth the size of Rhode Island. The proposal called for the land to be administered by the Utah Division of Wildlife Resources. Director of the Division, John E. "Bud" Phelps said the area would furnish all types of outdoor recreation for the burgeoning population along the Wasatch Front. He said it had over 200 miles of primary roads for access, and over 20 miles of fishing streams as well as numerous lakes and ponds. He said the state could greatly increase the elk herd and could look to increases in the deer and moose herds of the area. Of the area as a whole, he says "Utah has nothing like this at all."

Salt Lake Sewage Overloaded

The Salt Lake City-County Board of Health expressed serious concern last week that Salt Lake County sewage plants were overloaded. All treatment plants are operating at capacity while there are no plans under way to increase that capacity. Meanwhile, building permits are still being issued. The Board said the problem was so acute that some construction might be halted, industrial parks closed, and some ski resort lodges shut down. Ski lodges at Alta could be closed at the height of the season because of overloading.

At the same time, an engineering student at the University of Utah said Salt Lake City's main water supply from Little Cottonwood Canyon was threatened by pollution. Daniel R. Hadley said if the pollution trend of the last 10 years continued, the water would be unfit for culinary purposes in another 4-5 years.

Arizona to Rule on Fountains

The legality of a giant fountain and of any water used for aesthetic purposes in an arid state may be tested in Phoenix, Ariz. The fountain in question, which sends a plume of water 560 feet in the air, was erected by McCulloch Properties, Inc. for their Fountain Hills development. On a dry day as much as one-fourth of the water sent up into the air evaporates.

State Land Commissioner Andrew Bettwy requested the court opinion to clarify existing water laws, which only nebulously define proper use. Atty. Gen. Gary K. Nelson said a declaratory judgment will be sought to clarify the statutes "possibly against Fountain Hills." Bettwy said that follow-up tests may be aimed at artificial lakes and other questionable uses.

No DDT for Tussock Moths

The Environmental Protection Agency denied a request for emergency use of DDT to control an infestation of tussock moths in northeastern Oregon and southwestern Washington. The insects have spread over about 600,000 acres of Douglas fir forests in the two states.

Both the U.S. Forest Service and the timber industry had requested a lifting of the 1972 EPA ban. The Forest Service says the pesticide is the most effective proven killer of the moths. The moths damage the trees by eating the needles.

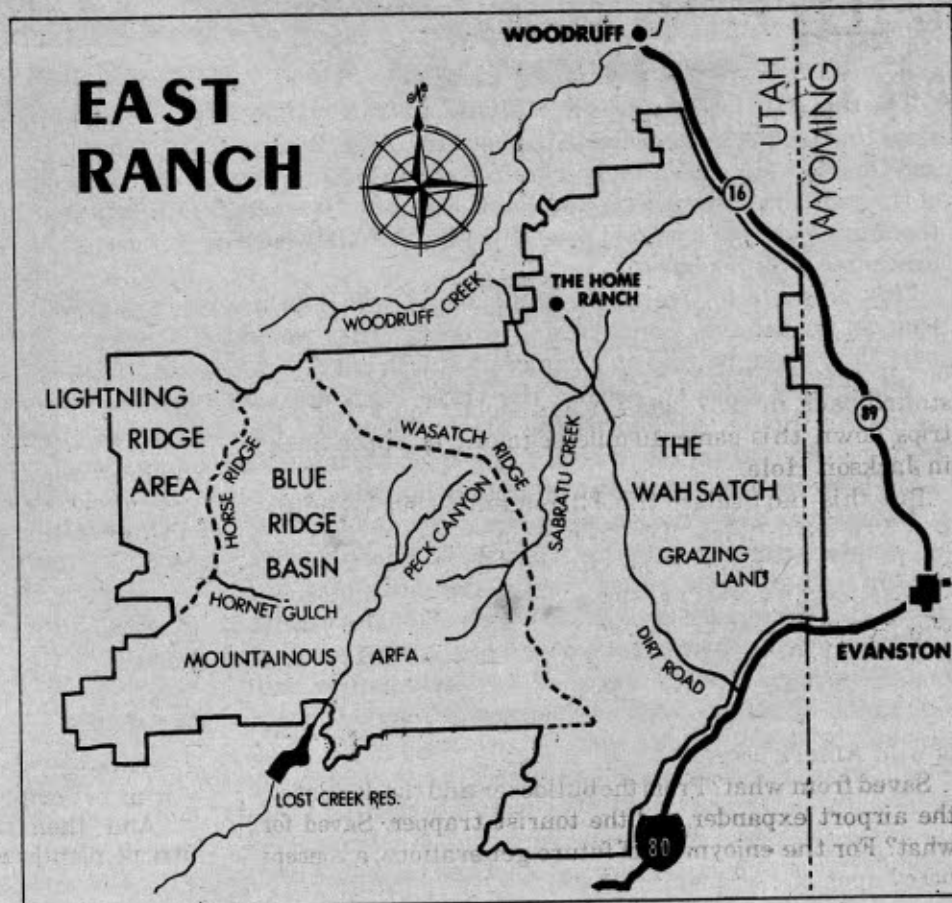
The EPA held that the benefits did not outweigh the risks of introducing more DDT into the ecosystem. Contamination of the watersheds from which several towns receive their water is of particular concern, said the EPA.

They also said that the real damage caused by the moths has not been assessed. Official reports from the Forest Service this fall will indicate if moth attacks are permanently killing the trees or only killing new foliage. From a count of the present number of eggs, the report will show whether next year's population will decline or enlarge.

The EPA is also awaiting reports on Forest Service tests on the effectiveness of substitute pesticides. They are particularly hopeful about a product called Zectran, which has a life of three days.

Map reprinted courtesy DESERET NEWS

High Country News-13
Friday, Sept. 14, 1973



Briefly noted . . .

Both the Environmental Protection Agency and the U.S. Bureau of Sport Fisheries and Wildlife have criticized inadequacies in the draft environmental impact statement for the Garrison Diversion in North Dakota. The criticisms follow on the heels of a recommendation by the Council on Environmental Quality that work be stopped on the huge project until unresolved issues are settled.

The issues raised by CEQ include loss of valuable natural wetlands, lowered water tables, farms cut in two by the huge McClusky Canal, and international implications of allowing irrigation return flows to degrade water flowing into Canada. The Office of Management and Budget and Interior Secretary Rogers Morton refused to stop the project.

* * *

A Department of the Interior Board of Land Appeals has rejected an application to dump mine wastes into the Rio Grande Wild River in New Mexico. Molybdenum Corporation of America wanted to dump waste waters from its mine near Cerro into the wild river.

* * *

A controlled burning experiment of sagebrush and quaking aspen in Grand Teton National Park met with only limited success recently. The fire was intended to burn about 100 acres, including a stand of aspen. What burned was about 40 acres of sagebrush. The experiment was a test of the theory that aspen will regenerate following fire.

* * *

The Nebraska Game and Parks Commission is cooperating with the U.S. Forest Service in a study of land-use planning for wildlife habitat. The study will cover about 350,000 acres in the Nebraska National Forest, the Oglala National Grasslands, and the McKelvie National Forest. The study will cover the specific needs of fish, wildlife, outdoor recreation, and related management, and the use of other resources on the public lands.

State May Sell Jackson Land

A valuable 280-acre tract of state land in Jackson Hole, Wyo. is about to be "practically given away" according to local critics of the deal. The land is adjacent to Jackson Hole Ski Area near Teton Village at the foot of the Tetons.

The prospective buyer is the Jackson Hole Ski Corporation. It had earlier appraised the land for the state at about \$900 per acre. Objections were raised by residents who noted that land was selling in Teton Village for \$1.75 a square foot, or about \$76,000 per acre. Nevertheless, the state accepted this ridiculously low appraisal. When the matter was brought before a judge, he declared that he could not rule on the matter since the state had fulfilled legal requirements.

Now, with only a few minor changes, the same package is being proposed and the same critics are up in arms. Petitions to request a re-evaluation of the transaction and a public hearing have been sent to the State Commissioner of Public Lands.

Thoughts from the Distaff Corner

by Marge Higley

The three little Piggs lived in Midvale, a sort of middle-sized town right in the center of the country. Alfie, Benny, and Charley Pigg had a happy, carefree childhood, in spite of the fact that Mama Pigg and Papa Pigg often warned them to beware of a certain powerful Mr. McWolf (whose nickname was "Progress").

"It's possible to live in the same world with him as long as he behaves normally and orderly," they would say, "but when he goes on a rampage -- look out!"

When they grew up, each of the three Piggs decided to build a house. Alfie loved the bright lights and the hustle and bustle of city living, so he built his house in a big metropolis, on the shore of a beautiful lake.

Benny was the quiet, nature-loving type, so he chose an isolated spot high in the Colorado Rockies for his cabin. He enjoyed an unobstructed view of the mountains, and thrilled to the sight of the wildlife which abounded nearby.

Charley had always wanted to be a cowboy, so it is not surprising that he migrated to Montana. He built his ranch home on a bluff overlooking the acres of range land on which he ran his cattle.

All three Piggs prospered and were content for many years. So smug and complacent were they, in fact that they forgot their parents' warnings about "Progress" McWolf. But one day "Progress" knocked on Alfie's door.

"Alfie Pigg, Alfie Pigg, let me in!" he demanded.

"Not by the hair on my chinny-chin-chin!" cried Alfie, suddenly alarmed.

"Well, huffing and puffing doesn't accomplish much," said McWolf, "but I'll figure out some way to move you out of there!"

In practically no time, factories were built all around the lake. The air was so full of smoke that Alfie could hardly breathe, and so much effluent was poured into the lake that he didn't even like his beautiful house anymore.

One night he packed a few belongings in a knapsack and went to Benny's cabin in Colorado. He savored the clean air and sparkling water, and discovered that he even enjoyed the peace and quiet, after living amid the noisy factories.

But even on the mountain, "Progress" McWolf found them.

"Benny Pigg, Benny Pigg, let me in!" he shouted.

"Not by the hair on my chinny-chin-chin!" answered Benny, slamming the door.

So McWolf went to work again. Roads were scraped out, criss-crossing the mountains. Forests were stripped of their trees for lumber, and before long Benny's cabin was surrounded by condominiums. The air was shattered by the sound of motorbikes zooming up and down the trails. Gone forever were the peace and quiet, the beautiful view, and most of the wildlife.

Benny and Alfie packed a few belongings in a knapsack and headed for Charley's place in Montana. There in the vast area of the Big Sky country the three Piggs thought they'd be safe from the rampages of "Progress" McWolf.

But of course it didn't work out quite that way.

One day "Progress" came to the ranch and said "I've come to dig up my coal!"

"Not by the hair on my chinny-chin-chin," cried Charley. "That's MY grazing land!"

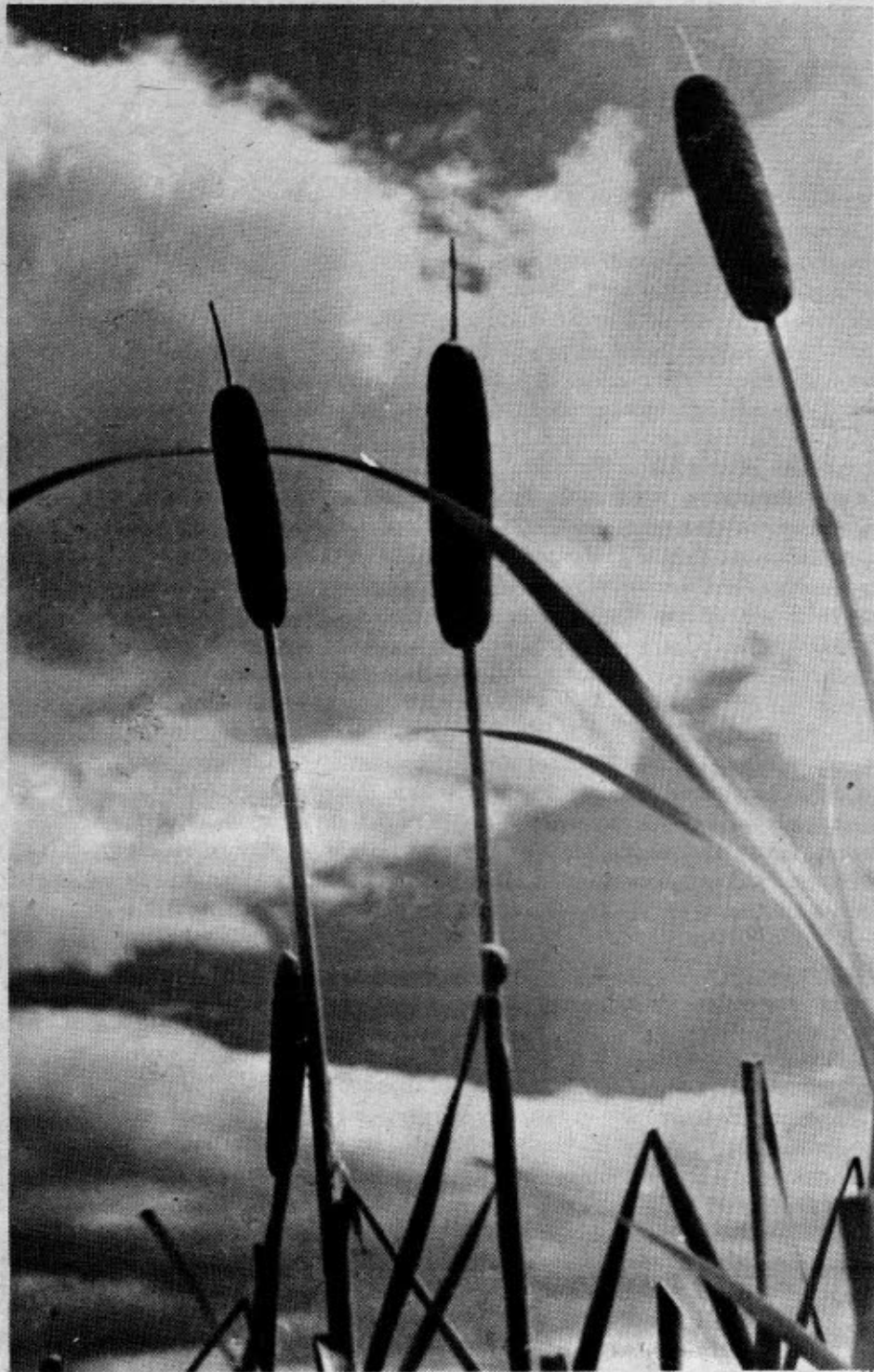
"Well, it may be your land," sneered McWolf, "but I've just leased the mineral rights and everybody knows we need the energy, so you're just fresh out of luck!"

So the noisy bulldozers tore up the earth, leaving deep gashes and unsightly piles of rubble, and there was no fit place left for the cattle to graze. Huge powerplants were built nearby, and they blackened the sky and heated the air.

The three Piggs packed a few belongings in a knapsack, but this time they just didn't know where to go. They considered Alaska, but knew that the smell of all that oil would surely attract "Progress" McWolf. Finally, they decided to go back to Midvale. Perhaps there they could escape the devastating onslaught of "Progress" run amuck.

And did they manage to escape?

Not by the hair on your chinny-chin-chin!



These things are ours . . . for God creates within our soul a mystic sense of wonder . . . that we may hear allegro tunes among tall swaying cattails . . . see splendor twinkling in a dewdrop . . . and feel the freedom of wild wings . . . watch clouds and winds . . . and all earth's living things unfold . . . each day . . . a miracle . . .

GWEN FROSTIC: These Things Are Ours

Weekends With Nature Planned

Four "Living with Nature" ecology weekend seminars are being offered at Rocky Mountain National Park this fall, winter, and spring. These seminars, sponsored by the Rocky Mountain Nature Association, Inc. and the Thorne Ecological Institute, are the offshoot of the Rocky Mountain National Park Summer Seminars.

The first, "Living with Nature in the Autumn," which begins Friday evening, September 28 and continues through Sunday noon, September 30, is designed to enhance a Colorado Rocky Mountain camping experience through exploration of ecological principles in an outdoor setting. Evening discussions around the campfire on issues of human ecology and an environmental ethic are included. The program cost is \$30.00 per person and is limited to 25 participants.

Two winter seminars explore "Living with Nature in the Winter." One of these, scheduled for February 15-17, is designed as a family experience, a time to get the entire family away from the bustle of city activities for family "recreation." This will be a live-in at a location on the Park's west side near the mountain village of Grand Lake. Ski and snowshoe trips

will explore the winter environment and our, the family unit, relationship to it. The program, limited to twenty persons, costs \$30.00 per adult, \$20.00 per elementary age child through high school and \$10.00 per preschool child. Child care will be available for younger children during snowshoe and cross country ski outings.

The second of the winter seminars centers around an overnight experience in your own snow cave. Winter survival techniques as well as ecology will be highlighted. Scheduled for March 2-3, this program costs \$45.00 per person which includes the program fee and meals. It is limited to twelve participants.

"Living with Nature in the Spring" is an opportunity to share a live-in experience at Wild Basin Lodge, 15 miles south of Estes Park. Exploration of principles of ecology and related sociological experiences will be emphasized. Cost is \$55.00 per person which includes program fee, meals, and lodging. It is scheduled for May 3-5.

Additional information can be obtained by writing the Executive Secretary, Rocky Mountain Nature Association, Inc., Estes Park, CO 80517 or by calling (303) 586-2371.

Book Review

Land Use Controls in the U.S.

by John Delafons

American Society of Planning Officials, 1313 East 60th Street, Chicago, Ill. 60637, \$10.
Reviewed by Joan Nice

The author, John Delafons, is British. With the freedom and insight of a foreigner, he tells us about our attitudes and the unique land use tools which we have built for the public control of development on private lands.

When he wrote the first edition in 1960 our system struck most Englishmen as "antiquated, cumbersome and ill-adapted to the complexity of modern development and the demands of public policy." He cites the concepts which have curtailed our land use planning: our rigid vision of property rights ("which, however, secures considerable improvement over the laws of the jungle") and our lack of compensation for land devalued by planning decisions.

These two constants in the American system are in direct contrast to the British system. The British fundamentally changed the concept of property rights and established a system of compensation in their Planning Acts of 1947-1959. There are historic, political and constitutional reasons for our differences, Delafons says.

In a section on attitudes, Delafons says that Americans have traditionally operated on "prairie psychology." We have a vast land resource, which, when there were fewer of us, may have seemed infinite. We are generally sympathetic to the man who builds something -- "... the bigger the building the more genuine the admiration..." Accordingly, "There is real antagonism toward anyone who presumes to limit a man's right to do as he pleases with his property."

Automobiles have made the only recent revolution in the patterns of American development. "Anything can locate anywhere, since the automobile provides the necessary link," Delafons says. Thus, we have strip developments, with commercial centers at every major intersection.

Another attitude that has limited the scope of land use planning controls in the U.S. is our distrust of politicians. Americans, Delafons says "expect corruption in government and to a remarkable degree accept it." But they are not about to hand over the power to control land to the corrupt. "Control is all right in theory, but a political football in operation," American critics of land use told Delafons. For this reason Americans have nearly eliminated discretionary powers and have formalized land use in a set of standard regulations for zoning and subdividing. Zoning came during the 1920's -- during the "heyday of free enterprise." It was first used to practice racial discrimination -- to eliminate Chinese laundries from most sections of San Francisco. In 1919, 20 cities had adopted a zoning ordinance. By 1929 the total was 973.

"How far can the system to which the country was committed in 1916-1929 be adapted to meet the planning problems and policies of the next decade?" asks Delafons.

To guide the pace and location of new development we have another tool -- subdivision regulations which specify conditions for dividing undeveloped land into lots and offering it for sale. "The earliest example was in 1882 when the village of Oak Park, Illinois required plats to be filed in advance of sale and to conform to certain standards of layout. . . . Generally speaking, subdivision controls have had an easier passage in the courts than zoning, and the possibility of their use as a more positive restraint on new development is being actively canvassed."

Thus far, however, Delafons says both U.S.

planning tools have been used simply "to make Fresno (or Kalamazoo or wherever) a better place to live and do business in. "A more serious defect in the American system is not in technique, but in the lack of power to pay compensation for loss of development value," Delafons says. In 1960 he saw two other obstacles facing progress in U.S. land use control: the impatience of planners with the tool of zoning and the demand for greater certainty and precision in zoning controls. "What is needed," Delafons says "is less emphasis on standards (which relate to methods) and more emphasis on policies (which relate to objectives)."

Despite these defects in the system, the author saw no signs in 1960 that America was moving toward any radical reform of her land use system. Nine years later, in his conclusion to the revised edition of the book, he said that planners had released "the juggernaut of public opinion." Americans had realized that "the Chinese laundry is not the only, or even the most alarming threat to the American suburban heritage." He saw very little indication of real changes, however. There was wider adoption of some of the more modern forms of control, but there were no major changes in the scope or methods of control.

Furious activity in legislative bodies at all levels of our government this year may indicate that we are more ready for radical reforms than Delafons would have expected. We are, at least, frightened about our problems.

Although this book is so out of date that the author prescribes land use planning for urban communities, the book still provides valuable historical perspective for rural areas. And with the Rockies looking more urban than ever, cities' struggles with land use planning may become applicable here.

Areas of Action

Predator Control legislation is stalled on Capitol Hill. Public interest in the issue has lulled following the executive order which banned use of poisons on public lands and the subsequent Environmental Protection Agency rules. According to Audubon Society spokeswoman Cythia Wilson, the issue needs to be revived if we are to have strong legislation backing up these orders.

A very strong Senate committee staff draft (S. 819) is held up in the Senate Commerce Committee largely because of pressure by wool-growers. A weaker House bill (H.R. 38) "is also languishing in the House Merchant Marine Committee," said Wilson. She urges concerned individuals to contact committee members and let them know that the public is still interested in this vital issue.

Write to: Sen. Warren Magnuson, Chairman, Senate Commerce Committee, Senate Office Building, Washington, D.C. 20510; Rep. Leonor K. Sullivan, Chairwoman, House Merchant Marine and Fisheries Committee, House Office Building, Washington, D.C. 20515.

* * *

A waste control engineer for Dow Chemical has written a manual on environmental education. His school projects use common materials which lead students to explore problems of air, water, solid wastes and noise. The text is divided into areas for grades kindergarten-3, 4-6, 7-9, 10-12. For how-to instructions on making a lamp from junk bottles and a sample lesson plan write Dow Chemical Company, Midland, Mich. 48640.

Eavesdropper

LOONEY LIMERICKS

by Zane E. Cology

"My homesite," said buyer McQueenery
"I purchased because of the scenery.
Now I'm filled with despair--
So many roads are there,
I can't even see all that greenery!"

The "Midnight Skulkers," a group of Michigan teen-agers concerned with the environment have been going about in the night putting out gas lamps. Last week two of them were caught. In Michigan it is a felony for interrupting utility service. Recently, the Council on Environmental Quality released a report on **Energy and the Environment**. The report says, "Almost 4 million gas lamps are lit in the United States, each using about twenty times more energy than its electric equivalent, a 25-watt bulb. The natural gas savings that could be realized by replacing gas lamps with electric bulbs would heat over 600,000 homes annually."

Pacific tuna fishermen say they cannot meet the deadline for halting the slaughter of porpoises in their nets. They were given an extension of time, until Oct. 21, 1974, to devise a method of protecting the mammals while catching the fish. More than 200,000 porpoises are estimated to be snared and killed in the large nets used to catch tuna.

Taro-sugi is a 500-year old Cedar near a religious shrine in Japan which draws more than 3.5 million visitors a year. It is one of a group of 15 which highway officials wanted to cut down to widen a highway. It immediately became a symbol against the highway culture. On July 13, a Japanese court rebuked the government for suggesting the trees be destroyed and ruled they must be spared.

The American Land Development Association has reported the number of second homes in the U.S. doubled between 1967 and 1970. The number reported enus was about 2.9 million families owning a second home.

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Friday, Sept. 14, 1973

The Governor's Land Use Man John Bermingham

Colorado Governor John Vanderhoof stepped into the shoes recently vacated by John Love who was tapped by President Nixon to be a special energy advisor. When Vanderhoof moved up, he appointed State Sen. John Bermingham of Denver to be his advisor on state planning and the environment.

Bermingham, 49, is no neophyte in the environmental field. It was he who sponsored SB 390 in the last session of the Colorado Legislature. That bill gives broad new powers to the Colorado Water Quality Control Commission and Division. He also sponsored an amendment to a proposed land use bill which set the stage for a state environmental policy act. He and Vanderhoof plan to give the Legislature bills from the executive branch, not just speeches.

Bermingham made the following comments in an interview at the State Capitol with **High Country News**.

HCN -- Why did you make the move from the Senate to the Governor's office?

Bermingham -- When the rumors were thick that John Love was going to Washington, I went in to see Johnny Van I. told him, "I can help you -- and do the things I like to do more effectively than I can in the Senate."

HCN -- How much of your time will be spent on the land use issue?

Bermingham -- At the moment, almost all of my time.

HCN -- What kinds of pressures can the governor's office put on the legislature?

Bermingham -- This particular governor knows how the legislature works, which Gov. Love never did. And their temperaments and personalities are different. I don't think Johnny Van will be reluctant to talk to legislators and try to persuade them.

HCN -- Can a governor have influence over both political parties?

Bermingham -- I think so. When your political superior wants something, you'll never know when you'll want something from him -- so you take his wishes into consideration.

HCN -- What will prevent a state legislator from voting the same way he did last year -- and voting down land use measures?

Bermingham -- Wider choice, votes on separate items instead of a package deal. There are some things which shouldn't be too controversial: the creation of a state planning unit and regional organizations, for instance. There's a lot of information that the local governments would use and use well in solving their own land use problems, but there's no way to get it from Denver to the counties. The counties don't know it exists and can't afford to hire someone to browse in Denver.

The effort I'm trying to make is to get done what can be done -- not to let everything go down the drain because you can't solve the really knotty problems.

HCN -- In drafting land use legislation, can you model your regulations after those of other states -- or are you breaking new ground?

Bermingham -- I think all the states are breaking new ground. You can crib a little from other states, but each state has its own peculiarities and customs. I'm convinced that if we are going to have effective land use legislation, we won't be able to copy Florida or Vermont or Hawaii or California. We've got to develop our own plan to meet our own conditions.

HCN -- Why do you think there was so much opposition to your amendment to the land use bill last session which would have initiated a state environmental policy act?

Bermingham -- The counties have had their fingers burned on a few of these things -- that's



one reason they're gun shy. Up in Leadville, there was a desire to extend the runway to the airport. The way it was described to me, it was just a 1,500-foot extension across the same plat. Anyone that looked at it could tell that it was an ordinary extension and that it wasn't going to do anything.

But since federal money was involved, they had to do an impact study. The county got an engineering firm in Denver to do it. And it cost them \$8,000.

What we need is a state planning board with an individual who knows the ins and outs of what is required on an impact study. We could then avoid being taken in by money-grubbing businessmen. Then I'd like to work with the counties and introduce the environmental policy act as a separate piece of legislation. It would give the counties the power to require these impact studies. Then no one could say that the state government has become too powerful.

HCN -- You grew up on a ranch in Dubois, Wyo. What's happened between then and now?

Bermingham -- I went to Columbia Law School and then worked for a large law firm in New York City. On a summer vacation trip to Dubois I came through Denver and it was beautiful and clear. So I stopped and walked up and down 17th Street and found a job in the Continental Oil Company legal department. Later when the company wanted me to go to Houston, I left Conoco and went into private practice. I got my job up here (as a senator in the state capitol) in 1964.

HCN -- Where do you think Gov. Vanderhoof is headed on environmental issues?

Bermingham -- He's no environmentalist, I'd say. But he sees what's happening to the state and recognizes the real need for the state government to provide guidance so that growth develops in a quality fashion rather than in a disorganized fashion.

HCN -- How do you view the problem of growth in Colorado?

Bermingham -- This is really what we were wrestling with on the land use bill last session. It's the guts -- the real issue. I think the built-in momentum in the country for additional population combined with the decay of the cities means that people will be leaving those areas and looking for places to live. And they're going to come to Colorado, whether we like it or not.

I think the Front Range (the eastern slope of the Rockies) is the logical place to house those people.

HCN -- Why the Front Range?

Bermingham -- Because right now there are a quarter of a million people on the West Slope. If we put a million people on the West Slope, we wouldn't have anything left there. It would ruin the West Slope perhaps to even double the population. It would be tremendously damaging to the environment.

HCN -- Do you think the Eastern Slope airshed can handle an increase in population?

Bermingham -- Yes, with technological advances. If the population comes to Colorado, as it's going to, and if it's properly organized, it can be handled.

HCN -- So you wouldn't try to encourage growth in Colorado's rural areas?

Bermingham -- I can't get very excited about it. We'll do what we can but I don't think it's going to be very successful. Making the rural areas more attractive to keep young people down on the farm, keeping rural areas from losing population, helping rural areas gain a little population -- I think all of these efforts are worthwhile. But it's difficult to persuade people to move out into those rural areas. So even if we make our best efforts I don't think it's going to have much impact on the basic population trends on the Front Range. The basic problem is how do you organize the Front Range, so that people aren't falling all over themselves.

HCN -- Are environmental issues dying out in the Colorado legislature?

Bermingham -- I don't think the environment can die out as an issue. But the issues in the legislature will change. The Air Pollution Commission and the Water Quality Control Commission are both well organized and have adequate statutory powers now. If they function properly, we won't be dealing with air and water pollution issues -- except as they relate to land use. On those issues we're over the hump. Noise pollution and solid waste disposal will become increasingly important.

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