# High Country news

*Friday, January 22, 1982* *Vol. 14 No. 2* *$1.00*



## Robert Jantzen

# Juggling wildlife and "other needs"

*by* Geoffrey O'Gara

*Washington, D.C.* — A dream summer job for a student: Start in the center of a beautiful, uncrowded Southwest state and head north. Drive and walk. Look for antelope and count the fawns. Meet ranchers and other folks along the way and get to know them.

That was the job Robert Jantzen took as a University of Arizona sophomore majoring in wildlife management. In those days, the late 1940s, the Arizona Game and Fish Department was making the switch from ground counts of wildlife to counting from airplanes, so in his second summer, Jantzen looked for antelope from a small plane.

The idyllic summer adventure affirmed Jantzen's decision to follow a career in wildlife biology. The inclination was there, prompted by the talk he overheard as a teenager working in a sporting goods store and the recommendation from aptitude testing he took after leaving the U.S. Marines. He chose the course just as the U.S. Fish and Wildlife Service and state wildlife agencies were becoming something more than a collection of game wardens, bird counters and fish hatchery keepers. Wildlife cooperative units were being installed at various universities with federal funding — including the University of Arizona — to promote research, and incidentally spur improvement of departments like the one in which Jantzen would study. State and federal agencies were beginning to take censuses of wildlife, do habitat evaluation, and conduct range analysis.

Jantzen spent most of his subsequent career with the Arizona Game and Fish Department, rising from district biologist to chief of game management to head of the department, a post he held for 12 years. Then, "just as I was getting stale," he was appointed head of the U.S. Fish and Wildlife Service.

He was a popular choice for the job — in part because his appointment ended a nine-month vacancy at the top of the agency. The Reagan administration initially proposed a California veterinarian, a political supporter and Reagan chum with no degree in wildlife management for the job. The sigh of relief when Jantzen was appointed — with the backing of Interior Secretary James Watt and Assistant Secretary for Parks, Fish and Wildlife Ray Arnett — has given Jantzen some breathing room. Only months after his appointment critics have quietly begun to mutter about him, contending that he is letting "Reaganomics" cut big chunks from an already undernourished budget, that he is favoring ranching interests over wildlife in his predator control and grazing policies, and that he is rubber-stamping policy crafted by Arnett.

**The U.S. Fish and Wildlife** Service is the quietest member of the small club of big federal landholding agencies — most readers would be surprised to learn that its 89 million acres surpasses

*(continued on page 11)*

# WESTERN ROUNDUP


## High Country News

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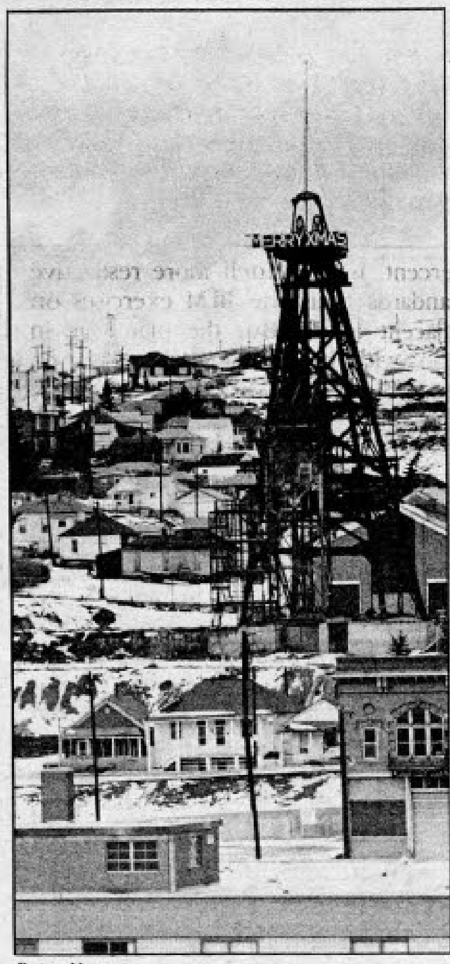


David Spear

Butte, Montana

# Initiative asks company aid to bust towns

A bitter war of words over a proposal to make corporations more "responsible" to the communities in which they are located has kicked off the 1982 initiative season in Montana.

The Community Stabilization Act, dubbed the "plant closure initiative," is one of six proposals submitted to the Attorney General's office for ballot titles.

The measure has been soundly criticized by corporate leaders, including the Montana Chamber of Commerce and several labor unions who claim the initiative will drive businesses considering locating in Montana to other states.

Opponents are especially concerned about the Alumax Corporation which has announced it is considering placing a new aluminum smelter in Great Falls or the Anaconda-Butte area.

Kevin McNelis, director of the Anaconda Task Force, a group attempting to attract new industries to Anaconda after the copper smelter closure there, said the Anaconda Company gave the laid-off employees $3 million for economic redevelopment that they weren't obliged to do. "We need jobs," he said, "not initiatives."

But Bob McCarthy, leader of the initiative drive said Montana desperately needs the plant closure initiative on the books.

"Montana is facing a short-lived energy boom," McCarthy said. "Rapid growth and a boom town atmosphere. When the companies pull out the town is shattered — poverty, high unemployment and no tax base."

The initiative would require businesses with more than 50 employees at one work site and who have operated for more than 5 years to give public notice of impending layoffs.

They would also be required to provide severance pay to workers as well as health insurance for one year after the closure. The business would have to provide re-employment opportunities if they were available and pay into a readjustment fund to assist communities in establishing new businesses.

The idea of a plant closure initiative is not new to Montana. In the 1980 election, an initiative was introduced by the Montana AFL-CIO but failed to gather the 18,000 signatures needed to qualify for the ballot.

The initiative was boosted by the closure of the Anaconda smelter and continued layoffs at the Berkeley Pit in Butte, one of the world's largest open pit copper mines.

Two weeks ago it was revealed that the Anaconda Company, in anticipation of a total closure of Montana operations, is studying its environmental liabilities in the Deer Lodge and Summit Valleys where mining and smelting have been operating since the late 1800s.

*— Jim Robbins*

# Study says regs don't hinder mines

A report on the U.S. government's coal leasing program in the West, prepared by the Office of Technology Assessment, takes issue with the contention that environmental regulations play a major role in determining the economic viability of coal mines.

The conclusions of the report on environmental and reclamation issues contradicts statements by the coal industry that environmental regulations need to be mitigated to spur western coal production.

Entitled *An Assessment of Development and Production Potential of Federal Coal Leases* the report deals with a host of coal-related issues.

The Reagan administration is on record as favoring the loosening of environmental regulations and Secretary of the Interior James Watt is expected to announce a change in regulations to accelerate the leasing of publically owned coal lands, nearly all of which are in the Rocky Mountain West.

But the Office of Technology report claims that environmental regulations are not an issue when it comes to federal coal leasing and production.

The "OTA has not identified any situations," the summary of the chapter on environmental and reclamation issues reads, "where the overall viability of a mining operation has been jeopardized because of increased costs attributable to environmental requirements."

There have, however been "significant cost increases" because of environmental regulations on a "site specific basis," according to the report, but these are "the exception rather than the rule."

These regulations usually result in the prohibition of mining certain portions of reserves because of environmental considerations. According to the report these prohibitions have affected a total of only 299 million tons and the recovery of perhaps another 200 million tons

# Dear friends,

We've had a little flare-up in our letters column which may turn into an inferno once fanned in this column; but it needs attention, and winter will perhaps keep us from burning.

William Safire recently expressed irritation that many readers of his column seemed more concerned with his syntax than his substance. It is an old plaint among editors. You write an editorial suggesting that the governor be boiled in a vat of moose lard and you get two letters: One telling you a governor must never be called "Mr.", the other that the guy would reach a boil quicker in bear fat.

Our conflagration occurred over a column by Don Snow, an "Afield" about fishing. A loyal, longtime booster of and sometime writer for the paper wrote to object to some of Don's language. Letters have been coming ever since.

The particulars of the argument are worth going into. First, some readers objected to some of the language in the column — nothing that *Time* magazine wouldn't print, but vulgar to some. Second, they argued that it contained obscure metaphors and references particular to "his own age group."

We take issue with the second point — the references were, in one case, to classical myth; in several instances, the phrases were not peculiar to a younger generation. But the first point raises an interesting issue, and one which has provoked other readers as well.

What is *HCN*'s policy on the use of vulgar language? The truth is, we don't have one, being editors, not censors. The editors have their own braking points — but our idea of vulgarity in language is necessarily subjective, and as the editors change, so may that standard.

For the moment, no piece is rejected out of hand because it contains words on a "prohibited" list. We have a taste for good, earthy writing. We think sometimes a vulgarity is a part of good, earthy writing. Language is always trying to shake itself loose from inhibitions to varied expression — to grow, it gets its nutrients from the compost of scientific vocabulary, neologisms, and, yes, vulgarisms. The compost may smell a bit redolent at times, but that's part of the process.

The word "guy" was once used as a derogatory expletive meaning an illegitimate child. "Bloody," today a rather inoffensive vulgarism, was at one time the most vicious curse in the English language, referring to Christ's blood from the crucifixion. The language has adopted and transformed these words; perhaps inelegant, but hardly controversial.

We'll spare you the citations of Henry Miller and James Joyce — two "vulgar" writers that always pop up in columns like this. Rather, pull out the volumes of one of our regular contributors, and a writer admired by some of Don's critics, Edward Abbey, and you will find "vulgarisms" aplenty.

All we are saying, really, is that while we view *HCN* as a conduit of information, we *also* aspire to make it a repository of good writing. Sometimes our prose is sanitized; sometimes we find something full of life that skirts the badlands of language. We'll visit those regions when they seem informative, exciting and new.

□

The single copy rate of *HCN* has jumped to $1. It was our usual ineffectual response to economic reality: The Post Office is raising the mail rate we pay to deliver subscriptions, so we jump the newsstand price, which affects all of about 100 copies. We're going to hold the line on subscriptions at $15 a year.

*— the staff*

*The High Country News Research Fund* is looking for legal-size file cabinets. If you or your business wants to retire some aging (but functional!) file cabinets, *HCN* would like to have them. You get a tax deductible contribution for the market value, and we get more storage space for the region's most notorious clip file. Give us a hand!

in comparison to a total of federally leased reserves of 16.5 billion tons.

The overriding factor in coal production at this time, according to Jack Schmidt, a geological consultant in Helena and the principal author of the section on environmental regulations, is the lack of market demand.

The tale told by industry, however, is opposed to the conclusions of the report and most coal company representatives take strong issue with the findings. They agree market conditions are a major factor, but also point a finger at environmental regulations.

"That's crazy," Denny Christianson, an attorney for Peter Kiewit Sons in Omaha, said of the statement claiming environmental regulations play an insignificant role in coal economics. "I wholeheartedly disagree. To comply with environmental regulations it takes time and time is money."

A spokesman for Peabody Coal in Denver, Terry O'Connor, said he would "seriously take issue" with the same statement, claiming that environmental aspects of a proposed coal mine are very carefully analyzed before deciding whether to develop.

The regulations that are the largest stumbling block, according to O'Connor, are those that control fugitive dust, reclamation procedures, the Clean Air Act's effect on coal-burning power plants and the prohibition of mining on alluvial floors.

The prohibition of mining on alluvial floors — river valleys — was the most often cited environmental barrier to coal production. Jack Reed, the manager of the Engineering and Environmental Department for Peter Kiewit Sons said the prohibition on mining in alluvial valley floors because of their fragile condition was a major factor in the cancelling of the Whitney Benefits mine on the Tongue River in north central Wyoming.

"We hope," Reed said, "the alluvial floor regulations will be administered in a more reasonable manner in the future."

The Helena consultant agreed that alluvial valley floor prohibitions are among the most restrictive of environmental regulations, but said the Whitney Benefits Mine was the only total prohibition of mining in the West because the area is important to agriculture. He said industry opposition to environmental regulations "is the old knee-jerk industry reaction to clean the desk of environmental regulations."

Schmidt said industry is not unified in its approach to regulations. One company, he said, feels regulations in effect now are fine, while some oppose regulations depending upon how lucrative their sales contracts are.

But Schmidt said "the debate does not support a wholesale rolling back of environmental provisions because we need greater coal production." He said some "tidying up" of the strip mine act is in order, but he worries the coal industry is pushing for substantially more than that.

*— Jim Robbins*

# Cheyenne want voice on energy

The Northern Cheyenne Tribal Council has tabled a petition signed by 500 tribal members demanding more involvement in resource development decisions.

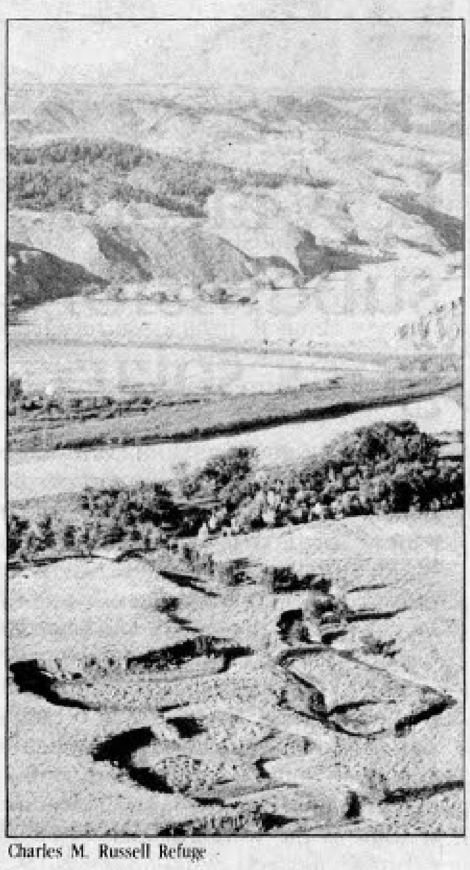
The petition, presented to the council January 18, asked that resource negotiations be suspended until a comprehensive plan is prepared and approved by referendum vote. It said that development decisions, especially those that could jeopardize the reservation's air quality, should be submitted to a vote of the people.

The petitioners expressed concern about tribal officials and employees who have an economic interest in development companies or who accept jobs from the companies. The petition specified that if there were such a conflict of interest, a contract should be voided. It said that council members should not accept jobs for five years after their terms of office.

The issues arose because of negotiations between the council and several energy companies for possible coal development near the reservation (*HCN*, 12/11/81).

Tribal Vice Chairman George Hiwalker, Jr. said the council is seeking a solicitor's opinion and won't comment on any of the charges now.

*— Marjane Ambler*



Charles M. Russell Refuge

# Judge says run refuge BLM-style

A U.S. District Court judge has ruled that the Charles M. Russell National Wildlife Refuge must give "coequal" status to livestock grazing and wildlife protection on the refuge.

The summary judgement was brought by Judge James Battin of Billings, Montana, in a suit brought by Lester and Russell Nickel and Charles Schwenke, ranchers from the Glasgow area who have grazing permits on U.S. Bureau of Land Management land and the adjacent refuge. A management plan for the refuge that would have made major cuts in grazing permits was put on hold last year by Department of Interior Assistant Secretary for Fish, Wildlife and Parks G. Ray Arnett pending the outcome of the trial.

The order from Battin blocks any revocation of grazing permits on the refuge and elevates livestock to equal status with the sharptailed grouse, mule deer, paddlefish, prairie dogs, elk, antelope and other species that make the refuge home. It requires the FWS to handle cattle according to the requirements of the Taylor Grazing Act, under which the BLM regulates grazing on its public lands.

The ruling would seem to contradict legislation approved by Congress in 1976 which eliminated a shared management arrangement between the BLM and the FWS and put the refuge solely in the hands of the FWS, whose primary purpose is wildlife preservation.

The management plan, developed over several years by a CMR refuge team, would have cut refuge grazing by 30 percent, using much more restrictive standards than the BLM exercises on adjacent lands. But the plan was in limbo with the change of administration in Washington, D.C. (See profile of FWS head Robert Jantzen in this issue). Officials at the refuge were uncertain whether it would survive the latest blow.

FWS officials in Washington, D.C., said it was too soon to say whether there would be an appeal of Battin's ruling by the Interior Department solicitor.

One former refuge manager now in Washington, who said he would not have a role in any decision to appeal and who asked that his name be withheld, said: "There's a lot of problems with this decision. I could punch holes in it big enough to drive a car through it."

The suit was brought by area ranchers after a running dispute with the FWS over alleged violations of their grazing allotments on the refuge. The ranchers claimed they knew more about range conditions than FWS experts, and when the FWS began building fences to keep the cattle out, they brought suit.

## BARBED WIRE

*How you gonna keep 'em down on the farm?* The Idaho Department of Fish and Game is promoting a voluntary state income tax check-off donation program for its "Nongame Wildwife Program."

*Metaphor of the month.* Utah state legislator Kim Burningham, arguing in favor of revisions to Utah's open meetings law: "There is a fear among the public that we do things in closed rooms behind smoke-filled doors."

# Coal plant preliminaries approved

The Crow Tribal Council has given preliminary approval to a 1,000-megawatt coal-fired power plant to be built on the Crow Reservation in Montana.

At a meeting January 9, the council asked the tribal office of economic planning to produce a management plan before the July council meeting. Eloise Pees, director of the office, said five companies have expressed interest in participating with the tribe in financing the construction of the plant.

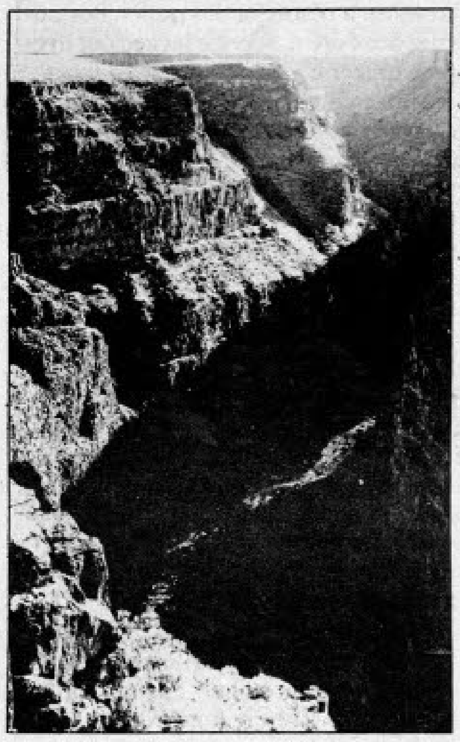
Four alternative sites are being considered, and Pees said she hoped none of them would degrade air on the adjoining Northern Cheyenne Reservation. The Cheyenne reservation is protected by a Class I air designation, which allows very little change in air quality.

Some Northern Cheyenne tribal members are worried about the plant and about Crow plans for a coal gasification plant, but the Northern Cheyenne Tribal Council has taken no position on either project. The Northern Cheyenne and the Northern Plains Resource Council, a rancher/conservation organization, were the two principal opponents to the last coal-fired power plants approved in the vicinity, Colstrip units 3 and 4. NPRC has not taken a position on the Crow plant, according to Margie MacDonald of the NPRC staff. She said NPRC has no affiliates on the reservation, and members off the reservation who might be affected have not brought the Crow plans before the board.

Several aspects of the project, such as railroad and highway access, involve off-reservation lands. It is unclear how much jurisdiction the tribe has in this matter, said Thomas Fredericks, tribal attorney.

The tribe also plans a coal mine, which may eventually fuel the plant. In the meantime, coal will be bought from either Westmoreland, which is mining coal just off the reservation now, or from Shell Oil, which plans to open a mine on the south end of the reservation.

*— Marjane Ambler*



Idaho Dept. of Commerce & Development

Bruneau Canyon, Owyhee County, Idaho

# BLM picks new wilds in Idaho

Wilderness areas have historically consisted of pine-clad mountains with jewel-like lakes filled with sleek trout. But as the U.S. Bureau of Land Management's wilderness studies and reviews take form, areas foreign to most backpackers and wilderness enthusiasts are promising to contribute vast acreages to the national wilderness system.

The BLM — mandated by its 1976 organic act to join in the wilderness management system — recently recommended 415,000 acres in southwestern Idaho for wilderness designation. The final environmental impact statement on the agency's proposals will not be released until 1984, but already the lines seem uncompromisingly drawn between livestock interests and wilderness proponents.

The Idaho Cattlemen's Association wilderness policy for 1982 opposes any wilderness areas or wilderness studies on BLM land. Bruce Boccard, chairman of the Committee for Idaho's High Desert, says the ICA opposition is "going to make things difficult, but not impossible. We've got public support on our side." Pro-wilderness testimony outnumbered anti-wilderness testimony ten-to-one in Idaho, said Boccard.

The proposed wilderness areas would include a 227,460-acre Owyhee River Wilderness, which would almost double in size if the 200,000 acres under wilderness study by the BLM in Oregon are added. The Owyhee River canyonlands is home to about 400 California bighorn sheep. There are only 1,700 of these sheep in the United States.

The Oregon BLM district will make its recommendations for that land this June. The remaining wilderness proposals of about 200,000 acres are divided among six separate blocks of land ranging from 9,400 acres to 69,935 acres.

Although the Boise District BLM recommended almost 80 percent of the wilderness study areas for wilderness, environmentalists are not claiming victory. "We felt we got mauled pretty badly in the inventory process," explained Boccard.

Boccard said the BLM's attitude

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# WESTERN ROUNDUP

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toward wilderness areas is quite different from that of the Forest Service, which has been the chief agency administering wilderness. Boccard said the Forest Service has promoted recreation as the highest priority in its wilderness areas. As a result of this policy, Boccard says, the Forest Service kicked out livestock grazers.

Although the Wilderness Act specifically permits grazing, and the BLM has assured ranchers their grazing rights will not be altered by wilderness designation, ICA fears grazers will be kicked out. "Past history has shown," said an ICA spokesperson, that "within one to two years there have been so many severe regulations (under wilderness management) that grazing has been eliminated."

The ICA awaits the response to an appeal it filed with the Department of Interior's Board of Land Appeals a year ago. ICA said the appeal opposes wilderness and argues that ranchers' objections to wilderness were disregarded by the Boise District BLM.

The BLM expects to have completed 86 percent of its wilderness recommendations by September, 1984, according to Director Robert Burford. The BLM's preliminary inventory of roadless areas, completed last year, left 24 million acres eligible for further consideration as wilderness. Now the BLM is evaluating the mineral potential of these wilderness study areas. Studies of all potential wilderness in New Mexico and Utah will be complete by late 1984, said Burford, and the job will be half done in Montana, Wyoming, Colorado and Arizona.

*— Glenn Oakley*


# Gasohol still pumps, despite ills

Farmer Greg Gosar of Monte Vista, Colo. stands in the shadow of the sixty-foot tower, pointing to the alcohol fuel plant built on his land.

"It seems alien to the agricultural environment. This is a blending of several technologies — solid fuels, beer-making, petrochemical refining — but we hedge the future of the farmer," said Gosar. "We never looked at gasohol as a panacea for the fuel crisis, but there *is* a place for it."

Gosar, president of San Luis Valley Protein Energy Corporation, a group of nine Colorado farmers and one architect, is sold on small-scale ethanol production.

Currently there are fourteen plants producing alcohol fuels in Colorado and several more under construction. Gasohol is made by blending ethanol and unleaded gasoline in a 1:9 ratio. Gosar notes that most farmers don't want to get involved in production because they simply don't have time. "They're ferociously independent and hard to organize, but that's the beauty," he said. "If shortages come, they can still keep the farm going, producing."

Gosar's vision is of an operation that sustains the family farm — a gasohol plant which in turn provides a feed lot with dried distiller's grains, or DDG, a high protein diet supplement. His dream includes a greenhouse growing vegetables using excess heat and carbon dioxide from the brewing process, fish raised alongside the gasohol plant, and enough surplus fuel to sell "out the back door" to his neighbors.

Down the valley from Protein Corporation is Colorado Agro-Energy, Inc., a large operation scheduled to produce 2.5 million gallons of alcohol a year when completed. Spokesman Kyle Robinson says that the bottom line is economics. In order to operate efficiently, the plant will run 24 hours a day, providing several jobs for people around Monte Vista in south central Colorado.

The company plans to buy undersized, deformed, frozen or spoiled potatoes from area farmers to convert to alcohol.

A cool reception by the Reagan administration and a lack of support among lenders is delaying full-scale gasohol production. According to Bob Merton, director of the Colorado Commission on Gasohol, "Financial institutions have not had a good track record for backing alternative energy programs like solar, wind generation, and energy other than oil." But, he adds, "Should there be another big squeeze in the Middle East like in '73 or '78, the oil companies will look for anything to help alleviate people standing in gas lines. Gasohol is available now. Coal refraction and oil shale are not here yet. They're still working on the technology."

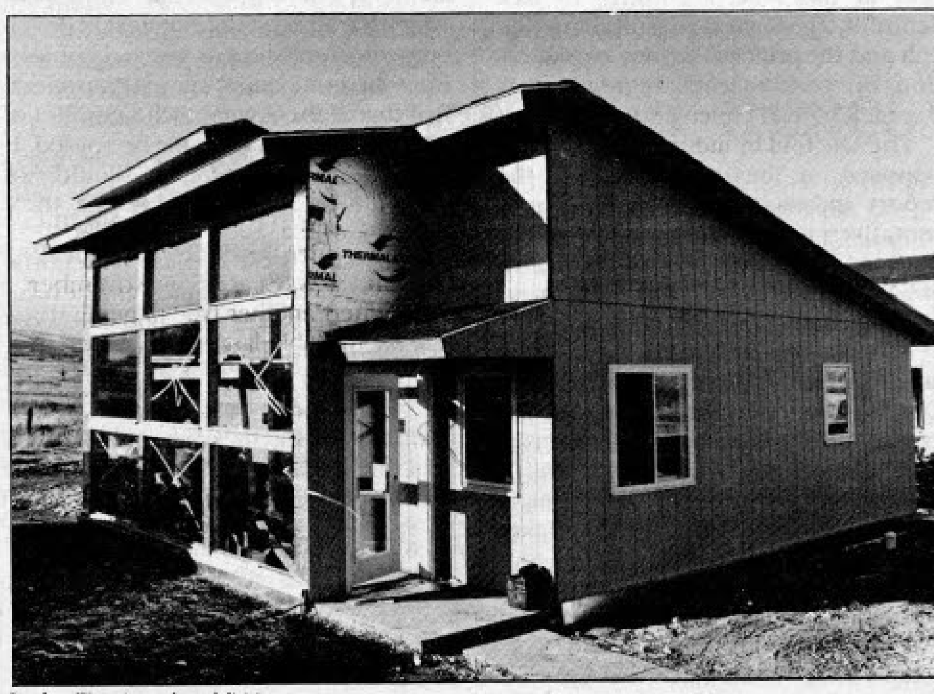
Gasohol receives a four-cents-a-gallon gasoline tax exemption from the federal government and an additional exemption in several states, including five-cents-a-gallon in Colorado. However, Archer Daniel Midland, Co., of Decatur, Ill., is challenging the five cent break, calling it an unconstitutional restraint of trade.

The fate of the "Nickel Bill" is still tied up in the Colorado courts. "I don't believe in government subsidies," says Robinson. "But we've subsidized Lockheed, big oil, and tobacco. Any growing, fledgling industry needs to have some support. Tax breaks at the gas pumps help to make it."

Another problem, according to Merton, is that "gasohol is just not gasoline." One major Colorado distributor, Asamera Oil, Inc., quit offering gasohol at a number of stations in August because of falling sales. Diamond Shamrock, on the other hand, clearly labels their pumps as gasohol and remains in business. Still other distributors promote alcohol fuels as "unleaded with ethanol" or "super-unleaded." By law, a label must be affixed somewhere on the pump indicating that the product contains ethanol if it is ten percent or more of the fuel. Regardless of evidence showing that alcohol fuels boost octane levels, decrease carbon monoxide emissions, and can be sold at or near the price of standard fuels, marketing remains a problem.

"The point is," according to Gosar, "we're making a renewable fuel efficiently. Gasohol will extend fuel supplies. But until people realize it's okay and we can fly on our own, we need the loan guarantees and the five-cents-a-gallon at the pumps."

*— Deidre Duncan*



Mike McClure

Lander, Wyoming, solar subdivision

# Low-income subdivision goes solar

Despite complaints from contractors that they are losing money, and predictions of lower-than-expected occupancy, the first low income housing project in the Rockies dependent on passive solar energy is a success, according to project developers and city officials in Lander, Wyo.

The city of Lander did not intend to pioneer the use of passive solar technology in low-income housing when it began planning a modest single-family housing development. The city had obtained Farmers Home Administration (FmHA) funds to develop lots and was considering house design when Steve Wilson, a local housing consultant and solar advocate, proposed the incorporation of passive solar technology to provide heat for the dwellings.

In spite of city council members' objections that solar energy was not cost-effective and wouldn't work in the cold Wyoming climate, Wilson pursued the idea on a grant from the Wyoming Energy Conservation Office. Wilson could not locate plans for low- to moderate-income homes using solar technology, but he convinced the city to back the idea, if money could be found to develop house plans and fund mortgages.

A grant from Western SUN (Solar Utilization Network) enabled the city to hire a local architect and then purchase the house plans for public distribution.

Last year, with funding from several different agencies, the city began offering lots and house plans to qualified persons.

For qualifying applicants, $10 buys a fully improved lot and house plans from the city. Low interest mortgages are available from the FmHA. The mortgages were an innovation for the FmHA, which had never made low interest loans for passive solar single-family dwellings.

Applicants choose from two basic designs; either can be built for under the $40,000 limit on FmHA mortgages.

Both designs collect heat from the sun through a greenhouse extending from the foundation to the roof on the two-story south wall. The thermal envelope, or convective loop design is a double-walled house heated by hot air rising up and circling through the cavity between inner and outer walls in an endless cycle. The greenhouse-sunspace design stores the heat in the house walls and foundation and passively radiates it to the inside of the house.

There have been few applicants for the houses, and local contractors complain that the narrow profit margin will result in cheap construction. But since the units must meet both local codes and FmHA standards, the architect claims construction will equal or exceed the quality of standard housing.

Alan O'Hashi, assistant to the mayor of Lander, said applicants were few because the project is hard to believe. "It's too good a deal, it sounds like something you'd read about in *Popular Mechanics*." Wilson feels increased publicity will have the remaining lots sold by the end of the year.

*— Susan Tweit*

# Utah group asks court to halt roads

The Utah Wilderness Association has filed a request for a temporary restraining order against the Bureau of Land Management to prevent the construction of roads for oil and gas drilling activities in areas the group wants included in the BLM wilderness system. The UWA charged that the BLM has allowed the construction of roads in areas dropped from the BLM inventory which the group is appealing to have reinstated.

Last April, the UWA and a number of other groups filed a 1,400-page appeal to the Interior Board of Land Appeals, challenging the BLM's decisions on 29 potential wilderness areas. Seventeen of the areas had been dropped from the inventory completely, and 12 had been the subject of major boundary adjustments. The appeal, the longest and most complex in the BLM's history, is still before the IBLA.

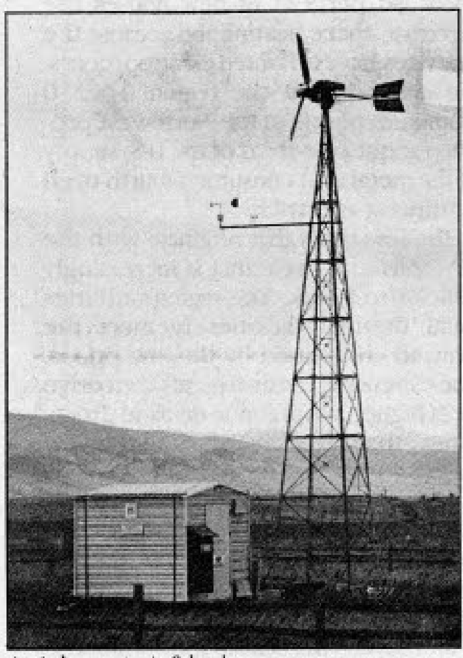
However, according to the group, the BLM has allowed construction of roads in the areas under appeal. Most of the activity has occurred in the Book Cliffs, an area in east-central Utah that is the subject of oil and gas and oil shale company interest.

UWA head Dick Carter said, "In the appeal areas, the BLM has been allowing activity that will have an impact on the appeal. By the time the appeal goes to the IBLA, the evidence will not be there for the naturalness we are arguing."

The BLM said the areas contain leases that were issued before the Federal Land Policy and Management Act, the same legislation that mandated the wilderness inventory. Since the leases were pre-FLPMA, the BLM said it had to honor the companies' rights of access.

Carter said, however, "We're arguing that the BLM has a responsibility to protect the wilderness characteristics regardless of whether the leases are pre- or post-FLPMA. In addition, there is nothing in their files about any public process. They have failed to notify the conservation organizations involved. It is unbelieveable to us that the BLM would allow this activity without notifying us. We're also afraid these types of activities are occurring throughout the region."

The appeal before the IBLA is expected to take months. No deadline for either issuance of the injunction or resolution of the IBLA appeal has been set.



A wind generator in Colorado

# Wind project blown away by fund cuts

The Wyoming gusts are there, but not the funding to complete construction of a wind generator in the Bureau of Reclamation's wind energy project near Medicine Bow, Wyo.

The project, the first of its kind in the country, was designed to investigate the possibility of using wind energy in conjunction with hydroelectric power.

Larry Nelson, project leader with the BuRec in Denver, said they got interested in the concept in 1976 and received appropriations from Congress that same year for the investigation. Two sites for the project, one southwest of Medicine Bow and one northwest of Medicine Bow, were selected.

Nelson said the tower for the first generator, purchased from a Connecticut firm, was erected in November, 1981. When another type of generator became available last year, Nelson said the BuRec requested about $1.5 million for it. He said they wanted the two different types of generators to compare performances. Because it takes Congress time to appropriate funds and because the BuRec felt certain it would receive the money, Boeing Company of Seattle shipped the second generator to the site.

Nelson said that BuRec picked up an option on the second generator from the Department of Energy. DOE had been involved in wind energy development for several years, but last year its funding was cut after the Boeing generator had been ordered. Boeing has been paid partially for the Medicine Bow generator, but Nelson said further funding has been suspended. If funds are not restored, the project may have to be mothballed. And, Nelson said, that takes money also; money that is not available.

Now Wyoming officials are attempting to restore the funds.

Don Nelson, administrative assistant to Wyoming Gov. Ed Herschler, said the governor sent a letter this month to the Wyoming congressional delegation, asking them to make an attempt to restore the funding.

Nelson said the governor believes the project is worthwhile, citing $320,000 in potential power revenues if the generators are completed and operable. Together, Nelson said, the two generators could provide enough energy for 3,000 homes.

Nelson said there had been no discussion so far of the state picking up the tab for the project.

Brent Erickson, legislative assistant on energy and environment to Wyoming Sen. Alan Simpson (R), said Simpson and Sen. Malcolm Wallop (R-Wyo.) will work together to get the money restored for the project.

# Tumbling tumblelogs

To the fans of cowboy movies, tumbleweed is a romantic symbol of the West. However, the sight of tumbleweed drifts lining fencerows inspires little enthusiasm in most land managers.

Tumbleweed, or Russian thistle, was mistakenly introduced from Asia in 1873 and spread rapidly throughout the arid West. Because of its ability to become tenaciously established and dominate disturbed land, it is a familiar weed.

Researchers at the University of Arizona are experimenting with an innovative solution for the tumbleweed problem, however. Their "if you can't beat them, join them" approach involves actually cultivating and making use of the plant, rather than trying futilely to eradicate it. They are processing dried tumbleweed into artifical fireplace logs for eventual commercial marketing.

The project, administered by the Office of Arid Lands Studies, University of Arizona, cultivates the tumbleweed on abandoned dry farmland which has not been restored to native vegetation, thereby not competing with food and fiber production or with wildlife needs.

Modern cotton farming techniques and equipment are used to grow and harvest the crop. The dried plants are ground, compressed and shaped into logs for use as fireplace or stove fuel.

Martin Karpiscak of the Office of Arid Lands Studies said fuel production is an ideal use of abandoned disturbed land which is not suitable for native revegetation or for cultivation of either food or fiber crops. Fuel crop production on these dry lands restimulates the agricultural economy through cash crop production and provides an additional fuel source in areas far from natural firewood.

Tumbleweed, according to Karpiscak, is an ideal fuel crop because not only does it volunteer itself — "farmers can grow it without half trying" — it is also naturally adapted to arid conditions making it relatively inexpensive.

The artificial logs, named Tumblelogs, are packaged in three-log (7½ pound) packages with estimated retail value of from $1.00 to $1.50. With an average fuel value of 6300 Btu/lb, project researchers found tumblelog production more economical than other synthetic fireplace logs currently marked.

Karpiscak reports cooperation from farmers, as well as considerable interest from potential retailers and distributors of Tumblelogs, but feels thorough marketing and agricultural economics studies must be completed before Tumblelog production goes commercial.

The Tumblelog project has applications throughout the West, including possible production on farmland abandoned because of high salt accumulations.

Karpiscak recalls one farmer's wish, "If they could ever find a use for it (tumbleweed) we'd be millionaires."

— *Susan Tweit*

# HOTLINE

### LEAKY TRANSFORMER

An anonymous caller informed the media around the state of Wyoming in early January of a PCB (polychlorinated biphenyl) leak at the Bureau of Reclamation's Kortes Powerplant 60 miles southwest of Casper on the North Platte River. PCB is a carcinogenic chemical used to insulate transformers. In responses to the calls, BuRec issued a statement explaining that a transformer slowly began leaking Askarel, an oil which contains a small amount of PCB, in early December. However, on Dec. 22, as much as one-half gallon of the substance leaked in a containment area. BuRec said clean-up began immediately, employees were protected with special clothing and monitoring within the plant began. Officials said the Environmental Protection Agency was not notified because the substance did not leave the containment area nor did it come into contact with the North Platte River.

### CONSERVATION CUTS

The Reagan Administration has not given up its attempt to cut conservation and solar programs, despite a rebuff from Congress in fiscal year 1982. According to the *Audubon Leader*, the budget axe is being aimed for FY 1983 at low-income weatherization programs, state energy office grants, solar energy information programs, and research in solar photovoltaics, among other things. And congressional defenders of conservation and solar programs may have a hard time finding their pet projects — the Reagan administration has announced that it is going ahead with plans to dismantle the Department of Energy, distributing its programs among other agencies.

### BLIND BIGHORNS DYING

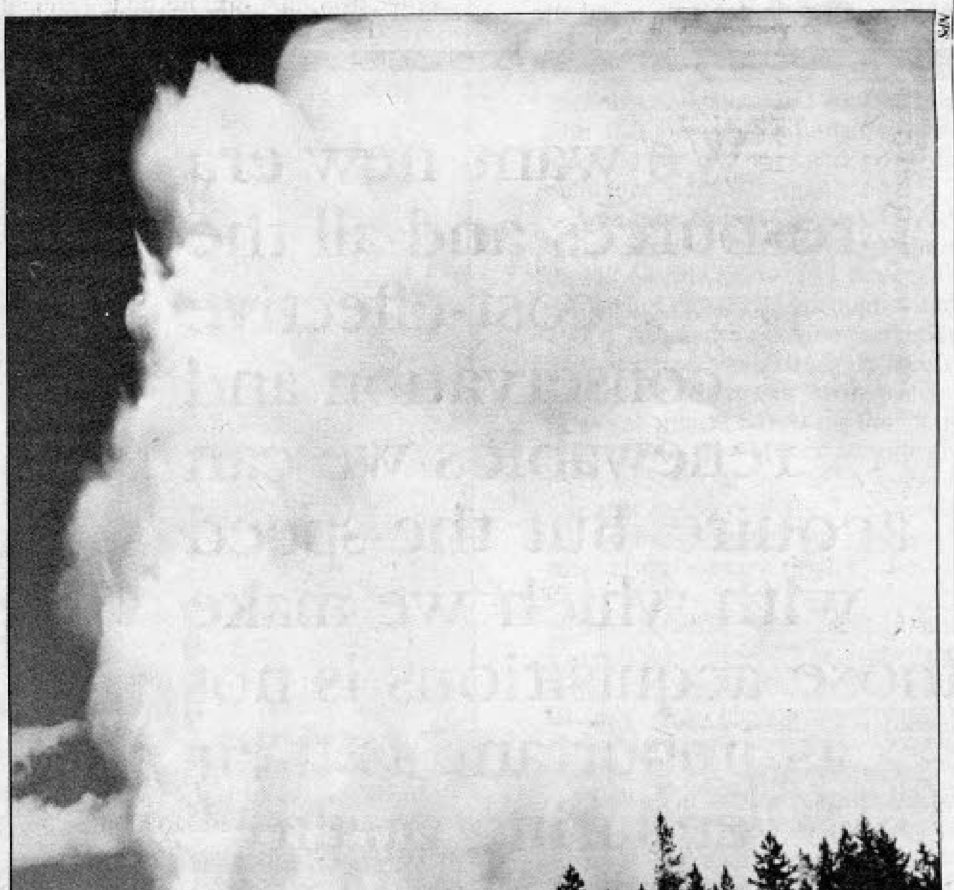
A bacteria-caused blindness may result in the death this winter of up to 70 bighorn sheep in Yellowstone National Park, said Mary Meagher, the park's head biologist. Twenty-seven sheep in the north part of the park have died so far and 39 are blind out of a total of 167 sheep counted in the two herds. Though scientists at Montana State University in Boseman have isolated a bacteria from the eyes of dead sheep, they are unsure if it is the one responsible for the problem, said Linda Miller of the park superintendent's office. She said that biologists hope further testing will reveal the cause of the blindness.

### ENDRIN REACTION

Hearings on proposed pesticide and herbicide regulations in Montana have revived the 1981 controversy over the use of the pesticide endrin in eastern Montana. Agriculture and chemical industry representatives claim the proposed rules, developed by a Pesticides Advisory Council, are too much. The endrin problems were "blown out of proportion," said Don Little, a pesticides retailer from Great Falls, at a recent hearing. But environmentalists argued that pesticides regulation required even greater review, and called for an environmental impact statement on the program.

### GEYSER BLOWS

The world's tallest geyser, Steamboat Geyser in Yellowstone National Park, erupted Jan. 13, for the first time in 941 days, said Park Superintendent John Townsley. The geyser's eruptions, which sometimes spout higher than 400 feet, are totally unpredictable. They have occurred intermittantly since the first recorded eruption in 1878.



1970 eruption of Steamboat Geyser, Yellowstone National Park

## *BPA's challenge*

# Energy conservation versus

*by* John Soisson

The Bonneville Power Administration headquarters sits on the wet lip of Sullivan Gulch in east Portland, Oregon. Its long, glass-edged layers have the unmistakable stamp of bureaucracy. Peter Johnson's office is in the middle of the fourth floor, as close to the BPA's center as one could hope to get.

BPA is a federally-owned power producer that was established during the Great Depression to bring electricity cheaply to the Northwest. Last May, Ronald Reagan appointed Johnson head of the 44-year-old agency. He came from Boise, Idaho, where he had been head of construction and manufacturing firms. At BPA, he will direct the power future of Idaho, Oregon, Washington and western Montana. As he administers the controversial, year-old Pacific Northwest Electric Power Planning and Conservation Act, he will also affect the entire Rocky Mountain region. The decisions he makes under the act will also portend the future of the most ambitious federally-mandated energy conservation and public power development program in the nation.

Under the regional act, as it is called, the BPA administrator was given authority to determine who would get existing electrical resources in the Northwest, what new resources would be developed, and how the cheaper hydro power that is the Northwest's bread and butter would be combined with new, more expensive thermal power. The administrator was given control over electrical rates in the region and the conservation measures that are to be employed to deal with them.

"The bill made the BPA administrator the most important person in the Northwest," according to Mark Reis, director of the Northwest Regional Act Coalition in Seattle.

But if his first eight months in office are any standard, Johnson hasn't risen to the challenge. If anything, he's ducked it.

Recently, federal legislators responsible for the regional act have begun to criticize Johnson for his performance. A letter from Rep. Richard Ottinger (D-N.Y.), head of the House Energy and Commerce Committee's Energy Conservation and Power Subcommittee called Johnson "unduly cautious and slow" in his implementation of the act. The letter came a month after Johnson was grilled by Ottinger's House Oversight Committee about his work.

The BPA, the congressman said, was moving at a "glacial pace" because of its bureaucratic inertia, poor organization for conservation, and timidity. Johnson was directed to answer 22 questions by January 27 and was told to be more specific about his promise that the BPA would spend $2.3 billion on conservation by 1987. In addition, the administrator was asked about the wording of recent BPA power sales contracts and about his approach to renewable energy resources.

"Chances are, at the end of four years, if I do my job right, it will be appropriate for me to move on simply because some people will desire that," Johnson said. "If I do what I think is right, then, necessarily, I will make some enemies."

**Before the act** was passed, the BPA concentrated on marketing power — primarily water-generated power produced by its sprawling Columbia River System of 30 dams. It laid a spiderweb of transmission lines across the Northwest and served as a power wholesaler to regional utilities. Through the act, however, the BPA was given authority to assess the long term energy needs of the Northwest — to make power forecasts — and to obligate ratepayers to pay for whatever it said was needed.

If the BPA determined there would not be enough power generated to meet future demand, it could enter contracts with private and public utilities for as yet ungenerated electricity, enabling them to build new plants. In effect, the BPA could underwrite thermal plant construction.

A planning council was also established by the act — an eight-member panel appointed by the governors of the four Northwest states — which would make its own energy use forecast and oversee the BPA. In addition, the act required BPA to promote conservation and to acquire energy from renewable resources before it considered new thermal plants.

**Because of its** low cost hydro power the BPA has kept the cost of electricity in the Northwest far below the rest of the country. The four states have an average cost of 3.61 cents per kilowatt hour. In the nearby Rocky Mountain states, including North and South Dakota, Wyoming, Utah and Colorado, the rate is 5.43 cents. In the Northeast the figure runs as high as 10.18 cents per kilowatt hour.

These lower rates have resulted in twice as much electrical consumption per capita in the Northwest, because about 80 percent of new houses use electrical space heating and because the low rates have attracted electroprocessing industries to the region. The 10 aluminum plants in the Northwest produce about one-third of the U.S. supply of the metal and consume a fourth of all Northwest electricity.

The low rates that originate with the BPA started a cycle that is increasingly difficult to break. The region's utilities build thermal facilities to meet the demand stimulated by the low prices. The expensive thermal plants then drive rates higher, whereupon demand drops. When that happens, the utilities are unable to pay for the plants.

Because of their investments, both the BPA and the utilities must keep demand up, sometimes at the cost of ignoring conservation and renewable resources.

Moreover, the cheap power of the Northwest may soon be a thing of the past. In January 1980, BPA rates rose 88 percent; in July 1981, they went up another 59 percent; in 1982 rates will go up again — by some estimates as much as 100 percent.

Yet in 1982, the BPA will spend about 44 percent of its $1.25 billion budget on thermal purchases and three percent on conservation. By 1985 Johnson expects to spend 57 percent of his budget on thermal projects and only four percent on conservation.

**A few months** after Johnson moved into his office BPA signed a contract with Alumax Corp. for 320 megawatts of electricity to fire an as yet unbuilt plant. Johnson did not require a study to determine the capacity of the BPA to meet the load requirements of the contract. Instead, by signing the contract without public review, he fulfilled his own prophecy that "there will be a need for more power in the region."

At the same time, he sent new contracts to all of BPA's customers for their study. The contracts offer neither incentives for conservation nor inducements for rate restructuring to discourage consumption.

"For all intents and purposes, the incentives are in the contracts," Johnson said, but he insists that more study is needed before rates can be adopted that would price electricity generated by new thermal plants closer to their actual costs. And while the studies are in progress, the BPA continues to combine low-cost hydro power with high-cost thermal power, to average the costs and to stimulate demand.

**Early in 1981,** concerns were raised that decreased natural ventilation caused by caulking, weatherization and the installation of storm windows increased the risk of exposure to carcinogens from wood smoke and the formaldehyde that is present in most houses. After some initial study, Johnson required an EIS that won't be completed until late 1982.

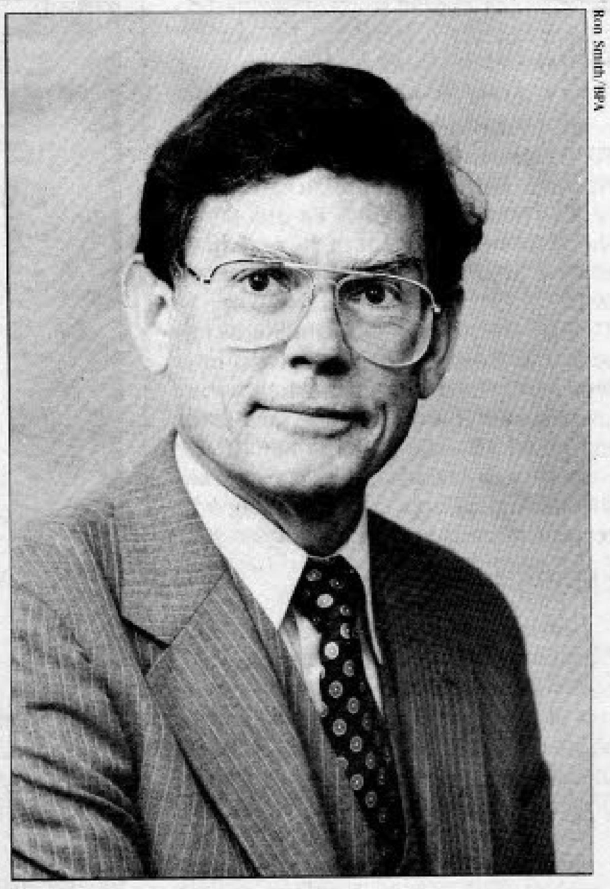
While the EIS is pending, only about 30 percent of all homes eligible for weatherization assistance will receive complete help, and approximately 70 percent will get all assistance except the air infiltration reducing measures. Observers have called it a "one-legged" program.

An aggressive program would have given consumers a $1500 discount for $2000 worth of materials and labor. BPA maintains that the air quality issue is a legitimate concern, but critics say it is an example of BPA's overly cautious approach to real leadership in conservation.

Also, the BPA has agreed to finance attic insulation but not sidewall insulation. It won't approve the installation of

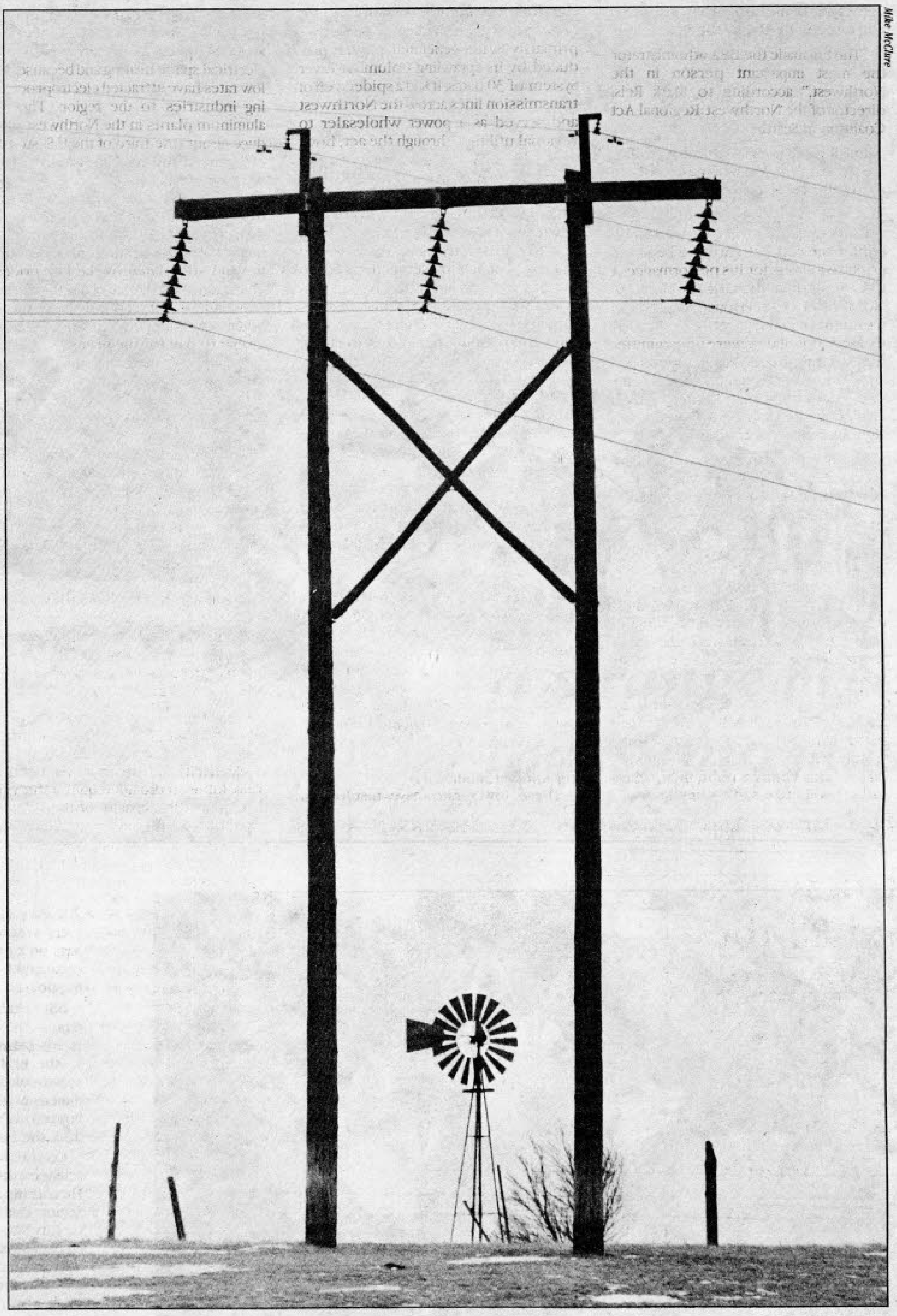
"We want new era resources and all the cost-effective conservation and renewables we can acquire. But the speed with which we make those acquisitions is not as important as their enduring quality."

*— BPA Administrator Peter Johnson*



Ron Smith/BPA

# power plant construction



Mike McClure

And Oregon Rep. Jim Weaver (D) called it a "disgrace and a scandal ...The BPA could put 10,000 people to work — right now — on a massive conservation and renewable program, but they're not."

Johnson said he will issue a statement after his agency completes a load forecast that will deal with the regional act and he hinted that critics will be quieted. The statement will announce renewable projects the BPA hopes to acquire.

A decade ago the agency forecasted a 7.5 percent increase per year in the region's energy needs. The BPA, through its billing procedures, underwrote the construction of new thermal plants to meet the projected need. As the costs of building those plants went up, however, so did the BPA's rates and, in turn, the costs to consumers. Then the growth rate dropped.

The act required the state-appointed regional planning council to prepare a forecast by 1983. Individual utilities, consumer organizations and environmental groups are also preparing separate forecasts. The BPA is doing its own study, hoping to finish it before the others.

If the BPA can show more power will be needed ten or twenty years from now than existing or currently under construction thermal plants can provide, it will have a good case for construction of other facilities — like nuclear plants number four and five of the Washington Public Power Supply System, the financial albatross that hangs around the region's neck (see *HCN*, 11/13/81).

If new resources aren't developed, Johnson said, the agency may have to turn to thermal plants to fulfill its needs. "We have every intention of living up to the mandate of the act," Johnson said. "But this does not lead to the conclusion that power from plants number four and five will not be needed. They will be needed."

A study by British Columbia Hydro, a Canadian utility, recently concluded the Pacific Northwest would have a "net surplus" of electricity through the mid-1990s. The study said American utilities had prepared "amazingly inaccurate" power use forecasts that predicted power shortages based on the "lowest conceivable low-water conditions" likely to occur in the BPA's hydro system only once a century. The shortages "seem almost deliberately contrived to mislead the unwary reader" the study said.

The National Resources Defense Council has argued the same thing. NRDC representatives said growth of demand for electricity could be reduced to nearly zero by 1995 through commitment to energy conservation.

Fred Huette, editor of the publication *Solar Oregon*, said, "If the BPA continues to implement conservation halfheartedly, the real danger isn't that the region will get stuck with WPPSS plants four and five, but that we'll get locked into finishing other coal and nuclear plants like Montana's Colstrip coal plants, or the three coal plants at Creston, Washington, or even Pebble Springs (in Oregon)."

There are consequences for the Rockies. Coal-fired thermal plants constructed in Washington or Oregon would need coal from Montana and Wyoming. If the BPA concludes it will have to meet its electrical needs through new plant construction rather than through conservation and renewables, long-term contracts would obligate the Rockies to feed the system.

‡‡‡

John Soisson is a freelance writer in Portland, Oregon. This article was paid for by the HCN Research Fund.

## BPA has the authority to assess the long-term energy needs of the Northwest —and to obligate ratepayers to pay for what is needed.

heat pumps nor will it provide incentives for energy efficient appliances. BPA officials said that such incentives would create a black market for older, less efficient appliances. And recently, it declared programs that encourage shifting from electrical heating to natural gas would not be eligible for billing credits. Johnson said that BPA wants to stay out of the fuel-switching field.

"We want new era resources," Johnson said, "and all the cost-effective conservation and renewables we can acquire. But the speed with which we make those acquisitions is not as important as their enduring quality."

He said that new BPA policies must be developed in a businesslike manner and that the value of those policies won't necessarily be measured in dollars but in their enduring quality."

"I would hope that three out of four programs we put into effect cannot be attacked on the basis that we are throwing money at problems rather than trying to solve them," he said.

Representative Ottinger calls that a "bunch of well-intentioned-sounding baloney."

It eats 100 pounds of fat and meat every week, it carries tents and water bags on camping trips, it makes a lot of noise and it likes to drag a wooden contraption all over the mountains.

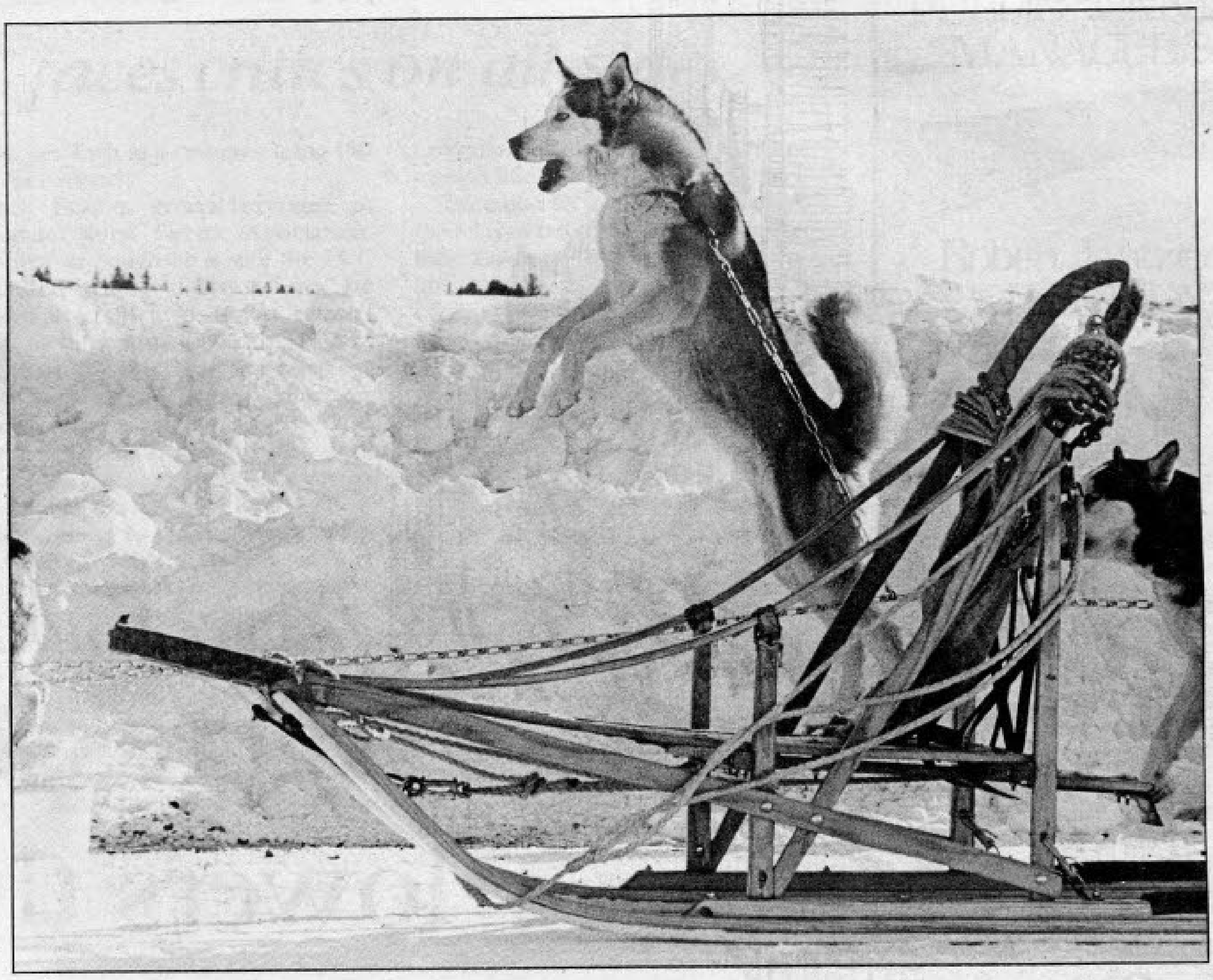
Bill Cotton straps it to a series of halters — "it" is a dogsled team. Then he stands behind it, holding the handbow — the brake — within easy reach. A snowhook — something like a three-dimensional anchor on a rope — is hooked to one of the stanchions that flank the basket of the dogsled.

Cotton is a teacher of atmospheric sciences at Colorado State University. He and his wife brought their string of Samoyeds and Siberian Huskies to Atlantic City, Wyo., this month for a series of races. The sleds shoot off down an easterly incline of packed snow, circle down around a knoll then rejoin the route and return. There are races for three-, five- and seven-dog sleds.

The racers take off one at a time. Though some overtake other competitors, the real race is against the clock. Some events include an "unlimited" classification where as many as 14 dogs pull a sled.

But with the smaller strings of dogs it's no easy ride for the musher (who rarely, at this race anyway, says "mush"). By the time the exhausted dogs return to the finish line, an equally exhausted pilot is usually running alongside, tongue hanging out.

The Cottons moved from Florida to Colorado a few years back and "in a weak moment" took up dogsled racing. The dogs have names like "Stratus," "Typhoon," and "Hailstorm," befitting



# Dog sledding — a strange breed that's into mush

*Photos by* Mike McClure

Cotton's profession.

What kind of person gets into the sport?

"I've been interested in dogsled racing all my life," said Joe Kimmel, of Riverton, Wyo., "ever since I read Jack London about all those great lead dogs. Then a few years ago I saw a Walt Disney TV show with dogsleds, and decided if I'm ever going to do it, I'd better do it now."

Kimmel and his son, Duane, are a bit out of the ordinary — they race hounds. They use the hounds (called "plothounds," a registered AKC breed from Germany) for raccoon hunting most of the year — dogsledding seemed like a natural way to keep them busy in the winter.

As they run down the track, Kimmel's hounds get distracted sometimes, perhaps by scents that remind them of their summer calling. But when the race ends, there they are, baying loudly and big ears flopping, near the head of the pack. One Colorado sledder has a team of Irish setters.

Aficionados argue the virtues of Siberian huskies versus Samoyeds. The Samoyeds, they say, are strong dogs and good for sprinting and deep snow. The Huskies are durable and fast — on a long, well-packed course, they perform better.

Races vary in distance, but the general rule is one mile per dog. Thus, a three-dog race is likely to be about three miles long. There are, however, shorter "weight pull" events — with heavily loaded sleds — and races that cover routes of several hundred miles over several days.

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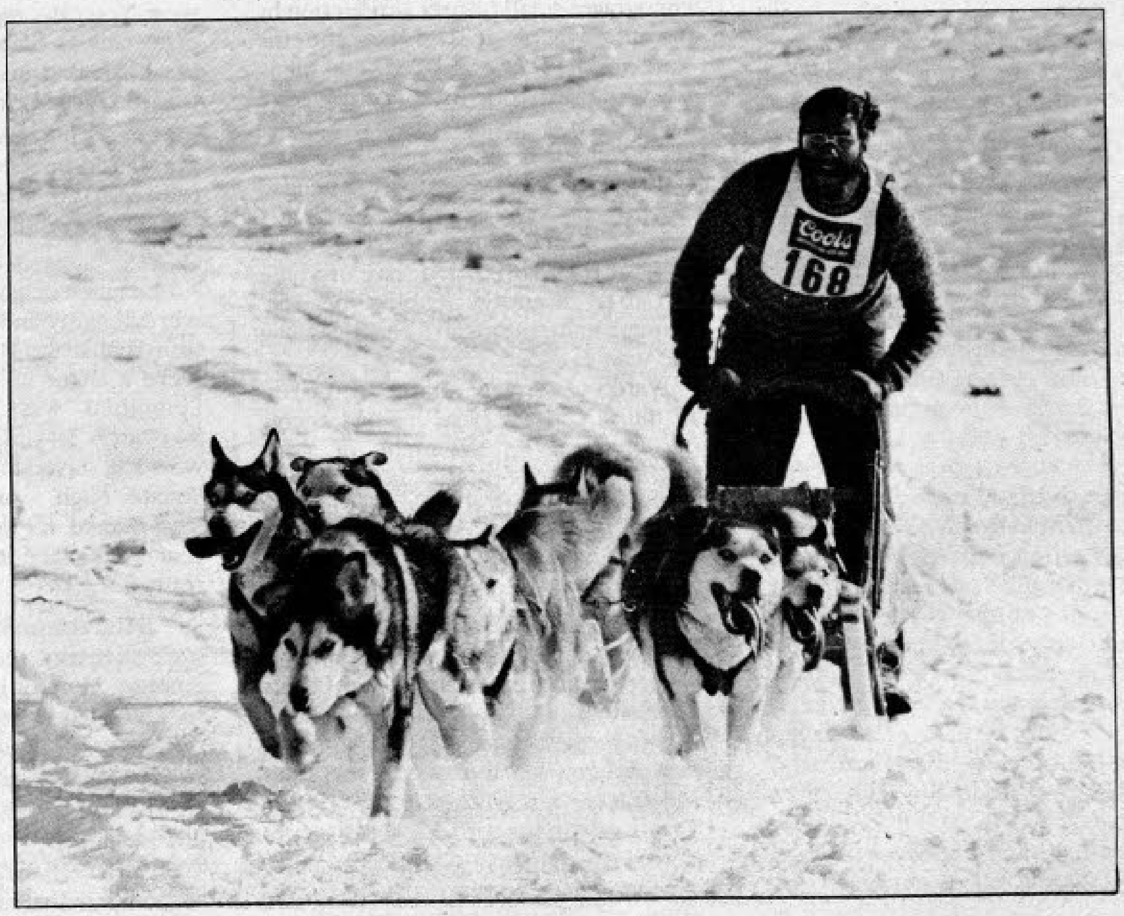
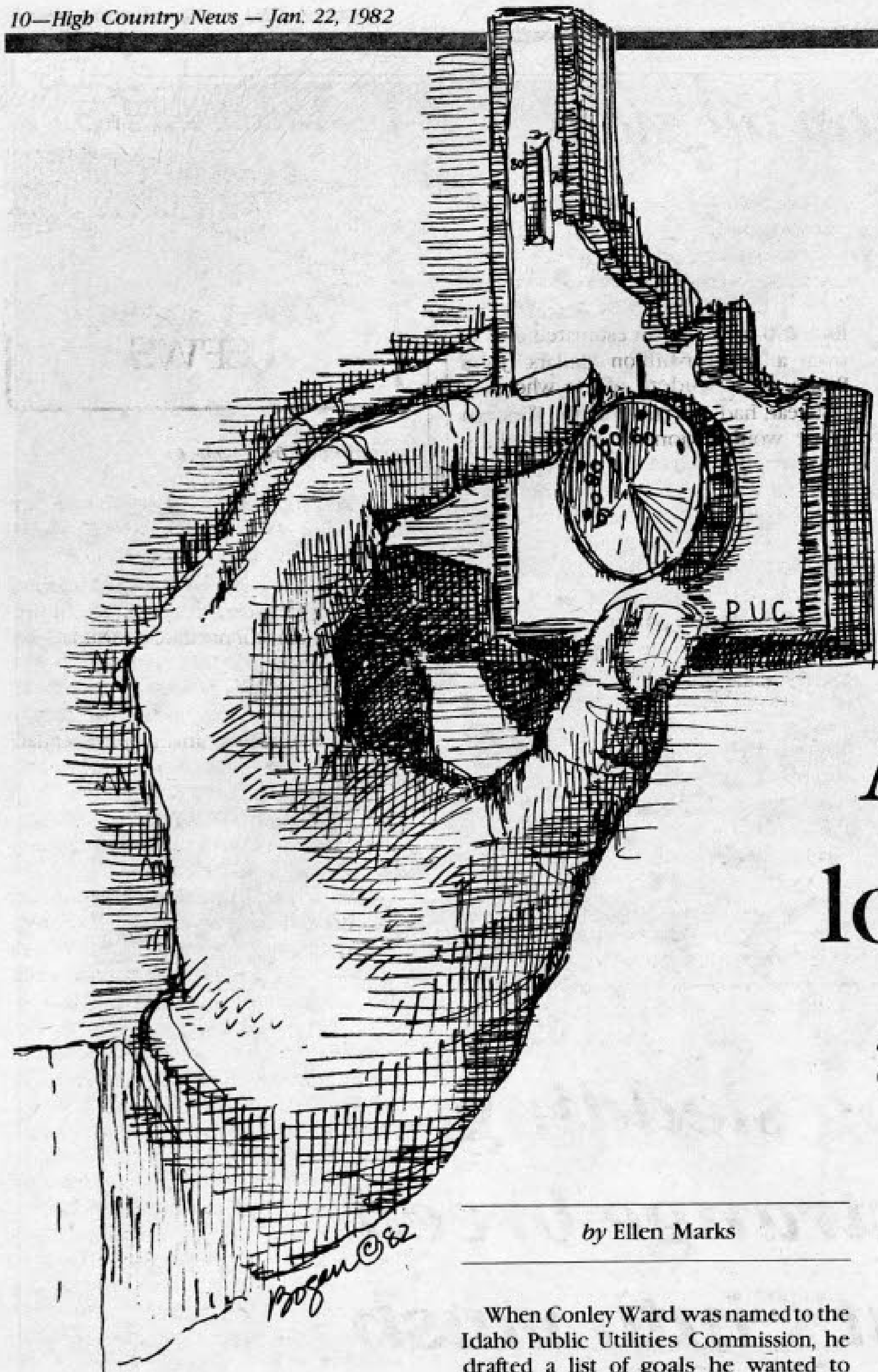
|---|---|
| *Jan. 30-31* | Frisco-Dillon, Colo., sponsored by the Rocky Mountain Sled Dog Club. Contact Betty Johnson, (303) 697-4071. |
| | Hamilton, Mont., regular races and a 510-mile cross country race, 10 days long, with a $10,000 purse awarded in gold bars. Contact Donna Hawley, (208) 443-2621. |
| *Feb. 13-14* | Granby, Colo., sponsored by the Middle Park Mushers. Contact Kent Allen, (303) 725-3940. |
| *Feb. 12-14* | Priest Lake, Idaho. U.S. Pacific Coast championship. Contact Donna Hawley, (208) 443-2621. |
| *Feb. 20-21* | Leadville, Colo., sponsored by Western Race Management and the Rocky Mountain Sled Dog Club. Contact Ben Morton, (303) 486-2436. |
| *Feb. 27-28* | Jackson, Wyo., sponsored by the Jackson Hole Sled Dog Club. Contact Eileen Huidecker, (307) 733-3940. |
| *March 13-14* | McCall, Idaho. Contact Donna Hawley, (208) 443-2621. |

(Information provided by Betty Johnson, editor of Mile High Mushers, 8931 S. Hillview Rd., Morrison, Colo. 80465, and Donna Hawley, secretary of the International Sled Dog Racing Association, Box 446, Nordman, Idaho 83848.)






*Idaho's controversial PUC*

# Aggressive agency lowers thermostats and raises hackles

*by* Ellen Marks

When Conley Ward was named to the Idaho Public Utilities Commission, he drafted a list of goals he wanted to accomplish during his term as commissioner. Five years later, most of those goals have been met.

Ward's success reflects the reputation of the Idaho PUC — an aggressive three-member body that is changing the state's energy policy reputation.

"The key to understanding the PUC is 'you are what you do,' " said Ward, a 34-year-old attorney. "Good intentions count for nothing. To some extent, I think we're all existentialists. That kind of emphasis makes us a little unusual."

**Idaho's PUC** gained national attention as it became the first utility commission to complete contracts outlined under the federal Public Utility Regulatory Policies Act (PURPA), which encourages small power production by private owners. It has become the state's prime energy-related body, filling the void created by unconcerned state officials and legislators who have rejected numerous attempts to turn the state Office of Energy into a full-fledged department.

PUC commissioners Perry Swisher, Richard High and Ward have used the PUC to tackle energy problems head on, winning both friends and enemies along the way.

Ward's goals were shared by the rest of the PUC. They have pushed energy conservation, development of small power production and cogeneration and new termination rules that make it harder for utilities to shut off power during winter months. Their 59 employees last year handled 100 formal rate cases and 2,068 customer complaints with a budget of $2.5 million.

For the first time, the Idaho Power Company's energy predictions delineated megawatts saved from conservation and new small power plants from which it has agreed to purchase power That is one reason the forecast's projected energy growth dropped from the expected 3.6 percent to 2.7 percent, utility officials said. Idaho Power is the state's largest electric utility.

The PUC is also credited with limiting the influence wielded by Idaho Power, Ward said.

The Boise-based company, which serves southern Idaho, and parts of northern Nevada and eastern Oregon, is known for intense lobbying efforts that have won many supporters among Idaho legislators. "For a long time, Idaho was very much in the grip of Idaho Power, politically and economically," Ward said. "To some extent, that grip has been broken."

Until recently, Idaho Power also had a strong influence among PUC commissioners. That began to change after former Idaho Gov. Cecil Andrus appointed Robert Lenaghen in 1973. Lenaghen carved out the PUC's territory, which subsequent commissioners have staunchly protected.

"Lenaghen waged a political dogfight to establish the fact the PUC would be a regulator," Ward said. "We have had the kind of people since then who had no inclination to give back the ground won. You can't regulate a utility that's as powerful as Idaho Power...unless you establish that in a political confrontation they can't run over you."

Lenaghen lost his PUC position, however, after the state Senate two years ago refused to confirm him to another term. PUC commissioners are named by the governor and confirmed by the Senate.

Lenaghen's confirmation hearings were lengthy and bitter, with speculation that Idaho Power lobbying efforts were a factor in the Senate's decision. Lenaghen was replaced by Perry Swisher, a 58-year-old former newsman who has served in the Idaho House and Senate. High, a former state legislator, was named a PUC commissioner last year to replace Ralph Wickberg, who retired.

**PUC commissioners aside,** the state's energy picture was bound to change. Most of Idaho's electric users receive their kilowatts from hydroelectric plants. The Snake River and other waterways have given Idahoans a cheap energy source because hydroelectric plants have no fuel costs and maintenance is relatively low. The situation is changing.

The escalating cost of constructing new hydro projects is being passed to consumers through rate hikes. In addition, there are few available river sites left in the state suitable for large hydro plants. And although Idaho is the only northwestern state that has avoided a coal-fired plant within its borders, additional power to meet expected growth will have to come from sources other than hydroelectric.

PUC President Swisher said his goal is to show consumers the true cost of new energy. "I want to get energy decisions out of the hearing room and into the marketplace and businesses," Swisher said. "You do it by letting the public know the real cost of energy at the margin. You drive home to them how much new generation costs. They'll treat the environment better."

**The PUC has taken** a number of actions designed to head off further rate increases by delaying the need for a coal-fired plant. Some of the actions are:

□ Forcing utilities to promote small power production programs, according to the PURPA guidelines. Under PUC orders, Idaho Power has agreed to purchase power from private and commercial owners of small hydroelectric facilities and wood-waste burning plants.

□ Forcing Idaho utilities to eliminate declining block rates, which discourage conservation by levying a lower cost per unit of electricity as more is used.

□ Changing Idaho Power's rates to homeowners from a flat rate per unit of electricity to inverted rates. Inverted rates are the opposite of declining rates; they encourage conservation by charging a higher rate per unit of electricity as more is used.

□ Imposing a $50 per kilowatt fee for Idaho Power customers hooking up new space heating and air conditioning facilities. The purpose of the fee is to reduce the growth of electric space heating in Idaho in hopes of delaying the need for a coal-fired plant.

Another of the PUC's conservation efforts was demonstrated last fall when they cited Idaho Power's reluctance to adopt a small power production program as a reason for granting the utility a lower rate increase than it had requested.

*(continued on next page)*

# Colorado PUC faces critics on all sides

In contrast to Idaho's Public Utilities Commission's efforts to encourage conservation, critics of Colorado's PUC say it seems to make only half-hearted attempts.

In 1976, Colorado's PUC began a series of "generic hearings" to look at methods of designing fair gas and electric rates and alternative approaches to conserving and providing energy. The goals, according to the PUC, were to provide energy at the lowest possible rates commensurate with adequate service, to fairly allocate costs among the three classes of consumers (industrial, commercial and residential), and to conserve capital and energy to avoid building expensive new plants.

After three years of hearings, the PUC began issuing decisions on just how those goals should be met. One example was the PUC's 1979 decision to require a two-component flat rate — a fixed monthly customer service charge for billing and metering and a uniform price for energy.

Consumer groups such as the Colorado Energy Advocacy Office and Legal Aid Society of Denver, who support inverted block rates — charging a low rate for energy required to meet basic needs, then charging progressively more for use above that level — contend that small users pay more per unit of energy than large users under the PUC system. Under the 1980 flat rate used by Public Service Company of Colorado, a customer using 1,000 kilowatt-hours-per-month paid half as much per kwh as a customer using 150 kwh per month.

Dick Easton, general manager of Colorado Rural Electric Association, said that although he is sure the PUC intended their decisions to be conservation-oriented, it just doesn't seem to have turned out that way. In fact, Easton said "everyone senses a growing adversity among consumer groups, utilities and the PUC." He also said the PUC "is an agency which does not enjoy a high vote of confidence from the state legislature."

Responding to growing controversy, the Colorado Department of Regulatory Agencies created a Utility Roundtable in December, consisting of a cross-section of consumer groups, utilities and businesses. The roundtable's function is to address problems involving the PUC. At their last meeting, Easton said, they prioritized their list of troubles; alternative energy sources, conservation, forecasting and availability of power led the list.

Easton said the PUC's greatest problem is that they suffer from regulatory lag. "It takes the PUC 210 days to decide a rate case," he said.

However, in one recent case, the PUC may have moved closer to its goals set at the generic hearings. Ironically, the Idaho PUC played an important role in the case. The Idaho commission lent its chief economist, Donald Reading, to lead a group opposing construction of a 345-kilovolt transmission line by the Colorado-Ute Electric Association. The Colorado PUC voted against the transmission line.

Colorado-Ute, the state's second largest utility, wanted to build the line from Rifle, Colo., to the New Mexico state line, 290 miles, at an estimated cost of over a quarter-billion dollars. John Bugas, the president of Ute who died last year, had warned that the Western Slope would soon be hit by rolling blackouts and would eventually suffer a total blackout if the line was not built.

The utility argued the line was necessary to serve growing mining and residential needs and carry power from its four proposed 400-megawatt coal-fired Southwest station plants, as well as pool power with the Four Corners station in northwestern New Mexico.

In rejecting the application, the PUC said the utility had inadequate financing and failed to substantiate the need for the massive venture.

Reading provided much of the testimony challenging the need for so large a line. Kanu Shah, a retired electrical engineer who worked with the Rural Electric Association in Washington, D.C., and who previously trained many rural electrical engineers, including Colorado-Ute employees, demonstrated how Ute could upgrade its existing lines to carry more power at a savings of over $230 million.

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Research for this article was contributed by David Smyth of Denver and paid for by the *High Country News* Research Fund.

The PUC gave Idaho Power a 15.2 percent rate hike rather than the requested 20.9 percent increase because "part of running a utility in an efficient manner is concentrating on alternative energy sources," Ward said shortly after the order was issued in October. "For something less than...excellent performance, they should suffer accordingly."

Many PUC decisions are appealed to the state Supreme Court, where the victories have been going to the utilities. Ward said the scorecard is a reflection of deeply held tradition.

"We have a tremendously hidebound Supreme Court," Ward said. "The utilities fare very well, so they keep appealing. Why? The glib answer is that the court is very conservative. It's not that they're bad people. The (energy) industry needs innovation in the worst way. The Court views it as still being 1950."

**And while some consumers** and environmental groups praise the conservation efforts of the PUC, many high demand consumers, such as irrigators, feel they have been hurt by the PUC's decisions.

"Frankly, the PUC has taken a more socialistic attitude," said Mark Moorman, president of the Idaho Irrigation Pumpers Association. "It's a real concern, especially with the economy of agriculture right now. We have no proof yet that agriculture and other large users shouldn't have a better rate."

Opponents of the PUC's decision to invert Idaho Power homeowner rates and flatten the rates of irrigators and businesses pressured state legislators to form a legislative committee to consider restricting PUC powers.

That committee is recommending the legislature outlaw inverted rates and review certain PUC policy decisions.

Swisher thinks Idaho Power was behind formation of the committee. They have denied the allegation.

During one of the two legislative committee hearings held so far, Idaho Power President James Bruce said the PUC is the best place for setting rates, but he said the legislature should answer certain policy questions, such as how much growth the state should encourage.

Committee Chairman Leon Swenson believes the legislature also should decide who should get lower rates, such as farmers and large businesses. "We didn't get upset about the (committee) investigation," Swisher said. "We went out of our way to welcome it because it was a chance for legislators to learn a lot about these matters."

Ward said he has responded to two similar review committees in the past. He said the current committee is better organized than the others, but he predicted the outcome will be the same: "sound and fury signifying nothing. The legislature perceives the PUC as being more progressive than they would like," Ward said. "They're not problem solvers, they're problem identifiers."

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Ellen Marks is a reporter for the *Idaho Statesman* in Boise and a frequent contributer to *HCN*. This article was paid for by the HCN Research Fund.

## BOOK NOTES

*Who's Minding the Store, A Common Cause Guide to Top Officials at the Department of the Interior*
*$4.00, paperback, 76 pages. Published 1981 by Common Cause, Issue Development Office, 2030 M St., Washington, D.C. 20036.* A useful guide to officials at the top and near the top of the Interior Department, telling you what they did before government service and where their financial interests conflict with their new jobs. The conflicts, in this administration, appear to be many.

*Homeowner's Energy Investment Handbook: A Guide to Energy-Efficient Home Improvements That Pay Off*
*Michael McClintock, 1982. $8.75, paperbound, 128 pages. Brick House Publishing Co., 34 Essex St., Andover, Mass. 01810.* A look at energy-saving improvements from a practical economic point of view, with recommendations on the most cost-effective and energy-efficient improvements, and an explanation of financing and tax credits.

*Life After Nuclear War: The Economic and Social Impacts of Nuclear Attacks on the United States*
*Arthur M. Katz, 1982. Hardbound, $27.50, 452 pages. Ballinger Publishing Co., P.O. Box 281, 54 Church St., Cambridge, Mass. 02138.* An analysis of the economic, social, psychological, physical and political traumas likely to be faced by survivors of both limited and full-scale nuclear attacks. Katz presents the human rather than strictly quantitative argument against limited nuclear war.

*Heat Pumps, An Efficient Heating and Cooling Alternative*
*Dermot McGuigan with Amanda McGuigan, 1982. $6.95, paperback, 199 pages, photos and illustrations. Published by Garden Way Publishing Co., Charlotte, VT 05445.* The title tells you what the authors think, and they provide a lot of detail on the where, how and why of heat pumps — maybe a little more than anyone but a heat pumper would want.

*The Southwest Under Stress: National Resource Development Issues in a Regional Setting*
*Allen V. Kneese and F. Lee Brown, 1981. Price unavailable, paperbound, 268 pages. Resources for the Future, Inc., 1755 Massachusetts Ave., Washington, D.C. 20036.* A guide for natural resource policy-making, the book examines the development-environment conflict in the Southwest, detailing the effects of national policy.

## PUBLIC LANDS MANAGERS

### Robert Jantzen USFWS

*(continued from page 1)*

the holdings of the National Park Service. (The total includes over 70 million acres in Alaska.)

The FWS operates 409 national refuges around the country. It runs federal programs to control predatory animals like coyotes and bobcats, and pests like blackbirds. It runs fish hatcheries which supply dozens of species to state, federal and Indian waters, and polices endangered species protection and importation of species from abroad. Finally, it helps fund about 50 wildlife and fishery research cooperatives at land grant universities around the country.

The agency was born during the administration of President Theodore Roosevelt, when a small island off the Florida coast was set aside for the nearly extinct brown pelican. The Migratory Bird Act in 1918 gave the federal government new responsibilities to protect flyways from Canada south, and in the 1930s another Roosevelt, Franklin Delano, appointed wildlife management pioneer Jay N. "Ding" Darling to expand the federal role in protecting waterfowl. Ding headed the U.S. Bureau of Biological Survey, which used new duck stamp revenues to buy waterfowl refuges; the agency, renamed the U.S. Fish and Wildlife Service, eventually became part of the Department of the Interior.

Jantzen is aware of that tradition — he is particularly conscious of the FWS role in protecting migratory birds and intent on improving the dissemination of its research and development work. But he has a reputation as a "states rights" man, and plans a more conciliatory approach to running his agency; that applies both in the field, where he hopes to take a friendlier tack toward the livestock and other commercial interests that have often warred with wildlife managers, and in government, where he intends to "adjust" to edicts of the tightfisted Reagan administration.

"You'll see a strong emphasis towards meeting the more utilitarian types of taste and use — middle class and lower middle class," said Don Minnich, regional director of the FWS for the Rocky Mountain Region in Denver. Minnich called Jantzen "pragmatic" and expects a shift toward more consumptive uses of refuges — such as fishing, hunting, trapping and grazing.

Jantzen described his new agency as "single purpose" — protecting wildlife — but intends to "take a viewpoint that recognizes there are other needs from that land."

**That compromise approach** is already evident in the struggle over livestock grazing on the Charles M. Russell National Wildlife Refuge in Montana. A draft management plan, which would have cut grazing on the refuge by about 30 percent, was held up by Assistant Secretary Arnett, over the objections of Minnich and the refuge managers. A recent court decision in favor of ranchers (see Western Roundup, page 3) may doom the management plan, depending on how vigorously the FWS appeals it.

Jantzen clearly sides with Arnett. He wants the CMR parties to "sit down" and work out their differences, and suggested a solution "might not recognize the boundaries (of the Refuge) so much as it will the responsibilities between

*(continued on page 12)*

# Jantzen: In his own words

*Before the FWS:*

A lot of folks think I've never been exposed to fish, because my degree and my training have been in terrestrial wildlife, but the first job I had in fish and wildlife was working for a dentist who had a fish farm on his ranch, raising trout...Shooting old horses, canners and actually physically putting them through the grinder, stripping them out and putting the meat out to the fish...We had some problems with a fungus once, and we pulled the pond, saved the fish, ran them through tubs of saline solution and put them back in a fresh pond...I built raceways, and I built a log cabin that summer.

*Compound 1080 and predator control:*

We feel that there's been enough research done on the toxic collar (using 1080) that it does warrant registration. We think that there needs to be work done on single lethal dose baits in an experimental mode, and we have two, perhaps three candidate areas on private land in Texas, Montana and Idaho. We've applied for an experimental use permit, just for our people to use in applied field research...Now, EPA is also holding hearings on large baits. We are going to testify, but I can't tell you how we're going to come out. Personally, I would not recommend that we go back to those single large baits. There's too much emotion surrounding them, and there's too many unknowns.

*The FWS approach:*

The people that work in the fish and wildlife field are — by necessity, almost — idealistic. They come out of school that way. And oftentimes, especially on the part of people maybe five or ten years out of school — well-trained, know their business — they're almost incapable of taking a look at the whole picture out there on the ground. They're very single purpose. Remember that the agency *is* single purpose; it's not a multi-purpose agency. But it comes in conflict, with other things you want to do on the ground. It's inescapable. I think there's a way to manage the conflict. If you can take a viewpoint that recognizes there are other needs from that land...If you can recognize that, then to me the question is: How do you best protect the wildlife resource *and* accommodate those other needs?

*Charles M. Russell Refuge in Montana:*

The longer you let (overgrazing) go on in those hard-case areas it's going to continue to deteriorate. It's important not only from the standpoint of wildlife but also from national resource management. In badly overgrazed areas there are soil losses and everybody loses. What I would hope would happen is to sit down with the people that are involved out there, which includes the BLM, as well as the (ranchers with grazing) permits, recognize that we have a responsibility that's legislatively mandated, recognize that BLM has a responsibility, and then recognize that some of those permittees are sitting right square in the middle...I don't think the (proposed CMR management plan) has taken a look on the other side of the fence. That's what I'd like to do...Isn't there some common ground? It's an either/or situation. I'd like to back away from that.

*Wetlands acquisition:*

There are two different ways to fund wetlands acquisition. One is (through) the sale of the federal duck stamp, and that provides about $14-15 million annually for wetlands acquisition. The other is the Wetland Loan Conservation Act, which says, "Let's set up a loan against receipts of the duck stamps," and there was an original authorization of $200 million...(*Editor's note: Today there remains an authorization of about $55 million, due to expire in 1983. Interior has requested an extension of the authorization, but an appropriation of only $1.5 million in the current fiscal year.*) The budget and the economy is the bottom line. A lot of grant programs — we've got to cut somewhere. Well, the safe ground, for continued wetlands acquisition, is the duck stamp sale itself. And the softer ground is in what kind of appropriation we're going to get from Congress under the loan act. That one is kind of hard for me to accept as a strategy now, given the President's desire to balance our budget. You've got to get after it somewhere. And this is one of the places we got after it.

*FWS Cooperative Units:*

What's happened to the co-op units over a period of years — they've had pretty much level funding, and inflation has eaten into that. What that is forcing us to do is look at stream lining of the co-op system, and probably what we'll have to do is to get away from the concept that every land grant college ought to have its fisheries research unit and its wildlife cooperative unit. We do have a couple of combined units that seem to work very well...We want a program that will produce something not necessarily for a state, but for an area. Of course, the folks that come back here as elected representatives, they don't come from an area, they come from a state.□

## Jantzen...

(continued from page 11)

Bureau of Land Management grazing land and CMR wildlife land."

But FWS officials in Montana point out that managing the area as "one big happy family" won't erase the problems. Specifically: The BLM allows one animal unit of grazing for every five acres; the FWS believes the area around CMR can absorb only one animal unit for every 12 acres. It's a big gulf to bridge.

Similarly, the chiefs at FWS have come into conflict with their own field personnel at the Kofa National Wildlife Refuge in Arizona, where the regional FWS director proposed eliminating grazing to reduce severe soil deterioration on the refuge. Jantzen and Arnett ordered instead reduced grazing and a three-year study of its effects. The Kofa controversy may be resolved by a settlement with the sole livestock grazer; but in both cases, field FWS officials say the grazing policies handed down from Washington, D.C. are putting a strain on wildlife.

**In his short tenure** in office (Jantzen was confirmed in early November of 1981), the new FWS director has put his stamp distinctly on one issue: predator control. Jantzen has requested that the Environmental Protection Agency allow use of the toxic collar containing the controversial poison compound 1080. He has called for experimental use of single lethal dose baits by FWS personnel and reinstitution of "denning," in which coyote pups are killed in their dens. He opposes use of single large 1080 baits.

The reopening of the 1080 controversy has exposed Jantzen to the ire of the environmental community. At the same time his stance has been praised by the National Woolgrowers Association, which claims predation by coyotes has increased exponentially since 1080 was banned. The National Audubon Society, the National Wildlife Federation and Defenders of Wildlife are sharpening their swords. Wildlife professionals have mixed feelings about 1080 — some say that illegal use is so high now that official sanction is necessary to regain control. The EPA will hold hearings this spring.

**Jantzen** is a firm supporter of efforts to reduce the federal budget, and here, too, the FWS faces controversy. It has been a hallmark of Interior Secretary James Watt's approach to management that programs out of favor — like, for example, the Office of Surface Mining — die by budgetary attrition rather than outright murder.

As one of the less visible, less public-oriented agencies, the FWS is suffering considerable curtailment. Its fiscal year 1982 budget was $406 million, down from 450 in FY 81. Area offices, the Office of Endangered Species, cooperative wildlife research units and even the wetlands acquisition program are among the targets of FWS cuts.

Lack of funding for wetlands acquisition may come as a surprise, given Secretary Watt's public recognition of the urgency of acquiring fast-diminishing wetlands for waterfowl migration and reproduction. It's another area where private landowners feel the federal government has interfered excessively. But while the FWS still uses its income from waterfowl stamp sales for purchasing wetlands, it has failed to budget any of the $55 million authorized by the Wetlands Conservation Loan Act, which is due to expire in 1983.

Jantzen said his agency is seeking an extension of the loan authorization, but no increase. He defends his agency's reluctance to spend that money now as part of the government budget-trimming effort: "You've got to start somewhere. And this is one of the places we got after it."

Ken Berlin of the National Audubon Society also faults Jantzen for failing to take a strong stand on Section 404, the controversial law that empowers the Army Corps of Engineers to regulate wetlands and navigable waterways. Jantzen said he "wants to streamline the process (of permitting under 404) but leave some protections in place." He would not reveal specifics of the FWS position, but said he favored tax incentives for wetlands owners whose activities (such as draining wetlands) are restricted under Section 404.

Another blow to wetlands preservation, the Garrison Diversion Project in North Dakota, is authorized by Congress and therefore beyond the pale to Jantzen. The project would flood some 70,000 acres of wetlands. "Our responsibility is not to go out and say this a good project or a bad project," said Jantzen. The controversial reclamation project has had difficulty getting funding from Congress. "Our job is — whatever design is put down there on the ground — how do we mitigate for wildlife?"

That attitude of making the best of a poor situation is typical of Jantzen. He intends to be a team player. "The question is," he said, "how do you best protect the wildlife resource *and* accommodate other needs."

**Though Jantzen** himself once benefitted from the FWS cooperative units as a student in Arizona, the Reagan administration last year proposed zero funding for the units. Congress funded them anyway, but level funding over the last few years and inflation have cut down the number of cooperative positions.

Bart O'Gara, who heads the Wildlife Research Unit at the University of Montana in Missoula, said "I think they get a big bang for their bucks." Additional funding from state agencies and universities, and "slave labor" from graduate students, produces considerable research, and trained wildlife managers, for few federal dollars ($4.5 million in FY 82).

Despite the FWS effort to kill the federal role in the program last year, Jantzen talks merely of "streamlining" the co-ops, combining units so they serve an area rather than creating a fisheries and wildlife unit for every state land grant college.

Area offices of FWS may get the same treatment — while no policy has been finalized in Washington, D.C., offices like the one in Salt Lake City have been allowed to sit empty for months, leading to speculation that they will be eliminated. Minnich, a Jantzen supporter, would be disappointed. "They have a high value," he said. "They are important to keep close working relationships with state wildlife agencies."

**Jantzen arrived** in Washington, D.C., on a wave of good will in his own agency. After a ten-month vacancy, somebody was finally in charge. What's more, he had impeccable professional credentials. His job now is to convince demoralized staff in the field that he will be a strong and supportive leader.

One highly placed FWS official from the Rocky Mountain region, who requested anonymity, said, "Before (1981) it seemed like we knew where we were going. Then we were without a director. And now it seems we still haven't got much direction."

An environmental lobbyist charged, "Somebody (other than Jantzen) is making the decisions at the FWS." It's rumored that Jantzen was the choice of Watt and Arnett because they knew Jantzen would let Arnett run the department.

Jantzen denies it. He says he will be his own man. Minnich said he expects the new director to be "cautious at first, slow to run off on new programs," but "a decisive director."

Jantzen intends to be around for a while. His life, he said, goes in five year cycles. Five years in school, five years a district biologist, five years a chief of game management. He laughed at the suggestion that another five year stint might carry him into a second administration. "It might just be the same one."

# BULLETIN BOARD

### CLARKS FORK HYDROELECTRIC REPORT

An in-depth geology report to evaluate potential of hydro-electric development on the Clarks Fork River in northwest Wyoming is now available for review in the Wyoming Water Development Commission Office, Barrett Building, Cheyenne, Wyo. 82002, (307) 777-7626.

### INFO ON IRRIGATION AND HOUSING

Two new publications are available from the Idaho Citizens Coalition, "Water, Energy, and Land," an analysis of irrigation in the West; and "Do Residential Developments Pay Their Own Way?," an analysis of the costs and benefits of residential developments. Contact the Coalition, 817 W. Franklin St., Boise, Idaho 83701 for more information.

### GRAZING COMMENTS

The U.S. Bureau of Land Management's proposed grazing regulations will get another 30 days of public scrutiny. The comment period has been extended to Feb. 11. The new regs would delete about 20 percent of existing regulations, streamline procedures and allow BLM to give greater grazing rights to ranchers who helped improve the range. The regs stress increased cooperation between BLM officials and grazing permittees.

### UTAH AIR QUALITY HEARING

The Utah Air Conservation Committee invites public comment on reinstating the air quality controls on certain volatile organic compounds. A public hearing will be held Feb. 2, in the Salt Lake City Public Library, 209 East 500 South, Salt Lake City at 10 a.m. To make a presentation at the hearing, apply in writing before Feb. 2 to the Executive Secretary, Utah Air Conservation Committee, P.O. Box 2500, Salt Lake City, Utah 84110. A summary of the proposal is available from the Utah State Division of Environmental Health, Bureau of Air Quality, Room 420, 150 West North Temple, Salt Lake City, Utah.

### URBAN WILDLIFE PLANNING

A new publication intended to integrate fish, wildlife and water-related recreation into urban planning and development is now available. "Planning for Urban Fishing and Waterfront Recreation," prepared by the Urban Wildlife Research Center for the U.S. Fish and Wildlife Service, is available for $5.50 (postpaid) from the Center, 10921 Trotting Ridge Way, Columbia, Md. 21044.

### SOLAR ENERGY WORKSHOPS

The Domestic Technology Institute, Evergreen, Colo., is presenting a series of passive solar and renewable energy workshops. The series will include "Passive Solar House Design," Feb. 20; "Passive Solar Greenhouse," March 13-14; and "Site-Built Solar Collector," April 17. Contact the Domestic Technology Institute, P.O. Box 2043, Evergreen, Colo. 80439, (303) 674-1597.

### WILDLIFE FILM FESTIVAL

The University of Montana Chapter of the Wildlife Society is sponsoring the fifth annual International Wildlife Film Festival. Wildlife films which were produced or released in 1981 are eligible for competition. Deadline for entry is March 19. Winning films will be shown at the Festival April 16-18 at the University of Montana, Missoula. Write or call Wildlife Film Festival, Wildlife Biology Program, University of Montana, Missoula, Mont. 59812, (406) 243-5272 for further information.

### RAPTOR SEMINAR OFFERED

A specially designed course about the ecology and management of hawks, owls and eagles is available to interested groups. Topics of the two-to three-day course, developed by the National Wildlife Federation's Raptor Information Center, are tailored to each group's particular interest and include raptor identification, field surveys, management and raptor laws. Groups interested in sponsoring a session should contact Bill Clark, Program Director, Raptor Information Center, National Wildlife Federation, 8925 Leesburg Pike, Vienna, Virginia 22180.

### ARAPAHO-ROOSEVELT PLAN RELEASED

Public review and comment is sought on the Arapaho and Roosevelt National Forests' proposed land and resource management and draft environmental impact statement plan which will direct long-term management of the forests. Interested persons may obtain copies of the plan at area public libraries and Forest Service offices. Public meetings concerning the plan are scheduled for: Jan. 26, 8 a.m. - 5 p.m., Clear Creek District Office, 101 Chicago Creek, Idaho Springs, Colo.; Jan. 28, 1-8 p.m., Estes Park Office, 161 2nd St., Estes Park, Colo.; and Feb. 2, 1-9 p.m. Granby Community Building, Granby, Colo.

### WYOMING MINING PUBLICATIONS

For information on mining in Wyoming try the Wyoming Geological Survey's bibliography and index of publications on uranium deposits in Wyoming or its public information Circular No. 15, "Mining Laws of Wyoming." The index is Wyoming Geological Survey Bulletin 61 and costs $4 as fourth class mail or $5 as first class. The circular costs $9 as 4th class or $11 as first class. Write or call the Wyoming Geological Survey, Box 3008, University Station, Laramie, Wyo. 82071, (307) 766-2286.

### BLM OIL SHALE EIS

The Bureau of Land Management plans to prepare an environmental impact statement and develop regulations for the federal oil shale management program on impacts of oil shale development for the entire country. Regional public meetings concerning the EIS and regulations will be held at the following times: Feb. 2, at 1 p.m., Room 128, Salt Palace, West Temple and First South Streets, Salt Lake City, Utah; Feb. 3, 7 p.m., Golden Age Center, 155 South 100 West, Vernal, Utah; Feb. 3, 7 p.m., Holiday Inn, 1675 Sunset Drive, Rock Springs, Wyoming; Feb. 4, 7 p.m., Fairfield Center, 200 Main Street, Meeker, Colo.; and on Feb. 5, 7 p.m., Grand Junction Auditorium, Road Ave. between 5th and 6th Streets, Grand Junction, Colo. Written comments on the EIS should be submitted before Feb. 19 to the State Director, BLM, Colorado State Office, 1037 20th Street, Denver, Colo. Comments on the regulations should go to: Director (543), BLM, 18th and C Streets NW, Washington, D.C. 20240, also before Feb. 19.

### USFWS RESEARCH REPORT

The U.S. Fish and Wildlife Service's annual report summary of 1980 research, "Fisheries and Wildlife Research — 1980" is available from the Publications Unit, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

### GOVERNMENT USERS GUIDES

Anyone who works with government programs will want to check out a new three-volume set of guides to the federal government published by the Northeast-Midwest Institute. The guides, "The 1982 Users Guide to Government Resources for Economic Development," "The 1982 Users Guide to Government Energy Programs" and "Doing Business with the Federal Government" not only catalog numerous federal and state programs, but also include information on application procedures and requirements, 1982 funding levels, and examples of past use. Send $18 for the set or $7.50 each for the "Users Guides" and $5 for "Doing Business" to Economic Growth Series, Northeast-Midwest Institute, P.O. Box 37209, Washington, D.C. 20013.

### LEARN PUBLIC RELATIONS

Resource managers, environmentalists, planners, biologists: this book is for you and anyone else communicating with the public about natural resources. *Public Relations and Communications for Natural Resource Managers*, by Drs. James R. Fazio and Douglas L. Gilbert, describes the effective use of public relations in resource management including examples emphasizing the use of communication skills and tools. Chapters detail the use of the broadcast and print media, as well as other communication methods; the history of PR and natural resource management; politics and related topics. The book is available for $19.95 from Kendall/Hunt Publishing Co., 2460 Kerper Blvd., Dubuque, Iowa 52001. Royalties from the book will be donated to a new memorial scholarship for students who combine the fields of natural resource management and communications.

### NEW MEXICO WILDERNESS STUDY

The Bureau of Land Management is beginning a study of one million acres of public land in New Mexico for inclusion in the National Wilderness Preservation System. Public meetings will be held around the state in February as the first step in determining the impacts of wilderness designation for any of the 44 wilderness study areas. Persons interested in participating in the wilderness study process should contact any BLM office in New Mexico to be placed on a mailing list.

### SOLAR RESEARCH SCHOLARSHIP

A new source of scholarship money for Ph.D. research in solar energy has been announced by the Solar Energy Research Institute, Golden, Colo. The Paul Rappaport Graduate Fellowship in Solar Energy is named after SERI's founding director, a pioneer in photovoltaics research. Interested persons should contact Dr. Frank Kreith, Branch Chief of Solar Thermal Research, SERI, Golden, Colo. 80401, (303) 231-1109.

### WYOMING ENVIRONMENTAL MEETING

The Wyoming Environmental Quality Council will hold an open meeting at 10 a.m. on Wednesday, Jan. 27, in the School of Extended Studies, Medicine Bow Room, University of Wyoming, Laramie, Wyo.

### RX FOR COMMUNITY ENERGY NEEDS

Learn how your town can beat the high cost of energy by becoming more self-sufficient. The Conservation and Renewable Energy Inquiry and Referral Service helps communities cope with problems created by rising energy costs by providing specialized information about municipal alternative energy. For information call: (800) 532-2929 in the continental U.S. or (800) 523-4700 in Alaska and Hawaii or write Renewable Energy, Box 8900, Silver Springs, Md. 20907.

### SYNFUELS TECHNOLOGY CONFERENCE

The newest applied research and technology relating to synthetic fuels will be presented and discussed at a conference March 1-3 in Colorado Springs, Colo. Registration for the conference, which will be in the Broadmoor Hotel in Colorado Springs, is $350. Further information is available from the conference sponsors, Synfuels, McGraw-Hill Publications Co., Inc., 1221 Ave. of the Americas, New York, N.Y. 10020, (800) 223-6180.


*Photo by Mike McClure*

OPINION

# Finding the "right" court


## A matter of law

*by* David Sive

Legal art includes the use, and sometimes the abuse, of terminology, to describe differently the same thing. "Red tape" to one may be "due process" to another. Development of a "full record of evidence" for administrative decision-making is nice sounding; it may also be attacked as "dilatory tactics." Asked by *High Country News* to defend "venue shopping," I quickly decided to refer to it as I might in a law school course in federal jurisdiction — the "choice of court."

I also decided not to defend it, but explain it. For reasons which are stated below, it is a fact of judicial life. The right to "venue shop," or what can be called more opprobriously, "judge shop," may even be said to be a part of due process, to make the point more dramatically.

It seems to me axiomatic that many types of legal proceedings, including environmental cases, must be capable of being brought or maintained in more than one court. Take the simplest case: X, living in Teton County, Wyoming, sues Y, living in Laramie County. Clearly it would be wrong for the law to select one of the two counties for all such cases. Justice — and probably constitutional due process, too — requires that the decision of which court entertains the suit — the choice of venue — be made by one of the two courts, or possibly by a third, on the basis of equities and practicalities such as the location of documents and witnesses, the age, means and physical condition of the parties, and other factors. In criminal cases, transfer may be mandated if a fair trial is difficult because of widespread publicity.

And if there is to be choice of venue, the lawyers for each party are entitled to make or try to have the court make that choice on the basis of what they deem best for their respective clients. If I believe my client has a better chance before the judge in Teton County than in Laramie County, it is my right and duty to bring the action or have it moved to Teton County.

Venue is a subject of classical debate and continuing study by lawyers, judges and legal scholars. It has many technical aspects. A leading federal practice text devotes 410 pages to it.

There is no environmentalist's or developer's position on venue in general. Each group has the same rights. Each uses the same tactics. The lawyer for each has the same duty. In this respect litigation is like a sport or game. It has rules which are fashioned for fairness and efficiency, without intending favor for either side. The authorities should constantly strive to improve the rules to better serve those purposes.

Certain policies may undergo evolution. Football rules changes in recent years have served a policy of aiding the offense, to liven up the game. So too, policy regarding court litigation in general may affect it profoundly. There is now a strong movement to end or sharply reduce federal court litigation in which jurisdiction is based solely on diversity of citizenship. The important point is that rules changes are to advance the good of the game, not the interests of any particular player or class of players of the game.

Perhaps the most dramatic venue shopping in recent years, involving a "race to the courthouse" by industry and environmental lawyers, has occurred in the litigation over the Environmental Protection Agency's Consolidated Permit Regulations. Those regulations set forth the procedures for permits under the complex laws and regulations governing air and water pollution and toxic and hazardous wastes. Which circuit court of appeals conducts the court review of such regulations has been deemed critical. Both industry and environmental groups are attacking some provisions and defending others.

Since the mid-sixties, environmental advocates have favored the federal district court and court of appeals in the District of Columbia, and have tried to bring many of their important suits there. Those courts' national perspective, the sheer eminence of many of the judges and their receptiveness to new ideas and the public interest have made that district one of the most favorable to environmentalists' attorneys. The dam and road builders and the users or abusers of the resources which environmentalists seek to protect have, conversely, sought in many cases to litigate outside of the District of Columbia, sometimes in places like Nevada, Alaska and Louisiana.

Since one of the factors in the final court decision on venue is where the first proceeding was brought, lawyers for both sides in the Consolidated Permit Regulations litigations, raced frantically to bring their proceedings within seconds after the regulations became effective. Relays of attorneys stretched from telephone booths in court hallways to the desks where the petitions to institute the proceedings were filed.

This is not only unseemly, it feeds the public's cynicism toward courts, lawyers and law. Some of the rules governing venue require reform. The reform, however, must be a reform of the *process*, to affect all equally.

Part of the present venue problem in environmental cases arises out of a strong effort by some groups lobbying in Congress to bar most environmental litigation in Washington, D.C. The effort is in the form of a proposed amendment to the venue section of the Federal Judicial Code, which now provides that:

> *A civil action in which each defendant is an officer or employee of the United States or any agency thereof acting in his official capacity or under color of legal authority, or an agency of the United States, may, except as otherwise provided by law, be brought in any judicial district in which: (1) a defendant in the action resides, or (2) the cause of action arose, or (3) any real property involved in the action is situated, or (4) the plaintiff resides if no real property is involved in the action.*

The amendment would add the following clause:

> *provided, however, that no action may be brought pursuant to (1) or (4) hereof unless the relief sought will directly affect the residents of that judicial district.*

The amendment is not proposed for any improvement of the process of venue selection. The effort is being made because some people want to see that environmentalists lose in court more than they would otherwise. By barring the choice of the district of the defendant's or plaintiff's residence, "unless the relief sought will directly affect the residents of that judicial district," suits dealing with national parks, national forests, or other federal lands, could not be brought in Washington, D.C., which is the district of the legal residence of most federal agencies, defendants in such actions. The obvious and acknowledged purpose of the proposed amendment is to bend the rules to prejudice the national interests generally advocated by environmentalists and favor the more sectional interest of the appropriators of federal lands.

Were I able to draft and secure the enactment of a statute which put all environmentalists' suits in the District of Columbia, I might make a case to end venue shopping, speaking simply as an environmental advocate. There is nothing like adjusting the rules of the game to see that the adjuster wins more often. I am not able to do so, and I would probably refuse to even try. Some other people may not have such compunctions or may not see the injustice, impracticability and probable unconstitutionality of venue rules to serve some interests and disserve others.

We must make every effort to improve the science and art of environmental and other litigation. There is already too much distrust of many people of courts, judges and lawyers. Sadly, some advocates on all sides in all areas of controversy do not know when loyalty to the system, to the game itself, must govern over loyalty to the partisan interest. Those who have such sensitivity should continue to be the rule and law makers, in the area of court venue as in others.

The problem arises when the effort is made to fashion or change the rules to help one side win and another lose. We do not like that, in either football or environmental litigation. Unfortunately some people are trying to cripple environmentalists in court.

‡‡‡

David Sive is a lawyer with the New York law firm of Winer, Neuburger and Sive.

## A matter of policy

*by* Alan Simpson

Current federal law allows a lawsuit that is purely local or regional in nature — in which the federal government is a party — to be filed in the District of Columbia, rather than in the state or region where the outcome of the suit will have its principal impact.

Public interest groups often elect to file suit in the "friendly" court in Washington, since they believe their case will receive a more sympathetic hearing. In legal jargon, that is known as "forum shopping" or "venue shopping."

Currently, decisions that are critical to the economic and social well-being of distant states and regions are often made by unelected federal judges sitting in Washington. It is tough enough that a single judge can halt, for nearly seven years, the construction of the Trans-Alaska Oil Pipeline, or ban boating on lakes in Nevada. But it is a far worse situation when the judge that hears a case has virtually no familiarity with the region or with the problems that are unique to that part of the naiton.

I believe that this situation is unfair and, as a member of the Senate Committee on the Judiciary, I have introduced legislation to require such lawsuits to be both filed and heard in the state or region where the decision will have its greatest impact.

For example, if litigation were to arise over the application of surface mining rules in the western energy producing states, the case would have to be heard in one of those states and not in Washington, D.C. This is certainly more fair than the present system, which also requires the litigants to travel to Washington — at significant expense — in a setting which precludes the court's opportunity to observe the real results of its decision.

‡‡‡

Alan Simpson, a Republican, is a first-term U.S. Senator from Wyoming.

# LETTERS

## PICKING ON GARRISON

Dear *HCN*,

I read with interest your article titled "Plug Pulled on Garrison Once Again" (*HCN*, 12/11/81). Had the article been headlined "Plug Pulled on Pick-Sloan Plan Once Again," it might have put the Garrison Diversion Irrigation Project in a more proper perspective.

The Flood Control Act of 1944 (Pick-Sloan Plan) merged into one huge Missouri River Basin-wide integrated water resource development plan, a number of projects to bring about beneficial use of water that was flowing out of the basin, under-used and often destructively, to the Gulf of Mexico.

The Pick-Sloan Plan included such integrated beneficial uses as flood control, navigation improvement, irrigation, hydroelectric generation, municipal and industrial water, wild waterfowl enhancement and recreation.

Today, the large and impressive benefits of flood control and navigation for the lower Missouri River and Mississippi River states, and hydroelectric generation for the region have been accomplished.

In order to make these benefits possible, upstream Missouri River states, particularly North Dakota and South Dakota, made gigantic sacrifices. North Dakota had 500,000 acres of prime bottom land permanently flooded by the Garrison Reservoir and the upper reaches of Oahe Reservoir. In partial compensation for the permanent flooding of this vast acreage, North Dakota was to receive improved production on 250,000 acres of land to be irrigated by water diverted from the Missouri River. This diverted water was also to provide municipal, industrial and recreational water, as well as water for wild waterfowl management.

To pay for the many varied beneficial water resource development projects in the Pick-Sloan basin-wide plan, the major source of revenue comes not from tax revenue but from the sale of electric power from the hydroelectric dams that impound the water on the Missouri River. Thus, the Garrison Diversion Irrigation Project is not a burden on taxpayers, except for that small portion of the project allocated to wild waterfowl enhancement and recreation. User fees and hydroelectric revenues would pay for about 95 percent of the Garrison Diversion Project over a period of 50 years.

It should be noted, too, that opponents often say that 220,000 acres will be taken out of production in order to irrigate 250,000 acres. The major portion of the 220,000 acres that would be taken out of production are mitigation acres that would be acquired for wild waterfowl enhancement to replace approximately the same number of acres which would be drained and brought into production by the project in addition to the acres irrigated.

Time has a way of dulling memories. What was once a concerted effort by ten states drained by the Missouri River to achieve a complete development of all kinds of beneficial uses for Missouri River water has diminished to an effort by the upper Missouri River states to receive their promised benefits in partial repayment for the sacrifices they have already made. The lower Missouri states have already achieved their benefits of flood control, navigation and hydroelectric generation. They no longer exhibit their original interest and zeal in completing the projects in the upper reaches of the ten-state Pick-Sloan Plan.

Parochial concern of the many special interest groups downstream now makes it very difficult for upstream states to divert any Missouri River Basin water for their own use. Perhaps it is this concern by irrigation and shipping interests downstream that is really more politically powerful behind the scenes in preventing the completion of the Garrison Diversion Project portion of the Pick-Sloan Plan than is the more visible and vocal environmental opposition in the United States and Canada.

My association with the Garrison Diversion Project for more than 20 years has convinced me that the project is not only economically sound from a cost-benefit standpoint, but it is environmentally sound as well; and the fears of the environmentalists in the United States and Canada can be easily overcome with technical advances and sound resource management.

William L. Guy
Bismarck, North Dakota

*(Ed. note: William L. Guy was governor of North Dakota from 1961 to 1973.)*

## ANNOYING AND DISRUPTIVE

Dear *HCN*,

Congratulations to Myra Connell (whose previous interpretations we've often enjoyed) for her forthright (and proper) stand concerning compromised standards due to *HCN's* acceptance of the "Afield" by Don Snow (*HCN*, 9/18/81). Anyone who has an ability to work with words understands the slovenly crutch of slang and immature idiom that's usually excused as only being a representation of the "real world".

Beyond being annoying and disruptive, such language, unfortunately, is also almost always inaccurate.

Thanks for your vocal concern, Myra. There are more of us out there than you'd expect who also respond quite negatively to cheap (and cheapening) prose.

Bob Lantz
Sunbright, Tennessee

## MEA CULPA

Dear *HCN*,

I hope I am not the first or the last to write you about this. Did you, DSW, have the benefit of a Catholic education? If so, why did you commit the grievous grammatical error so sorely evident in *"Requiescat in pace (sic)"*? (*HCN*, 1/8/82).

*In pacem* is of course the proper form, since the preposition *in* takes the accusative after a verb in the hortatory subjunctive. Whipping is too good for Whipple.

*Per omnia saecula saeculorum...*

Tom Wolf
Cheyenne, Wyoming

# When is a park not a park? When there are minerals in it

Interior Secretary James Watt has several times reassured the American public that he will not authorize oil and gas drilling or mining in the national parks. With these statements, he is playing a very narrow semantic game, bordering upon prevarication.

On January 20, 1982, Interior Department regulations went into effect authorizing issuance of oil and gas and other mineral leases in four national recreation areas under the jurisdiction of the National Park Service — the Lake Mead NRA in Arizona; the Whiskeytown Unit of the Whiskeytown-Shasta-Trinity NRA in California; the Ross Lake and Lake Chelan NRAs in Washington; and the Glen Canyon NRA in Utah and Arizona.

Apparently, when the secretary said there would be no leasing in the parks, he meant only those areas whose geographic names are followed by the words "National Park." He did not include other areas under the jurisdiction of the Park Service — 281 separate entities in all — including national preserves, national monuments, wild and scenic rivers, national seashores and several other categories.

Of the four NRAs that the Park Service is leasing, one — Glen Canyon — is apparently under a congressional mandate to permit leasing on the acreage. The enabling legislation affecting the other three apparently gives the secretary discretionary authority to lease the oil and gas and minerals within their boundaries. The secretary, acting with his usual sensitivity toward the country's resources, approved leasing.

In the cosmic order of things, this decision to lease minerals in the NRAs may not be that important. The Park Service manages 76.7 million acres of land. Only about 3.7 million of these are designated "national recreation areas" and of that acreage, about 1.5 million have been approved for leasing. However, it does seriously call into question the secretary's avowed intention of protecting park resources.

The park system encompasses quite a number of unique areas that are not designated "National Parks." Perhaps the current occupant of 1600 Pennsylvania Avenue should note that the Park Service administers the 18.07 acres around the White House.

— *DSW*

# "They're gonna kill somebody in a minute."

*Story and photos by* Chip Rawlins

On the floor of Brinkerhoff-Signal #72, a deep-hole rig that looms above Granite Creek south of Jackson, Wyoming, like a 180-foot exclamation point, the last segments of over 15,000 feet of drill pipe are coming out of the hole.

With 27 permits for exploration either proposed or granted on the Bridger-Teton National Forest, deep-hole rigs probing for natural gas may become a familiar sight to hikers, hunters, fishing buffs and cowhands.

The crew has been hard at it, unthreading stands of drill pipe as they are raised from the hole and easing them into racks. The vibration of the 1000-horsepower electric motors that power the draw works permeates the steel floor and rises through the bones of your legs; you feel it as much as hear it, a low, penetrating throb.

The bit has been in use for 111 hours and has deepened the hole by 422 feet through rock formations almost three miles below the surface, strata buried since long before the advent of humankind, or dinosaurs for that matter. Changing bits is an occasion for hard and steady work by the rig crews and it shows: coveralls are grease-caked, hardhats are spattered and faces show the strain of long hours as the end of the shift approaches.

*"Get your camera ready. They're gonna kill somebody in a minute."*

There is a distinct tension in the air, like being near the bench in the last quarter of a close football game. The last stand is racked and the reamers come into view.

*"UP you son-of-a-bitch!"*

The rig hands — driller, motorman, derrick hand, chainhand, and floor hand or worm — manipulate oversize tools — complex clamps and wrenches that weigh more than they do — that are suspended from above and rotated by the motors of the rig to loosen or tighten the segments of the pipe, collars and bit. The operation involves immense power and torque as well as crushing weights. Accidents happen, usually fast. An occasional glance upward or a widening of the eyes show their awareness of the facts of life as a roughneck. Each man depends on the skill and care of others. There are no excuses.

*"A lot of people try it and don't cut it. That's one reason it pays so well."*

The danger, the potential for serious injury affects some more than others. A deadly mishap or a fight can break up a crew or hinder their ability to work together. Most roughnecks get into it for the money — any job that offers $25-30,000 without special credentials is bound to attract takers. Some stick with it, working up to positions as tool pushers — the crew's "boss" — drillers or company men. Others blow their earnings on new trucks, liquor and dope. One roughneck (not on this rig) confided that he spent $400 a month on marijuana. He didn't keep track of drinking and other peripheral amusments.

*"Some of these guys work steady and don't have a pot to piss in."*

The men on the Brinkerhoff rig admit it's different than working in the "oil patch," as a developed field is called. This rig is new and clean and in scenic surroundings, a highly serious and professional undertaking.

There is a lot of competition for such jobs, and foulballs, wineheads and punch-out artists don't last. As Don Alexander, the toolpusher, said, "I don't tolerate it. It's dangerous enough to work here sober." The other roughnecks confirm that each rig has a different personality. The larger fields and older rigs, where jobs are easier to come by and turnover higher, tend to attract a high percentage of "ex-cons, burn-outs, out-of-control dopers, wineheads, people with heavy problems."

One of the more persistent fears voiced in small western communities hit by the oil and natural gas rush is the type of people it brings in: gypsies, boomers, hustlers, often lumped under the heading of "oil field trash." Perhaps they are the legitimate descendants of the gold-seeking Forty-Niners, but the wildcats of the last century are safely buried and today's roughnecks are very much alive.

They swell the populations of tiny towns, rent scarce housing and preempt a bar or two. Many of them are drifters, having scant respect for the ways of conservative locals. In short, they contribute a lot of money to traditionally slow economies while driving a wedge into the close grain of a small community, often attracting some pointedly adverse comment.

*"Cowboyin' I make twenty bucks a day, which ain't bad out here. When I see these guys makin' ten times that, it's like somebody just spit in my beer."*

KKK-WHAMMP!

A thousand pounds of steel reamer hits the floor, one of the hands dodging just in time. "Jeesus Christ." Chuck Rasmussen, of Bud's Drill Collar in Evanston checks the section carefully for cracks, no joke when twisting off could cause the loss of bit at 15,000+ feet and consequent weeks of fishing, a total loss to the companies involved.

The maverick reamer is dosed with gel, a tan powder whirled into the threads with a rotating wire brush, and circled with a magnetic coil, then exposed under a special light in the darkness of a heavy tarp. This service can cost $1500 a day and is worth every penny.

In late afternoon, near the end of the shift, the bit clears the opening in the rig floor. Someone hollers "OUT of the hole," with a certain amount of relief. The new bit, shiny and crisply painted a metallic blue, waits on the steel floor for its long descent to duty. From this point the process is reversed, with bit and collars and stands of pipe disappearing while the great motors hum. The shift has changed and a fresh crew takes over, the worn-out day hands riding an elevator to the ground below. One of them makes a profane comment.

"Hose him down!" someone yells.

It's been a long day.

‡‡‡

Chip Rawlins is freelance writer in Cora, Wyoming.

## Accidents happen, usually fast... there are no excuses.