

The Environmental Bi-Weekly

# High Country News

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Friday, January 17, 1975

## CINDERELLA SUNSHINE

### A tale of two principalities

Copyright 1975 by John P. Eberhard

Once upon a time there were on the Kingdom of Earth two major principalities — Ruritania and Metropolitania. Each principality was controlled by a ruler and his family with vast power and wealth. Each principality was dependent on the other — Ruritania provided food and fuel to Metropolitania, and Metropolitania provided a market for the food and fuel that produced wealth for Ruritania. They were linked together by the Royal Road of Progress and a secret underground passageway called Deals.

The ruling family of Ruritania consisted of the following persons:

- the ruler of Ruritania, otherwise known as the King of Resources, the Lord of the Harvest, the Grand Vizier of all he surveyed.
- his wife, the Empress of Lignite and Grand Duchess of Anthracite.
- their daughters, the Princess of Petroleum, and the Princess of Gas, otherwise known as P & G.
- and their stepchild, Cinderella Sunshine.

The ruling family of Metropolitania consisted of the King and all of his men, plus the Lords and Ladies of the Court, and their retinue. For our purposes, the following were the principle characters:

- the King of Metropolitania, otherwise known as His Highness of Industry, Lion of the Press, Master of Management, and Bengal of Banking.
- the Queen of Hearts and Minds, his wife.
- his son, the Prince of Enlightenment.
- his friends, Hope and Charity.
- the Prime Minister of Growth.
- the Court Jester: Alfie Affluence.

Our story begins with a decision by the King of Metropolitania and his advisors to build a new palace. For centuries they had lived in a massive palace of stone and brick. Its many rooms and courtyards had become well worn with the passage of time, but still retained their grace and elegance because they had been so well-designed and carefully crafted. The castle's many rooms were dimly lit with candles. It was true that the outhouses and cesspools did create a constant stench, but powder and perfume went a long way in masking the odor. Messengers ran through the halls of the kingdom, musicians wandered the courtyards, children played in the anti-chambers, so there was constantly a hustle and bustle that made the old palace seem alive.

One day, as the King was in his counting house counting out his money, his Prime Minister of Growth came to call on him. The Prime Minister



The Queen of Hearts and Minds said she heard no evidence to make her believe they would be any happier or more content in a new castle. The king, however, was swayed by the advice of the Prime Minister of Growth.

reported that the little enterprises of the palace were growing more prosperous, and that as a result many more people would be needed to help in the work, so that it was time to consider either building a new and larger palace or making a major renovation and expansion of the old one. When the King called in his advisors for their advice, they told him that they all thought he should build a new palace that incorporated all of the newest inventions available.

The Queen of Hearts and Minds objected to this decision to build a new castle. She said she heard no evidence to make her believe they would be any happier or more content in a new castle. The King, however, was ultimately swayed by the advice of the Prime Minister of Growth and the construction of a new castle was begun.

Now when the Ruler of Ruritania heard about these plans for a new palace of Metropolitania, his

(Continued on page 7)

# HIGH COUNTRY

By Tom Bell

Two articles in the Jan. 3, 1975, issue of *High Country News* prompt me to comment further. The first was a well-deserved story on Dale Burk, environmental reporter for *The Missoulian* at Missoula, Mt. The other was one of the short articles on Western Roundup page, "Illegal spraying ruled mistake."

Burk is an astute, well-informed and courageous environmental writer and reporter. He knows whereof he speaks, and he has correctly put his finger on one of the deficiencies of the news media. The average citizen, reading his paper or watching a TV news program or listening to news on the radio, generally gets a one-sided, slanted, and biased story on environmental and natural resource stories. And quite often it is through no fault of a news editor or reporter. Time and complexity rule against the full story.

The short article on "Illegal spraying ruled mistake" is a good case in point. It is straight reporting on the findings of a federal district judge. It had to do with a case of sagebrush spraying on public lands. The ranch involved in the case was the Diamond Ring Ranch near Casper, Wyo. Now readers of HCN know the story behind the story in that particular case. But readers of other papers in the state and region would not have the full background. The result is a real miscarriage of justice, of which the public is blissfully unaware.

The article reported that U.S. District Judge Ewing T. Kerr had declared that the sagebrush spraying was an "innocent mistake." The article says, "In his ruling Judge Kerr said the first knowledge ranch officers had that formal permission was required was when they received the violation and hearing notice."

Judge Kerr was obviously not in possession of all the facts, or conveniently chose to ignore them. The Diamond Ring Ranch had applied for a spraying permit at least two years before the "innocent mistake" took place. Records in the Bureau of Land Management office in Lander show not only permit applications and letters but a record of meetings with the ranch owner, Van Irvine. The BLM would not issue a permit for all the lands requested because some of the public lands were important wildlife habitat. Wyoming Game and Fish Department game managers can attest to that.

Judge Kerr obviously knew that Van Irvine had been found guilty and fined for illegally killing game animals and filling the carcasses with poison only the year before the spraying took place. Judge Kerr also knew that the Diamond Ring Ranch had been involved in building some 69 miles of illegal fencing on public lands which it had under lease for grazing, in the exact same area where the illegal spraying took place. Herman Werner, father-in-law of Van Irvine and co-owner of the Diamond Ring Ranch, was under indictment for the mass slaying of eagles at the time the spraying took place. Yet, Judge Kerr ruled that the spraying was all an "innocent mistake" and lifted the Interior Department penalty — a two-year ban on grazing privileges on the public lands involved.

It is incidents such as this that give environmental groups such agony and despair. It is no wonder that our citizens suffer increasing cynicism and disbelief in the workings of our system. The powerful and the high and mighty get by with a broad wink in the very heart of our judicial system. (Van Irvine was president of the powerful Wyoming Stockgrowers Association on or about the time the spraying took place.)

Dale Burk is entirely correct. It takes too much time and the issues are generally too complex to develop the full story. The average news reporter or editor doesn't want to get that involved. Besides, who wants to dig up all that dirt and then get criticized for stirring up trouble? Let the high and the mighty have their way, and let the system go awry.

## Letters



Dear Editors:

In your November 8 issue was a picture of a piece of bronze sculpture entitled "The Thought," and subtitled "Man cannot destroy nature without destroying himself."

Presumably the original bronze work is by Grant Hagen of Jackson, Wyo., but I think we should give credit to the original artist. I enclose a copy of a sketch entitled "The Thought" by Ernest Thompson Seton as it appears in his 1925 edition of the "Lives of Game Animals." There can be little doubt where Hagen got his idea.

In our efforts to maintain an interest in the environment in these latter days we should recognize that this effort is not new, but a continuing striving by men to save nature. We are not an isolated group of protesters, but a part of a long tradition of people devoted to the American Landscape, and its fauna and flora. The environmentalist movement is often damned as an innovation of the '60s, but Seton drew his sketch in 1924 and he drew his inspiration from conservation greats of the previous century. It is time that the struggle to Save America be recognized as a continuing effort by many generations of thoughtful and concerned people.

**High Country News** is a worthy part of this tradition. Keep up the good work!

Best regards,  
Alfred Etter, Naturalist  
The Morton Arboretum  
Lisle, Ill.

Editors' note: Grant Hagen's sculpture does pay homage to Ernest Thompson Seton. We apologize to the artist and to our readers for leaving this information out of our story.

Dear HCN:

I noticed in your first issue of the new year a letter continuing criticism of my vote on the Middle Snake dam (Hell's Canyon preservation legislation) last December. But in all 16 pages of your excellent publication, I fail to find mention of the fact that portions of the Snake, the Sweetwater and the Clark's Fork are now designated for Wild and Scenic River studies. These are the first rivers in Wyoming to be so classified by federal statute.

There was plenty of fast shuffling last December to kill this legislation, but I saw no account of it in



**High Country News.**

But your criticism is warranted, and I am pleased to be guided by it as it appears. All I ask, is a line or two of credit when credit is due.

I hope that I can carry on a more favorable role for you these next two years.

Most respectfully yours,  
Teno Roncalio  
U.S. Representative from Wyoming

Editors' note: Your criticism is also warranted, Teno. We have been negligent in our coverage of the Wild and Scenic Rivers legislation.

The bill which passed out of Congress in December orders studies of 13 rivers, including the three Wyoming rivers and a portion of the Colorado River in Colorado. Studies on all but the Wyoming rivers are scheduled to begin immediately. Studies on the Wyoming rivers will begin in 1976 if the state legislature does not act to protect the rivers within a year.

We realize that there was controversy surrounding this bill and not much time. We're appreciative of the fact that your good work helped move it into law.

\* \* \*

Dear HCN:

I am 80 years old and would like to pay up for five years if this is agreeable with you.

I inspected cattle and sheep for scabies in Wyoming for six months in 1921 and reading your news restores many memories.

My people homesteaded in Kiowa County Colorado in 1910 and I finished a veterinary course at Ft. Collins in 1920. I hate to see your country chewed up by greed.

Respectfully,  
Arthur E. Slocum  
Mitchell, S.D.

\* \* \*

Dear Ms. Ambler:

I wish to compliment you on your editorial in the December 20th issue of **High Country News**.

When I assumed my present duties with the Wyoming Mining Association a little over two years ago one of the first things I attempted to do was to establish contact with my opponents. . . For any issue to arouse the controversy that has been aroused over the development of Wyoming's energy resources, there has to be two sides. Neither side can be all right or all wrong or the controversy would be short lived indeed. Perhaps if each of us concerned makes a greater effort to "hold two opposing ideas in the mind at the same time while retaining the ability to function," something worthwhile will come from our efforts. I will certainly continue to be open, and I hope understanding, in my relationships with the "other side." Open lines of communication and an honest dialog are essential. How about a monthly "guest editorial" in your newspaper, written by a representative of industry as a starter?

Sincerely,  
William H. Budd, Jr.  
Executive Secretary  
WYOMING MINING ASSOCIATION

Editors' note: We appreciate Mr. Budd's suggestion. Our pages are always open to the viewpoints of others, especially if we feel they do not have an opportunity to be heard elsewhere. However, since industry rarely seems to have trouble in this area, we do not think a regular guest editorial is necessary.

## Guest Editorials



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# Wyo. & Ark. linked by energy problems

Reprinted from the ARKANSAS GAZETTE of Little Rock, Ark., Dec. 26, 1974.

One of the interesting side issues in planning and construction of Arkansas Power and Light Company's coal-fired electric generating plant at Redfield has been over the enormous amounts of coal that will be needed through the years. That is, there is great concern in some quarters over where the coal is to come from and how it is to get to the plant site near Little Rock.

There is no question about where AP and L intends to get the coal. It has definite plans to obtain the low-sulphur variety that lies in thick veins under the prairies of Wyoming. The coal will have to be strip mined, which is a fact that lends a particular importance for us in Arkansas to the strip mining bill Congress has completed work on and President Ford promises to veto.

How the coal is to be mined is a separate important issue, but it apparently is not the critical issue in Wyoming. What concerns people in Wyoming is the huge amounts of water that would be required to transport the coal in slurry form for 1,000 miles to Arkansas. As any red-blooded American moviegoer knows, many a localized war has been fought in the arid and semi-arid regions of the West over access to water. This time around the battle is fought in politics. The seated Republican-controlled state government approved installation of the pipeline.

What this would mean, besides a cost of \$750 million, is that 40 deep wells would be drilled in the northeast part of the state. Enough water would be taken from the wells each year to supply a city of nearly 100,000 persons. The slurry pipeline became a major issue in this fall's general election campaigns.

A Democrat was elected governor, reports *The Wall Street Journal*, "mainly on his opposition to the pipeline, and some victorious Democratic legislative candidates, demanding that Wyoming water be kept in Wyoming, have promised to raise the issue in the legislature." Residents of a community in South Dakota near the Wyoming border also are threatening a lawsuit over the possible lowering of water in their municipal wells.

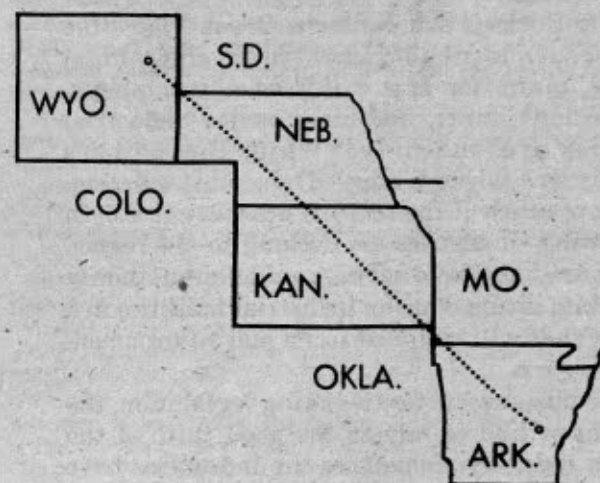
The slurry pipeline is not critical to operation of the AP and L plant in Arkansas, but apparently it

would be the preferred method of transporting the low-sulphur coal, presumably because the cost would be less than other methods over an extended period of time. But the coal can be moved by rail or perhaps by a combination of rail and river barge so that the fuel can be delivered in some way.

Certainly the slurry line from Wyoming to Arkansas is only one of many issues that are raised by the opening up of the American West to the energy battleground. Large amounts of water are going to be required in many of the processes for using coal (and to lesser extent, oil) available in large amounts. Indeed, it promises to complicate the proposition, essentially simple on paper, that reliance on foreign oil can be overcome by 1980 or 1985.

What all this may suggest is that not too far into the future western coal will have to be transported by rail and river to areas of the country, such as Arkansas, that have abundant amounts of water,

for processing into gases and liquids that can replace and supplement crude oil. We in Arkansas and Wyoming and all the other states are in this energy problem together.



## Remember Justice's blindfold

—prepared by New Mexico Citizens for Clean Air and Water

RIDDLE: When is a fact not a fact?

ANSWER: When it is not in the hearing record.

Regional environmental regulation hearings typically are adjudicatory processes. A look at the process clearly shows the reason for many of the smoky-looking decisions that over the years have wrecked planning and the environment. But few look.

Look carefully at the cut all will recognize as Justice. This familiar personification is profound far beyond her origins in Roman mythology. She is not, you see, like Diogenes, a tracker of truth by lantern light. She is a blindfolded figure who only weighs what others load upon her scales. Facts may lie knee-deep all around, but the adjudicatory process by design will not see them.

New Mexico environmental laws unmistakably tighten the blindfold. The wording in the 1970 NM Water Quality Act is typical: "Any person who is or may be affected by a regulation adopted by the commission may appeal to the court of appeal for further relief. All such appeals shall be upon the record made at the hearing . . . Upon appeal, the court of appeals shall set aside the regulation only if found to be: . . . 2) not supported by substantial evidence in the record." The last three words, "in the record," sound innocent and fair enough; and perhaps they are fair if all sides grasp them equally. But they are not innocent. The ramifications are subtle yet sweeping and have been missed by most planners, citizens, and scientists. For years the words have been a cornerstone in industry's traditional dominance of environmental proceedings.

### PRACTICAL RAMIFICATIONS

What are the practical ramifications? The NM law says common knowledge cannot be used for basing decisions. One example: the obvious fact that many New Mexicans were unhappy with the smoke from the Four Corners Power Plant had to be "proved" by placing copies of petitions, news items, law suits, and personal testimony as exhibits in the hearing record. We know because we were inexperienced then (1971) and had to work through one long,

dark night compiling those data in the midst of a hearing.

If no environmentalist had physically brought and defended these facts for the hearing record, the facts would not have existed and could not have been considered as far as the law, the appeals court, and the decision-making board were concerned. Polluters can be trusted not to put those facts on record. It is tempting to reason "Why should I go to a hearing just to tell a board something it already knows?" The law says clearly "in the record."

In the adjudicatory process, scientific papers cannot speak for themselves. It is even difficult for



anyone besides the author to speak for a study because polluters' lawyers will attack the legal qualification of all adverse secondhand information. Scientists traditionally shun activities in the public hearing arena as being "partial," "controversial," "political," "non-scientific," call it what you will. But without the facts properly placed in the record, the law demands that all studies be ignored. Another seemingly irrational decision is made.

We encourage a new trend in scientific ethics. The historical concept of science as impartial facts tossed out for others to use as best they can assures science will continue to play less than its rightful role in government action. We suggest adding to study funds adequate monies for researchers to present and defend pertinent results in the hearing record where and when important government decisions are made. The added expense might well be returned by the increased quality and relevancy of work done, knowing that results would have to be defended later in a tough hearing fight.

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day, Jan. 17, 1975

Law offers advance notice

# Utility siting legislation promoted

by Bruce Hamilton

Thirty-seven states — including Arizona, Montana, Nevada, Oregon, and Washington — have some form of industrial siting law. This year state legislatures in Idaho, North Dakota, Utah, Wyoming and possibly Colorado will be considering similar legislation.

In the Rockies and Northern Great Plains the need for such legislation seems paramount. Almost daily, plans for new coal-fired power plants, gasification plants, and other major industrial facilities are announced. While the nation's economy as a whole is crippled by a joint inflation-recession, much of the regional economy is still in a recovery swing. Industries are flocking to the region, yet most states do not have sufficient authority to regulate siting of major industrial facilities in a way that will minimize social and environmental disruption.

In the absence of effective siting legislation, the public has had to rely on the good faith of the utility industry. Sometimes the industries have good neighbors. But in other cases the industries have been less than candid with the impacted communities and major social and environmental problems have occurred such as we are witnessing in the Rock Springs, Wyo. area today (see HCN 7, 1974, "Energy Boom: Plans and Payments").

Simply stated, an industrial siting act would require an industry to pre-file development plans with the state and give the state and the public the knowledge, and authority to react to those plans. The details of the states' approaches vary, but the principle behind them is the same: the state and the public should have a say in industrial siting decisions that have a significant bearing on the quality of the environment, and thus the quality of life.

"The siting process is today characterized by what can aptly be called a 'one-site syndrome,'" says James E. Krier and Lester Lees of the Environmental Quality Laboratory at the California Institute of Technology. They describe the syndrome as follows: "The utility determines its needs, draws up its plans, and selects a particular site suitable to it with as little fanfare and attention as possible. Although a certain amount of attention is given to alternative sites, designs, and fuels within the utility before the selection is made, the public does not participate in this process at present. By the time utility plans reach the public forum — either the PUC (Public Utilities Commission) or a local agency — the company typically has spent a good deal of time and money and has become entrenched in its position."

## Major features of utility siting acts

The common features of industrial siting bills are listed below. Several different approaches are detailed under each category.

### COVERAGE

This section would define what actions or facilities come under the jurisdiction of the bill. The significance of the action can be determined by examining number of employees, estimated cost of the facilities to be built, or in terms of production output (number of megawatts of electricity or cubic feet of gas or barrels of shale oil produced). Certain categories of activities (for example coal conversion facilities, transmission lines, trona plants etc.) could be specifically included or excluded in this section.

### REGULATORY BODY

The state agency that administers the act can have a major influence on the act's effectiveness. Possible agencies that have been suggested by various bills include Public Utility Commissions, Land Use Administrations, Departments of Natural Resources, Departments of Economic Planning and Development,



Rock Springs, Wyo. — Pacific Power and Light Co. and Idaho Power Co. are constructing the 2,000 megawatt Jim Bridger Power Plant here. The utilities told Rock Springs officials that the construction force would peak at 1,200-1,250 workers, but in the summer of 1973 nearly 3,000 workers arrived unannounced to the city. Major social problems resulted. Pictured above is a construction camp at the Bridger site. Workers and their families live in buses wrapped in plastic and trailer houses surrounded by mud. No running water, no grass, no yards, no social center. A utility siting act could require that better information be provided to the impacted communities so that they have a chance to prepare.

and Departments of Environmental Quality. Independent Industrial Siting Administrations have also been suggested. Within any regulatory body some person or council is usually vested with the power to issue siting permits. How that person or council is chosen and the interests represented on such a council vary greatly. Some include only professional government employees while others seek representation from the public.

### LEAD TIME

Many siting acts require a waiting period between the time the application is filed and the time construction is allowed to begin. During this "lead time" studies are conducted to determine impacts and the soon-to-be-affected communities are able to plan and prepare. Some bills provide no lead time, some mention a standard period for any application. Other bills gear lead time to the magnitude of the project — shorter periods for minor projects and longer periods for major ones. Krier and Lees of the Environmental Quality Laboratory suggest at least seven years for nuclear plants and three years for fossil-fueled plants.

### FUNDING

Many bills fund through application filing fees. Such fees can be a flat standard amount or arranged on a sliding scale according to the magnitude of the project.

Maryland has adopted a unique approach which provides for an Environmental Trust Fund made up of revenues raised through a surcharge on consumers' electric bills. Utilities collect the monies based on electrical consumption and the funds are used to support the state's siting program, including research.

Commenting on the Maryland approach, Krier and Lees say, "Set up at the appropriate rate, it would yield a steady, predictable flow of adequate amounts of income. It would be geared to the problem, for as consumption (and thus the power problem) increased, the funds available to respond to the problem would also increase. At current levels of demand for electrical energy in California, a surcharge of 0.10 mills per KWH (kilowatt-hour) would raise about \$10 million per year. The average residential customer would pay a surcharge of less than 75 cents per year!"

### INTERIM STUDIES

If impact studies are required, then specific content requirements are necessary to establish criteria for adequacy. Some bills may require only social or economic studies while others might require a complete environmental impact assessment. Another factor is who conducts the study. Asking the applicant utility to study itself could have serious drawbacks.

### DENIAL

The whole siting process as outlined in any legislation can become just a procedural exercise, if there is no authority to deny a permit. Some projects may be totally unacceptable in certain locations regardless of mitigating measures proposed by the industry. Without specific denial authorization the siting process

could serve only as a crystal ball that forecasts disaster, but provides no relief. Aside from the presence of unacceptable impacts, public need for the project could be a criteria for acceptance or denial.

### ALTERNATIVE SITES

To avoid the "one-site syndrome," the public and the state should be involved in the site selection process before a final decision is made. Several feasible sites should be reviewed so that one is chosen which poses the fewest problems. Two approaches are: 1) having the utility propose several sites, or 2) having the state propose the sites. Publicizing potential development sites before a final site is chosen and land is purchased can lead to serious land speculation problems.

### BONDING

Asking local governments to prepare for an expected impact and then failing to complete the proposed activity could lead to the accumulation of unacceptable debts and expenditures. Requiring the applicant to furnish a bond could alleviate this problem. Bonding might also be a useful tool to insure that the applicant followed the development plans and timetables outlined in the permit request.

### LONG RANGE PLANS

The yearly submission of updated long range plans can be a useful requirement in siting legislation. Besides knowing when a utility may want to build a new facility, it's also vital to know expansion plans and when a facility is scheduled to close down. Disclosure of long range plans can also help decision makers determine the public need for a given facility.

### PUBLIC PARTICIPATION

The public can be involved in siting in many ways. Sometimes representatives of the public are asked to serve on the siting council that grants permits. Sometimes public hearings are required in the affected area to determine local sentiment. In either case, public access to all siting documents is essential. The public can also be involved through a judicial review process — taking the siting decision to court.

An avenue of public participation that has not been tried in this country is the environmental advocate or ombudsman approach. Since most private citizens have other work and cannot give siting problems their full attention it has been suggested that the filing fee or other funding source could be used to hire an advocate to represent the public.

In Washington's siting legislation a "counsel for the environment" is provided. The Washington arrangement poses a conflict, however, because the counsel is a government employee within the attorney general's office. The attorney general's office would also serve as counsel for the siting committee.



"YOU DIDN'T EXPECT HER TO DISCLOSE EVERYTHING AFTER THAT FANTASTIC SONG AND DANCE."

## Regional siting bills

### 1. Wyoming

On Jan. 18, 1975, public meetings will be held in Buffalo and Sheridan, Wyo. on "Texaco's Alternatives." The meetings, sponsored by the Powder River Basin Resource Council, have been called to alert the public to the range of energy development plans Texaco could pursue on their coal lands at Lake DeSmet.

Texaco has tied up coal reserves and water, has hired the engineering firm of Morrison-Knudson Co., Inc. to determine how to develop the coal, ordered two \$1 million electric draglines, and given Buffalo \$25,000 to study waste treatment and to plan for expected growth. Texaco has prepared everything for development — but still the state and the local residents have no idea what kind of development to expect.

The Powder River Basin Resource Council says Texaco's alternatives include exporting coal by train or slurry, coal-fired electrical power generation on site, gasification, liquefaction, or power production in conjunction with uranium enrichment. Texaco refuses to commit itself to any one course of action.

The residents in the nearest community, Buffalo, know they should start planning for development; they have \$25,000 front end money to help them start planning. But they still don't know what to plan for or when to expect development.

"Wyoming law does not require any industry to disclose its plans to the public prior to implementing those plans," reads a statement on industrial siting prepared by the Wyoming Citizens' Lobby. "Decisions as to where, how, and when a plant is to be built are currently left entirely to the company which will build. The citizens and government of Wyoming need to have much more control over those decisions." The Citizens' Lobby has made industrial siting a priority issue in the 1975 session.

In the 1974 budget session a siting bill was introduced by Rep. Rex Arney of Sheridan which was modeled after Montana's tough siting act. Arney's bill passed the House by a substantial majority (55-5), but was never voted on in the Senate before the session ended. The bill was turned over to the Joint Mines, Minerals, and Industrial Development Interim Committee to be revised and introduced in the 1975 session.

Now the Joint Interim Committee has introduced a siting bill, but that bill has many weaknesses, according to the Citizens' Lobby. "It does not require industry to give the public any lead time (period of time between when the application is filed and when construction can commence). It provides no conditions under which the state can refuse permission to build. A thorough study of probable impacts and a proposal of mitigative measures (design criteria to minimize adverse impacts) is not required, and if it is deemed necessary, can only take 180 days. Further, the filing fee industry is required to pay (a maximum charge of \$100,000 to cover the cost of impact studies) is much too low to pay for the evaluation," says the Citizens' Lobby.

Key provisions that the Citizens' Lobby hopes to have included in the final version of siting legislation include: 1) proof of public need for the facility, 2) a minimum five year lead time, 3) provisions for denial of a permit if social or environmental impacts are found unacceptable, 4) a filing fee commensurate with the actual cost of conducting impact studies, 5) a public hearing on each application in the area of the proposed site.

A second industrial siting act — one that satisfies most of the objections raised by the Citizens' Lobby — has been introduced by Rep. Rex Arney. Arney's bill is similar to the one he introduced in 1974 which received such wide acceptance in the House.

Chances of passage of some form of siting legislation look excellent. Gov. Ed Herschler has called for passage of siting legislation, although he has not endorsed either bill under consideration. House Speaker Harold Hellbaum predicts siting legislation will be passed "without too much opposition," but he warned that too restrictive a bill might scare industry away from the state. The Citizens' Lobby says, "An industrial siting law is an absolute necessity to protect the future welfare of Wyoming."

### 2. Idaho

"States to the east have ample coal, but also have siting legislation for locating coal-fired plants. The West Coast needs power. Idaho lies in the middle without siting legislation and (with) plenty of water to run steam plants," said state Rep. Bill Onweiler (R-Boise).

Onweiler spent a good part of the past few months preparing siting legislation for the 1975 session in Idaho. "Because there doesn't seem to be a spokesman for the Idaho consumer and resident, siting legislation seems a must. We in Ada County and southwestern Idaho should have a say in how fast we will grow, what our electrical rates will be, and how much we will give up to have more industry," he said.

Another outspoken advocate of siting legislation in Idaho is Gov. Cecil D. Andrus. In October 1974 Andrus directed his attorney general W. Anthony Park (a man who lost his re-election bid) to coordinate a study of the needs for plant siting legislation. Park conducted the study, came up with a bill, and held public hearings on the proposed legislation in mid-December.

Since the hearings, the Onweiler and Park bills have been molded into one, according to Jeff Fereday of the Idaho Conservation League. Fereday has been following the bill's evolution and is very excited about its chances of passage.

The event that shocked Idaho into considering siting legislation was the announcement by the Idaho Power Company of its intent to build a huge coal-fired power plant south of Boise. In the wake of that announcement, the Idaho Water Resources Board

predicted four new power plants by 1985 and 14 by 2020. Fereday says siting legislation is necessary because without it, Idaho is an attractive place to build power plants.

Gov. Andrus says, "One of the questions that has to be answered . . . is whether the electricity generated would be used in Idaho or shipped to downstream states (the Pacific Northwest)."

Idaho Power Co. (IPC) has applied to the Public Utilities Commission (PUC) for permission to build a 1,000 megawatt coal-fired power plant 24 miles southeast of Boise. IPC President James E. Bruce says that siting legislation represents an unnecessary duplication of costs that ultimately will be borne by consumers. He says the PUC already has the authority to regulate siting.

Gov. Andrus counters Bruce, saying Idaho has no solid legal procedure to follow in determining where new power plants will be located.

The bill under consideration would set up a seven-man utility siting board with the PUC. Serving on the board would be three public utilities commissioners, the director of the Department of Health and Welfare, the director of the Department of Water Resources, and two members appointed by the governor to represent consumers.

The council would make a siting decision based on energy needs and environmental impacts. The application filing fee would be based on the cost of the plant. In the case of IPC's \$400 million Pioneer Plant scheduled for construction south of Boise, the fee would be about \$1.5 million. The funds would be used to conduct studies and finance other council responsibilities under the act.

Many of the provisions in the Idaho bill are taken from Montana's 1973 siting act. Siting acts from several states were consulted in the preparation of the bill.

One unique feature is that Idaho's proposed bill also regulates installations designed to store radioactive waste or to enrich radioactive materials. The National Engineering Laboratory near Arco, Idaho is being considered as a site for interim storage of the nation's nuclear wastes (see HCN, Jan. 3, 1974, p. 1. "Western site sought for A-wastes.") Power plants, gasification plants, liquefaction plants, and transmission lines would also be covered.

### 3. Utah

Utah Gov. Calvin L. Rampton called for passage of a state utility siting act in his Jan. 13, 1975 State of the State address. "Our challenge is that without proper preparation and planning, the effects on our state can be environmentally and socially disastrous," he said.

Rampton predicted that the proposed Kaiparowits coal-fired power plant in southeastern Utah would result in an investment of \$2 billion and create a new town of 13,000 people. "There are at least three additional plants, two of a like size and one smaller, also proposed for that area," he said.

"I am not prepared to leave all the decisions regarding energy development and the siting of such major industrial facilities to the federal agencies on whose lands such development occurs," he said. "The impact is just too important to the state for us to ignore our public responsibility."

"I, therefore, urge that you seriously consider key facilities siting legislation that will allow the state to influence the proper planning, siting and development of major industrial activities throughout the state," he told the legislators. "This will assure a minimum of disruption to the economic, social and environmental fabric of our society."

The Council on Utah's Resources, Utah's environmental lobby force, plans to make utility siting legislation priority legislation this session.

### 4. North Dakota

North Dakota is taking a tack on utility siting legislation which is different from the approaches of all other states in the region. Rather than having the state react to industry-selected sites, in North Dakota the state will do the designating. S.B. 2050 would require the state Public Service Commission to inventory potentially suitable utility sites and service corridors by July 1976. When a utility developed and submitted plans to the PSC in accordance with the act it would have to identify a preferred site and corridor and at least one alternative from the state's selection.

Mike Jacobs, a Mandan, N.D., resident who plans to lobby for a siting bill, says there are several loopholes in the legislation that could make it ineffective. One of his main complaints is that the filing fee (\$500 for each \$1 million of investment) is much too low to cover the costs of the studies that need to be done to pick good sites. He also objects the way filing fee money filters down to the PSC so it can administer and enforce the act — it's all subject to legislative appropriation. "That's an ineffective way to set things up when the legislature only meets for 60 days every two years," says Jacobs.

"It's not a very good bill. It's more than we have now, but it's not what we need for protection," he says.

### 5. Colorado

Two years ago, state Reps. Dick Lamm (D-Denver) and Mike Strang (R-Carbondale) introduced an "industrial site selection bill" in the Colorado legislature. The bill would have required industries wanting to locate in Colorado's Front Range to prepare an environmental impact statement and obtain a location certificate. The governor would have been granted the power to deny location of an industry on the grounds that it would add to

(Continued on page 12)

6-High Country News  
Friday, Jan. 17, 1975

## A comparison of Rockies' existing siting laws



Wheatland, Wyo. — The Missouri Basin Power Project has announced the construction of a 1,500 megawatt coal-fired power plant on the outskirts of this small agriculturally-based community. Is this the best site for a new energy conversion facility? It's hard to judge. Wyoming still doesn't have a utility siting act to help government decision makers and the public reach a conclusion.

by Ann Sayvetz

**Editors' note:** The following comparison of utility siting laws in the Rocky Mountain states is reprinted with permission from **Energy Related Legislation in the Rocky Mountain States** (1974) by Ann Sayvetz. Sayvetz conducted this study as a student intern for the Western Interstate Commission for Higher Education under the sponsorship of the Rocky Mountain Center on Environment (ROMCOE). Copies of the full report are available for two dollars from ROMCOE, 4260 East Evans Ave., Denver, Colo. 80222. Sayvetz is a law student at the University of Colorado in Boulder.

Arizona (1972), Montana (1973), and Nevada (1971) are the only Rocky Mountain states with utility siting laws. Arizona's statute covers plants and transmission lines for thermal-electric, nuclear, and hydroelectric facilities over 100 megawatts, or costing over \$50,000. Montana's law covers the widest variety of conversion facilities: electrical generating facilities over 50 megawatts, or a cost of \$250,000; gas — capacity of 100 million cubic feet per day or \$250,000; 50,000 barrels of liquid hydrocarbons per day or \$250,000; facilities for uranium enrichment; transmission lines and pipelines. Nevada's statute has the broadest general coverage since it regulates construction of telephone, telegraph, and television equipment, buildings, and facilities; water storage and transmission facilities; sewer transmission and treatment facilities; as well as utility and electricity generation and transmission facilities.

### LICENSING BODY

The Arizona Power Plant and Transmission Line Siting Committee is composed of representatives from state agencies, citizen and county members and an architect. In Nevada, the Public Service Commission is the licensing body. The controlling body under Montana's statute is the Natural Resources and Conservation Board. The composition of these commissions can greatly affect the decisions that are made; therefore explicit environmen-

tal standards are as important in the field of utility siting as in mining legislation.

### PLANNING PERIOD

Unlike surface mining permits that may be executed immediately, utility siting may involve a waiting period from the time the application is granted until actual site construction is begun. Montana's law stipulates a two-year waiting period to allow changes in technology and environmental safeguards to be incorporated into the plans. Projected 10 year plans must be filed annually. The Arizona statute does not mention a waiting period, but it does require the filing of long-range, 10 year plans by the utility companies. Nevada requires neither.

### FILING FEES

The magnitude of the utility siting filing fee is indicative of the amount of effort to be undertaken by the licensing body to make an independent appraisal of proposed sites, first choice, and alternate locations. This differs from surface mining permit fees, which are minimal. The mining permit fees are not substantial enough to fund analysis of proposed mining sites, and alternate funds are not provided in any of the eight Rocky Mountain states. Siting commission fees are used for environmental analysis, and in the case of Montana, also for analyses of the potential socio-economic impacts of a major installation. Fees in Arizona range from \$1,000 for a transmission line to \$10,000 for a new plant. Nevada does not require fees. Montana has a fee scale based on the projected cost of the facility.

If the cost is less than \$1 million, the filing fee is three per cent of the cost; cost \$1 million-\$20 million, filing fee \$30 thousand plus one per cent of the excess over \$1 thousand; cost \$20 million-\$100 million, fee \$220 thousand plus .5% of excess over \$20 million; cost \$100 million to \$300 million, fee \$620 thousand plus .25% of excess over \$100 million; cost more than \$300 million, fee \$1,120 thousand plus .1% of excess over \$300 million. For example, the new plant at Colstrip, Mont. has an estimated cost

of \$368,668,000. The fee would be \$1,188,668, according to Albert C. Tsao of the State Department of Natural Resources and Conservation.

### PUBLIC PARTICIPATION

Often sites for utility construction are not revealed until the decision is made final. One reason for such secrecy given by utility companies is to prevent land values from rising before the site can be purchased. However, land use issues that are involved in utility siting are of vital public interest and should be aired before a proposal becomes a reality.

In all three states any interested person may make a limited appearance at the licensing hearing — in other words, give testimony. Montana and Nevada require service of notice of the hearing on municipalities and heads of government in the area, including agencies responsible for environmental and land use concerns. In Nevada the hearing may be dispensed with if no protests are filed.

If there are several agencies that must grant licenses before construction can begin, such as air and water pollution control boards, the question remains whether the siting commission's hearing should incorporate all such procedures, or if the industry should have to go through a series of hearings that may in some respects be repetitive. The simplified procedure generally will give the advantage to the industry, whereas environmental concerns may be better dealt with in the more elaborate setup. At present, siting legislation does not require a coordinated procedure; it merely invites input from pertinent agencies.

### LONG-TERM PLANNING

A major issue in energy conversion facility siting is sufficient advance planning in order to anticipate and make provisions for environmental needs such as choosing a location with minimum adverse impacts, careful selection of transmission routes and corridors, waste disposal problems (especially for nuclear powered plants), design and landscaping, and perhaps eventually coordination with energy use policies. Arizona's statute calls for submission of 10 year plans by utility companies describing proposed facilities, capacity, type of fuel to be used, sources of fuel and water, size of transmission lines, and estimated dates of operation. In Montana, the utilities must submit an annual 10 year plan with information on facilities to be built and removed from service, as well as efforts to cooperate with environmental agencies to minimize environmental problems. Nevada, the only other state with a facility siting law, has no similar requirement.

Long-range planning allows time to examine actual need for additional facilities, to locate sites where little environmental degradation will occur, and to incorporate the latest technological advances toward safety and pollution control in plans for new facilities.

### ENVIRONMENTAL CRITERIA

As in surface mining legislation, the legislative enumeration of environmental standards is the best guide to the quality of the statute. Specific concerns such as the uniqueness of the area, alternative uses for the site, and wildlife needs must be considered in Montana. Montana and Nevada statutes both require findings of a basis for need, nature of the probable environmental impact, a conclusion that the proposed site will have minimum adverse environmental impacts, and conformity to other agency standards. Montana's statute includes an extensive list of factors to be further considered by

the siting board — energy needs (social benefits, desirability of alternative sources of energy), land use impacts, water resource impacts, air quality impacts, radiation, and noise impacts. This law takes a broad perspective on potential effects of energy facility construction, beyond those of the physical environment to those of the socio-economic and cultural environment as well.

**SCOPE OF JUDICIAL REVIEW**

In Arizona and Montana anyone may file for judicial review to enforce compliance with the provisions of the siting law. Nevada permits a limited

standard of review, to determine whether the commission is acting within its authority.

**OTHER ISSUES**

Some questions that deserve a great deal of attention are in the realm of policy making. Should the need for facilities be determined on the basis of national energy desires and plans, or should the state and local siting boards play a larger role in the decision of how much energy they wish to provide? Should a state be able to refuse to produce electricity or other energy for exportation to avoid local environmental degradation?

A further question is whether a single board

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should have the power to regulate as well as plan future development. Regulation and planning may contain inherent conflicts of interest. This may be a particular problem under the Nevada statute where the Public Service Commission which regulates the utilities is also responsible for future site construction.

Also, planning should objectively identify all resources and values, and examine gains and losses in the framework of "alternative futures." The people of a state should have privileges in controlling such futures and options.

**Cinderella Sunshine: a tale of two principalities . . .**

(Continued from page 1)

eyes lit up and his pockets itched. He called the Queen and their two daughters to his side and announced that it was time they paid a royal visit to the principality of Metropolitania.

They told Cinderella Sunshine, their stepchild, to stay at home and keep their place clean and tidy while they were gone. Her two stepsisters, Princess Petroleum and Princess Gas, were particularly nasty to her, and went out of their way to tell her how crude she was compared to them. They had always expected Cinderella to wait on them hand and foot and saw to it that she was kept in her place in the greenhouse.

The Royal family of Ruritania was received in Metropolitania with great ceremony. Princess Petroleum and Princess Gas particularly were courted and catered to by all of the noblemen of the realm. No matter that they were homely, smelled badly, and were ill-mannered, P & G held the promise of great wealth for their successful suitors. (They were in fact not interested in marriage, but in liaisons for a price.)

The building of the new castle for Metropolitania was a major event on the Kingdom of Earth. Never before had so much invention and innovation been concentrated on a project of such vast dimensions. Steel structural frames were assembled to heights never before imagined, and lightweight materials were devised to enclose those portions of the skeleton not covered by glass. Elevators were installed everywhere to save the occupants from the effort of climbing old-fashioned stairs. Electrical wiring laced the palace to provide the energy needed around the clock so that the workers in the enterprises could be busy at all times.

Sewer and water systems were installed in order that no chamber of the palace would be without its hot water and flushing toilet. Heating systems comforted the occupants in winter, and air-cooled conditioning systems provided for their comfort in the summer.

Finally, the time arrived when the new palace was finished. The King of Metropolitania let it be known far and wide that he planned a celebration. Because the Ruler of Ruritania and his family were made even wealthier by all of the resources they were now delivering to Metropolitania, they were to be the honored guests. Petroleum and Gas spent days and weeks in preparing themselves. Poor Cinderella Sunshine was constantly being called to help them and the Empress sew new clothes and fix their hair, to make themselves as presentable as possible. When she finished her day's work, she was sent back to her greenhouse to rest among her plants and dream of the splendors of the new castle that she would probably never get to see. She had only her little friend the cricket to console her by singing her favorite song: "You are my Sunshine, my only Sunshine."

When the great day arrived, all of the Royal family of Ruritania left for the celebration leaving poor Cinderella Sunshine behind. As she sat in her little

greenhouse weeping softly, she was startled by the appearance of a wonderful wizard. The wizard said, "I am the Wizard of Conservation. Cinderella Sunshine would you like to go to the celebration in Metropolitania?"

"Oh, yes, more than anything," said Cinderella Sunshine.

The wizard got out his miraculous wand. First he placed a tiara of sparkling dew drops in Cinderella's hair. Then he gave her a shimmering gown of insulation and sparkling glass slippers called "collectors." He made a coach for her out of some old legislation, horses out of Congressmen, and coachmen out of Senators. Just before Cinderella Sunshine left for the celebration, more radiant than she had ever been before, the wonderful wizard warned her: "Be certain that you leave the celebration before night comes. Because if you tarry too long, your horses and coachmen will be lost. Tomorrow is the first Tuesday after the second Monday in November, and that's a magic day that even I am powerless to change."

Needless to say, Cinderella Sunshine was the star of the celebration. The Prince of Enlightenment saw her as she entered the palace just as dawn broke. He was so captivated by her radiance that he refused to leave her side all through the day. Old P & G were beside themselves with jealousy. Neither of them recognized Cinderella Sunshine because they had never seen her in the light of day, and they would never have believed that this warm and lovely person was their own stepsister.

Just as dusk approached, there was a power failure and all of the wonderful systems in the grand new palace stopped working. The heating devices

older each day and consequently would soon no longer have the resources to participate in such liaisons, they had decided to raise their prices.

The good Queen of Hearts and Minds gave the Prince her blessings and suggested he was probably better gone from the court anyway since that good-for-nothing Court Jester, Alfie Affluence, was encouraging so many members of the court to lead a life of wanton living — eating, drinking, and making merry as though tomorrow they would die.

The Prince of Enlightenment set out on his journey with his good friends Hope and Charity. They searched the Kingdom from one end to the other until at last they reached the royal household of Ruritania. News of their coming had preceded them by messengers who said the Prince intended to marry whomever the slipper fit.

The Empress banished Cinderella Sunshine to the little greenhouse when the Prince arrived so that the family would not be embarrassed by her presence. The Prince tried the slipper on the feet of the ladies of the house, one by one, but, of course, none would work. Just as he was about to leave again on his sad quest, Hope heard Cinderella Sunshine humming lightly in the greenhouse and asked who was there. Much to the family's chagrin, Cinderella Sunshine was brought out, and as we all know the slipper fit perfectly.

The Prince was overjoyed. He swept his long sought true love up in his arms and hurried back to his father's kingdom.

Now I wish I could tell you that they lived happily ever after, but I can't. You see my story is so up-to-date that I don't even know myself, yet, if they will get married. One would hope so. It will probably be

**It will probably be difficult for the Ruler of Ruritania to adjust to his declining income, and poor old Petroleum and Gas are probably going to have to retire.**

failed to function because the electrical motors needed to pump the oil and gas shut down; the new plumbing system had no water; the telephones were dead; and the elevators stuck between the floors trapping Petroleum and Gas, who were on their way to a liaison with some bankers. Cinderella Sunshine remembered, then, the warnings of the wonderful wizard and hurried down the stairs and out of the palace. In her haste she slipped out of one of her glass collector slippers and left it behind on the grand staircase.

All of the next week the Prince of Enlightenment was despondent. No one in the entire principality seemed to know anything about the beautiful creature who had made such a sensation at the celebration. All he had to console himself was the one glass collector slipper she had left behind. The Prince was determined that he would find her.

The King had no time to concern himself with his son's adventure. He was beset with problems of power failures and rising prices for the oil and gas he got from Ruritania. It seems that Petroleum and Gas' liaisons with the Bankers were causing them to be more greedy, and since they were growing

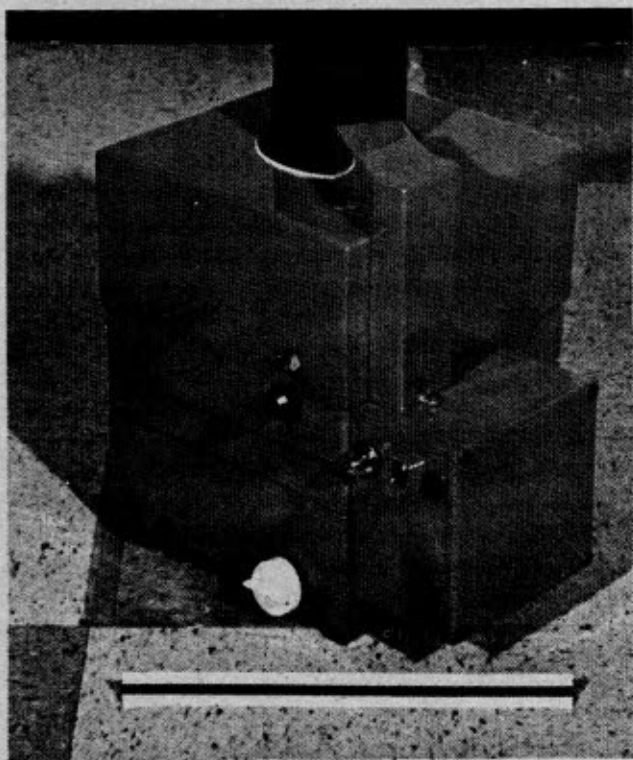
difficult for the Ruler of Ruritania to adjust to his declining income, and poor old Petroleum and Gas are probably going to have to retire. There is a rumor that the Empress of Lignite expects to make a comeback, now that Petroleum and Gas are growing older, but one can't be sure the old girl still has what it takes. Her admirers say she is good for another one hundred years, but her price is going to be dear.

If Cinderella Sunshine becomes the new queen, how wonderfully radiant and warm the palace will be, and how cleansed the Kingdom will become. And some day, if the Prince of Enlightenment and Cinderella Sunshine have children, we may see a new generation of the children of light. With Hope and Charity as their godparents and the good Queen of Hearts and Minds as their doting grandmother, the children of light may remember that "Those who bring sunshine to the lives of others cannot keep it from themselves." James Matchen Barrie

John P. Eberhard is president of the American Institute of Architects Research Corporation in Washington D.C.



**PRIZES FOR INNOVATION.** Plunkett says that each state should give a large, yearly prize for innovation in solar energy. Prizes worked to develop technology for Napoleon, he says. Food canning was invented in response to his offer of 50,000 francs for a way to feed his army while on the road.



**HEAT TO BACK UP SOLAR POWER.** Plunkett's mini domestic furnace is cleaner and more efficient than traditional furnaces. Its owner can choose among coal, oil, and gas as fuels. That switching ability, if widely utilized, could free the country from dependence on Arab oil in a very short period of time, Plunkett says. Here is an artist's idea of how fuel distribution—in this case, probably coal distribution—could work.

by Joan Nice

When a solar heating and cooling bill passed Congress last year among the rejoicers was Denver inventor Dr. Jerry Plunkett. For Plunkett, passage of the \$60 million Solar Heating and Cooling Demonstration Act meant that Congress had declared solar technology to exist — and that they were ready to start using it.

Plunkett calls himself a "technologist." Yet he scorns what he sees as the faults of the breed — their inclination toward esoteric research on the one hand and "sheet metal bending" (style changes) on the other.

It's the 747 syndrome, Plunkett says. "They don't want to fly the airplane until they can build the 747. No technology has ever been built that way. The first airplane was made out of paper and sticks and silk and wires. It's silly to sit around and research things without going ahead and establishing the industry."

What the country needs now are fresh approaches to the energy problem, not just "institutions that know how to drill (oil and gas) holes." And most of all we need the will to go in new directions, Plunkett says. "Hitler came to power in Germany when it was absolutely bankrupt. And in a period of a few years, just because they had the will, they built an army that practically conquered the world," Plunkett says.

"If we can't do the same thing to build up solar energy and to build our resource base back up again — then we don't deserve to exist. If we're going to live like we've lived in the past, I guarantee you, we'll be dinosaurs."

#### PRESSING HUMAN NEEDS

The angry, outspoken-yet-gentlemanly Plunkett is president of Materials Consultants, Inc. He has been a part of the academic world. He earned a Ph.D. at Massachusetts Institute of Technology and has taught at the University of Denver. He has also worked for private industry. Among other industry jobs, he has served as a technical consultant to Coors Porcelain Co. and to CF&I Steel Co.

But he has forsaken both academia and industry for his own small business, where he makes new products "related to pressing human needs." Solar collectors, clean coal furnaces, equipment to help the Forest Service measure fire danger in the woods

## Jerry Plunkett

— all are projects currently being built at Materials Consultants, Inc.

"Because we are critics, people really think we're nuts," Plunkett admits. But he shrugs off the nut label, because in his place outside of institutions he has retained what he considers the most valuable quality a technologist can have — the ability to innovate.

"The one thing that I worry about more than anything else in the whole energy picture is that the process of innovation is going to be stifled," Plunkett says. The polaroid camera, the ballpoint pen, the xerox machine — Plunkett points out that these things did not come out of institutions. They came from individual inventors.

Today, we spend billions on research and development, "but we really get very little for it," Plunkett says. In academia, "no merit badges are given for innovation. Universities lean toward analysis rather than innovation."

And modern private industry has eliminated competition to manipulate the public. "It's like the auto industry," Plunkett says. "First they produce the wrong kind of cars. Then they produce a big backlog. Then they lay everybody off and create a national crisis."

"That's not free economics," Plunkett says.

Big industry can't innovate either, Plunkett says. It tends to continue along the same path, manipulating demand, until the profits or the resource runs dry. It may ask for new ideas, but all it really rewards are refinements, Plunkett says.

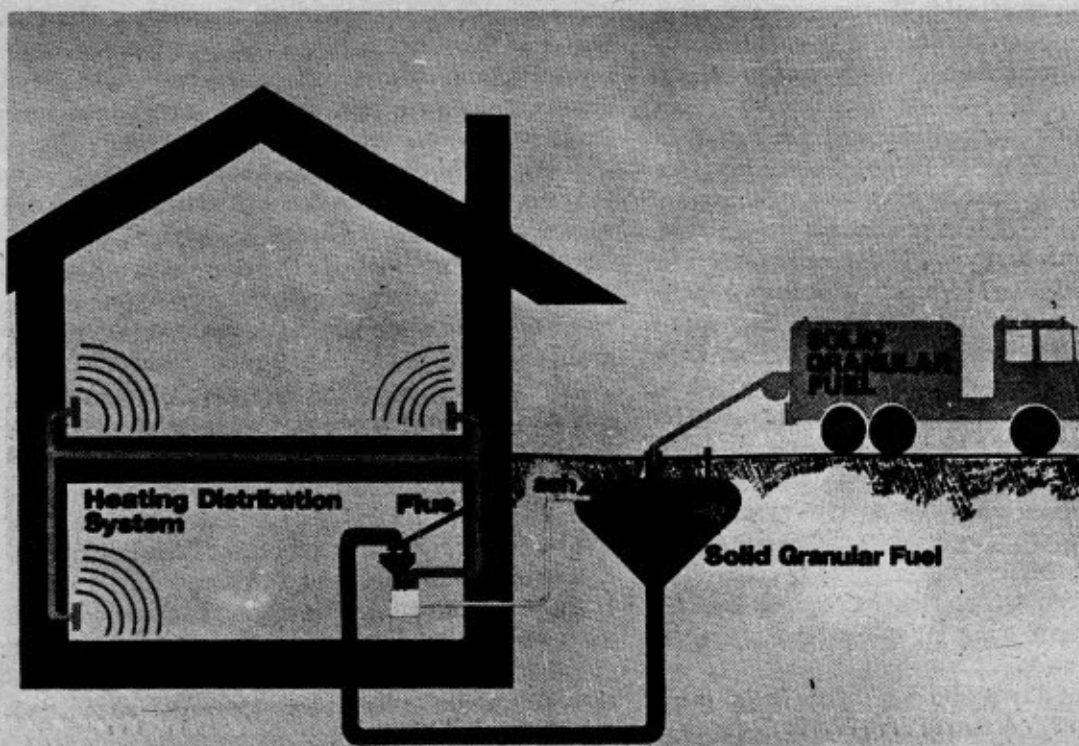
#### PIE-IN-THE-SKY

Recognized solar leaders haven't enhanced the technology's chances of acceptance by academia, industry, or the public, Plunkett adds. "They've gone out and sold this pie-in-the-sky. Big solar farms covering thousands of miles. Satellites in the sky."

"You'll never have a solar industry as long as you depend upon those kinds of far-out ideas," Plunkett says.

The Denver inventor sees the solar heating and cooling demonstration act as a sign that solar energy has come down to earth — an important turning point.

Plunkett says "The demonstration act really convinced the National Science Foundation that they were on the wrong track. They fought against the act subtly — with their grantees and contractors testifying that the program was going fine, that in



Photos courtesy of Materials Consultants Inc.

## ett, inventor

10 years we'd make a little progress."

The demonstration act calls for immediate use of solar systems, \$60 million worth of them — publicly financed and privately built. The project will be operated jointly by the National Aeronautics and Space Administration and the Housing and Urban Development Department.

One of Plunkett's disappointments about the act was that the grant money was not restricted to small businesses. "Any company that has a gross of \$100 million can justify getting into the solar energy business any day they want to on their own. I don't think we ought to give a dime to large companies," Plunkett says.

Plunkett calls for government to encourage an industry which is diversified and competitive. "Four or five or even 10 large companies in the solar energy field should be something which, as a matter of national policy, we plan against," Plunkett says.

### SOLAR PUBLIC HOUSING

But before small solar businesses can prosper, he warns, there has to be a market for solar power. Automobiles, computers, TV, airplanes — these inventions all moved swiftly into modern life because the government helped create a market for them.

One way for the government to create a market would be to fit all public housing with solar energy, Plunkett suggests.

To do his own part along these lines, Plunkett hopes to work with an Indian tribe or a low income group to set up a factory which will produce and install collectors.

"We pay people unemployment benefits," Plunkett says. "We might as well have a special program where we put these people to work on solar collectors. Why have them sit around at home?"

Plunkett feels an urgency in his mission, because he sees our planning time shrinking. At present rates of consumption the U.S. has about 200 years worth of fossil fuels left. But since we double our consumption rate every 15 years that means "by 1990 our two hundred years supply is down to 100 years, by 2005 it's down to 50 years, by 2020 — 25 years, and by 2040 — there's nothing left. It becomes a time scale of about 60 or 70 years," Plunkett says. "Just the lifespan of a baby born today."

For that interim period, Plunkett is developing a product which he says he's having a hard time selling because "it doesn't fit people's preconceived notion of what the solution to the energy crisis ought to be."

### DECENTRALIZATION — THE FURNACE

While others are talking of big coal-fired generating plants and their refinements — gasification plants and liquefaction plants — Plunkett is experimenting with the old, decentralized, energy standby — the home furnace. The version he has made is very small, could be fueled by gas, oil, or coal, and would be cleaner and more efficient than old-style furnaces. The concept is what Plunkett calls a mini fluidized bed.

The homeowner could put a tank on for oil, a hookup for gas, and a tank on for coal (although coal burning in the furnace hasn't been perfected yet), Plunkett predicts. If one fuel were more expensive than the other, the consumer could flip the switch. That kind of control would not only be handy for the individual, it could be vital for the energy independence of the nation, Plunkett claims.

"Twenty-three per cent of all of our energy goes into home and commercial heating. If we could switch that from petroleum to natural gas to coal, then we could free ourselves from dependence on Arab oil in a very short period of time."

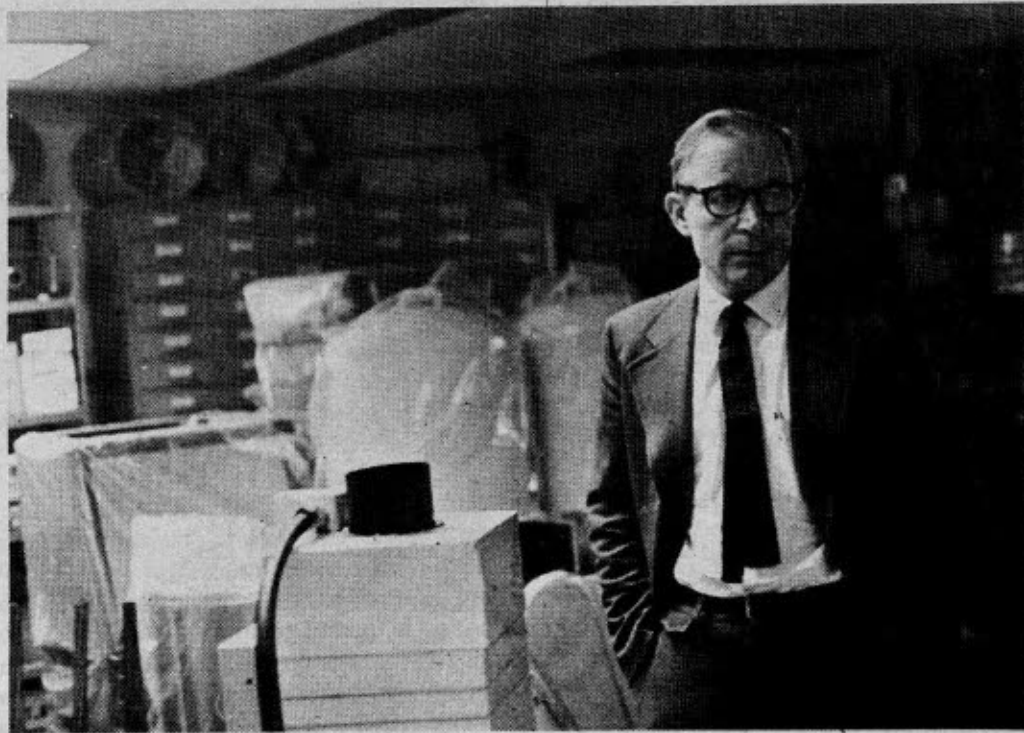
Using fluidized bed technology allows the inven-

tor to choose a combustion temperature. That flexibility, plus the addition of limestone, helps keep pollutant emissions down to about a tenth of the maximum levels the Environmental Protection Agency permits.

A traditional furnace is about 60% efficient at best. With the small fluidized bed furnace, "we've operated time and time again at 85% efficiency. The difference between the 60 and the 85 represents a

big chunk of fuel. So the homeowner can cut his bill just that much," Plunkett claims.

Even though he is in the furnace business, Plunkett says that the long term use of his invention is as a back-up for a solar energy system. "Solar energy is the way to go and any other fuel consumption has to be minimized in the long pull," he says. "There's no reason to burn anything other than supplementary fuel."



ANGRY INVENTOR. "History will look back on us not as affluent people—but just as stupid, greedy pigs," Plunkett says. The Denver scientist and inventor says the U.S. isn't moving fast enough to curb energy consumption and to establish the solar energy industry.

## What state legislatures can do (inexpensively) for solar energy

Dr. Jerry Plunkett claims it's time that states did their part for solar energy. He believes it's not a prohibitively expensive arena. To the contrary, Plunkett says that states can play a vital role in promoting this answer to citizens' energy needs.

Plunkett is advocating that six specific measures be adopted by the Colorado legislature:

1. The state should eliminate real estate taxes on solar equipment. People don't pay property taxes on the fuel they burn up. Solar energy will need an equal break to be able to compete with fuels, Plunkett contends.
  2. Solar zoning regulations should be instituted. Can someone shadow you out? If you build a solar collector are you going to be protected from the sun-blockers which might come later — anything from a neighbor's tree branch to an adjacent apartment building?
  3. Building codes in the state should be re-written to accommodate solar devices.
  4. If solar energy is to compete on an equal basis with power provided by utilities, utility rate structures must be changed. If consumers are charged a minimum fee for fuel or electricity, it will not pay them to install a solar device which will reduce their consumption below the level covered by the minimum. Plunkett suggests that he would be in favor of giving people the first nominal amount of energy free or at almost no cost.
- "You could buy a solar water heater today," Plunkett says. "But it turns out that most of us have

minimums on our gas bills. The minimum just about dovetails with the amount of gas you burn in a water heater in the summer.

"You can save gas with a solar water heater on your roof — and if you feel good about it that's fine. But you don't save any money."

5. States can make grants to solar projects without spending "a whale of a lot of money," Plunkett says.

Colorado's state Sen. Joseph Schieffelin has proposed giving a grant of \$1,500 or \$2,000 to the first 10 solar heated houses in each of the state's 63 counties. Plunkett believes that perhaps the grants should be in the realm of \$3,000 to \$5,000 dollars, and for 100 units in each county instead of 10, but he applauds the concept.

6. Plunkett also recommends setting up a \$20,000 to \$50,000 state award for innovation in solar energy.

The contest is a method of advancing technology that hasn't been used in a long time, Plunkett says, but history has proved it's effectiveness.

Napoleon first used the technique, Plunkett says. He was having trouble keeping his troops fed. So he set up an award for the person who could provide a way for the Army to carry its own food. Food canning was developed in response to Napoleon's lure of 50,000 francs.

"I like awards because you don't pay somebody to fiddle with a problem. You pay them to solve it. You get your money's worth," Plunkett says.

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Friday, Jan. 17, 1975

## Reckoning from Washington

by Lee Catterall

A court decision in late December has threatened the future of livestock grazing on federal land unless the government greatly increases its efforts to control overgrazing (see HCN, Jan. 3, 1975, page 15).

U.S. District Court Judge Thomas Flannery, in his court opinion, said the Bureau of Land Management (BLM) has "delayed beyond reason" in meeting legal requirements that it fully report the effects of livestock grazing on 150 million acres of land it administers in western states.

Flannery ordered BLM officials to meet with environmentalists this month to work up a timetable for producing numerous analyses of localized effects of grazing.

John Roger Beers, a lawyer for one of the plaintiffs, the National Resources Defense Council, called the decision "a great victory for better public land management. I think it opens up a decision-making process which has remained largely invisible to the public."

The decision could have effects far beyond the issue of overgrazing, an issue large in itself. In a prepared statement, an Interior Department spokesman said it could have "considerable impact on the bureau's and the department's overall planning system, which includes meeting the requirements of the National Environmental Policy Act."

That 1969 act requires the government to prepare environmental impact statements for major federal actions "significantly affecting" the environment. Since its enactment, BLM has produced drafts of a statement on the effects of livestock grazing on its land. The statement's final version is set for publication this month.

But Beers contended that falls short of what the law requires. He said BLM should prepare statements for each of its 52 districts, 12 of which are in Wyoming.

Judge Flannery agreed that the BLM statement, "standing alone, is not sufficient to comply" with the law. He ordered BLM to prepare numerous statements, leaving it up to BLM "initially" to decide whether that means statements for each district, groups of districts, or parts of districts.

BLM officials are ordered to meet with Beers to settle on a "schedule" for preparing the statements and report back to Flannery in February. If no agreement is reached, Flannery apparently could set the timetable himself.

It was not clear if an appeal by BLM would allow the agency to sidestep the court directive for the time being. Beers said if BLM does that, he "might suggest that grazing permits should be held up if they don't want to do impact statements on them according to a schedule."

Thomas Cavanaugh, a lawyer for the Public Lands Council, which sided in court with BLM, expressed concern over the court decision. The council represents grazing permit holders and is closely associated with state livestock groups.

"If the court should say to them (BLM) that they must prepare these statements within a specified period of time — for example, a year," Cavanaugh said, "and they fail to do it, I presume that the court might well enjoin the future issuance of permits in that particular area until the impact statement has been prepared and is satisfactory."

That, he said, would "put a lot of ranchers in the West out of business."



## Move from promotion toward conservation Citizens win rate case

by Charles Nations

A giant step from the age of promotion to the age of conservation may have been achieved by a recent utility rate structure decision in Wisconsin. Consumers of large amounts of energy may find it more profitable to start conserving energy because of the ruling.

Traditionally, small consumers have paid more per kilowatt-hour than large consumers — a practice which has discouraged energy conservation. But this summer, following a two year action, the Wisconsin Public Service Commission has told the Madison (Wis.) Gas and Electric Company that their declining block rate structure is inequitable.

For years the practice of declining rate pricing for utilities has encouraged the use of energy on the premise that higher consumption was less expensive per unit. The utility companies have advertised and promoted this practice extensively. Special rates have been established for consumers with air conditioners, electric water heaters, and electrically heated homes. Industry has been encouraged to use energy in huge amounts and has enjoyed special rate structures as a result.

Here's the way it works. All customers, whether commercial, residential, or industrial, pay a base fee for recurring operations such as meter reading, billing, and office maintenance and expense. This charge is made to everyone serviced by the utility even if there is no consumption during the billing period. As the product is consumed, a rate is determined which is supposed to cover the cost of producing and transmitting the product to the consumer and of providing a profit to the company's stockholders.

The rate is based, in the case of electricity, on the number of kilowatt-hours, each block priced at a different value. As the consumption increased, the price per kilowatt decreased in each rate block, thus encouraging greater use of electricity especially by heavy industry and commercial activities.

This system has been in use for years but what has happened is that continued high use and promotion of even greater consumption of electricity has caused the utility companies to build more power plants, use more fuel and materials, which in turn creates greater demand for the utility. Present day inflation has put many utility companies in a position of not being able to meet demands for their product without huge price increases and construction of even more plants.

When the Madison Gas and Electric Company applied for a rate increase to insure their continued operation and an adequate profit figure, two public interest groups, the Environmental Defense Fund and a local group called Capitol Community Citizens, objected. They said the declining rate structure was unfair in that it did not set the cost of production and transmission of electricity on the doorsteps of the large consumer where it logically belonged.

The consumer groups pointed out that consumption stimulated by lowered prices per unit of power in the declining block price structure was oftentimes inefficient and wasteful. Excessive or inefficient use of air conditioning in summer and electrical heating in winter should not be rewarded with reduced costs.

Peak loading, that elusive figure upon which many utility companies base their future building programs, also came under fire. Forecasts of peak load periods — the time of day when the most electricity is consumed — have been used to justify building new and larger power generation facilities. But studies have shown that simply rescheduling some heavy industrial operations from daytime (when residential requirements are high), to late

evening could prevent serious supply shortages and relieve the need for a standby plant.

Since electricity is difficult and costly to store, the utility companies contend that plant capacity must meet or exceed any load at any time, but it does not necessarily follow that plant capacity should be based on unreasonable and avoidable uses of the power. It does follow however, that the consumers responsible for peak loads should be charged at a rate consistent with that consumption. Peak loads which require the use of auxiliary or standby power generating plants generally are more costly per unit rather than less expensive, reflecting the inefficiency of these plants. However, this power has been available at reduced rates in most cases.

The Environmental Defense Fund and the Capitol Community Citizens argued that prices should not be designed to stimulate consumption by reducing unit cost per kilowatt as consumption increased.

The Wisconsin Public Service Commission directed the utility to establish a summer-winter price differential and to charge different day and night time rates to large industrial consumers to level off the peak power requirements. The commission also directed the company to start a series of tests to determine if time-of-day pricing for even small users can be effective in reducing peak demands and establish a more equitable price per unit of power consumed. A time-of-day system has been used in France with notable success; however the cost of installing the proper metering devices in the Madison area appears prohibitive.

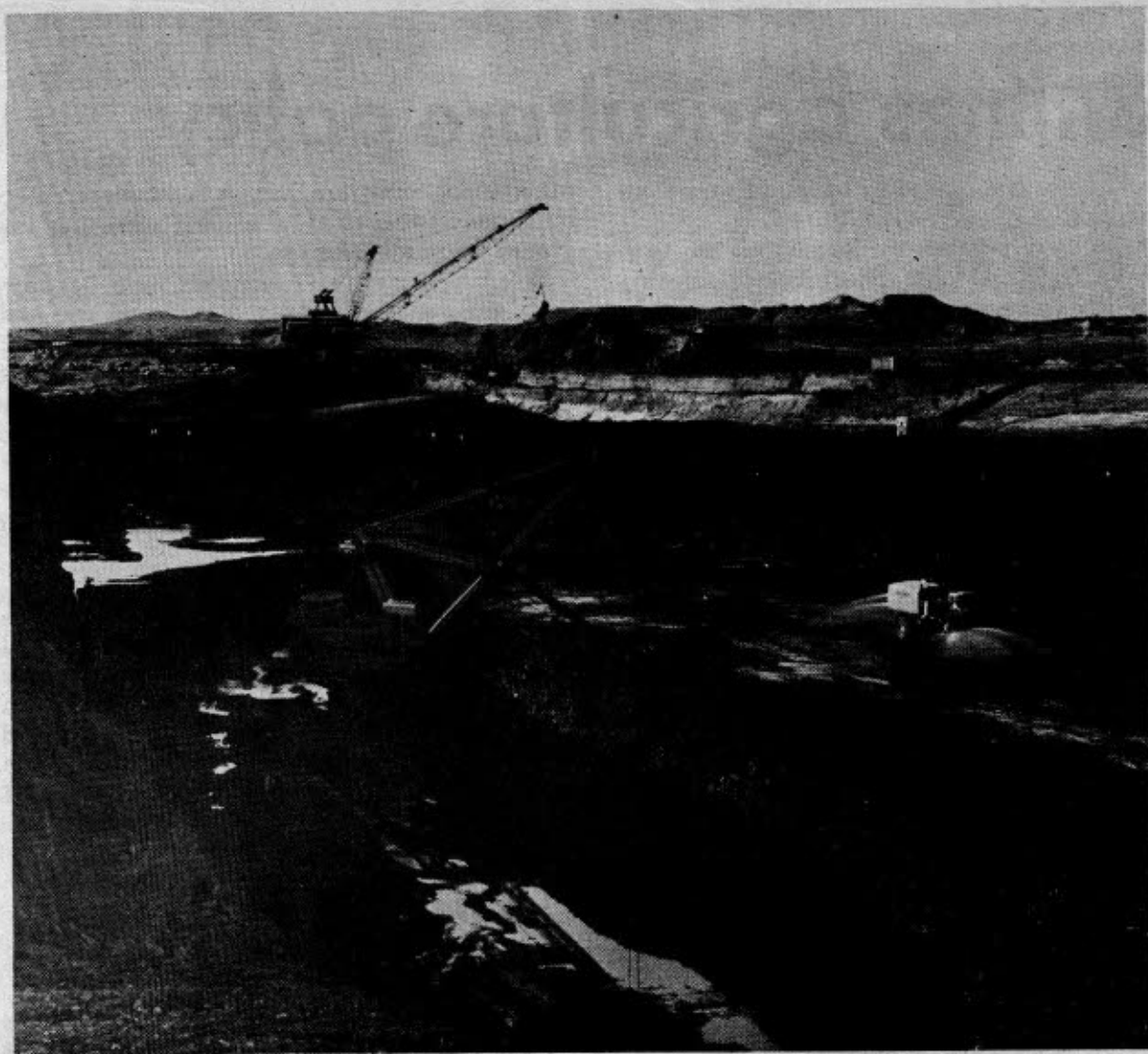
The Wisconsin decision has been acclaimed by several other state public service commissions, economists, and environmentalists. The Environmental Defense Fund has been requested to present its reasoning at several public service commission proceedings in utility rate investigations.

This one decision does not insure a complete rate restructuring in all utility companies across the land, but it does reflect the results of reasonable concern affecting a long standing but unreasonable situation.



**CONSIDERS COAL TAX.** Legislators in Montana will be considering changing the state severance tax from being based on heat value to sale price of coal at the mines. A bill has been prefiled calling for a 25% sales tax. The existing heat value tax is between 10 and 16.5% and is among the highest in the nation. Wyoming legislators will also be considering a higher coal tax. Presently, the tax is three per cent. The president of the Wyoming Mining Association said that with the recent injunction stopping coal mining in one area (see separate story, this page), no new taxes are needed now.

**COAL GASIFICATION TESTED.** Exploratory drilling aimed at testing sites for potential use in underground coal gasification has begun at four sites in the Powder River Basin and one in the Kemmerer area. The program is funded and administered by the Atomic Energy Commission, which is now a part of the federal Energy and Research Development Administration (ERDA). A spokesman for the Lawrence Livermore Laboratory (LLL) of the University of California said the new technology involves fracturing underground coal deposits with chemical high explosives and extracting clean gas fuel through in-place combustion.



A federal court injunction has been issued to temporarily halt any federal coal development in the eastern portion of the Powder River Basin. The U.S. Court of Appeals in Washington, D.C., ruled Jan. 6 that the U.S. Department of Interior and other federal agencies must not engage in coal-related activities in the area until the court rules on a related environmental suit. The Sierra Club, the National Wildlife Federation, the Northern Plains Resource Council, and several other groups filed suit in June, 1973, demanding that a regional environmental impact statement be prepared on coal development, instead of individual statements for each project. In November of 1974, the Bureau of Land Management prepared an impact statement for just the east portion of the Powder River Basin so the environmental groups reacted by requesting the injunction pending the outcome of their appeal. Laney Hicks, Northern Plains Sierra Club representative, said that without the injunction, several decisions with permanent impact could have been made. During the period of delay, the states of the region and the federal government are beginning to look at coal development from a regional perspective. Above, strip mining at Decker, Mont. Photo by Terry Moore.

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Friday, Jan. 17, 1975

## The Hot Line

energy news from across the country

**"UNREASONABLE" SULFUR REGS.** Sulfur dioxide control regulations that were to have gone into effect next May have been struck down by an Illinois state appellate court that found them "arbitrary and unreasonable." The rules would have barred burning of high-sulfur coal by industries in Chicago, Peoria, and East St. Louis unless sulfur removal devices were installed on some stacks. The court ruled that the Pollution Control Board which drew up the rules failed to consider the technical feasibility and economic reasonableness of the standards. New hearings have been ordered by the court before new regulations are adopted.

**TRAVEL HABITS CHANGING.** American motorists drove more vehicles fewer miles at lower speeds in 1974 than at any time since gasoline was rationed nearly 30 years ago, according to the federal Highway Administration. The data indicates that "lasting changes may have occurred in the travel habits of the American public."

**LITHIUM USE TO SKYROCKET.** James D. Vine of the U.S. Geological Survey says demand for lithium, the lightest known metal, could skyrocket. Lithium use could expand rapidly for use in light-weight batteries for electric cars as well as for components in future thermonuclear plants, he said. Current production of 5.8 million pounds is expected to grow at the rate of 10% a year.

**BRADLEY CALLS FOR CONSERVATION.** Mayor Tom Bradley of Los Angeles has called on President Gerald R. Ford to develop a "hard-hitting" energy conservation proposal to reduce nationwide consumption by 15% by January, 1976. Bradley believes it can be done because he asked his city to cut back 12% and L.A. responded with a 17% cut.

**ALASKA GAS LINE CONDEMNED.** A natural gas pipeline cutting across the Alaskan wilderness could cause "irreversible and irreparable damage" to the environment, a Sierra Club spokesman told a federal public hearing board. Brock Evans told a joint Interior Department-Federal Power Commission hearing, "Alternatives have not been thoroughly examined and it does not appear to us that there is much intention of doing so." Two routes are under consideration for the gas line from Prudhoe Bay. One cuts across the Canadian Northwest Territory and Alberta; the other follows the route of the trans-Alaska oil pipeline now under construction.

**SOUR ECONOMY HALTS NUKES.** During the past 12 months utilities have abandoned or deferred construction of 93 nuclear power plants. Ten of the plants have been canceled outright in Michigan, Florida, Georgia, and California, and 83 others have had their completion dates deferred while the utilities struggle to find money to complete them. "It's really tragic. The whole future of the electric power industry has been set back a year, and unless the recession eases, it could be set back further," an industry official said.

**NEW SOLAR BUILDINGS.** The proposed new Science Museum of Virginia could become the world's largest public building to use a solar heating and cooling system. In Connecticut, an experimental solar heated housing project for the elderly has received a \$131,200 National Science Foundation grant. The housing project will have 40 units — 20 with solar systems and 20 with conventional systems, to serve for comparison.

## Emphasis ENERGY

in the Northern Rockies and Great Plains



**UTAH COAL MINE.** An agreement to develop a 10 million ton a year underground coal mining operation in Southern Utah has been announced by Kaiser Industries Corp. The mine development would fuel the 3,000 megawatt Kaiparowits power project. Located about 235 miles south of Salt Lake City, the mine would be one of the largest in the world and employ about 2,400. Development of both the power project and the coal supply source are contingent on federal government approvals and on financing availability.

**COLSTRIP DEBATE CONTINUES.** Montana's five newly installed public service commissioners have entered the debate on Colstrip units 3 and 4 — giant 700 kilowatt coal-fired plants from which four Northwest utilities would share electricity. The five urged the Department of Natural Resources to refuse permission to Montana Power Co. for the units. The commissioners mentioned lack of proven need, pollution, economic considerations, and environmental degradation in their letter. The Yellowstone Basin Water Use Association also recently voiced its opposition to the plants because of the water diversion involved. Powell County commissioners, on the other hand, endorsed the project because of the increased tax revenue for the county from taxes on transmission lines.

**OIL SHALE PRODUCTION BY 1980.** "Oil shale is not dead," according to Gulf Oil Co. and Standard Oil of Indiana who operate the Rio Blanco Oil Shale Project in Colorado. An announcement in October that the Colony Development Operation had temporarily suspended plans for oil shale development led some to believe oil shale development would not be pursued for some time. However, the announcement earlier this month indicated that oil production at the Rio Blanco site should begin in 1980. The companies would like to see the federal government assume some of the financial risk.

**DECKER MINE EXPANSION.** A spokesman for the Peter Kiewit Sons, Inc. mining division told the Sheridan County Planning Commission in Wyoming that it plans to double its work force to 420 during the next four years. The company simultaneously pledged \$5,000 toward county planning efforts. The Kiewit gift followed a similar gesture by Shell Oil Co. which expects to be bringing 1,000 new residents into the area. Shell has pledged \$8,000 to help a joint city-county venture to hire a planner and up to \$5,000 immediately so that planning efforts can begin. Both mining operations are across the state line in Montana so their tax revenue will be paid there while their major social impact is expected in Wyoming.

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## Sierra Club outlines agriculture policy

In February of this year, the Northern Plains region of the Sierra Club will be presenting its first agriculture policy statement to the national board of directors for consideration. The policy calls for the protection of agricultural land and, in one of its more controversial sections, recognizes the need for at least some predator control.

The Sierra Club has been interested in agriculture for years, according to the regional vice president Robert Brown, "and we finally decided we needed a specific policy." The preamble to the policy explains the Sierra Club's belief that agricultural use of land is compatible with many other uses, including recreation, and is an integral part of other renewable resources such as wildlife and water. "We discourage the conversion of agriculture lands to any other permanent use," it says.

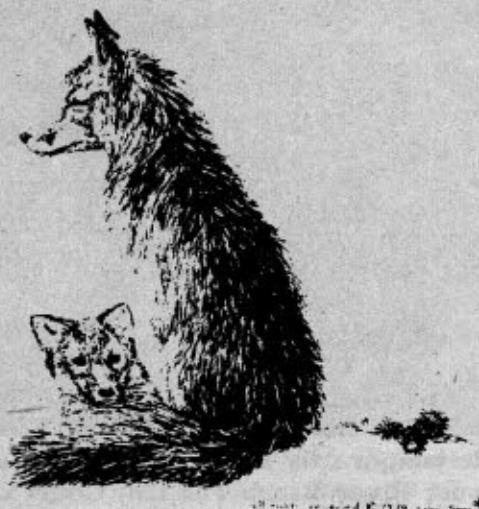
The statement includes policy on land use, grazing, agricultural chemicals, water, agricultural economics, and energy development.

As an example of the Sierra Club region's efforts to build bridges between agriculture and environmentalists, the grazing section recognizes that properly managed livestock grazing is an acceptable use of wilderness areas. Further, it points out that one of the most valuable protections for the ranchers' established grazing use is in wilderness classification.

On predator management, the statement says that "in some areas predator populations may have peaked in severe imbalance with prey (including livestock). Therefore, it is recognized by Sierra Club that certain areas of the northern plains may suffer from excessive predation on domestic livestock and wild game animals. Areas of predator management within each state should be established according to need and remain flexible on methods of control and areas of application. Management methods should

be designated and applied by technically qualified personnel."

The policy calls for several legislative changes to protect agricultural water. These include assigning agricultural water use a higher priority than industrial use. "The concept that the 'highest and best use' of water is that use which can currently pay the highest immediate price must be modified, at least partly, on the basis of the long-term value of the renewable agriculture resource." It also calls for



## Small businesses need solar money

Sen. Gaylord Nelson (D-Wis.) has asked three federal agencies to be sure that small businesses and individual inventors are not neglected when funds to develop solar heating and cooling are distributed.

Nelson, who is chairman of the Senate Small Business Committee, made the request in letters to the National Aeronautics and Space Administration, the Department of Housing and Urban Development, and the National Science Foundation.

He asked the agencies not to award grants or contracts over \$100,000 to individual firms or their affiliates until the committee has held hearings on the matter. This limitation will "enable useful research to continue during the short time before any such hearings, while minimizing the possibility of prejudice to small businesses in the field," Nelson said.

Congress recently stepped up the flow of funds for solar energy development by private firms and institutions.

Nelson said at least 24 small businesses now manufacture solar home equipment. Some of the companies are pioneers in the field, with one firm at work since the 1920s.

In a statement, Nelson said a major goal is to retain competitiveness in the newly developing field. Many of the smaller firms have financed their own research and development, he said. Now there is evidence that much of the federal money would flow to large conglomerates who are anxious to "catch up in this field," Nelson said. "If this is so, catching up would be at the expense of the taxpayer.

"We must at least make certain that in encouraging large industries to enter this field, we do not eclipse or destroy the smaller, hardy pioneers of the industry who have been bringing us the product for a long time."

maintaining minimum stream flows, research on irrigation system efficiencies, and surveying the ground water resource.

Referring to energy development, the policy says that "any conflicts between agricultural use and energy development should be resolved in favor of agricultural use." Emphasizing the importance of energy conservation, the Sierra Club region calls for a maximum research effort to determine where current agricultural practices are resulting in energy output which is less than energy input. It cites agriculture based on native range as being energy efficient.

On land use, the Sierra Club suggests that agricultural producers should be recognized and included in any planning. One possibly controversial section discusses where surface mining should be allowed. It says the decision should be based upon what land can be most successfully reclaimed rather than upon what is least productive. "We do not accept the concept of sacrifice areas" (such as desert areas).

## Siting ...

(Continued from page 5)

the further centralization of population and economic activity in an area already heavily impacted by development. The bill was defeated 34-24 in the House of Representatives with the blessing of lobbyists from Front Range chambers of commerce and then-Gov. John Love.

Today the 1972 site selection bill's sponsor, Dick Lamm, is the newly-elected governor of Colorado. On Jan. 10, 1975 *High Country News* asked Lamm's Assistant for Natural Resources, Jim Monaghan, if the new administration planned to push for a siting act.

Monaghan said Lamm is planning to recommend an omnibus energy package. "In an omnibus energy package the utility siting legislation will probably be found. We haven't decided exactly where to put it, but our thinking right now is to beef up the Public Utilities Commission, which now approves utilities anyway on a very narrow basis of need. We may try to expand the PUC from three to five members and give them a utility siting mission and an energy conservation mission," said Monaghan.

"The way I look at it," he said, "we would have to come up with an environmental impact statement process for utility siting. Then, regardless of need, if the impact statement shows that the project is disastrous from an environmental statement, it would simply be vetoed. I conceive that the impact statement would have to be approved by the state's Air Pollution Control Commission, Water Pollution Control Commission, Department of Natural Resources, and a few others. If those agencies didn't agree to the project, then it wouldn't be allowed."

No such legislation has been prepared yet, but the political climate in Colorado looks ripe for passage of a strong utility siting act.

## 6. Montana

Montana's Utility Siting Act of 1973, touted by some as one of the toughest in the nation, is not tough enough according to some Montana critics. The act, which has been used as a model by other states preparing siting legislation, should be amended this session according to the Helena-based Environmental Information Center.

Specific amendments that the EIC will be lobbying for include: 1) coverage of all coal-conversion processes as well as smaller facilities, 2) coverage of all reservoirs and pipelines, 3) a stipulation that the proposed facility be in the "best public interest" before a certificate could be issued, 4) requiring payment by the corporations of social service costs arising from increased industrialization, 5) requiring all corporations with energy resources or industrial water to submit 10-year plans predicting future actions, 6) requiring use of the best available technology when developing the resource.

Another approach to utility siting is being advocated by the Northern Plains Resource Council at the legislature in Helena. The NPRC, an agriculturally-based citizen coalition concerned with coal development in eastern Montana, will be seeking a ban on the siting of energy conversion facilities within the state when the energy product (electricity, gas etc.) is primarily designated for out-of-state consumption. Such a policy would permit the mining and exporting of coal, but would force the ultimate consumers of the energy to live with the power plants and attendant pollution and social problems.

Gov. Thomas Judge of Montana and Gov. Arthur Link of North Dakota have publicly expressed support for this sort of export-only policy, but their proclamations have no legal basis. If an export policy is adopted by the legislature in Montana it will be a legislative milestone for state's rights in energy development. A recent state poll included in the environmental study on the Colstrip power plant expansion revealed that 70% of the respondents expressed opposition to the construction of power plants in Montana if most of the electricity was to be shipped out of state.

## Study says primitive food more efficient

So-called primitive cultures are 25 to 500 times more efficient in the way they get food on the table than cultures with industrialized food systems. John S. Steinhart and Carol E. Steinhart have shown through a net energy flow study that in today's industrialized food production systems, we often put in more energy than we get out.

In their article in the April 19, 1974, issue of *Science*, Steinhart and Steinhart show, for example, that one calorie of food output calls for only a half-calorie of energy subsidy for range-fed beef but for about 12 or more calories for feedlot beef. Soybeans are also shown at the half-calorie level.

To trace this energy flow, the authors add up on-farm use, processing, distribution, and home preparation. This energy input has more than tripled between 1940 and 1970. In the 1960s, the farm output leveled off even though the energy input continued rising. This, they believe, disproves the argument that we can always get more if we have enough energy, and that no other major changes are required.

Consequently, the authors are very skeptical about the chances of the "green revolution." It is "an attempt to export a part of the energy-intensive food system of the highly industrialized countries to nonindustrialized countries."

Some suggestions offered by the authors include substituting manure for part of the manufactured fertilizer, increased use of crop rotation, faster development of biological pest controls, and using more on-site, renewable energy sources — primarily sun and wind. They also suggest a change in eating habits toward less highly processed foods.

# Western Roundup

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Friday, Jan. 17, 1975

## Governors talk of environment

Apparently reflecting concern with the region's energy impact, new year addresses by the region's governors indicated support for environmental legislation. Idaho Governor Cecil D. Andrus said he would oppose destruction of Hells Canyon and the Chamberlain Basin, declining air quality, and sacrifice of crop land to urban sprawl. Montana Governor Thomas L. Judge called for changes in the state's taxes on coal. He said he had a duty to spell out a resource and energy policy. Utah Governor Calvin L. Rampton called for an industry siting act, a strip mining law, and changes in air and water pollution laws. Wyoming Governor Ed Herschler will support an industry siting act, higher severance taxes, a new land use planning agency, and increased funding for the Department of Environmental Quality. In New Mexico, incoming Gov. Jerry Apodaca made a campaign pledge to support reinstatement of the Environmental Quality Act and requirements for environmental impact statements for state agencies. Colorado Governor Dick Lamm was sworn in as governor Tuesday and urged a "return to the true frontier ethic of stewardship" for the environment.

## Controls on subdividing ag land

A new zoning category which proponents say would allow ranchers to develop a few acres of land while keeping the rest for productive agriculture has been created by Colorado's Pitkin County Commissioners. The new category allows a landowner to sell from one to four housing lot units for each 160 acres of land owned. Lot sizes would be 1.5 acres or less. The land that remained would be taxed as agricultural and remain in production. The zoning will apply to 24,000 acres of previously unzoned private land in Snowmass Creek Valley and Capitol Creek Valley.

The measure further protects agriculture by requiring a review by the planning board before subdivision can take place. The planning board will ensure that subdivision is compatible with adjacent lands in food production and will not allow dogs on the new residential property. County planners say that the rate and quantity of development in areas under this zoning category will be small enough to allow existing services to absorb growth. This will take rising tax pressures off the owners of agricultural land, they say.

## Grizzlies on threatened list

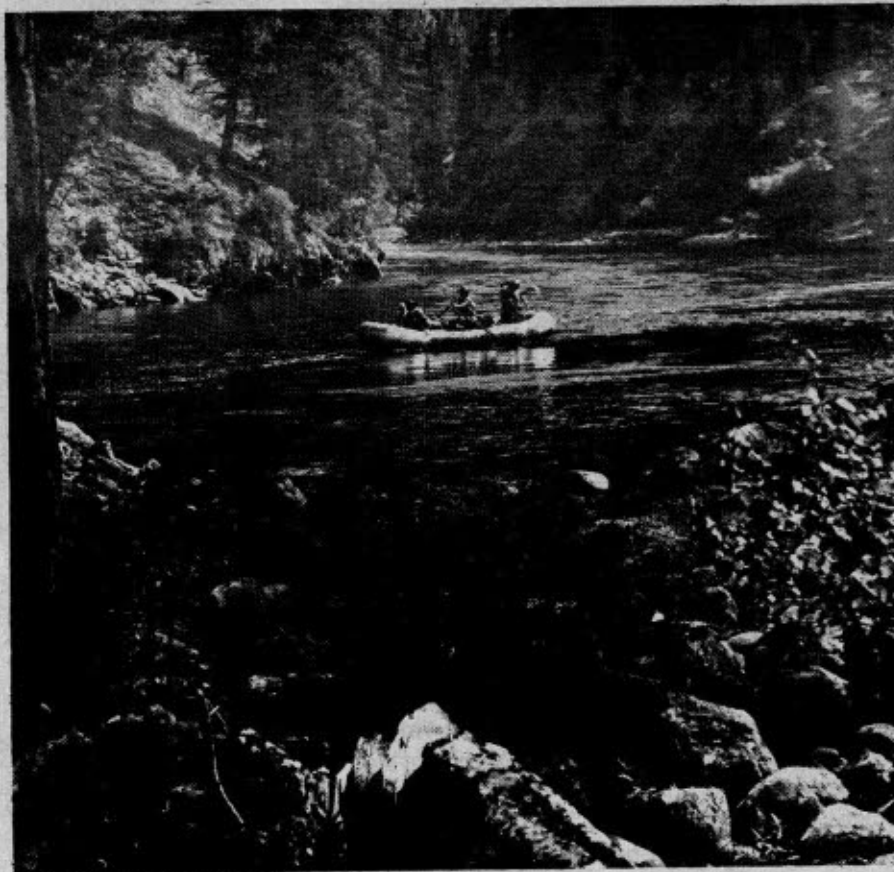
The Interior Department announced last week that the grizzly bear will go on the "threatened species" list. This means that sport hunting will be permitted in only Alaska and Montana. The bears are found in only three basic areas in the continental U.S. Under the Interior Department proposal, they could be killed in the Selway-Bitterroot area of northern Idaho and northwestern Montana only when they pose a serious threat to humans. Grizzlies living in and surrounding Yellowstone National Park could be trapped only when they posed a threat to humans or a significant problem in killing livestock. Bear hunting would be allowed in the Bob Marshall ecosystem in northern Montana. The Fund for Animals has accused the Interior Department of selling out to the trophy hunters since it did not put grizzlies on the more restrictive "endangered species" list.

## Freezing could remove river salt

Freezing water from the Big Sandy River has been suggested as a means for controlling the serious salinity problem in the Colorado River. However, it would require stopping the water, spraying it into the air, and keeping it at freezing temperatures for long periods of time. The Big Sandy, with an average stream flow of about 45,000 acre feet, is believed to be a source of saline pollution in the Colorado, according to Donald Stinson, head of the University of Wyoming's Department of Mineral Engineering at Laramie. Stinson says UW experiments indicate freezing may remove nearly all the salts from the Big Sandy water. Power requirements would be equal to about two per cent of the total capacity of the Jim Bridger Power Plant, or about 40 megawatts.

## Tunnel through Divide not working

A \$60 million water delivery system designed to bring Western Slope water through the Continental Divide is bringing large repair bills but no water to two Colorado communities. The 5.5 mile long Homestake Tunnel, completed in 1967, is now costing \$35,000 a month in repairs because of major cave-ins. No one knows how high the cost will go because no one knows how many cave-ins will be found. Less than 10% of the tunnel was reinforced inside with concrete, due to the high cost. The two towns, Aurora and Colorado Springs, now have enough water from other sources but are worried about losing the spring runoff.



The Supreme Court made three major water law rulings which could set precedents for other states. In a Dec. 31 ruling, the court said that water can be appropriated for scenic and recreational purposes. It also decided that a state agency can appropriate water of a natural flowing stream and that no physical diversion of water is necessary to effect a valid water right. The court decision upheld a lower court's ruling that the State Department of Parks and Recreation should be awarded a water right for unappropriated water in the Malad Canyon Springs near Hagerman, Idaho. The park department doesn't plan to divert the stream in the proposed Malad River Canyon State Park but to keep it from being diverted for irrigation or fish hatchery use. The majority opinion said while it is well established in western water law that an appropriation of water must be made for a "beneficial use," that term has never been judicially or statutorily defined in Idaho. However, the court said a 1971 law declared scenic and recreational purposes as a beneficial use. One result of the decision is clearing the way for minimum stream flow legislation, according to the director of the Department of Water Resources in Idaho, R. Keith Higginson. The department will prepare draft legislation. Above, a quiet stretch of the Middle Fork of the Salmon River in Idaho. Photo by Verne Huser.

## Briefly noted . . .

The Idaho State Health and Welfare Board has unanimously adopted a complicated regulation to control sulfur dioxide emissions at the Bunker Hill Co. lead and zinc smelter in Kellogg. In the period when the decision was being considered, a state environmental quality specialist said that the smelter was responsible for 99% of all sulfur dioxide emissions in Idaho's five northernmost counties. Prior to the decision, Bunker Hill threatened to shut down the smelter, which employs 2,000 people, if forced to meet the air standards by a July, 1975, deadline.

"Thirsty men cannot step into the shoes" of cut-down water-consuming trees, a Colorado Supreme Court has ruled. The opinion reversed lower court rulings on two cases in which parties eliminated vegetation along a river and were awarded water rights for their efforts. The high court found that "the planting and harvesting of trees to create water rights . . . would result in a harvest of pandemonium." Both cases involved water from the Arkansas River in Colorado. Justice Edward C. Day, who wrote the opinion, said that under existing law, water saving can't be rewarded.

The Idaho Wildlife Federation, the Golden Eagle Chapter of the Audubon Society and a Parma, Idaho, rancher don't want to see 306 acres of Payette County desert turned into irrigated orchards. The rancher stands to lose his grazing rights on the Bureau of Land Management (BLM) acreage. The conservation groups note that the area is one of two primary nesting grounds in Idaho for the long-billed curlew. The BLM says the land is irrigable, and under the Desert Land Act of 1877 is subject to homesteading as a desert entry. The conservationists and the rancher have filed suit to stop the land transfer and development.

## Thoughts from the Distaff Corner

by Marge Higley

The little fawn knew that he had wandered farther than he was supposed to. His mother had told him and told him to stay away from that hard black man-made trail that cut across the foothills — but he was curious about all the animals that shared his domain, and he was especially curious about that strangest of all animals, MAN.

As he neared the very edge of the man-trail he heard a strange rumbling noise. Instinctively, he sprang out of sight behind a thick clump of bushes, where he lay trembling as he watched the approach of the most fearsome creature he had ever seen. The sun glinted from its hard shiny skin, and as it drew closer the fawn could see the eyes — big glassy orbs, rimmed with silver. Most awesome of all was the speed with which the creature travelled. It wasn't exactly running — it seemed to be rolling along that man-trail on its four round, black legs! As it whirled past the bushes where he lay hiding, the fawn was aware of a strange acrid odor.

"So that's MAN," he thought. "No wonder mama told me to stay away from here!"

His heart was still pounding when he reached the sanctuary of the forest glen where his mother grazed peacefully near the beaver pond.

"Mama," he cried, "I saw a man! It scared me — I promise I'll never go near the man-trail again! You didn't tell me that MAN could run even faster than we can!"

"Well," answered the doe, nuzzling him to make certain that he was unharmed, "I'm glad you're safely home, but I can see that I'd better tell you what I know about MAN so you'll know better the next time. What you saw probably had a MAN inside it, but man by himself can't run very fast — he has only two legs. What he does have is called intellect. He uses his brain to change things the way he wants them. You see, he's the smartest of all the animals. All the books say so."

"I guess I'm too young to understand," mused the fawn. "That thing I saw was going so fast that any animal inside it wouldn't have had time to see the trees or flowers or anything — it missed all that because it hurried so fast. Are you sure that MAN is the smartest animal of all?"

"All the books say so," answered the doe.

The fawn thought of something else. "MAN sure does smell funny," he said.

"All animals have their own smell," explained the doe, "but there again, MAN has changed things to suit himself. He uses stuff to take away the man-odor, then he puts on something else to make him smell like a flower or tree or fruit or something. It's a very strange habit — one wonders just how they recognize their own young!"

"Are you really sure that MAN is the smartest animal of all?" queried the fawn.

"All the books say so," the doe repeated. "As a matter of fact, MAN is the only animal who has learned how to use fire. He uses it to keep warm, and to cook his food."

The fawn felt the warmth of the sun on his back as he nibbled tender shoots of grass. He wondered aloud if it would taste better scorched by fire.

"Oh, no!" answered his mother. "Just before you were born there was a forest fire on the other side of the mountain, and we had to move over here. The trees and grass all burned up."

"Did MAN build that fire, too?" asked the fawn.

"Well, yes, he did," she answered, "but he couldn't seem to stop it after he got it started."

The fawn thought about all these strange facts awhile, and finally said "I have just one more question: all those books that say MAN is the smartest of animals — who wrote them, anyway?"

"Hmmm—" mused the doe. "Come to think of it, MAN did!"



A doe tells her youngster about the world he's entering.

### Book Review

## Grass Land

by Jim, Alice and Steve Wilson,  
Wide Skies Press, Polk, Neb. 68654.

\$2.35 paper \$5.40 hardbound, postpaid.

#### Review by Marjane Ambler

Even those who respond to the prospect of a drive across the flatlands with a yawn and a sigh can learn the splendor of grass in this publication by three of the new prairie prophets. Jim, Alice, and Steve Wilson, authors of *Grass Land*, run the Wilson Seed Farms in Polk, Neb. (See *HCN*, Nov. 2, 1974)

It's the photographs by Steve Wilson which first convince you that indeed grass is something you should know more about. Buffalo hauntingly outlined through a prairie mist, as if they're returning from the First Age of Grass. Two ruts of a ranch road stretching toward the horizon through knee-high grass, golden. Children gleefully grinning at the feel of a feathery wheat wand rubbed by a companion against their cheeks. The eery hues of a reddened prairie hill before a storm.

He introduces you to grass — the history-shaper, the soul-feeder, the region's economic base. The last is emphasized dramatically by one photograph of the lack of grass — a forlorn homestead as it must have looked during the "Dirty Thirties," the dust bowl era, framed by a dangling piece of barbed wire.

The Wilsons explain how grass serves the soul even as we complain about its dullness. "So naturally and rightly does grass relate to our lives, so quietly does it soften and transform the harsh framework of our world, that we scarcely notice it... We long for a quiet place of beauty to which we can retreat now and then to knit the ravelled edges of our spirits into place."

Although the Wilsons get carried away sometimes with their biblical-style revelations in the first section of the book, they succeed in conveying the depth of their appreciation for the grasses of the prairie.

They write not just for the observer or passer through, but also for the people of the grass lands — people who are just beginning to learn the lessons of

grass. They tell how the use of the grass land has shaped the history of the high plains.

"Written by easterners to whom Tall Grass Prairie meant nothing, the Homestead Act encouraged the settlers to plow it up, hills and all, and put it to crops as fast as they could. They never really understood the grass. Nor the wind. Nor the rain pattern. They plowed deep, harrowed the naked earth to powder, and clean-tilled the fields as they had done 'back home,' where hedgerows and woodlots had sheltered the fields and rain came down in gentle drizzles."

The result: the Dirty Thirties. However, the "winds . . . tossed the fertile topsoil skyward in smothering black clouds that carried the terrible message as far east as the capital and dimmed the sun over the White House." Then the Second Age of Grass started in the high plains when the newly created Soil Conservation Service started to "roll back the tide of ruin."

The people were beginning to learn the value of grass was in feed and in holding the water that falls. "Settlers wedded to the plow went broke; those with cattle watched them get fat and big-boned on the lush grass, and felt they had found the Promised Land." In addition, the uncultivated land held four to ten times as much rainfall.

The Wilsons summarize their hopes for survival and happiness, saying they lie in working out a "developing process rather than achieving a static condition — a process in which change takes place without destruction, and man works in harmony with Nature to insure the continuing production of human satisfaction and the material means of life on a sustained yield basis for so long as the climate permits us to occupy the land."

Understanding the special offerings of grass is a step toward that harmony. And reading *Grass Land* is a step toward that understanding.

## BULLETIN BOARD

### ENVIRONMENTAL TV

Colorado environmentalists interested in promoting awareness may want to be group leaders for neighborhood television watching meetings. Channel 6 is presenting a series of environmental programs entitled "Feedforward" dealing with growth, land use, water, and energy. Channel 6 is setting up viewer groups throughout the state and supplying packets of material to aid in the discussion process. The series began January 8. Anyone who does not have a group in his or her neighborhood should contact Tom McCoy at Channel 6, 1261 Glenarm, Denver, 80204 or call 572-8218.

### COLORADO GOVERNMENT SEMINAR

The Colorado Open Space Council and the Enos Mills Group of the Sierra Club are organizing a seminar Jan. 25 for learning more about how the Colorado General Assembly functions. It will include a tour of the capitol and a panel discussion including the clerk of the house, a senator, a lobbyist, and the director of the Colorado Legislative Council. The session will close with a presentation on how citizen environmentalists can be involved and the tools available to them. The pre-registration fee is \$2.50. The check should be sent to COSC, 1325 Delaware St. Denver, Colo. 80204. For further information, call 573-9241.

### STREAM CHANNELIZATION PAMPHLET

The Natural Resources Defense Council, Inc. has published a new booklet on stream channelization. The booklet, entitled "The Soil Conservation Service Destroys Streams and Rivers," describes how heavy earth moving equipment gouges out the bottom of watercourses, and trees and undergrowth are removed to turn living streams into sterile, muddy ditches. The booklet discusses alternatives to channelization and contends that the SCS is allied with special interests. The booklets may be ordered for \$.08 from the Natural Resources Defense Council, Inc. at 1710 N Street, N.W., Washington, D.C. 20036.

Book reviews

# The Lives of a Cell

Review by Peter Wild  
by Lewis Thomas, The Viking Press,  
New York, 1974. \$6.95, hard cover.

Something is afoot in the nation when, of the five nonfiction books that *Time* magazine recommended as "The Year's Best (December 30, 1974, p. 57), three of them have to do with man's relationship to his environment. *Supership* documents the irresponsibility on the part of entrepreneurs to rush 100,000-ton oil tankers into the world's fragile seas. *The Power Broker* is the story of how one master planner succeeded in building an empire for himself while leaving a mess for future New Yorkers to inherit.

*The Lives of a Cell* is more philosophic, artistic, ruminative. This collection of essays by a medical doctor speculates on bacteria, music, bees, and language, and man's relationship to the complex life processes on the planet. If a sentient being could look down on the earth from outer space, the ball—green, blue, wrapped in changing cloud whirls—might look like a living cell. Most of the book details the central metaphor.

Furthermore, entities within the mass can be described as biologic wholes. An ant hill, for instance, with its lines of food gatherers reaching out like

## Fieldbook of Nature

### Photography

by Patricia Maye, Sierra Club, 1974 \$6.95.

Review by Lynne Bama

This guide to some of the basic aspects of nature photography is a Sierra Club totebook (printed on recycled paper). The foreword is by Ansel Adams.

Some of the information you will find here is: how to choose a camera and equipment, camera maintenance, films and filters, and an explanation of the mechanics of exposure.

Sections on landscape, wildlife, and underwater photography discuss the necessary equipment and problems encountered in these areas. The last chapter deals with the care and presentation of your finished product.

All of the explanations and drawings are clear, and there are some excellent tables.

It would of course be impossible for a guide of this size to deal with the complexities of technique practiced by an Ansel Adams or Eliot Porter—it cannot discuss the relationship between exposure and darkroom work, or do more than touch on the uses of the view camera. Its main usefulness will be for the beginner who wants to work with color roll film.

But the clarity of the presentation and the amount of useful information gathered here will make the book a worthwhile investment for anyone from beginner to professional.

Lynne Bama is a professional photographer in Wapiti, Wyo. She is a frequent contributor to *High Country News*.

## Classified Ads

**THERE'S NO TRAIN BACK TO EDEN,** poems by Laverne Rison. P.O. Box 81, Basin, Wyoming, \$2.00 per copy.

**Caution:** If provocative ideas make your head swim, if laughter gives you a bellyache, if earthy language makes your blood boil, don't read this book. It could be hazardous to your health.

twitching ganglia, the constant clicking and exchange of information between its thousands of specialized parts, lends the hill a kind of cooperative intelligence. Man, too, shares this—individually of little account, but like the ants constantly exchanging impulses, the parts all working together, but with periodic bumps and grinds, toward what? It is an unsettling book, with questioning into language, myth, and psychology. On the other hand, such skepticism and pride deflation is the necessary basis of concern for what we collectively are doing to the living cell on which we depend for life.

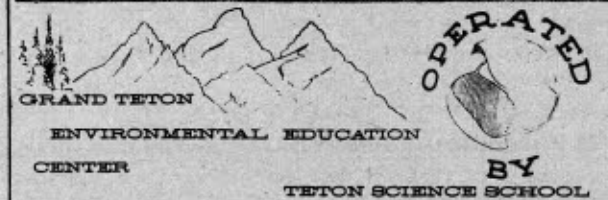
Beyond this, there is the sheer joy in sharing Lewis Thomas' delight in putting words together. Only a few viruses are harmful to man, and Thomas counters their bad press: "We live in a dancing matrix of viruses; they dart, rather like bees, from organism to organism. . . ." A comforting way of putting it. The slime-molds he characterizes as "voting straight Republican." As with the prose of Thoreau and Annie Dillard, Thomas' has the smoothness and self-confidence, the wit and cheer, of an excellent Chablis wine.

## Roundup-a-Reader for High Country News

Enclosed is \$10.00 Please send

Name \_\_\_\_\_  
Street \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

HIGH COUNTRY NEWS  
Box K, Lander, Wyo. 82520



The Grand Teton Environmental Center located in Grand Teton National Park is now fully operational and available for Wyoming and regional public school district use. The year-round residential facility is designed to accommodate 20-30 students.

The National Park Service has contracted with Teton Science School, a non-profit educational institution, to assist in environmental education programs and to operate the Center.

During the school year we offer weekly courses for both Junior High and High School students, including Winter Ecology, Nature in Literature, Outdoor Photography, Man in the Rockies, and Man, Mountains and Horses. During the summer the school offers a six-week educational High School Summer Field Biology course. In addition, Summer and Winter Field Ecology of Jackson Hole, Teacher Workshops and In-service Training programs are offered for college students. Interested groups may also arrange a tailor-made program to suit their specific needs. We invite your inquiries and hope that we may be of service in the near future.

For information write to: Ted Major, Director  
Teton Science School  
P.O. Box 68  
Kelly, Wyoming 83011

High Country News-15  
Friday, Jan. 17, 1975

# Eavesdropper

environmental news from around the world

## LOONEY LIMERICKS

by Zane E. Cology

Cinderella got dressed up in sunshine  
For a special engagement at nine.  
She'd join Plunkett, the inventor,  
(He'd become her new mentor.)  
And they'd share with the world their design.

\*\*\*

**U.S. SEWAGE FOR SALE.** The U.S. may soon export sewage sludge for use as fertilizer by the world's agricultural countries. The Metropolitan Sanitary District of Greater Chicago is negotiating for the sale of some 6 million tons of sludge to Ghana. Pennsylvania officials are talking to the Bahamian government about the shipment of 1.6 million tons of sludge from Philadelphia.

**CONCERN CREATES JOBS.** Environmental protection creates many more jobs than are lost by the closing of marginally profitable plants because of air and water pollution regulations, says an Environmental Protection Agency bulletin. About 55,000 people now work in EPA-financed construction and that number is expected to rise to 125,000 by mid-1977, according to EPA administrator Russell Train.

**DEPOSIT WINE BOTTLES?** A proposed amendment to the Oregon Bottle Bill would require deposits on all wine bottles sold in the state. Oregon's current bottle bill requires deposits on all beer and soft drink containers and bans pull-tab cans.

**DDT SHOT COSTLY.** Indian ranchers in Washington whose cattle ingested the pesticide DDT are receiving \$220,000 in emergency aid from the Bureau of Indian Affairs. The ranchers, who live on the Colville Indian Reservation, reported that 6,300 head of cattle were contaminated by DDT and could not be sent to market this fall as scheduled. The U.S. Forest Service obtained special permission to use the banned pesticide in an effort to combat the tussock moth infestation in the Northwest last year.

# Earth Use

The earth is getting no bigger.  
But the number of people using the earth gets bigger all the time.

The problem is that simple. The solution, however, is complex.

The only world-wide organization that does nothing but work at solutions on how to use the earth is Friends of the Earth—and the principal way we work is through memberships.

So, if you see the problem as clearly and seriously as we do, you'll have to join us.

There is no other place to apply.

- Regular—\$2.00 a year
- Contributing—\$50 a year
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- Sustaining—\$250 a year
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State \_\_\_\_\_ Zip \_\_\_\_\_

Membership dues enclosed  Please bill me

Friends of the Earth

529 Commercial Street, San Francisco, California 94111

16-High Country News

# Citizens rally to back legislation



Sara Michl

## Utah wants siting act

Management of predators, reclamation of mined land, domestic water protection, removal of radioactive tailings, creation of a Department of Transportation, and a major facility siting act are among the top environmental areas of concern for Utah's legislative session.

The Council on Utah's Resources — a newly formed organization — will serve as Utah's environmental lobby force. Sara Michl will serve as the lobbyist in the House of Representatives, and Janet Gordon will serve in the Senate.

Weekly bulletins will be sent to leaders of numerous environmentally concerned organizations throughout the state for dissemination. Each group will assume the responsibility of contacting their members by telephone chains, mailers or personal contacts.

For more information, to volunteer help, or to send donations please contact: Council on Utah's Resources, 1275 Wilmington Avenue, Salt Lake City, Utah 84106. Telephone (801)467-0433 or 466-3914. If no answer, (801)278-9386.

## Montana

### NPRC for agriculture

The repeal of annual sessions in a referendum last fall makes the 1975 Montana Legislature an extremely important session to follow, according to the Northern Plains Resource Council (NPRC). An agriculturally-based citizen's group, the council will have three full-time staff members in Helena — Patrick Sweeney, Kit Muller, and Sarah Ignatius — lobbying on issues related to coal and water development and its impact on the agricultural economy of the region.

Facing a strong Democratic majority in both House and Senate with over 70 new members, the council is supporting a moratorium on coal development until the nation develops a workable energy conservation program, a prohibition against siting conversion facilities in Montana to generate electricity used primarily out-of-state, and protections on future agricultural water uses.

With President Gerald R. Ford's veto of the federal strip mining bill, the council is working to include in the state mining laws a prohibition on mining in alluvial valley floors and written

consent of surface owners over private and state coal before mining can begin. The council is also following bills on eminent domain, energy conservation, taxation, land use, and family farms.

In addition to the legislature, the council is concentrating on stopping proposed Colstrip Units No. 3 and 4, two 700 megawatt coal fired generating plants whose energy would be used primarily in the Pacific Northwest. The Department of Natural Resources will rule on the proposed units at the end of January, giving their recommendation to the board. After a special advisory hearing the board will make the final ruling, probably in April.

During the session the council will keep people involved throughout the state with the phone network and a weekly legislative bulletin. The cost of the WATS line and printing and mailing the bulletin are high. Since the council can only use non-deductible money for political work, it must rely on contributions from private individuals. If you would like to participate in the phone chain or receive the bulletin or contribute funds, write the Northern Plains Resource Council P.O. Box 12, Helena, 59601. Or call collect (406) 443-2520.

## Montana

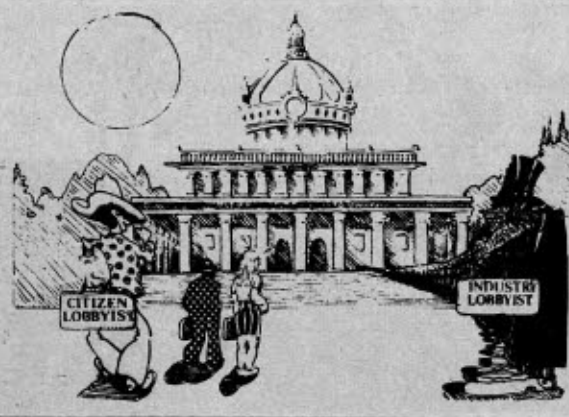
### Land use is EIC priority

In addition to the Northern Plains Resource Council, Montana citizens will also be served by the Environmental Information Center. The two groups will be working together closely. The EIC has identified needed legislation in seven areas including mining, energy conservation, eminent domain, air pollution, amendments to the utility siting act, water, and land use.

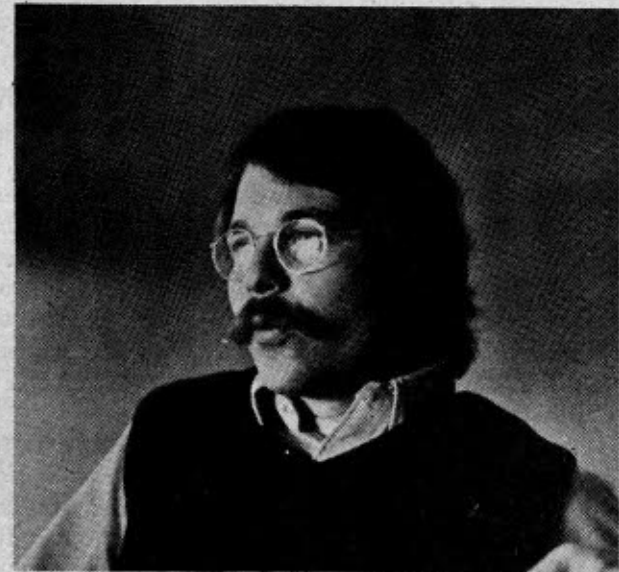
An agricultural land protection act is included under land use. A bill will be introduced to temporarily suspend subdivision of agricultural land until long-range goals and a statewide inventory are completed. During the past year, the EIC conducted an inventory of several counties of the state and found a half million acres, much of it prime agricultural land, which had been indiscriminately subdivided.

Another bill would require subdivision developers to assume the added cost of local services generated by the development. Also suggested by the EIC as needed land use legislation are conservation easements, a shoreland protection act, a stream preservation act, and long term agricultural protection through establishing special agricultural use districts with tax incentives to encourage family farming.

Phil and Robin Tawney will be among the EIC lobbyists. To volunteer time or money or to receive the EIC newsletter, write P.O. Box 12, Helena, Mont. 59601 or call (406) 443-2520.



(Editors' note: This is the second part of a two part series on environmental lobbying groups in the region. The Jan. 3 HCN included Wyoming, Colorado, and North Dakota.)



Pat Sweeney

## Idaho in the big time

With Idaho Power's plans to build a 1000 megawatt coal-fired generating plant near Boise, Idaho enters the big time in energy development. Responding to the inadequacy of state controls on power facilities, the Idaho Conservation League (ICL) lists power plant siting legislation as a priority in the 1975 legislative session. League coordinator Marcia Pursley also says land use planning and returnable container legislation are issues for action.

The ICL publishes a monthly newsletter, with weekly updates during the legislature. Phone networks have been set up in a few cities throughout the state. There are presently four people working for ICL, two of whom are going to be lobbying full-time.

Membership in the ICL, which includes the monthly newsletter, is \$10 a year. Address correspondence to the Idaho Conservation League, Box 844, Boise, Idaho, 83701, telephone (208)345-6933.

## New Mexico

### State impact statements

The environmental lobby efforts in the New Mexico Legislature which begins January 21 will again be led by the Central Clearing House. CCH's full time lobbyist, Sally Rodgers, will be working for passage of a strong Environmental Quality Act. The E.Q.A. would require environmental impact statements of all state agencies on their actions which would significantly affect the quality of the human environment. Other measures which may be considered during the 75 session are: strengthening amendments to the N.M. Subdivision Act, a "bottles and cans" bill modeled after the Oregon law, a feasibility study for a Wild and Scenic River System in N.M., and amendments to the N.M. Water Quality Act.

CCH will assist any conservation organization or individual interested in following legislation or wishing to participate in legislative hearings. Persons who are interested in information about environmental legislation or who want to learn how to participate are invited to contact Sally Rodgers at the Central Clearing House, 338 East De Vargas, Santa Fe, N.M. 87501, Phone (505)982-4349.

## Dear Friends

One of the nicest things about being here at the High Country News is getting your letters. No matter how many deadlines we've missed, rolls of film we've ruined, or whatever other disappointments we've faced, mail call can always cheer us up as we share the notes and letters and sometimes checks you send. After awhile, we grow familiar with many of your names, and just hearing that you've decided to renew is cause for rejoicing.

In your letters many of you have asked if there is anything more you can do for the High Country News. One little thing that would save us several (wo)man hours plus postage is to watch your address label for the expiration date on your subscription. For example, if it says 2 75 that means your subscription expires in February 1975 and we'll be sending your first renewal notice now. You could help by sending your check before the middle of the month preceding your expiration date.

Here's another idea that could help you or your organization, too. We believe that access to information is the best way to increase the general level of concern about environmental issues. Apparently, most of you believe subscribing to the HCN is one way to achieve this. However, there aren't enough of you. To increase our readership, we offer a 15% commission to anyone

selling subscriptions. Just let us know if you're interested and we'll send you some sample copies and subscription cards. Or go ahead and send subscriptions with a note, and we'll send you a check at the end of each month.

Also if you have a favorite bookstore or newstand, talk to them about selling the HCN on a regular basis. We'll not charge them anything for the first two months' trial period. Then we'll bill them 15 cents per copy sold, and they keep 20 cents for each.

Presently, the HCN is sold at:

**WYOMING:** University Bookstore, Laramie; Papa Bach, Jackson; Rocky Mountaineering Ltd., Laramie; Panthercreek Trading Post, Douglas; High Country Books, Laramie.

**Utah:** Top Flight, Logan.

**Idaho:** University Bookstore, Pocatello; Observer Books, Boise.

**Colorado:** Full Earth Books, Fort Collins; Unicorn Books, Aspen.

**Montana:** Freddy's Feed and Read, Missoula.

Thanks! And don't forget to let us know what more we can do for you.

—the editors

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