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Mike McHenry

Wheatland, Wyoming

Wheatlana

The price of prosperity

by Tom Bougsty and Tom Wolf

Rick Moore sat in the director's chair at the Industrial Siting Administration's office in Cheyenne, Wyoming, smoking Marlboros and discussing the state of Wyoming's industrial siting process. Moore said, "The moral of the siting process experience so far is: 'Be sure all parties understand the scope and timing of all commitments. Make every agreement airtight!'"

Moore's Moral is the product of long, hard experience gained since 1975, when a worried Wyoming legislature passed the Industrial Development Information and Siting Act to deal with the siting of large industrial projects. Since then, the legislature has amended the act three times, reflecting continued concern about the effects of energy-related development on Wyoming's towns and rural areas. Although it is a familiar phenomenon in Wyoming history, the boom-bust cycle seems at times also to be Wyoming's doom.

While Rick Moore attempts to smooth mountains and chasms of the cycle into hills and valleys, Doug Bryant and the people of Wheatland consider

how they will cope with the "post impact" phase of the giant Missouri Basin Power Project — a 1650-megawatt power plant under construction since 1975. An attorney, Bryant has represented Platte County in the Wyoming legislature since 1977, and he has been quite active in the efforts to improve the siting act.

"Generally," Bryant said, "I am extremely enthusiastic about the way the siting process has worked in this county. It provided the forum MBPP needed to play the role of a good corporate citizen. But I do not believe that MBPP would have performed this well without the siting act. A corporation is a corporation. They produce the needed up front money when you hang a sword over their head."

These days, however, Doug Bryant and his constituents face a bleak economic scene in Wheatland. The bust has hit this community with a vengeance. Only a few shops are left open in the new Maple Street Mall, many homes are for sale in Black Mountain Village, the "company" town, and business is generally slack. "Everyone is kind of hurting," said Bryant, "though you can't blame the company for our problems. Jobs are

hard to get all over the state now. People are staying here because they can't find jobs elsewhere. They collect unemployment, but these benefits are running out, and we are hearing more about mental health and social problems than expected during post impact. Many businesses expanded rapidly, and they are in trouble too."

If you ask people in Wheatland about the siting act, most will tell you it worked very well indeed. Bob Krumm, editor of the weekly *Platte County Record Times*, said, "The process worked here. Businesses that have failed or gotten in trouble were generally run by new people who were not used to Wheatland and not prepared for the bust."

Kay Munger works for MBPP. She came from a much larger town, and she says she plans to stay in Wheatland, where she particularly likes the school system. "I fell in love with this town," she said, "since the people are so helpful and friendly. I came here early on, in 1976, and the people here are still nice. They haven't changed that much."

Bob Krumm agrees. In a recent *Rural Electrification Association* magazine

article, Krumm is quoted saying, "I've never talked to anyone who said, 'I wish the plant never would have come in here.' Everywhere you look you see some improvement that's a direct result of the power plan. It's been a super neighbor."

James Grahl is the general manager of Basin Electric Power Cooperative, a majority owner of the plant and a generation and transmission group serving rural electric companies in eight states. In the same REA article, which the Wheatland Chamber of Commerce will send out on request, Grahl described his company's motivations in building projects like Black Mountain Village, which housed some 1,000 workers during the boom. He said, "We didn't do this just out of a desire to be good guys. It was a good idea, but we were also satisfied that the benefits exceeded the costs. You need the services for the workers and their kids need to have a place to go to school if you want to attract and keep good construction workers and craftsmen. We avoided the problems of the projects in Gillette and Rock Springs where they had a terrible turnover of workers. We had lower turn-

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WESTERN ROUNDUP



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Getty well drill site

Getty Oil may drill in Little Granite

The U.S. Mineral Management Service has approved a plan by Getty Oil Company to drill for oil on a high-elevation saddle in the scenic Gros Ventre Mountains in Wyoming's Bridger-Teton National Forest.

The Getty well has aroused the ire of environmental groups and local business groups in nearby Jackson, Wyoming. The drilling site was proposed for inclusion in the national wilderness system by the U.S. Forest Service during the Carter administration, and environmentalists fear a road up the steep canyon of Little Granite Creek would harm wildlife and be impossible to reclaim. Jackson businessmen involved in the tourist industry fear the well could harm the natural resources that attract visitors to the area.

Getty's well would be drilled atop a saddle at the peak of the drainage. The well would require a 6.5-mile road up an incline that in some places has a grade greater than 50 percent. Environmental groups, while generally opposed to any drilling, had pushed for a helicopter-serviced rig as the best alternative if drilling is allowed.

Forest Service officials, in an environmental impact statement released last month, favored the road-serviced rig. Officials said one of the reasons for the recommendation was a solicitor's opin-

ion that the agency could not deny a drilling permit to a company with a valid lease for environmental reasons. A Washington, D.C., district court, however, recently ruled in another case that the Forest Service could elect not to issue a drilling permit despite a valid lease.

Phil Hocker, Wyoming representative of the Sierra Club, said his group plans to appeal during the 30-day appeal period that commenced May 14. Story Clark, of the Jackson Hole Alliance, said her group, along with at least 30 Jackson residents, also intends to appeal. The environmental group, Earth First!, has pledged non-violent disruption of any attempt to drill in Little Granite Creek. Earth First! is holding a rally along Little Granite Creek July 4.

The Wyoming congressional delegation recently introduced a Wyoming wilderness bill that did not include Little Granite Creek in a 228,500-acre Gros Ventre Wilderness proposal. Sen. Malcolm Wallop (R) said that he did not expect to add the leased area to the bill and that he expected development of the lease to go forward.

Getty plans to begin work on the site June 15.

Bridger-Teton Forest spokesman Fred Kingwill said the U.S. Geological Survey, which will hear any appeals, could require appellants to post a bond to cover revenues lost to the government due to delay caused by an appeal.

Similar opposition to a well in Cache Creek near Jackson prompted the lease-holding company, National Cooperative Refinery Association, to drop its drilling plans last year.

— Geoffrey O'Gara

Battle over oil road proposal

In the next week, the U.S. Mineral Management Service and the Bureau of Land Management hope to have an environmental assessment completed to determine whether Coors Energy Company's application for a permit to cut a 1.1-mile road through a proposed wilderness study area in Colorado should be granted.

Coors Energy, part of Adolph Coors Company of Golden, Colorado, holds pre-1976 Federal Land Policy and Management Act oil leases near and inside the borders of the 26,525-acre Little Bookcliffs Wild Horse Area near Grand Junction. Pre-FLPMA leases must be honored with as minimal impact to the environment as reasonable.

The area, which is roadless and home to wild horses, was recommended by the BLM in their final wilderness review as a wilderness study area, but Coke Industries and Public Service Company of Colorado appealed that recommendation to the U.S. Interior Board of Land Appeals. Both companies have development interests in the area and appealed on the basis that the area lacks wilderness characteristics.

However, Wade Johnson, district wilderness coordinator of the Grand Junction BLM office, said the area does have wilderness characteristics and the BLM still wants it classified as such. He said the road would have an impact on those characteristics.

Johnson said Coors Energy has the pre-FLPMA right to develop, but the BLM has the responsibility to make sure no undue impacts are imposed on the area. "This is real complicated," he said.

John Price, director of the oil and gas division of the MMS, said they have evaluated five to seven alternatives in the EA. He said MMS will recommend whether Coors Energy should be granted access and the right to drill, but the BLM must approve that recommendation. If they disagree, further negotiations must occur.

Abe Phillips, president of Coors Energy, said the road is the only economically feasible access alternative for their leases. He pointed out that there is other energy development within a mile of the area. He said the company would probably develop other leases they hold within the proposed wilderness study area if this one proves successful.

Coors Energy plans to include a 40- to 50-foot deep road cut through a natural saddle to reach the site.

Dear friends,

This week has been slow in interoffice gossip to pass along so we'll take this opportunity to introduce the newest member of the *HCN* staff, production assistant Phil Heywood. Phil has been working for the paper for about two months, but his association with us goes back much further.

Phil is from Mount Vernon, Iowa, and has lived in Wyoming off and on for two and half of the past four years. He was originally enticed here from the Hawkeye State by his long-time friend, former *HCN* production manager Hannah Hinchman.

In Wyoming, Phil has worked as a carpenter, Forest Service trail crew member and musician. During the year and half he's been missing, he dragged his faithful red 1971 VW beetle back to Iowa to attend school and work as a farm hand. The farm was a sheep and hay operation, but Phil said, "Mostly I did demolitions."

Phil's parents are both professors at Cornell College in Mount Vernon. Bill teaches American and Latin American history and Vivian teaches art.

Evenings and weekends, Phil plays lead guitar for a band called Quitz. The group, which specializes in punk folk music, also boasts of two other *HCN* associates, former finance person Ginger Tillemans and managing editor Dan Whipple. They all try to play the music, but Phil gets them through the hard parts.

Punk folk music, as anyone familiar with the band will tell you, is hard to describe without actually being there, but it includes a healthy dose of reggae. One neophyte once asked Phil, "What's reggae?"

Momentarily stunned, Phil said, "Well, it's...well, it's...well, it's music that makes you want to dance sideways."

We have received some sad news here at *HCN* this past week. Long-time friend and supporter Dewey Dominick died in an automobile accident last week. Dewey was a doctor and guest ranch operator near Cody, Wyoming, and served on the board of directors of



Phil Heywood

the Wyoming Environmental Institute, the non-profit group that took over *High Country News* last year. Dewey was one of the people who helped smooth the change at that time and has offered us advice and encouragement since then. We'll all miss him.

—the staff



Exxon's Colony Project, Middle Fork of Parachute Creek, Colorado

Exxon plans temporary reclamation

Exxon Corporation left behind more than thousands of unemployed workers after its pullout on the Colony oil shale project in western Colorado on May 2. It also left about 1,600 acres of construction-related disturbed land, with many questions about reclamation.

A team from the Mined Land Reclamation Division of the Colorado Department of Natural Resources has visited the Colony site and is compiling a list of reclamation requirements they will present to Exxon. Reclamation regulations for non-coal mining fall under the Colorado Mined Land Reclamation Act of 1976.

Bill Young, public affairs spokesman for Exxon, said the company is only in the "germinal stages" of planning for reclamation and that they are still trying to determine what is required. He said Exxon wants to reclaim on a temporary basis only, thereby maintaining their option to reopen the project when the market makes it more feasible.

However, the Garfield County Citizens Alliance and some conservation groups want the area completely reclaimed.

Dave Shelton, director of the Mined Land Reclamation Division, said they are not yet in a position to say specifically what reclamation will be required, because the team's plans must still be approved by the Mined Land Reclamation Board. He said the Colony project created a new situation for his division. "It will be a real challenge," he said.

However, Shelton said the team defined some high priority items that Exxon will probably have to take care of.

Shelton said one priority involves the sediment levels in water that runs through the project area. That discharge should be returned to the natural condition found in surrounding streams, he said.

He also said the team was concerned with wind erosion at the top of the site. He explained that Exxon's construction work to date occurred in a valley and that a road was built up the valley side to the main road on top. The slopes along the road had been picked clean of all loose material to create a low maintenance situation. However, with little to no vegetation, wind erosion is a problem on the bare slopes.

Also, Exxon has a half completed dam in the project area that was to be used in flood control. Another dam was scheduled, but construction had not begun. Shelton said the half completed dam will be the subject of much discussion. "I don't think they (Exxon) will have much choice but to finish it," he said.

Shelton also said there are some piles of unconsolidated material lying in or

adjacent to drainage ways that will have to be cleaned up.

Shelton agreed with Young that total reclamation is not the goal at Colony. "We want to stabilize the ground, so the project can cease now, but leave it in a condition that will allow them to come back."

He said, however, in areas that will never be disturbed again, they will expect total reclamation. A full reclamation plan will be required if Exxon decides never to return to the project.

The Mined Land Reclamation Division will monitor sediment control, stability of fields and cuts, revegetation efforts and the stockpiling of topsoil by field inspection during the time the project remains closed.

The Board hopes to have decided on the requirements within three months.



Nebraska farmland

Feds seek water import in canals

Under a proposal generated by the U.S. Army Corps of Engineers, water-hungry states in the High Plains would import water from eastern rivers using huge billion dollar canals. Part of a \$6 million six-state study commissioned by Congress in 1976, the High Plains Project describes several alternatives to the depletion of the Ogallala aquifer including the plan for massive interstate water transfers.

The Ogallala aquifer, formed by erosion of the ancestral Rocky Mountains, traps water in layers of gravel, silt and sand above an impermeable basin of shale. The Ogallala irrigates more than 12 million acres in vast areas of Nebraska, western Kansas, the panhandles of Texas and Oklahoma, parts of eastern New Mexico and Colorado, and small sections of Wyoming and South Dakota.

Since the end of World War II, farmers pumped amounts equal to the annual flow in the Colorado River each year from the aquifer. In areas where the average precipitation is only a few inches, such withdrawals will exhaust the reservoir in the Ogallala by the year 2020 and sooner in some areas. Currently, the area supports 40 percent of the feeder beef in the United States and produces millions of bushels of grain and farm produce a year. Loss of irrigated acreage threatens supporting industries tied to the region, the lifestyle and economic well-being of the areas, plus the availability and low cost of agricultural products for the rest of the nation.

Each of the six states involved con-

tributed three members to the High Plains Council, which along with a liaison committee and staff members, discusses solutions. The Council will meet June 29 in Texas to finalize recommendations before presenting them to Congress later this year.

So far, states have had difficulty reaching consensus on their options. Nebraska, overlying one of the deeper layers of the Ogallala, plans to increase acreage now under irrigation in some areas. However, some Texans have converted back to dryland farming already since their portion of the Ogallala is being exhausted faster than in other states. Colorado set a policy of 40 percent depletion over 25 years and designed space limitations between new wells and a permit system to prolong the use of its underground water resource.

Jim Rubingh, resource analyst for the state of Colorado, described the different means to increase water in the region as a "water cake." On the top is the most expensive layer — the Corps' plan to ship water from the Mississippi drainage. At a cost of over \$500 an acre-foot to end users, concrete canals up to 280 feet wide would divert water from points along the Missouri River at Fort Randall, South Dakota, and St. Joseph, Missouri, to Colorado. River water from the Arkansas, White, and Ouachita basin would be sent to west Texas. Effects on transportation along the Mississippi River, on eastern plans for hydropower plants, and on disruption of wildlife along the proposed canals are still under study. Energy cost and availability along with economic and political implications of such huge diversions are still unresolved as well.

Rubingh noted that intrastate water transfers, at least in Colorado, of a few 100,000 acre-feet from the South Platte to the eastern plains may be more feasible, but also costly. Colorado State University recently received a \$30,000 grant to study the economics of developing new types of low-water crops.

Finally, the least expensive slice of water cake remains conservation. Due to increasing energy costs and falling water tables, many farmers switched over to dryland wheat from water-intensive corn. Rubingh cautioned, however, that even water conservation will not yield enough water to make up the enormous recharge needed on the Ogallala.

The danger of waiting too long to convert acreage, particularly back to range land, he added, is that even native grass plantings need at least two years to insure survival.

— Deidre Duncan

WPPSS needs more financiers

The Washington Public Power Supply System has put up for sale an additional \$680 million worth of bonds to finance continued construction of the two remaining nuclear power plants of the one-time five plant system.

In committing themselves to the sale, WPPSS directors boosted their original offer by \$90 million because of the favorable reception of the New York bond market. That positive reaction came in spite of a drop in the ratings of WPPSS bonds by Moody's Investor Service, Inc., one of the nation's two top investment ratings firms. For the second time this year, Moody's lowered the rating one notch, this time from AA to A1.

The other firm, Standard and Poor's, reaffirmed their AAA rating for WPPSS bonds, primarily, the company said, because the bonds are backed by the Bonneville Power Administration. The BPA has underwritten 100 percent of the costs of one of the two remaining plants and 70 percent of the other.

Moody's made the rating cut, it said, for five reasons: the historical inability of the supply system to maintain a construction program (WPPSS directors in January terminated two of their five plants and last month a third for up to five years); a drop in the growth of electrical demand in the region served by WPPSS; the uncertainty of future financing for the two plants because of a Washington law taking effect July 1 which will require voter approval of further bond sales (WPPSS currently needs more than \$1.4 billion to finance completion of its 70 percent share in plant 3 at Satsop, Washington); growing ratepayer opposition to electricity price increases in the Northwest; and increasing economic problems for the Northwest as a whole.

WPPSS will pay an interest rate of 14.12 percent over the average 26-year life of the bonds, making it a lower cost issue than the \$850 million sale made last February which paid 15.24 percent. Officials cited the decision to mothball plant 1 last month and progress at plant 2 as the reason for the improvement. Plant 2 is 90 percent complete.

But no sooner had directors made the decision on the bond sale than they began to look at ways to resume work

(continued on next page)

BARBED WIRE

There's something fishy here. An ad in the *Casper* (Wyo.) *Star-Tribune* read, "Wyoming offers all citizens a chance to own an oil lease. Learn how \$25.00 plus a small filing fee could win you a valuable oil lease."

High noon for Cactus Jack. A 27-year-old Phoenix man was killed when he fired two shotgun blasts at a 27-foot-high saguaro cactus and a section of the wounded cactus fell on him.

And the Jabberwock is a mimsy borogove. According to a poll prepared for the U.S. Fish and Wildlife Service, a majority of adult Americans believe that a koala is a bear, spiders have 10 legs and raptors and iguanas are insects.

National defense is for the birds. A pair of ravens built their nest inside an unmanned radar station at the Utah Test and Training Range. The birds perched on delicate antennae, pecked at the equipment and left droppings on solar cells that powered the components of the High Accuracy Multiple Object Tracking System, which is used to guide jets on bombing missions. The birds were removed to other quarters.

We ain't not gonna get one no how. The mayor of Bliss, Idaho, explained to the Associated Press why his town's ordinance requiring every resident to own a gun was not a major issue: "So what's the big deal? We won't push nothing down nobody's throat."

Energy bopes squashed. The magazine *New Roots* ran a spoof article on using overgrown zucchini as firewood and then was forced to run an editor's note explaining the joke when "many readers" wrote for more information about the Btu bonanza.

And Little Bo Beep is changing her name to Genghis Khan. The U.S. Geological Survey's Conservation Division was recently renamed the "Mineral Management Service." An MMS official said that despite the new name there would be "essentially no change in our mission." He then added that the MMS would pay a bit less attention to "environmental considerations, like drilling procedures, well leaks, that sort of thing," and a bit more to "royalty management, leasing, and oil theft."

WESTERN ROUNDUP

(continued from previous page)

on plant 1. Supply system staff recently developed three options for restarting work in January, April or July 1983.

Both the WPPSS board and BPA administrator Peter Johnson responded enthusiastically to the possibility of resuming construction. Johnson had originally recommended mothballing the plant.

Two of the plans would delay the original completion date of 1986 by about two years. The third plan calls for a very slow construction schedule that would delay completion by five years. WPPSS officials said there is enough money left in the project's construction fund to finance a slow resumption. The board will study the options further before any final action.

— John Soisson

Water rights battle brews in Wyoming

Texaco's recent decision to defer a coal gasification plant near Buffalo, Wyoming, could jeopardize more than a quarter billion dollars' worth of water rights for the company if rumblings in the area ranching community result in a lawsuit.

The company acquired coal and 260,000 acre-feet of water rights in 1973 from Reynolds Metals to be used for a gasification plant on Lake DeSmet. However, under Wyoming water law, the water should be put to beneficial use within five years. Because of legislation initiated by Texaco, five-year extensions are possible if a water owner can show "reasonable cause" for delay in developing the water. Texaco was granted such an extension in March, 1982, before it decided to defer the plant.

In 1977, Morris Weinberg, a local rancher, filed a lawsuit over the issue, but it was never settled because Weinberg sold his ranch and lost his standing to sue, according to Weinberg's lawyer at the time, Stuart Healy.

Texaco announced this month it would "indefinitely defer" the plant and curtail a privately funded feasibility study several months before it was due to be completed. John Masson of Texaco said the company had no plans to sell its coal or the water rights. "We remain confident that when the economic parameters change, that site has very good potential for a large-scale synthetic fuels plant," he said.

However, Texaco's announcement has sparked new interest in a lawsuit among area ranchers. Texaco argued that it should not have to abandon water rights, some which date back to 1907, because it has continued developing the site, including upgrading the dam and building a pumping station.

Texaco planned to build the plant in partnership with Transwestern Coal Gasification Company, a subsidiary of Texas Eastern Corporation. Texas Eastern is continuing work on a feasibility study for a very similar plant in New Mexico, but that study is government funded. The Department of Energy granted Texas Eastern \$3.1 million one and a half years ago for the plant, which would be built in the northwestern part of New Mexico in partnership with Utah International Coal. The studies, which were due to be completed by early fall, were for similarly-sized plants to the Lake DeSmet proposal using Lurgi technology to convert Western coal into synthetic gas and methanol. Thus the economics would have been similar.

The Texaco plant was one of the first synthetic fuels plants proposed in the region.

—Marjane Ambler



Foothills Water Treatment Plant under construction

Denver water troubles slow project

Battered by inflationary cost overruns, landslides, pipeline fractures, and construction delays on its Foothills Water Treatment facility, the Denver Water Board has targeted a new completion date of March 5, 1983 — almost a year later than originally scheduled. Still, employees of the Water Department remain optimistic that the project southwest of Denver could be operational by the end of this year.

The \$160 million water bond issue originally approved by Denver voters in 1973 for the Foothills Project was part of a complex \$368 million, 12-year capital improvement project. Major components of the project are the Strontia Springs Dam and Reservoir in Waterton Canyon, the Foothills Tunnel, Foothills Water Treatment plant and several large conduits for moving treated water to other parts of the metropolitan water system. Total costs for phase one are estimated at \$170 million with costs for testing done on conduit fractures still to be added.

In March pressure tests were done on a 108-inch diameter pipeline designed to carry treated water 9.2 miles to two stations. A fracture extending around the circumference of a section of pipe left uncovered during summer and fall, 1980, was disclosed a year after the original break. Dave Mott, project manager for Foothills said so far no one has decided what caused the brittle fracture. It was repaired by welding in a new section. Pressure tests became necessary then to assure the reliability of the entire pipeline. Using a representative 400-foot section, chilled water pumped into the pipe at more than three times the normal operating pressure disclosed no manufacturing flaws or faulty welds. The Water Board contracted with Black and Veatch, consulting engineers, to oversee the tests while labor was provided by Marin K. Eby Company, general contractor for the Foothills plant and conduit. Final responsibility for the estimated \$150,000 cost of testing is still unresolved.

Construction schedules for the Strontia Springs Dam, designed to store water for use in the Foothills plant, suffered because of a landslide near one of two intake structure sites and because of design changes, including the installation of hydropower facilities. Morrison-Knudsen Company submitted \$18 million in claims and sought to extend the work schedule. The Denver Water Board negotiated a settlement in which \$5.3 million in costs were found

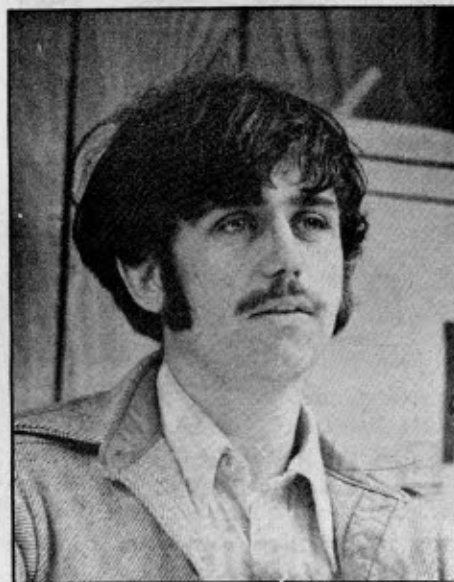
to be beyond the control of the contractor. \$5.75 million in claims was agreed to with a completion date of March 5, 1983. The final agreement means an additional \$7 million in costs over the original \$28.4 million bid for the dam construction.

Phase one of the Foothills project will provide 125 million gallons of treated water a day. According to department spokesman Ed Ruetz, "Assuming low demand and continued water conservation by Denver residents, Foothills could supply most, if not all, of the water for the 1980s." He added, however, "Foothills doesn't manufacture water — it just treats it."

Ben Harding, consulting engineer for the National Wildlife Federation and the Environmental Defense Fund, emphasized that conservation makes a better water source than such massive water projects. "Smaller-scale treatment plants and diversions would be less expensive," he said.

Conceding that by the mid-1980s Denver may need phase two of the Foothills project to keep up, Ruetz explained that design work is already underway on adding capacity to the filter building. He noted that with all phases of the Foothills project completed, Denver residents could eventually have 500 million gallons of water a day at their disposal.

— Deidre Duncan



Bill Cunningham

Wilderness Society goes to Boise

The Wilderness Society is moving its Northern Rockies regional office from Helena, Montana to Boise, Idaho, and Helena staffer Bill Cunningham is leaning toward leaving TWS rather than being transferred.

Bill Turnage, director of TWS, said Boise is closer to the region's largest media and transportation center. In addition, former Secretary of Interior Cecil Andrus, a TWS consultant, lives in Boise.

Turnage said the move has nothing to do with Cunningham's record or the quality of job he has done.

Cunningham said TWS offered him the regional office in Denver, but that he probably will not accept. The Denver staffer may go to a new TWS office in San Francisco.

"I haven't given formal notice yet," Cunningham said. "But, I have a strong emotional and professional attachment to Montana and I will probably stay here. It's been a personally difficult decision."

Cunningham said he and the Montana Wilderness Association are exploring the possibility of establishing him in a Montana public lands position. He said it hinges on developing adequate financing. Turnage said there is a possibility TWS would provide a grant for the position.

Both Cunningham and Turnage stressed that the Boise office will continue to be a Northern Rockies regional office and will still cover Montana, Wyoming and Idaho. The office move will take place in January, 1983.

Riley Ridge gas exceeds projections

What looked like a massive and high-impact energy development to many residents of southwest Wyoming last fall is now "really enormous" according to federal officials laying the groundwork for an environmental impact statement on the development of the Riley Ridge natural gas field in Sweetwater, Lincoln and Sublette Counties.

The field, like several recent discoveries in the corner where Utah, Wyoming and Colorado meet, produces "sour" gas — natural gas laced with poisonous hydrogen sulfide, found usually at depths over 12,000 feet. Plans are now afoot to build a total of four "sweetening" plants, where the hydrogen sulfide would be removed to make the gas marketable.

If the well fields are developed and all four plants built, the companies involved estimate a peak construction force in the sparsely populated area of over 4,000 in mid-1985. The entire population of Sublette County was estimated at 4,700 in 1980.

BLM spokesman Fred Wyatt, in Pine-dale, said local residents had expressed concern over safety (hydrogen sulfide is colorless, odorless, and can kill in very small doses), danger to wildlife, strain on local services, and effects on local water supplies at scoping meetings last fall. The communities most affected would be Opal, Kemmerer, LaBarge and Big Piney.

Well field development in the Riley Ridge area will be undertaken by the Exxon Corporation, Williams Exploration Company, American Quazar Petroleum Company and Mobil Oil Corporation. It was a Quazar rig that blew out in the Riley Ridge area last June, forcing an evacuation of nearby ranches and raising local fears of sour gas.

Two of the proposed sweetening plants would be built by Exxon; another would be built by Quazar, and still another by the Northwest Pipeline Corporation. The plants are expected to operate for up to 40 years.

Altogether, 206 wells are planned. The companies would build 667 miles of pipeline to gather the gas, and then, after processing, pipe away saleable gas, liquid sulfur and carbon dioxide. They would install over 200 miles of transmission lines and a 7.6 mile railroad spur.

At full operating capacity, the plants would be able to process about 2,400 million cubic feet per day of sour gas, which would translate into 500 million cubic feet per day of sale-quality gas. Each of the 206 wells requires a 400-by-400-foot area and access roads. Evaporation ponds, wellhead facilities, maintenance bases and water storage equipment would also be required.

—Geoffrey O'Gara

Colo. nuke dump will create jobs

Luring local officials with the promise of 97 jobs for unemployed uranium miners, Chem-Nuclear Systems, Inc. proposes to build a low-level radioactive waste dump four miles southeast of Naturita, Colorado.

Naturita, in southwestern Colorado, has suffered high unemployment since the uranium market turned sour in 1980. In the ensuing months, Montrose County Commissioner Neil Reams has been looking for a company to revitalize the area with a radioactive waste disposal industry.

Chem-Nuclear, which buries about half the nation's low-level radioactive waste in Barnwell County, South Carolina, answered the call this spring.

The company plans to invest \$10 million obtaining licenses and building the facility on 900 acres of mostly public land. The dry basin, covered with sage and some low pinon and juniper, feeds a few cattle. Chem-Nuclear's prelimi-

nary plans call for two burial pits: one for uranium mill tailings and another for low-level waste from hospitals, research labs and nuclear power plants. Pat Serie of Chem-Nuclear's site development team said highly radioactive waste would not be brought to the site.

The company began drilling on private land within the area in May for geological data. If it proves suitable for waste disposal, Chem-Nuclear will continue with detailed studies for its permit applications, Serie said.

The depressed economy around Naturita isn't the only reason behind Chem-Nuclear's proposal. Of six Western states that share a waste disposal compact, Colorado facilities generate 80

percent of the states' low-level radioactive waste. The waste dump in Beatty, Nevada that takes wastes from Colorado, Wyoming, Utah, Nevada, Arizona and New Mexico is under political fire and could close any day, Reams said.

Despite the pressing need for a new dump, Serie said it will take at least until the fall of 1983 to obtain permits for the site, and construction could be complete by March, 1984.

Most Naturita residents are welcoming Chem-Nuclear's proposal. The company is promising a dependable industry for 30 to 40 years that would provide a \$2.5 million tax base, make up to \$4

million in local purchases each year and employ up to 95 out-of-work uranium mine and mill workers.

But a vocal minority from nearby Nucla and Norwood has begun organizing to prevent the project. David Lenderts of Norwood believes that once the low-level dump is in place, the company will find the "skids greased" for the addition of high-level radioactive waste. He said that even with low-level wastes there are community health hazards and transportation dangers, and he doubts the company can actually employ the 100 people it says it will need at the facility.

—Heather McGregor

HOTLINE

ENDRIN ALTERNATIVE

The Environmental Protection Agency will allow the use of the pesticide permethrin for cutworm control as an alternative to the controversial pesticide endrin. The Montana state agriculture department said the EPA approval of permethrin may have come too late to be used this year. Two products containing permethrin available in Montana are Ambush 2E and Pounce 3.2 E.C.

COLONY WATER TO ARIZONA

Exxon Corporation's closure of the Colorado Colony oil shale project may release hundreds of thousands of acre-feet of water to Arizona for the controversial Central Arizona Project. The U.S. Bureau of Reclamation and the Arizona water board had figured the Colony project's Colorado River water rights into their water projections for the CAP, which does not get access to Colorado River water until 1985. With Colony out, CAP officials are hoping more acre-feet of water can come their way.

NATIONAL SECURITY PIPELINE

Northern Tier Pipeline Company has filed a federal suit asking that Washington governor John Spellman's (D) rejection of the company's pipeline proposal be overturned on the grounds of national security. Northern Tier told the *Missoulian* they are simply keeping all options open. The suit claimed the governor ignored the federal government's decision that the pipeline was vital to national interests and should receive special treatment. Spellman rejected the line because of environmental hazards it posed.

IDAHO CUTTING BACK

More than half of Idaho's state employees began a four-day work week in mid-May to last until at least June 30, the end of the fiscal year, in an effort to reduce the state's financial crisis. Gov. John Evans (D) has called the state's economic situation the worst since the Great Depression and has projected a \$12.1 million deficit. The Idaho constitution prohibits deficit spending. The shorter week is expected to save \$1.9 million. Evans has also ordered a freeze on all hiring and out-of-state travel and is refunding \$1,000 of his \$40,000 salary.

MADISON WATER

A second Wyoming company has filed with the state engineer for permission to withdraw water from the underground Madison Formation. WECO, a partnership between Lawrence Materi of Upton, Wyoming and Henry Burgess, a Sheridan lawyer, is asking for 96,000 acre-feet of water annually from wells drilled into the formation. WECO has not said to what use it would put the water. Energy Transportation Systems Inc. is currently the only private permittee for Madison water. ETSI, which is planning a coal slurry pipeline to the Gulf Coast, is authorized to withdraw 20,000 acre-feet of water annually.

LAND ACQUISITION CHANGES

In a policy change, the Reagan administration has discouraged the federal government from buying private inholdings within national park and forest lands. The new policy has changed more than 100 land acquisition plans to land protection plans. The administration believes there are several ways of protecting such areas without purchasing them, such as land exchanges, rights-of-way payments or informal agreements with property owners on how the land should be managed.

CRIPPLING CLEAN WATER

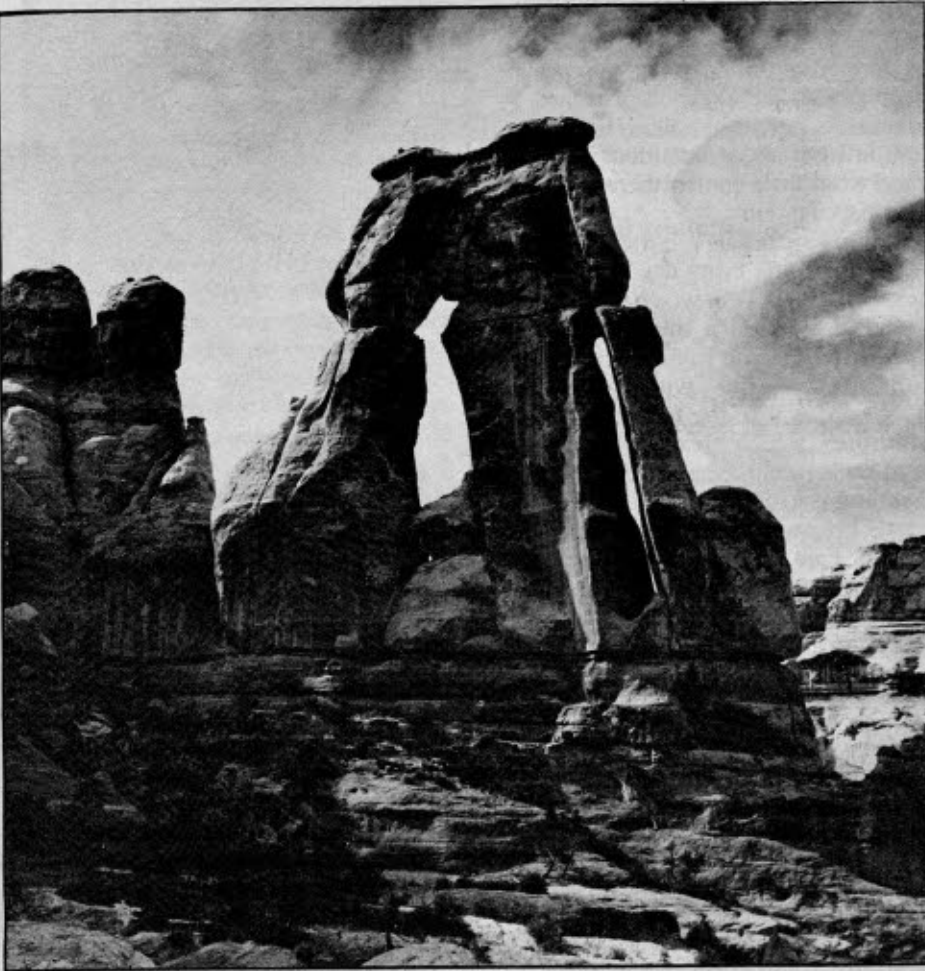
The Environmental Protection Agency is proposing regulations that would severely damage the nation's ten-year-old water pollution control program, according to the Natural Resources Defense Council. The Clean Water Act comes up for reauthorization this year. EPA's amendments would abandon pretreatment requirements before toxic industrial wastes could be dumped into municipal sewage plants; delay regulations for "best available control technology" for toxic wastes; exempt dams from the law; cut the program budget by nearly one-fifth; and relax restrictions on thermal discharges. A number of environmental groups have called for simple reauthorization of the act with no significant changes.

THANKS, PRES

A Wyoming environmental activist, John Wiener, wrote the following in a letter to President Ronald Reagan: "We want to thank you very sincerely for what you have done for Wyoming. For years, we have tried to do what you have done and failed. We are the most radical group of environmentalists we know about. What we wanted, and what you have done, is to shut down the sawmills and logging operations, shut down the uranium mines and stop construction of power plants here in the last of the West. We have...failed. You have done the job and it's time you got credit for it." Wiener attributes Reagan's success in environmental obstructionism to layoffs in the uranium and timber industries; a slump in the housing market; high interest rates; rising energy prices and the recession in general.

GAS PAINS

The Bureau of Land Management said that a total of four natural gas sweetening plants and nine natural gas well field units, along with associated pipelines and power lines, will be built in Sublette County, Wyoming, near the town of Big Piney. There is currently only one such plant in the area, which is in the center of activity of the hydrocarbon-rich Overthrust Belt in western Wyoming. The energy firms proposing the plants are Northwest Pipeline Corporation, Mobil Oil Corporation, Exxon Corporation, American Quasar Petroleum Company and Williams Exploration Company.



Druid Arch, Canyonlands National Park

PASSING THE COLLECTION PLATE

The Church Universal and Triumphant has raised almost \$1 million of the first of three \$1.5 million installments needed to pay for the 12,000-acre Forbes Ranch in Montana it bought last year (*HCN*, 5/14/82). If the \$1.5 million is not paid by September 9, the Church could lose its \$2.5 million down payment and its claim on the land. The Church's interest in the area has caused suspicion, especially after it filed to subdivide the ranch into 20-acre plots. The ranch is near Yellowstone National Park.

WILDERNESS ACCESS APPEALED

The U.S. Forest Service decision to limit access into the Collegiate Peaks Wilderness Area near Buena Vista, Colorado, will be appealed by Nupec Resources, Inc., a molybdenum exploration company. The Forest Service made the helicopter-only recommendation because other types of access might effect the wilderness characteristics of the area (*HCN* 4/16/82). The company had proposed making a 3,600 foot road cut through the wilderness to move a drilling rig.

GASSY WATER IS ORGANIC

The source of methane gas in some water wells in Weld County, Colorado, has been blamed on ancient organic matter, not drilling activity, according to the Colorado Geological Survey. Some area residents have been able to flare the gas in the water, but a spokesperson for the Survey, told the *Denver Post* the phenomenon is neither unusual nor dangerous. However some residents claim the problems began with oil and gas drilling activities in the area in 1972.

EIS REQUEST UPSETS DOE

The U.S. Department of Energy is frustrated over Utah Gov. Scott Matheson's (D) request that a full environmental impact statement be completed before studying the geological suitability for a nuclear waste dump near Canyonlands National Park. Environmentalists are fighting the proposed Utah dump site in the park (*HCN*, 2/19/82). The DOE feels the EIS will require too much money and time.

EXXON REAL ESTATE

Exxon Corporation is planning to buy 105 homes purchased by the now laid-off workers of the Colony oil shale project in western Colorado that they recently closed (*HCN*, 5/14/82). Thirty-five of the homes are in Battlement Mesa, the town Exxon was building to house the huge influx of workers expected in the area for the project. The other homes are in the area between Glenwood Springs and Grand Junction. The *Denver Post* estimated the average price of the homes is \$85,000.



HIGH COUNTRY NEWS FIVE MILE FOOTRACE

Lander City Park Saturday June 12.
Registration begins 4:00 p.m.
Race begins 5:00 p.m.
Runners/walkers fee \$5 T-shirts \$7

Hazardous waste transport

A few leaks in the

by Kate Misset

"Truck Hauling Radioactive Cargo Springs Leak" read the newspaper headline in mid-April. The truck was just to the east of Cheyenne, and the situation could have been dangerous. Fortunately, the hazard was small, but the accident illustrates a large and virtually unexamined problem in Wyoming — the transportation of hazardous materials.

Incidents like this one — and Wyoming averages about 200 spills of hazardous materials per year — illustrate how little is known about hazardous materials and what little control there is over their transportation.

Hazardous materials are transported through Wyoming every day. Included in these materials — of which there are thousands — are such things as common chlorine gas and sulfuric acid, and poisonous material with tongue-twisting names, like the trichloroethylmalchloride which leaked from a railroad tank car in Laramie last spring.

Wyoming is a major corridor for these materials because much of it is generated in the East and Midwest, and many of the commercial dump sites are located west of Wyoming. Two major sites are in Nevada and Idaho, while Washington has dumps for nuclear material and PCBs (polychlorinated biphenyls).

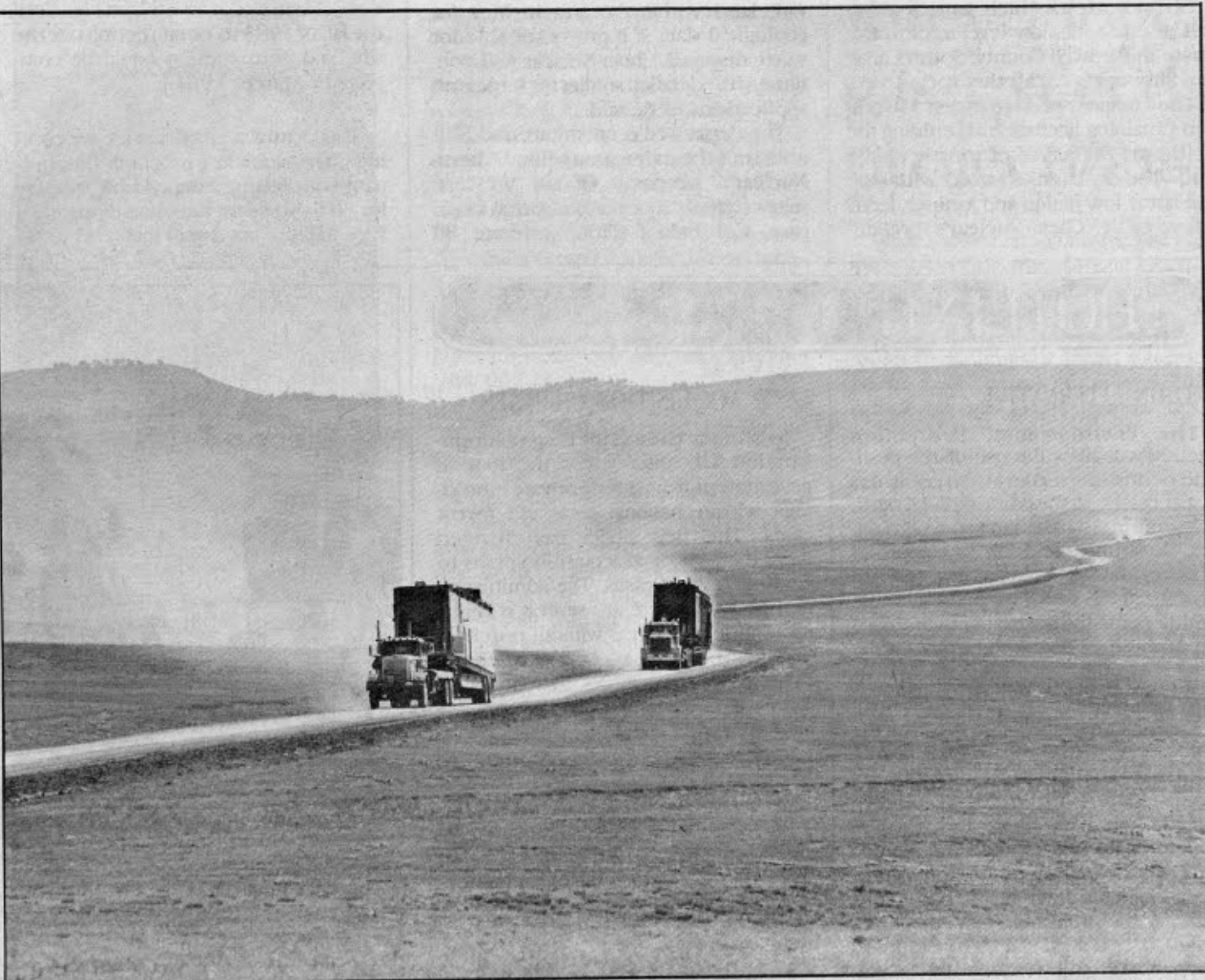
No one knows — until a spill occurs — what or how much is being transported, not just in Wyoming, but in the entire United States. Jurisdiction over hazardous materials is divided among several agencies, both on the national and local level.

The authority over hazardous material begins on the federal level. Except in a few cases decided by the courts, it is unclear which federal agency is responsible for these substances. Some hazardous materials laws overlap, while some situations are not covered at all. This situation has arisen because the laws were passed piecemeal, legislated in response to problems as they arose. Agencies administering the laws have also exhibited some reluctance to act when there is a question as to which agency has authority in a spill situation. There is no single "overseer" of the problem of hazardous materials in the United States.

For example, the Environmental Protection Agency administers six laws, the Food and Drug Administration four, and the Department of Transportation at least four. The Occupational Safety and Health Administration and the Interstate Commerce Commission also have some jurisdictions. The Nuclear Regulatory Commission is involved when the hazardous material is nuclear.

Two of the more important federal regulations concerning the transportation of hazardous materials deal with placarding and shipping papers.

Placarding of trucks and train cars is a measure taken by the DOT as an aid in emergency response situations. Hazardous cargo, with certain limitations, must be placarded with a sign that depicts through illustration the general chemical group, and a number assigned to the specific material. Emergency crews usually have a guidebook to decode the placards and evaluate the hazard. Carriers must be placarded for some materials no matter how small the amount, but for other materials the minimum requirement for placarding is 1,000 pounds or more. Some materials with a placarding requirement for only 1,000 pounds or more are chlorine, white phosphorus, organic and hydrogen peroxide, etching acid, nitrogen fertilizer solutions and acetone.



No one knows — until a spill occurs — what or how much hazardous material is being transported.

Furthermore, mixtures of materials may be transported and not required to be placarded if each one is under the weight limit for its classification. When placarded, they follow a hierarchy with only the most dangerous ingredient placarded. Any one material may fall under two or more characterizing dangers. For instance, something can be both poisonous and flammable.

Finally, DOT's labeling requirements only consider immediate human health and safety, and property. No consideration is given by the agency to those materials which pose environmental hazards.

There is another system, that of shipping papers, which was established in an attempt to both regulate the person responsible for the hazardous material, and to help the EPA and other agencies track down those people who don't follow the laws. This shipping paper system involves manifests or bills of lading for trucks, and waybills for rail carriers. There are other carriers of hazardous materials, such as airlines and ocean freighters, but they have little relevance to Wyoming. Trucker's manifests must be kept in the truck cab, and a crew member on a train, usually the conductor, must be in possession of the waybill.

There is no standard format for shipping papers. However, each is required to list the shipping name of the material, the DOT classification of potential hazard, the DOT identification number, and the origin and destination. Hazardous wastes must also be identified by a number identifying the source of the shipment.

Shipping papers originate with the generators of the hazardous material, who keep one copy. The transporter,

upon accepting the manifest, acknowledges that the materials are properly packaged, and is in turn responsible for the materials. The transporter also keeps one copy of the shipping papers. The ultimate recipient, either the dump site operator or the user, accepts the material upon accepting the shipping papers. The receiver gets two copies of the shipping papers; one is filed by the recipient, and the other is returned to the generator. This system is called "cradle to grave."

While this system, in and of itself, is functioning efficiently, there is one drawback. No federal or state agency receives a copy of the shipping papers. Therefore, there is no comprehensive information about the volume and types of materials being transported.

On the state and local level, there is even less authority over what is being transported. While individual transporters — Union Pacific and Burlington Northern railroads and the more than 40,000 truckers who do business in Wyoming each year — know what they haul, there is no clearinghouse agency which oversees the business of what hazardous materials are transported through Wyoming. Most of the material is shipped on Interstates 80 and 25.

Most material is transported safely. It is packaged wisely and loaded properly. The Union Pacific, for example, which is classified as a common carrier and must carry material which is properly packaged, has a computer system to monitor the contents of any particular car. The computer can provide printouts containing any special information about the contents, and properly places the individual cars on the train for opti-

mum safety. The UP carries about 40,000 carloads of hazardous materials each year — about 2 percent of UP's total volume. The company also has an impressive emergency response program in case of spills. Other rail lines have similar programs.

According to Wyoming Highway Patrolman Dennis Cook, who is stationed in Laramie, the majority of truckers are also conscientious, following both the law and extra safety requirements. Cook said, "It is the exception, rather than the rule, to abuse hazardous materials regulations." Cook guesses — and emphasizes that it is a guess — that 15 to 20 percent of the trucks traveling through Wyoming carry hazardous materials. In 1981, there were 20,703 trucking companies registered to do business in the state, and over 20,000 companies or individuals with one trip permits or other classifications. The first number is for trucking companies, not trucks. A trucking company can have one truck or a whole fleet. Even at a conservative guess that only 10 percent of truckers permitted in Wyoming carry hazardous materials, that's still over 4,000 companies and/or other permittees in 1981, and no one knows how many trucks that equals. However, according to Cook, some of the main carriers of hazardous materials are Tri-State (the nation's number one hazardous materials carrier), IML Freight, Northwest Transport, Pacific Intermountain Express and Consolidated Freightways.

As a general rule, no inspections are made of trucks by Wyoming officials. Occasionally, one will be inspected if the manifest is not properly filled out and the driver cannot or will not iden-

system

tify the cargo being hauled. The DOT also makes some spot checks at major ports of entry, including those in Laramie and Cheyenne. Dennis Cook once inspected a truck not displaying the proper permits and found sides of beef hanging over open containers of an unidentified chemical. Cook called in the Wyoming Health Department, which condemned the meat.

States have the power to require special, separate licensing and permitting of transporters of hazardous materials, but there is no comprehensive program for the safe transportation of hazardous materials in Wyoming. Instead, the emphasis is on emergency.

"Emergency response" takes place once a spill occurs. The Water Quality Division of the Department of Environmental Quality was given the task of emergency response through the Wyoming Environmental Quality Act. The Water Quality Division can also call upon other state agencies which have programs of their own, including the Wyoming Game and Fish Department, the Wyoming Department of Agriculture, the Wyoming Highway Department, Wyoming Civil Defense, county sheriffs, and local fire and police departments.

In addition, EPA also monitors the containment and cleanup of a spill. EPA usually only monitors, except in the cases of large spills which are beyond the capabilities of the DEQ. One such spill was an oil pipeline spill into the North Platte River in April of 1980.

Not all, nor even most, spills require the participation of all these different agencies. Most spills are small, and are cleaned up by the person responsible for the material. In these cases, the cleanup is simply monitored by the DEQ. It is the large spill — the news-making event — which requires extra help.

Each spill is different, making a routine response difficult. Each hazardous material has its own chemical properties which require different handling procedures. Some require emergency crews to wear protective clothing and breathing apparatus. Others are not directly harmful to humans, but cannot be allowed to remain in the ecosystem because harm to humans or property may ultimately occur (PCBs are an example of this type of material). The location of a spill also dictates containment and cleanup techniques. A spill in the middle of a desert is handled differently from one near or in water.

According to DEQ's 1981 Annual Report, from July, 1980 through June, 1981, over one million gallons of oil and hazardous substances were involved in 174 separate spills in all Wyoming counties except Teton. EPA-designated hazardous substances spilled were: hydrogen sulfide and anhydrous ammonia (two separate incidents in Laramie), acrolein, PCBs, sulfuric acid, hydrochloric acid, thiophenol, methanol, and trichloroacetaldehyde. The most spills occurred in Park County (29) and the greatest volume was spilled in Washakie County (282,114 gallons).

Hydrogen sulfide is an extremely hazardous poison. Inhalation or absorption through the skin can result in death. The vapors deaden the sense of smell, leaving those exposed thinking that if it can't be smelled any longer, it must be safe. However, according to Randy Woods of the Air Quality Division of DEQ, when a chemical like hydrogen sulfide can no longer be smelled it is most deadly. Also, its effects may not be immediately apparent, so people exposed to hydrogen sulfide have to be kept under observation. A spill requires evacuation of people from the area.

Acrolein may be fatal if inhaled, swallowed or absorbed through the skin. It

may also cause burns to skin and eyes. It will burn and may explode. It also requires evacuation. Thiophenol's effects are quite similar to acrolein's. However, thiophenol does not require evacuation.

According to Leroy Feusner of DEQ's Water Quality Division, 90 percent of the spills are oil field spills. These spills, Feusner says, are unavoidable, due primarily to equipment failure. That still leaves over 100,000 gallons of non-oil field spills to account for. Feusner claimed the worst time for spills is during winter freezing and spring thawing. Some other factor, such as volume of traffic, could conceivably explain why spills occur when they do, however.

The DEQ has issued emergency response literature to all persons and agencies which might be involved in the clean up of spills. This literature has very specific guidelines for spill situations. However, response to actual emergencies does not always follow the book.

In Laramie, on May 19, 1981, an overloaded tank car in the Laramie UP yard leaked trichloroethylene (trade name: Chloral). Four crewmen who came in contact with the chemical were injured.

The tank car bore a single placard, which showed that the material was corrosive to skin and metal. None of the crewmen wore protective clothing.

Normal spill procedure would require that the yard crew contact the local fire department and DEQ, which would shut down the rail line and isolate the tank car. DEQ officials on the scene would have also made use of the computer printout of the contents. This was not done in Laramie until after the fact. Cleanup procedures specific to the materials in the tank car would have been implemented if they had followed procedures.

Instead, acting upon orders from yard officials, the crewmen moved the car onto another track and away from the center of town. It was then moved again, and kept in isolation for 24 hours. A UP special agent on hazardous materials arrived in Laramie too late to assist. The agent learned of the spill from the local newspaper, which had requested more information about the incident. By the time the agent arrived, the chemical had crystallized and was no longer harmful.

The four exposed crewmen suffered nausea, dizziness, and prolonged headaches. All four were treated at the hospital, and could expect up to six weeks of severe side-effects. Had emergency response techniques been followed, chances are no one would have been injured.

In any spill, the responsible party is also responsible for its cleanup and disposal, which follow very specific guidelines, dependent on the type of material and the location of the spill. Cleanup operations are supervised by DEQ, especially the water and air quality divisions. Disposal is overseen by the Solid Waste Management and, if necessary, Air Quality divisions of DEQ. The responsible party is subject to fines of up to \$10,000 per day if cleanup and disposal is not carried out.

Cleanup of the spill frequently involves recovering for recycling as much of the spilled material as possible.

Even though Wyoming's response program is fairly comprehensive a better program would involve prevention.

According to Ron Cummings, economics professor at the University of New Mexico, who has studied hazardous materials transportation in that state, there are several ways to find out and control what is being transported. One would be for a copy of each manifest or waybill to be made available, on a permanent and regular basis, to a fed-



Paving oil leak after train derailment near Torrington, Wyo., April 4, 1981.

eral agency such as the DOT or EPA. These records could be kept in computer form, and reports could be issued on a regular basis. According to Dennis Cook, though, the paperwork involved would make the task nearly impossible.

A required permit or license for those transporting hazardous material, which could include all the information found on the manifests or waybills, would be another preventive action. A master file of these permits or licenses could be maintained.

Another possible prevention method, Cummings said, might be placarding all "reasonable quantities" of materials designated as hazardous, not just at the present 1,000 pound minimum. While the present placarding theory would work, there are indications that it is not observed faithfully by shippers. Few trucks on Wyoming's highways carry the signs, though one truck in 10 — or more — carry at least some hazardous material.

Tougher penalties for improper handling of hazardous materials could be imposed, Cummings suggested. Any state laws to this end would have to be in accord with ICC, however. If the penalties were strict enough to be

construed as interfering with interstate commerce, they would not be allowed to stand. However, penalties could be imposed from the federal level. Unless there is some sort of inspection program — now non-existent — penalties, placarding and permitting will only affect those who would obey the law in the first place.

An intermittent inspection program would be the best answer, Cummings said. This would require an inspector to board trains and trucks with no warning and without any sort of foreseeable pattern. Improper transporting, when found, would be subject to stiff fines. The surprise nature of this type of inspection, while it would surely be unpopular among shippers, might eventually guarantee that all hazardous materials would be safely transported.

Now, no one is even aware of the hazards until it is too late. Everything is set up to respond to hazardous material once it has been spilled. Advance information about the dangers in the transportation of hazardous materials is needed.

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Kate Missett is an editor with the Institute of Policy Research at the University of Wyoming.

We just fired our \$9 a week janitor.

Fact is, we had to cut something. And those "somethings" aren't that easy to find in a budget like ours. Once you've cut the major extravagances — the janitor, the accountant, the subscription to the *Wall Street Journal* — you come very quickly to kind of cuts that hurt. Cuts that hurt both people and the quality of our product.

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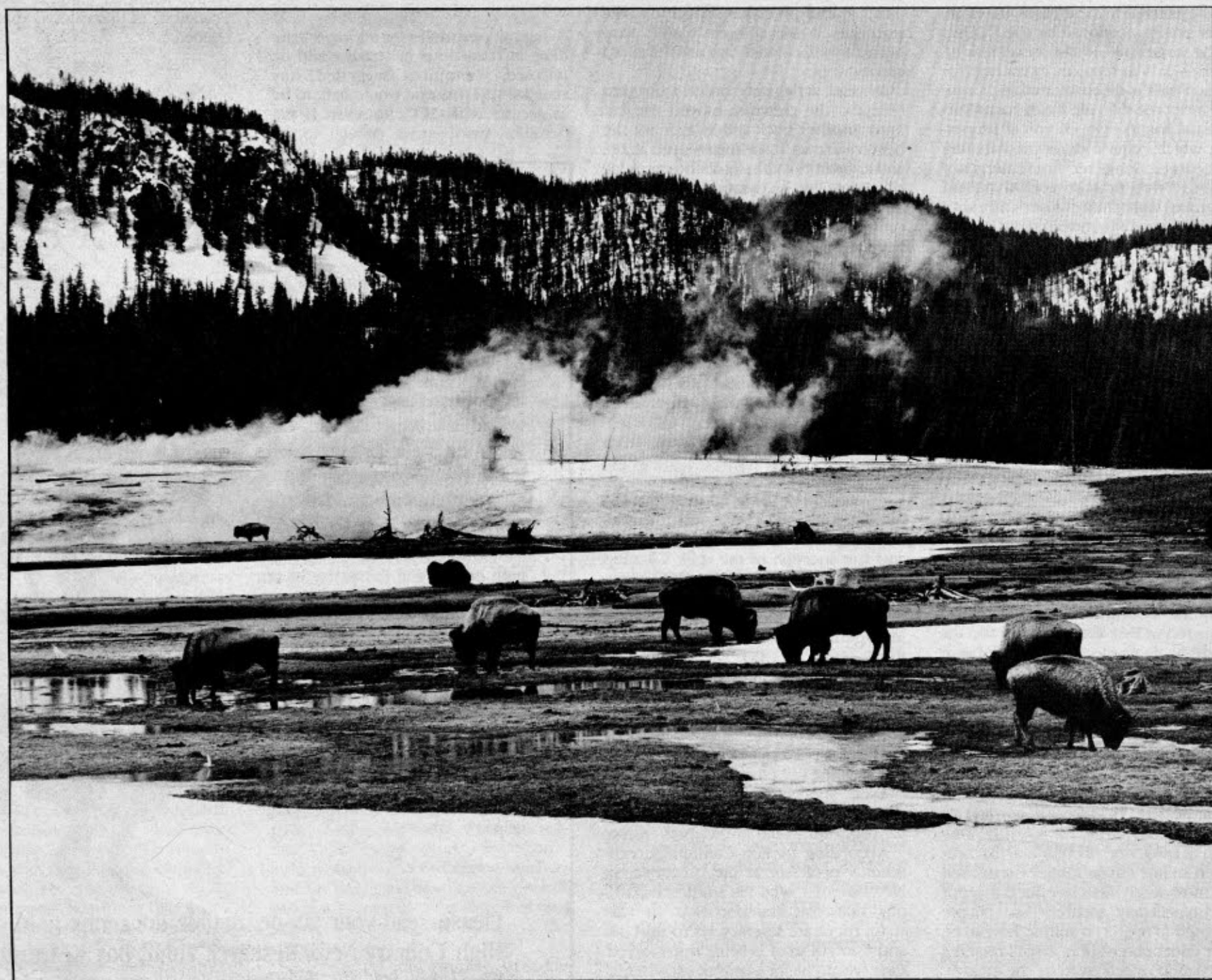


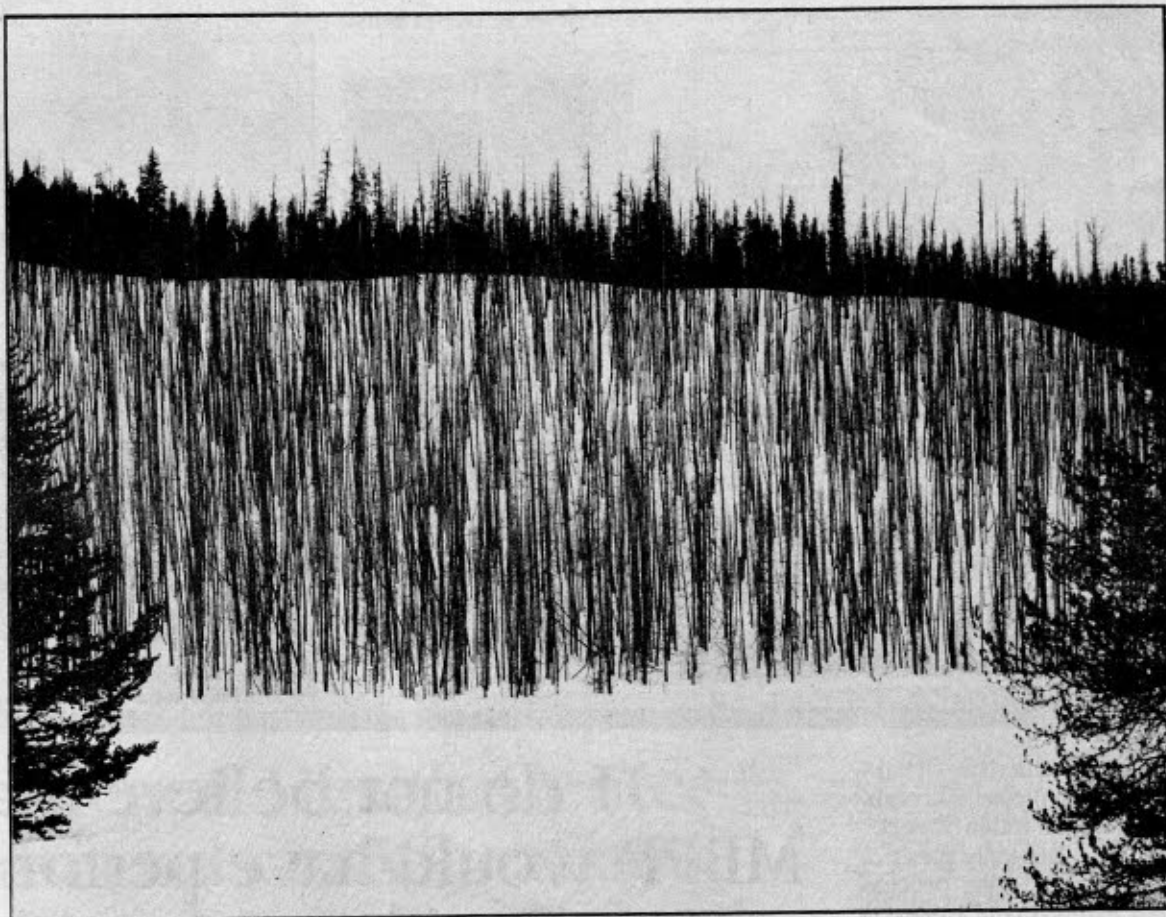
Please send your tax-deductible donations to the High Country News Research Fund, Box K, Lander, Wyoming 82520. Thanks.



Spring comes to Yellowstone

Photographs by Mike McClure





John Coulter's story of hot springs at the upper waters of the Yellowstone River was laughed at by the public in 1810. Jim Bridger's account of the geysers in the thirties made his national reputation as a liar. Warren Angus Ferris' description of the Upper Geyser Basin was received in 1842 in unbelieving silence. Later explorers who sought the Yellowstone to test the truth of these tales thought it wholesome to keep their findings to themselves, as magazines and newspapers refused to publish their accounts and lecturers were stoned in the streets as imposters. It required the semi-official Washburn-Langford expedition of 1869 to establish credence.

For many years, the uncanny wonder of a dying volcanic region absorbed the public mind to the exclusion of all else in the Yellowstone neighborhood...so little did the wild animals figure in the calculations of the period that they were not even protected in the national park until 1894, when hunting had reduced the buffalo to 25 animals.

— Robert Sterling Yard
The Book of the National Parks
 Charles Scribner's Sons, New York, 1919



Wheatland...

(continued from page 1)

over and higher productivity. That's one of the reasons the project was completed on schedule and within budget."

If everyone is so generally pleased, why ask how well the siting process worked in Wheatland? Moore's Moral is a rueful one. Even now, he says, "The MBPP permit application was highly politicized. It was more difficult than anything the siting administration has done since."

Depending on your point of view, the siting act is a planner's dream — or nightmare. MBPP claims to have spent \$29.96 million in Wheatland directly. Of that amount, \$7.4 million went to the community as up-front money. This up-front money is less than one-tenth of one percent of the project's total budget.

The Industrial Development Information and Siting Act and its rules and regulations require preliminary evaluation of adverse socio-economic impacts, as well as plans and proposals for impact mitigation. Like their models in the environmental impact field, these procedures cast planners like Rick Moore in the hero's role: a model of modern rationality pitted against the monstrous threats of out-of-control energy development — a person who can see the future and control relations between industrial causes and socio-economic-environmental effects.

The industrial siting permit application is a formidable document. Its provisions apply to any generating or conversion plant that exceeds certain production or cost levels. Each applicant must provide precise information, numbers, and job classifications during project construction and operating phases.

The application must include a statement of why the proposed location was judged superior. It must inventory all discharges and emissions of potential pollutants. It must cover impacts on resources and facilities as diverse as recreation and solid waste disposal, archeology and hospitals. Yet the process works fairly efficiently, in comparison to similar situations in other states. Moore claimed that Colorado's Joint Review Process, for example, takes much longer than the siting process.

The siting process provides a focus for all applicable local, state, and federal permits. MBPP claimed it had to obtain 43 permits in its application. Once Moore receives an application, he must clear it in a reasonable time. Most permits take three to four months to process.

Part of the time bind applicants face is due to the number of reviewers. No less than 13 state agencies and commissions review each application, ranging all the way from the Wyoming Highway Department to the University of Wyoming.

Once these reviews and permits are in hand, the director conducts a public hearing on the application before the Industrial Siting Council, whose seven members are appointed by the governor with the consent of the Wyoming Senate.

"I do not believe that MBPP would have performed as well without the siting act...They produce the needed up front money when you hang a sword over their head."

— Wyoming State Rep. Doug Bryant

After the close of a hearing, the Council has sixty days to issue a permit, with or without conditions. Industrial Siting Council decisions may be — and often have been — appealed to Federal District Court.

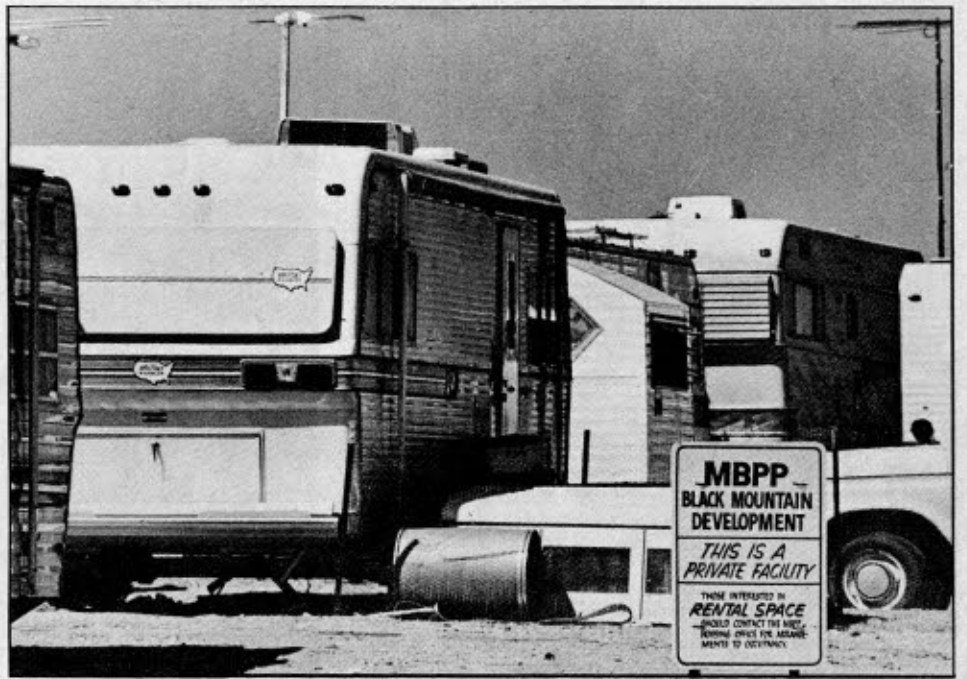
There is also a little-known provision of the siting act which calls for additional studies, hearing and mitigation once a project is underway. This provision might make it possible for the administration to force a company to deal with situations like Wheatland's bust. Rick Moore said, "We are low on the learning curve when it comes to understanding and dealing with a bust situation. Planning for the bust now may not make sense in our boom economy, even though we know that there are boom/bust cycles somewhere down the road — and busts within every boom."

Moore pointed out that though the siting council has continuing jurisdiction in an impacted community, it can only respond to requests for help from within the community. Then the so-called "re-opener" clause can be activated.

The Wyoming legislature passed the siting act in 1975, and MBPP began its permit application in December of that year. Prior to that time, Wheatland and rural Platte County were pictures of slow economic decline.

Some of the people who opposed MBPP are old enough to link the Wheatland area and a past that commenced in the late 1800s when Irish and Italians arrived in Platte County as miners, laborers, and business people dealing in land and livestock. This same wave of settlers brought in English and Scots as ranchers, while Germans, Russians and Spanish-Americans became agricultural laborers. Until MBPP arrived, cultural activities centered around school, church, and farm or ranch, with the family as the primary social unit.

Prior to the boom, about 2,500 of Platte County's 6,500 people lived in Wheatland, where a large proportion of the senior citizens concentrated. Because of poor job opportunities, most young people left. Median family income lingered well below the state average. Platte County had a few social



service professionals, but no public health nurses, public day care facilities, organized recreation or senior citizen housing.

This scene changed virtually overnight in 1974 when MBPP announced plans to become Wheatland's new neighbor.

The new neighbor proposed to bring some 2,000 construction workers into a town where there are fewer than 1,000 housing units. As MBPP's Lloyd Ernst proudly pointed out, the company is hardly a stranger to rural communities. Basin Electric Power Cooperative and its associates serve some 100 rural cooperatives, plus 75 municipal systems, and over two million people in eight Midwestern states.

Along with partner Tri-State Generation and Transmission Association, Basin Electric came to the Industrial Siting Council as the first major applicant under the new permitting process. On a 2,500-acre site near the Laramie River, some five miles northeast of Wheatland, the companies proposed to build the 1,650-megawatt Laramie River Station.

In the seven years since that time, Wheatland and environs have boomed and busted in the classic fashion, as Units 1, 2 and 3 of the power station have risen from the riverside near the sister projects of Grayrocks Dam and Reservoir — the project's water source — and as about 670 miles of transmission lines have stretched eastward toward power-hungry customers in the Missouri Basin.

Most people agree the major reason for MBPP's site choice was the water available in the Laramie River system. Those three 604-foot high stacks would not grace Platte County's horizon unless ample water supplies had been available. As always in Wyoming, water was the chief constraint, the sore point that makes good neighbors bad.

Rancher Tyler Dodge's family goes back four generations in the county. He does not like the REA magazine article mentioned earlier, and he does not like MBPP. He and about 100 of his neighbors (not six, as the article claimed) organized the Laramie River Conservation Council to fight what they saw as

MBPP's water grab. Dodge scoffs at the company's claim that they could supply the Corn Creek Irrigation District downstream from the plant, satisfy Nebraska users, handle the Conservation Council's rights fairly, and still have enough water for their cooling towers in a dry year. In short times, he is convinced that area irrigators will suffer. Rick Moore, on the other hand, thinks the 23,000 acre-feet per year MBPP has developed is more than the plant will ever need.

Disagreements about such matters led Dodge's group to join a lawsuit against MBPP. The immediate cause of the suit was the question of water flows below Grayrocks Dam and into Nebraska. Two hundred and eighty-five miles downstream, as MBPP's James Grahl is fond of pointing out, lies the Central Flyway, which provides critical habitat for a federally-designated endangered species, the whooping crane.

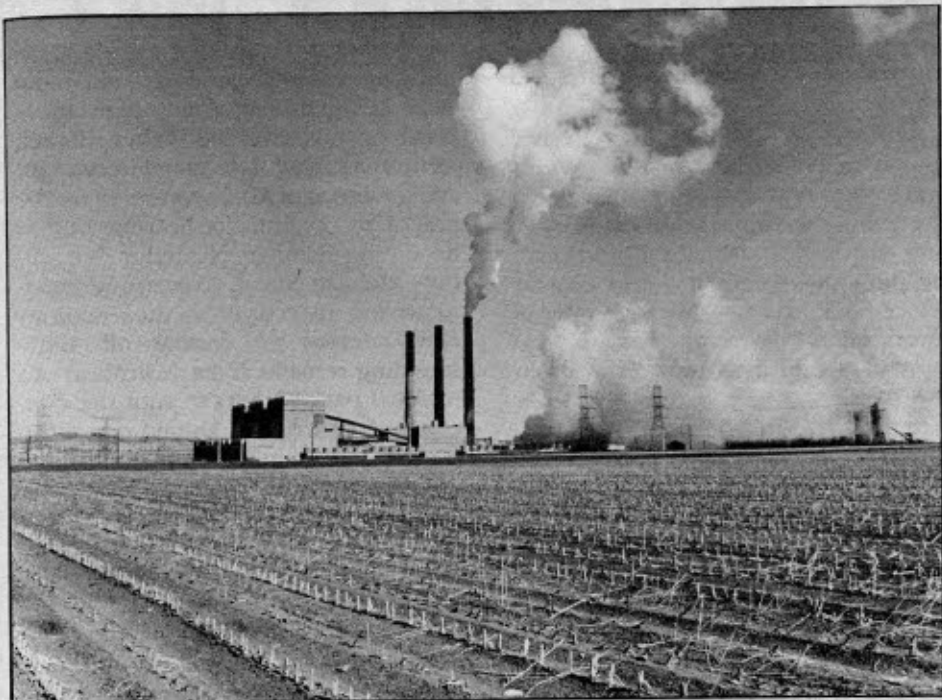
The Laramie River Conservation Council joined the state of Nebraska, the National Wildlife Federation and the National Audubon Society in the suit, which halted construction on the dam and reservoir and enjoined the federally-funded Rural Electric Association (REA) from loaning any more money to MBPP.

In a memorandum dated Oct. 20, 1978, Basin Electric's General Manager Grahl said, "The results of this litigation brought against the project underscore how well-intended legislation can be used to thwart the consumer-owned utilities in meeting their responsibilities to their consumers and how it can be sued to endanger economic development in all the states of the Missouri River Basin and the Platte River system. It is further demonstrated that any project can be attacked in the courts at any time and even after receiving approvals for all local, state, and federal permits."

Eventually, this suit was settled out of court, with \$7.5 million going to whooping crane habitat mitigation. The settlement was timely, since MBPP had the clout to join the backers of the Tellico Dam in Tennessee in gaining from Congress and the Carter administration exemptions from the Endangered Species Act, the object of Grahl's wrath. Part of the settlement included protection for Tyler Dodge's interest.

In other action related to the dam, opponents of the project claimed that lack of knowledge about its foundations made the dam unsafe. Tests eventually confirmed this opinion. Some 200 feet of sand were found to lie between surface and bedrock. This problem turned out to be so serious and expensive to solve that it prompted the legislature to change the siting act. Now the Wyoming State Engineer must approve plans involving water projects before a permit even goes to the ISC.

No one in Wheatland talks about "the project" for long without eventually mentioning the prime example of Moore's Moral: school district funding. Tyler Dodge is particularly bitter about this issue, accusing the company of



Left, Black Mountain Village. Center, Laramie River Power Station of the Missouri Basin Power Project in 1980. Right, downtown Wheatland. Photos by Mike McClure.



reneging on its commitments whenever possible.

Platte County School Superintendent Ed Hunter described the school district's relationship with the company like a romance gone bad. When the MBPP hit Wheatland, Hunter recalled the district's annual budget skyrocketed from \$2.5 million to \$8 million. At first, the siting council ruled in favor of the district's requests for more money, but two issues remained unresolved.

First, MBPP agreed to allow the district to determine its own needs. Where costs exceeded revenues from the growing tax base, the company agreed to fill in. But, when the district requested the company also handle capital facilities such as a new school bus barn, the company balked, claiming that bond issues should fund capital expenditures. The district promptly and successfully petitioned the ISC for relief, and MBPP had to come up with \$300,000 for this purpose.

The second problem arose when the district decided to use MBPP money to increase cash reserves from \$115,000 to \$500,000, citing standard procedures necessary to carry money over the summer and meet salaries in the early fall. Again, the company balked at what they saw as a change in the original agreement. Again, the ISC backed the district.

After a couple of such incidents, the company began to appeal ISC decisions to District Court. Though these appeals did not succeed, they set the stage for a 1979 decision by the State Board of Equalization that exacerbated the problem by reducing the plant's taxable valuation from 25 percent to 15 percent. Further reductions are following the April 1982 settlement that puts power plants on an indexed assessment chart as a way of taxing their current dollar value. In contrast to the original levy of 25 percent, this could sink as low as 8 percent in 1983 — a serious setback for the school district, which has already lost some \$600,000 in 1982 revenues.

The deteriorating situation earlier this year prompted the legislature to intervene. The school district has a chance to convert its mounting outstanding indebtedness to bonded indebtedness in a May 27 bond election. Ed Hunter rates the election as a toss-up, while Tyler Dodge is pessimistic. No one knows what MBPP will do if the bond election fails. Hunter said, "If the voters won't take on the bonded indebtedness, then we'll go back to the ISC for more relief. But this will be our last chance, since the third unit at the plant is almost done. Our attorney stays in close touch with Rick Moore."

Staying in touch with the full span of the siting process is a hard thing to do, but it might serve as a follow-up to Moore's Moral. Possibly the process should be further refined to continue a company's responsibilities on through the post impact period. Wheatland prepared for a population of 10,000, but the town now numbers less than 5,000,

Mental Health Center caseloads in Wheatland showed marriage and family problems increasing by 280 percent over 1974 levels.

and the count falls daily. The plant has about 400 permanent employees and yearly property tax payments of \$8.2 million, but the construction labor force will be gone by next summer, and much of MBPP's Black Mountain Village stands empty, the portable living units carted off to new boom towns in the Overthrust Belt.

More subtle problems have persisted throughout the project's seven year impact on the community. Rick Moore pointed out the needs for physical and capital facilities are easily identified. Getting the required money is the only problem and the siting act has proven to be a powerful lever for this purpose.

But human service needs are much more difficult to deal with, because they are not necessarily institutionalized as government functions. Moore said, "The key to meeting these needs is to anticipate and prevent them, even though we have to admit that any itinerant worker population will always cause some problems no one can completely solve. The fact remains that I am not getting enough local input. I'm still grappling in the dark on social issues. Local people often don't see the need for prevention strategies until it is too late. They tend to think 'more boom' but not about the problems that accompany the boom and the bust."

Lael Good, director of the Platte County Mental Health Center, has been involved as a researcher and mental health worker in Wheatland since 1975. She said, "The siting process worked very well in Wheatland. Without it, neither the community nor industry could have accomplished what they did." She pointed to positive things like the Platte County Task Force, which helped focus much of the planning, and she called attention to the highly successful community feast which brought people throughout the county together during the last two summers. Good also mentioned the cooperative attitude of some of the business community, which funded the Mental Health Center's efforts to bring stress management training programs and alcohol education and counseling programs to their employees.

Yet the failure to plan to prevent problems still bothers most people who care about the true costs, both human and economic, of Wheatland's boom and bust. Good and her research partners have developed survey systems which show all too well that some of the community's most painful problems

eluded all the planners' good intentions, even when physical facilities and social service provisions were more than adequate.

Wheatland before the boom was a fairly stable rural community. Some disturbing lessons about the boom emerge from Good's research. The statistics show that during the peak of the boom, at least 25 percent of the women and 35 percent of the men experience emotional distress levels high enough to warrant psychological treatment. This translates into anxiety, failure to deal with reality, depression, and psychosomatic illnesses such as headaches, ulcers, and low back pains. Overall, the Wheatland rate for psychological problems was twice the national average. In addition, 47 percent of the men admitted to at least minimal problems with friends, family, the law and work due to alcohol abuse. Post impact figures are equally troubling. Surprisingly, mental health case loads nearly doubled during the transition from the boom to the bust period.

Mental Health Center case loads in Wheatland showed marriage and family problems increasing by 280 percent over 1974 levels. Clearly, something is still wrong, in spite of all MBPP's good intentions and in spite of all the siting act's requirements. MBPP prides itself on the high productivity of its workers, and justifiably so, compared to rates at other power plants.

However, Wheatland's actual toll in human misery stands in startling contrast to the well-intentioned efforts of MBPP. Clearly, what MBPP did is a necessary but not a sufficient condition to really helping people in boom towns. Yet the scope of the company's concerns also gives pause for thought. They included: acting as guarantor on a \$3.4 million loan from the Wyoming State Farm Loan Board to Wheatland and Guernsey for water, sewer, and electrical capital facilities; providing housing facilities; constructing a recreation center and daycare center; contracting with the Platte County Sheriff's Department for plant security guards; underwriting the \$500,000 cost of plant access road improvements; providing financial assistance to the Platte County Planning Commission; funding the Platte County Branch of the Southeast Wyoming Mental Health Center for three years at \$20,000 per year; funding a University of Wyoming Human Services Team for three years at around \$60,000 per year; providing technical assistance toward

securing federal and state grant monies for a senior citizens' community center and apartment complex; providing \$6.2 million in "front end" money and acting as guarantor for design and construction of a school building in Wheatland, subject to a buy-back arrangement by the school district; providing financial assistance to assure reasonable operating budgets to both county school districts during the construction period.

Bob Valeu is a planning consultant who worked for MBPP during the Wheatland boom effort. While he expressed support for the siting process, he also warned against pushing the requirements of the siting act too far. "There is no sense," he said, "in making companies plan for the worst possible case in every instance. We should plan flexibly and in stages. Post-impact problems should be planned for as well. MBPP suggested to the community in Wheatland more than once that planning should be done for post-impact, but the community did not respond. So the post-impact problems are probably due to lack of local initiative."

Wherever the fault lies in present-day Wheatland, preventive planning might have spared a lot of human misery. Community needs assessments are available to spur preventive planning. They provide the kind of hard data planners need to make their cases before the ISC, and they also serve the needs of industrial planners who wish to increase or maintain productivity in their workers.

+++

Tom Bougsty is a psychologist in Cheyenne, Wyoming. Tom Wolf is director of the Wyoming Outdoor Council, also in Cheyenne. This article was paid for by the HCN Research Fund.



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BOOKS

Westward in Eden: The Public Lands and the Conservation Movement

William K. Wyant, 1982; \$24.50, cloth; 536 pages; Berkeley: University of California Press.

Review by Peter Wild

In three grabs, the Northern Pacific railroad took 45 million acres, developers staked out 82 million acres, coal companies gobbled up 30 million. We're talking about the federal lands and how go-getters bilked Uncle Sam of what, in theory at least, belonged to all Americans. In the democratic United States, the man in the striped top hat was supposed to be looking out for the little guy. He was supposed to be handing out farmland to poor immigrants, setting aside wild scenery for future generations, but as William Wyant puts it, whatever the good intentions, "Nearly always...men with money got their way."

The tales of those swindles, law-bendings, speculations and outright "unblushing frauds" committed against the public's natural heritage have been told before. Teapot Dome in Wyoming and the Yazoo scandals in Georgia are familiar to most people acquainted with

WESTWARD
IN EDEN

William K. Wyant

conservation history. Yet because they are so bizarre, beyond our day-to-day comprehension, and because they have visited such havoc on the commonweal, they bear retelling. Wyant, once a staff member of the *St. Louis Post-Dispatch*, shows us Secretary of Interior Albert B. Fall sneaking around with a little black bag containing the oil industry's largesse, and swings his camera on land-

hungry corporation agents marching tipsy soldiers down to the San Francisco courthouse to mock the homestead laws.

Westward in Eden, then, is a refresher course in public land history. Wyant emphasizes how conservationists, definitely the "good guys" in his estimation, have managed to save a small portion of the public trust. Still, it could be a far better book. Basically, Wyant's presentation suffers from too much concentration in some areas, not enough in others.

For instance, in his chapter on the U.S. Forest Service, the author plunges into the controversy over California's redwoods, then moves on to discussions of clear-cutting and the Wilderness Act without providing the context of the agency's background and purpose. The reader lacking in a general idea of environmental history had better turn to some overview of conservation, such as Stewart Udall's readable *The Quiet Crisis*, before attempting Wyant's study.

But Wyant can shine and shine brightly. Especially illuminating are sections dealing with the birth of the Bureau of Land Management, passage of the Environmental Protection Act and the oil industry's coup of the Alaska pipeline.

In such focussed chapters of this well researched and documented history,

investigator Wyant gets us behind the scenes to see the finagling and trade offs that form essential but rarely publicized steps in the making of most legislation, good or bad. We see Walter Hickel, former Golden Gloves welterweight and governor of Alaska twitching on the grill of his confirmation hearings before becoming secretary of interior. We witness Richard Nixon, no environmentalist, trying to cash in on the "Ecology Now" fervor by tossing off high-sounding remarks at the dedication of a national park. Wyant can pour the concrete of description around concepts. Congress is "a mixture of the sublime and the ridiculous" in his judgment. Conservationists' struggles against the land grabbers "rate in difficulty somewhere close to the task of snatching a side of beef from a Bengal tiger."

For all that, Wyant's epilogue concludes with optimism of the guarded sort. Somewhat miraculously, despite the giveaways, Uncle Sam still owns a third of the land legacy. The public has matured since the freewheeling days of Albert B. Fall. Despite the likes of James Watt, Americans are showing sustained dedication to environmental health. Because of their insistence, so Wyant argues, Big Uncle isn't likely to be slipshod in his future management of the increasingly precious treasure of the nation's land. □

Farm loans...

(continued from page 16)

the press of other business prevented passage. I'm hopeful that something will be done in the next session." The 1982 Wyoming legislature was an abbreviated budget session, making it difficult to have non-budget matters considered.

Swan believes that raising the interest rates charged to farmers and ranchers on these loans to 10 or 12 percent — still substantially below commercial rates — could be justified, even in light of the Oklahoma decision. He said, "You can justify charging an interest rate less than a commercial bank will charge when you're supporting a basic industry. A healthy agricultural industry pays taxes, supports local schools, etc. It may not be as direct a benefit, but it is critical to the state. It is a question of where you draw the line and say below which it is a subsidy."

The challenge to the Oklahoma program was brought by the state education association since the education budget stands to get the most benefit from increased revenues. According to Don Shaner, executive secretary of the Wyoming Education Association, "We are aware of the decision, but we haven't made a thorough study of it. It is a very significant action and it could result in an increase of revenue if we challenged the law."

However, Shaner said, "The legislature has done pretty well funding the schools, so we're not as concerned. If we were in the financial position of these other states, we'd be a lot more concerned."

Swan said, "I haven't heard of anyone who wants to challenge it and I hope that it isn't challenged. The legislature is working on the problem and they may give them time to work it out."

However, said Swan, "The irrigation loans — at six percent interest — do look like a subsidy."

The irrigation loans may be worse than a subsidy. They appear to be a testament to the farm loan board's lackadaisical attitude toward policing these loans and a failure to adequately protect the state's interest in a number of them.

In April of 1982, there were 585 irrigation loans outstanding totalling nearly \$40 million. The interest rates varied on these loans from as low as 1.5 percent for those issued earliest to six percent for more recent ones. Nearly half of the outstanding principal was loaned at four percent.

Of the 585 loans, 41 were delinquent in April, representing about six percent of the loans. This is a delinquency rate



Mike McClure

twice as high as a commercial bank would allow. According to a bank officer at First Wyoming Bank, "If the delinquency rate is higher than three percent, investors start to get nervous." At the end of January of this year, 54 loans — or nearly 10 percent, had been delinquent. Delinquent payments in April totalled about \$424,000.

In addition, it appears the state has very weak protection against default on a number of the loans, because of past inadequate supervision, though no one knows how many. Some loans have been secured by mortgages on land other than those being irrigated. Thus, if a borrower sells the land irrigated by state-purchased equipment, the buyer can claim the equipment as part of the sale. The state has no recourse against it, except to foreclose on the land on which it holds a mortgage.

In addition, none of the irrigation equipment on any of the outstanding loans has been secured by security agreements. A security agreement is a standard interest a lender takes in a pur-

chase. For instance, if an individual buys a car, the lender takes a security interest — if the individual doesn't pay, the bank can take the car. This interest is valid even if the car is sold to a third party by the original borrower. In the case of state irrigation loans, without the security agreement, the state has no legal right to take the irrigation equipment if it is sold to a third party. The state can only recover from the original borrower, who may or may not be able to pay.

In addition, a number of loans apparently have gone to speculators rather than to active farmers and ranchers. This is a violation of the intent, though not necessarily the letter, of the program.

These problems are more than hypothetical. Farm and ranch activities are excellent for generating tax breaks. In one recent case, a dentist and a realtor from one county took out irrigation loans totalling \$270,000 in another county. They also borrowed about \$500,000 from a bank. Because of a

number of factors, the ranch went bankrupt and the borrowers defaulted on every purchase agreement. Because the state lacked the security agreements, it may not be able to recover the equipment or the money.

Said one source, "It's one thing to bail out farmers and ranchers that are hurting and another to encourage speculation with state money. Unirrigated range land may be worth \$250 an acre. Then, with an investment of a state low-interest loan of about \$300 to \$400 per acre, you can turn it into irrigated land worth \$1,200 to \$1,500 an acre. That's pretty good profit."

The irrigation loans are approved and forwarded to the Farm Loan Board by the Department of Economic Planning and Development. Myron Goodson, water engineer for DEPAD, said, "The Farm Loan Board accepted in lieu security lands. I suspect it never occurred to them that we'd get into a situation where the land would be in another area. It turns out that the attorney general's office needed a security agreement between the state and the purchaser. It's an evolutionary thing. It's only happened once that the state did not recover its money."

Rather, it has only happened once that anyone knows about. Because of lax enforcement and follow-up, no one knows what the real situation regarding the state's protection is. There is at least one additional case of a ranch going bankrupt in Fremont County with the state unprotected by proper loan security. A state source said, "I don't know if we got our money or not. I don't think we did."

Randall Cox, assistant attorney general, admitted that the irrigation loan situation is currently chaotic, but said the attorney general's office is moving to correct the situation. He said, "We're going to review the security situation for each delinquent loan, then we'll know how much of a problem we've got. Those with bad security will demand immediate attention."

Oscar Swan said, "We've started a few foreclosure actions, but only in the cases in which it was the only way to protect the state. We can't write these off as bad debts. We don't want to take these lands over; we want these operations to continue."

Nevertheless, the Oklahoma court decision calls into question whether current state policies regarding these loans — particularly the irrigation loans — are adequately protecting the school trust funds. Given the current depressed state of the agricultural economy, the problem seems likely to get worse before it gets better. □

BULLETIN BOARD

SAVING SEEDS

The KUSA Research Foundation, a non-profit organization working to save old and rare crop seeds and plants from extinction, is interested in contacting people in the Rocky Mountain and adjoining regions who may still be keeping seed of pre-World War II varieties of wheat, maize, millet and dry beans. If you or your older relatives or friends have such seeds, write KUSA, Box 761, Ojai, Ca. 93023.

HIGH UINTAS RECREATION MAP

Users of the proposed wilderness in Utah's High Uintas may now obtain a detailed color map of the area at any Wasatch National Forest office. It displays trails, access roads, camping and picnic areas, ranger stations, topographic elevation information, special areas of concentrated use and wooded/timberline areas. The map will sell for \$1.

THE GREEN VOTE HANDBOOK

The Sierra Club has published a new book designed to help environmentalists become involved in electoral politics. It covers picking the right candidate, recruiting volunteers, building coalitions, polling, targeting, canvassing, media, fundraising, election laws and many other topics. Copies are available for \$1.50 (\$1 each for orders of 10 or more) from Information Services, Sierra Club, 530 Bush Street, San Francisco, Ca. 94108.

CHALLIS WILDERNESS EIS

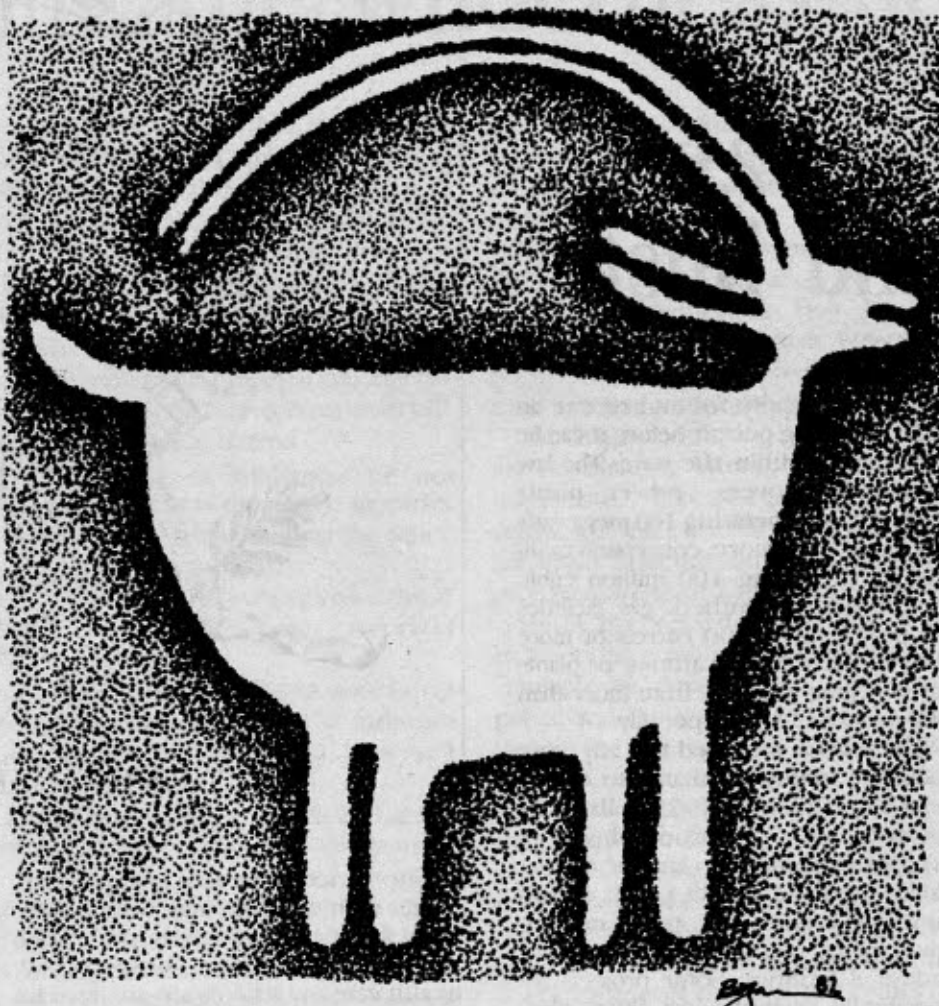
The Salmon, Ida., BLM district has just completed its draft "Challis Wilderness Plan Amendment/Environmental Impact Statement." The document covers four wilderness study areas and recommends 59,680 acres as suitable for wilderness designation and 48,500 acres as non-suitable. A public hearing has been scheduled for 7 p.m. June 30 at the Northgate Inn in Challis, Ida. Comments will be accepted through Aug. 2. For more information, contact the Salmon District Office, BLM, Box 430, Salmon, Ida. 83467.

TWO NEW COAL MINES

Two new coal mines proposed for the Decker, Mont., area — the CX Ranch and Wolf Mountain mines — will be the subject of a public meeting to be held at 7 p.m. June 9 at the Sheridan (Wyo.) Junior College Whitney Bldg. Consolidation Coal Company and Kiewit Mining and Engineering have filed applications for operating permits with the state of Montana and Interior's Office of Surface Mining, which have determined that an environmental impact statement will be required. For more information, write the Montana Dept. of State Lands, 1539 11th Ave., Helena, Mont. 59620.

FUNDRAISING WORKSHOP

The Northern Rockies Action Group and the Community Resource Center are offering a two-day fundraising workshop June 11-12 in Boise, Ida. Registration fee is \$125. For more information, contact Kathy King at NRAG, (406) 442-6615.



GREEN RIVER RUN

The Utah Wilderness Association is sponsoring its first annual river run, a five-day, four-night trip down the Green River July 8-12. Cost is \$300 per person, including food, rafting equipment and transportation from Green River, Utah. For more information, contact UWA at 722 Judge Bldg., Salt Lake City, Utah 84111.

ENVIRONMENTAL EDUCATION WORKSHOPS

The Northern Region of the U.S. Forest Service is offering two environmental education workshops in Montana this summer. The first, sponsored by the Lolo, Helena and Bitterroot National Forests, is set for June 7-9 at Camp Paxson, Seeley Lake. The second, sponsored by the Bitterroot, Flathead, Kootenai and Lolo National Forests, will be Aug. 24-26 at the U. of Mont. Biological Station at Flathead Lake's Yellow Bay. Both sessions are open to teachers, administrators, resource personnel and others interested in environmental education. Room and board will run \$30-35 for three days and two graduate credits will be available through the U. of Mont. for an additional \$20. Further information is available from any of the sponsoring National Forests.

FELLOWSHIPS IN WORLD ORDER STUDIES

The Transnational Academic Program will be offering 15-20 fellowships in world order studies, designed to assist development of new teaching materials and curriculum in the world order field. Project grants will range from \$500 to \$4,000. Applications are due by June 25. For more information, write Mr. Sherle R. Schwenninger, Director, Transnational Academic Program, Institute for World Order, 777 United Nations Plaza, NY, NY 10017 or call (212) 490-0010.

BIRD SLIDES NEEDED

The Western Education Center of the National Audubon Society is seeking slides to complete the bird portion of its North American wildlife slide collection. (Succeeding phases will add plants, reptiles, amphibians and mammals to the collection.) The slides will be available for purchase by the public to develop educational programs and illustrate lectures. For a catalog listing slides available for purchase, a list of bird species needed to complete the collection and/or an entry form for submitting slides, contact Thomas J. Ferranti, North American Birds, 376 Greenwood Beach Road, Tiburon, Ca. 94920.

INVENTING THE WEST

The Institute of the American West will host its seventh annual conference Aug. 18-21 in Ketchum, Ida., with the theme "Inventing the West." Sub-themes are: Vision and Myth, Women and Work, and Land, Water and Wealth. For more information, write the Institute, Box 656, Sun Valley, Ida. 83353.

NEW MEXICO ENERGY MAP

The U.S. Geological Survey has just published a new map of New Mexico that shows oil, gas and coal fields; geothermal and uranium resources; and energy-related facilities such as power plants, pipelines, oil refineries and major electric transmission lines. Copies of USGS Map 1-1327 are available for \$2.50 from Branch of Distribution, USGS, Box 25286, Federal Center, Denver, Colo. 80225.

NATURAL EXCURSIONS

The National Audubon Society has just published a brochure on upcoming "Natural Excursions" programs, which offer birding opportunities and natural history courses in Southeast Arizona, Grand Canyon, Alaska, Condor Country, Hawaii, Mexico and throughout the West. For a copy, write Natural Excursions, 4990 Shoreline Highway, Stinson Beach, Ca. 94970 or call (415) 868-1221.

FOREST SERVICE SEEKS VOLUNTEERS

In an effort to reduce operating costs without reducing services, the U.S. Forest Service is asking people to volunteer their time to maintain and improve national forest lands this summer. Anyone interested should contact the nearest Forest Service office.

UTAH AIR QUALITY HEARINGS

The Utah Air Conservation Committee will conduct public hearings June 14-15 on proposed revisions to the U.S. Steel Consent Decree governing emissions at the Geneva Works. Changes proposed would provide new compliance dates for the coke plant offtakes, revise emission limits for the finishing mills, require ducting of power plant bypass emissions for specified periods and reduce reporting requirements for continuous emissions monitoring. The June 14 hearing will be at the Salt Lake City Public Library. The June 15 hearing will be at the Orem City Multi-Purpose Center. Both hearings will begin at 1:30 p.m.

OSM RULE CHANGES

An environmental assessment of changes proposed for the permanent regulatory program for coal mining operations is now available to the public. Revisions are proposed for state programs, areas unsuitable for mining, permits, bonding, permanent program performance standards, inspection and enforcement and blaster certification. Copies of the assessment and the government's finding of no significant impact are available from the OSM, Western Technical Service Center, Brooks Towers, 1020 15th St., Denver, Colo. 80202.

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EXECUTIVE DIRECTOR sought for non-profit conservation coalition. Fundraising and administrative expertise a must. Application deadline: July 9th. Contact: Colorado Open Space Council, 2239 E. Colfax Avenue, Denver Colorado, 80206; 303/393-0466.

BACKPACK WORKSHOP. 2 credits, July 15-24, 1982. Pre-registration required by June 15. Write Dr. Joanne Sprenger, New Mexico Highlands University, Las Vegas, New Mexico 87701.

JUNE 12 MARKS HCN FOOTRACE! Registration begins at 4 p.m. \$3 per runner or walker, \$10 including t-shirt. Lander City Park. Free beer at the finish.



The Keystone Science School announces the schedule for its 1982 Preservation of Species workshop series:

EXTINCTION: A GLOBAL ISSUE, July 9-11, taught by Dr. Elliott Norse, Director of Science and Policy for the Center for Environmental Education, Washington, D.C.

URSUS ARCTOS HORRIBILIS: THE MARGINS OF SURVIVAL, August 6-8, taught by Dr. Charles Jonkel, Professor, University of Montana, and head of the Montana-based Border Grizzly Project.

SPECIES RECOVERY: QUEST TO RETURN THE BANISHED, October 1-3, directed by John Torres, Chief, Nongame and Endangered Species Section, Colorado Division of Wildlife.

THE ENDANGERED SPECIES ACT: THE SNAIL DARTER AND BEYOND, November 5-7, directed by Robert J. Gotten, Counsel, National Wildlife Federation Natural Resources Clinic in Boulder, Colorado.

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OPINION

Paving the way for boom and bust

by Richard Moore

The mitigation of socioeconomic impacts in western rural communities is a relatively new science. And, we are currently on the upslope of the learning curve of the science. Experts in the area learn more with each passing year and each additional industrial project, but there are no hard, fast or tried and true rules of impact mitigation.

Energy development of the past decade in the Rockies has made us face up to impact problems. The boom and bust cycle of the mineral exploitation of

GUEST EDITORIAL

the late 1800s is no longer acceptable in our society. We have also learned that the company town of the Appalachian coal fields is not desirable either.

In 1975, Wyoming passed its comprehensive Industrial Development Information and Siting Act. The legislation was passed in the wake of several boom problems and the spectre of more developing. Perhaps the most important factor at the time was the construction of the Jim Bridger power plant in Rock Springs, concurrent with the expansion of the trona industry. The experience in Rock Springs showed that the rapid growth in employment contributed to decreased productivity at the construction sites and the classic downward spiral of severely impacted communities.

This was also the period immediately following the Arab oil embargo of 1973. The North Central Power Study and the National Energy Plan had just been released. Both of these studies called for massive development of the coal reserves in the eastern Powder River Basin. The prospect of numerous power plants and coal conversion facilities in northeast Wyoming created an impetus to pass legislation to avoid the types of problems experienced in Rock Springs.

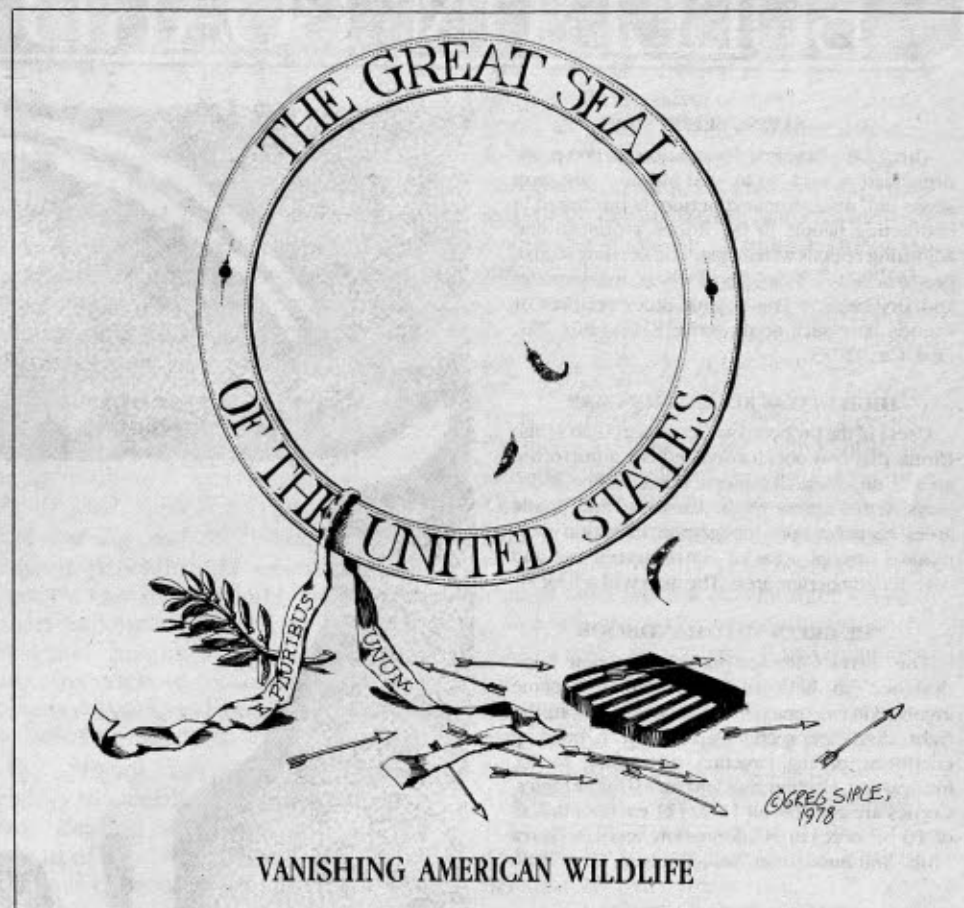
The result of these concerns was the industrial siting act. The law extends to all types of industrial development occurring within the state. Any large

facility must apply for and receive an industrial siting permit before it can be constructed within the state. The law specifically covers: power plants designed for generating 100 megawatts of electricity or more; conversion facilities for producing 100 million cubic feet or more of synthetic gas; facilities for producing 15,000 barrels or more daily of liquid hydrocarbons; or plants for enriching uranium from more than 500 pounds of U3O8 per day.

The act also provided that any other industrial facility estimated to cost at least \$50 million in 1975 dollars falls under the act's jurisdiction. This figure is adjusted for inflation and the current dollar threshold is \$89.4 million. This provision covers coal, trona and uranium mines, railroads and other major industrial facilities. Some projects are specifically exempt: coal slurry pipelines authorized prior to 1979; electric transmission lines of less than 115,000 volts; oil and natural gas pipelines; and oil and gas producing and drilling facilities.

An industrial siting application serves as an important tool to local officials and the state in the development of strategies to deal with rapid growth. It contains detailed estimates of the number of workers which will be required to construct and operate the proposed facility. Projections can thereby be made about the future population of the area both with and without the project. This way, the population effects of the project under study can be accurately assessed to determine the project's effect on the cumulative growth of the area.

Once the population projections have been completed, an analysis can be made of the effect of the growth on the community. Local government budgets are analyzed to determine revenue structure, expenditure levels, mill levies, services provided through public finances and problems in providing public services. This information makes possible analysis of the capability of local government to provide adequate



public services in the face of expansion. Items such as sewer and water treatment facilities, water supply, police and fire protection, libraries, hospitals and health care and schools are analyzed to determine existing capabilities and their ability to handle the demands of growth. Services provided by the private sector — housing, day care, recreation, etc. — are also examined.

When adverse impacts are projected, the application must include plans for mitigating these impacts. One advantage to the procedure is that it requires close cooperation between the developers and public officials to see that these mitigation plans are developed.

The application is reviewed by the seven-member Industrial Siting Council. Before this body can issue a permit, they must be assured the facility will not pose a threat of serious injury to the social and economic condition of inhabitants in the affected area and that the facility will not impair the health, safety or welfare of inhabitants.

If the ISC is not able to issue a permit based on these criteria, the act allows for additional study to resolve the problems. If, at the end of this additional time, the problems are not resolved, the council's deliberations focus on whether or not the facility will create an acceptable impact on the human environment. To date, the siting council has been able to issue permits without entering this second stage of consideration.

The provision of adequate, affordable housing for both the construction and permanent workforce is the key to any successful mitigation program. A careful analysis of the relationship between the temporary construction and the permanent operating employment is essential to the formulation of cost-effective, workable housing programs. To avoid the "company town" problem, the goal under the Wyoming siting act has been to minimize direct company involvement in providing housing and stimulate the private sector where possible. However, when there is a large imbalance between the number of construction employees and the permanent employees — as in many power plant projects — temporary housing is essential and usually is provided by the company.

The only real common thread which has been detected among facilities subject to review is change. On any project for which a mitigation strategy has been developed, changes are certain to occur after the fact. These changes can be very fundamental — the design of the facility, scheduling, the institutional framework of the community, or something entirely unrelated to the project or community. For instance, layoffs in the automobile industry may result in an

influx of unemployed, unskilled workers seeking employment in an area previously noted for its low unemployment.

Mitigation programs must remain flexible, capable of reacting to these changes. Adequate monitoring of the community is essential to the continued success of the programs. In Gillette, as a result of conditions imposed on industrial siting permits, the industry committee of the Chamber of Commerce has initiated a joint monitoring program with the local government. All companies contributing to growth in the community are providing data for the program and most are providing financial support. This provides an invaluable tool to the local units of government in planning for future growth.

The major difficulties experienced under the siting act have been ones of jurisdiction. Virtually all rapid growth areas in Wyoming are experiencing that growth as the result of cumulative development of a number of major projects. Since the siting council cannot require one company to mitigate the impacts of another company's project, the lack of jurisdiction over all projects in our rapidly growing areas has hindered the development of comprehensive mitigation programs.

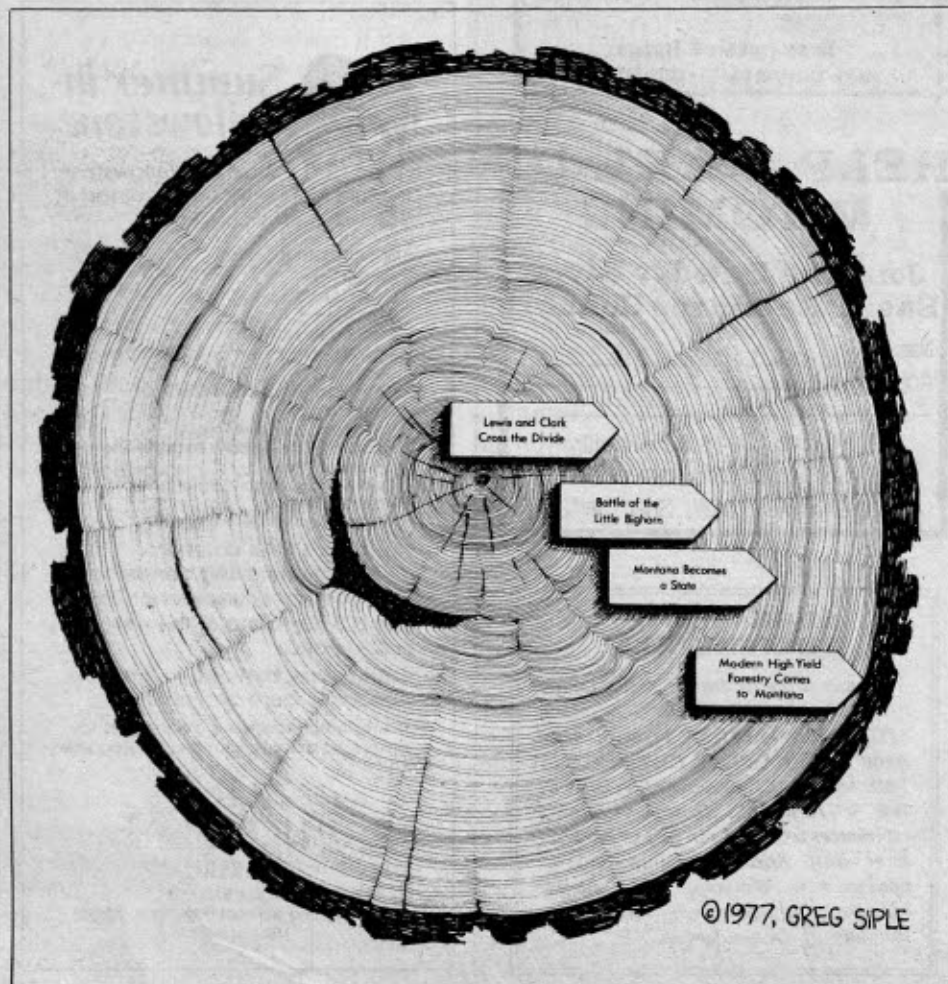
The mining industry, in particular, initially made a concerted effort to avoid the jurisdiction of the siting council. Since jurisdiction over mining projects derives from the construction cost of the project, the initial years of the council were spent in several complex and controversial proceedings revolving around construction costs. After several trying years, the council established through regulation and precedent that most major mining facilities are covered by the industrial siting act.

This lack of jurisdiction over certain facilities has been most evident recently in southwestern Wyoming, where oil and gas development has caused significant socioeconomic impact. All of this activity has been exempt from the siting jurisdiction.

Nevertheless, the siting process has generally worked well. Affected communities have been better able to plan for and accommodate growth. Participating companies have experienced better productivity from their workforce. The best example has been the impact mitigation in the case of the Laramie River power plant in Wheatland (see story on page 1 of this issue.)

Although we still have much to learn, the experience to date indicates that the Rock Springs-type of problems of the early 1970s can be avoided.

Richard Moore is the director of the Wyoming Industrial Siting Administration.



Eroding the wilderness debate

The world of wilderness politics is one in which emotions run high. No one ever seems to be satisfied with any of the proposals. "Rock and ice," cry the wilderness crazies. "Resource lock-up," replies the use-it-and-bruise-it coalition. Rocky Mountain elected officials face the issue directly only under duress. Scarcely anyone wants to be subjected to the kind of invective that usually accompanies a wilderness "debate."

Consequently, wilderness arguments are fertile ground for compromises. Politicians will listen to almost any proposal that will spare them the no-win position of a full-blown, emotionally-charged wilderness brouhaha.

So it is in the current battle over the Wyoming wilderness bill proposed in Congress by the state's three-man Republican delegation. No sooner had the controversial bill been introduced to the public than compromises were being offered.

The compromises offered usually tend to blur the issue of "wilderness" or "not wilderness." Wyoming's compromises are no exception. It's as though the sponsors say to one group, "We'll give you what you want," while slyly winking at the other interest group with a knowing, "but we won't really" sort of a look.

These approaches are known as "wilderness alternatives." In Wyoming's case, these alternatives have been offered by Republican State Sen. John Turner and Democratic Gov. Ed Herschler.

Turner is proposing the Wyoming Roadless Resource Areas. The WRRRA would stop short of wilderness designation, but would require they be administered "to maintain and enhance scenic and watershed values, wildlife resources and dispersed recreation."

The designation would also allow timber cutting and snowmobiling, as well as the construction of some roads. Mineral development would not be allowed after January 1, 1984.

Herschler's plan calls for "Special Oil and Gas Management Areas" for some proposed wildernesses. According to testimony delivered by gubernatorial aide Richard Hartman, "Specific management guidelines and directives for these areas should insure that natural values are protected to the fullest extent practicable while allowing for the possible development of commercial oil and gas reserves."

Well-intentioned though these proposals may be, they are bad ideas. On a philosophical level, they do not address the question of preservation of wilderness. It is becoming repetitious and mundane to say so, but pristine land in this country is in shorter supply than timber or oil and gas. Everyone, politicians not excepted, should

face that fact and judge the issue on its merits. The results will undoubtedly be unpleasant for one group or another, but at least everyone will have a basis upon which to judge the priorities of the politicians themselves and, more importantly, of the nation as a whole.

Beyond that, these designations will not offer the protections that they advertise. Both alternatives would allow the construction of roads, though not necessarily for use by the general public. However, exactly who would prevent the general public from using them is not clear. Federal land management agencies are already hard-pressed to police their acreage and it is unlikely the federal government is going to hand over any additional dollars for road patrols in this era of "fiscal responsibility."

The dangers of putting roads in previously roadless areas — especially in areas that are experiencing intense population pressures, like Wyoming now is — are well documented. Increased pressure from licensed hunters, poaching, erosion, off-road vehicle use and a host of other problems are all but unavoidable. And these problems are simply from the introduction of roads. The alternatives don't address additional problems attendant to industrial development in these areas.

Finally, the protections proposed by the alternatives already exist, in theory at least, in the forest planning process. Despite what the timber and mining industries say, "multiple use" does not mean the country has to cut and gouge on every square foot of public land. If it is determined that scenic, wildlife, watershed and dispersed recreation are the best uses of an area, multiple use planning allows those areas to be put to that use.

Furthermore, despite the sacrosanct homilies with which industrial users surround the multiple use debate, most of the lands that industry uses are put to a *single* use — timber, mining or whatever. For all of the slings and arrows hurled at wilderness designations, the case can be made that more multiple uses occur in a wilderness than on a number of other public lands. Wilderness provides recreation, wildlife habitat, watershed, grazing and other benefits. It is hard to pinpoint any "multiple uses" of a coal lease except the coal that comes out of it.

In any case, the "wilderness alternatives" simply muddy an already difficult issue. We would urge the Wyoming delegation to reject them and judge each area on its merits as a wilderness. We would note additionally that we'd rather see more than less wilderness, but it should be wilderness, not special management areas.

— DSW

LETTERS

ISN'T NECESSARILY SO

Dear HCN,

I'd like to offer several comments on the forestry articles (HCN, 4/30/82).

First, Wolf states that seed tree, shelterwood and overstory cutting are far more expensive than clearcutting. This isn't necessarily so. It depends on how you look at it. I suggest a better way would be to compare the total actual costs of establishing a new stand of trees. For example, the total costs of clearcutting, site preparation and tree planting could be higher than a shelterwood harvest that relies on natural regeneration. Also, poor regeneration results on some clearcuts has reduced the amount of timber harvested, thus its indiscriminate use has been costly in terms of reduced harvests.

Second, he said that more water can be produced through timber management. This isn't necessarily so, either. Research at the Rocky Mountain Forest and Range Experiment Station in Ft. Collins, Colorado, concluded that snow in the harvested portion of a stand melts sooner in the spring, but there is little or no significant increase in the total volume of water produced.

And third, both Wolf's and Kahn's articles caution against the upcoming push of the Reagan administration to increase the timber harvest. Over the last 15 years, the long term demand for timber has risen very little because of cyclical recessions. As I recall, President Nixon proposed the same thing but a recession cut down his grandiose timber plan.

I wonder why we don't consider it an inefficient use of our tax dollars for politicians to want to use more of our tax dollars to put up more timber sales in which we (the government) will most likely receive lower prices per unit of timber sold because they think their plans are immune to our cyclical recessions. If government foresters wanted to increase their productivity, they would figure out a way to sell more timber and bring in more revenues using their present budgets.

Bart Trucano
Evanston, Wyoming

SKIRTING THE ISSUE

Dear HCN,

You are publishing more articles and news briefs from the Southwest and even California, which I'm glad to see if only for the satisfaction of reading about someplace I've been to. But since you are extending your reporting geographically, and your readers are spread out all over the country, I'd like to suggest that you take another look at two guest editorials and one letter that pointed out some problems in what I always thought was the rarely expressed other half of your existence — public participation — because the overall impression left from those three opinions isn't encouraging.

It seems that either the public doesn't supply the right kind of comment (HCN, 3/19/82), or the comments are too late except for the few aware of proposals before the environmental assessment stage (HCN, 4/16/82), or the public contact is of the wrong type or, in the case of the Oakley editorial (HCN, 4/16/82), any participation is rated according to the distance between place of residence and the locus of contention with a slight nod to an appropriate profession. Okay, maybe something is really wrong with the system in practice, but, in stark contrast to the above, each of your issues has a Bulletin Board with timely notices, names and addresses for further inquiry, comments about places usually rather remote and procedures with which few of us readers have had any varying degree of involvement.

If the system is as flawed or as misunderstood as the three writers would have it, HCN could do its environmentally-inclined readers a big favor by offering some research or independent opinions into why. Even a couple of other opinions from the receiving end, the land managers and assorted government officials, could be helpful. I realize that any kind of activism and speaking out is a matter of private conscience, but in the public sphere the ideal is to do so as effectively as possible, especially if the comments are based on experience more of a personal nature.

From the three guest opinions, it seems that the form and presentation of any public input must have a relationship to their content similar to that of a

proposed mine to the shape of a mountain. But, some ecological perspective on the information — some sense of it all being important sooner or later — has been lost.

I have always had the feeling that the kind of information you publish demands, or at least strongly suggests, a different relationship from yourselves as editors and from us as readers than that which exists with other types of newspapers. I am extremely curious as to what you would publish or say yourselves about the problems brought up by the three guest opinions mentioned above. If you are skeptical of the public participation process, please let your readers know why in greater detail.

Frankly, not investigating this further begs the question of why you publish what you do — promoting a greater self-awareness at a local level of what is at stake in the resource developments sprouting all around your five states like mushrooms after a rain, and following this awareness in whatever action is possible. I've noticed, though, that what you do write about is presented in an increasingly abbreviated or stylish way, to the point of lyricism. The stylishness is very enjoyable, but I would hate to have to read it as acknowledgement that what appears in your paper is only so much entertainment, that any involvement left to the reader is to separate the artifice of the style from the subject reported, because it is only rarely evident or articulated how the events you report actually affect the lifestyle of your readers.

This is not a criticism of HCN, just the situation as it is. This can be said of any newspaper or magazine, but I find your case more important and disturbing, especially when I sense in many of the more lyrical pieces something that goes beyond skepticism, or cynicism — almost an attitude of hopelessness that just about transforms each piece into an elegy. This is a frame of mind that is part and parcel of the type of development and industrialization creating so much impact in your area (and now elsewhere), which explains to me the frequent laments on the dryness and lack of effusive lyricism on the part of the EA/EIS documents; it has zero practical value in dealing with anything, in any kind of counteraction. I reiterate that

after all your years of environmental reporting and resultant contacts, you — HCN — should be in a good position to investigate and divulge what can be done, through the NEPA system, or elsewhere. Those three guest opinions skirt over a linchpin of the environmental movement which deserves better treatment, I think.

Jacqueline Wolff
Hollywood, California

GREAT COYOTES!

Dear HCN,

Chip Rawlins' article on coyotes (HCN, 5/14/82) is great! It ticks off very clearly what anti-poisoners have been saying until blue in the face.

It is not surprising that our district's ex-representative Nick Theos continues to advocate his old stance.

The worry is, that with redistricting, the voting area with Theos' mentality may override the influence of Pitkin County (Aspen) which was decisive in his defeat.

Georgie Leighton
Aspen, Colorado



BUFFALOED

Dear HCN,

You stated that Yellowstone National Park is the *only* place in the U.S. where a wild buffalo herd survives (HCN, 4/30/82). The Henry Mountains in southern Utah is the home of a free roaming herd also.

D. Sakamoto
Blanding, Utah

OUTSTANDING

Dear HCN,

You guys are outstanding every issue. I only wish HCN was more widely read and understood. Keep up the good work!

The "opinion" essay on environmentalism (HCN, 5/14/82) is exceptional, a real pleasure for a "fellow traveller" to read.

John Borstelmann
Driggs, Idaho

16-High Country News — May 28, 1982

Farm Loan Board**Wyoming's troubled ranch subsidies**

by Dan Whipple

Wyoming's low-interest farm loan program is in trouble on two fronts. A recent court decision in Oklahoma has called into question the constitutionality of the entire program and the Farm Loan Board is facing rising delinquencies on loans for irrigation equipment for which the state apparently holds inadequate security.

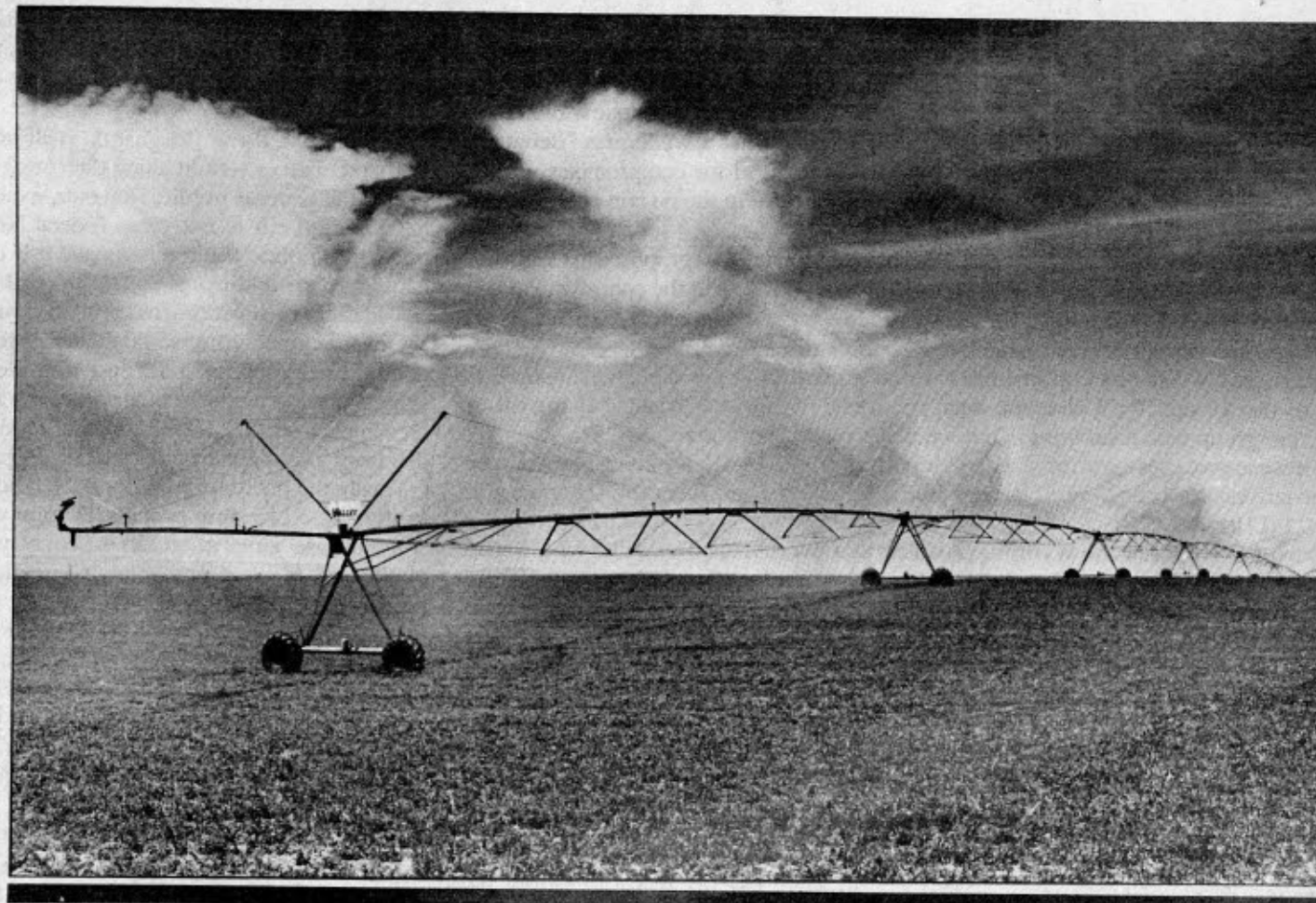
The Wyoming farm loan program was established in 1921 as a method of providing low interest loans to farmers and ranchers in the state. The loans are designated to active farmers and ranchers to buy land and for capital improvements to keep them in business and help improve their property. Interest rates on these loans are quite low, ranging from four percent when the program was first established to the current level of eight percent. Commercial banks are presently charging about 17.5 percent on loans for similar purposes.

The irrigation loan program was established in 1955 to provide low interest loans for development of irrigation on farm and range land. Interest rates for irrigation loans are even lower than those for farm loans, ranging from 1.5 percent at the start of the program to the current six percent levels.

These two programs have a statutory allotment of \$140 million — \$80 million for farm loans and \$60 million for irrigation loans. This amount, along with an additional \$100 million lent for other purposes, including \$70 million to local governmental units in joint power loans, make the Farm Loan Board effectively the state's largest bank.

The money for the farm and irrigation loans is taken from the state permanent land funds. This is a fund established by federal mandate in the enabling act that admitted Wyoming to the union in 1890. The proceeds from the loans are designated for the permanent school trust fund to provide money to operate the state's public schools.

The school fund presents the board with its first problem. The state of Oklahoma had a farm loan program that was



Mike McClure

The delinquency rate on state irrigation loans is currently about twice as high as a commercial bank would allow.

virtually identical to Wyoming's. The Oklahoma state Supreme Court held in a February 1982 decision that this agricultural subsidy violates the state constitution and statehood enabling act.

The court ruled, "A state may not use school land trust assets to subsidize farming and ranching..." In addition, said the court, "No act of the legislature can validly alter, modify or diminish the state's duty as trustee of the school land trust to administer it in a manner most beneficial to the trust estate and in a

manner which obtains the maximum benefit in return from the use of trust property or the loan of trust funds."

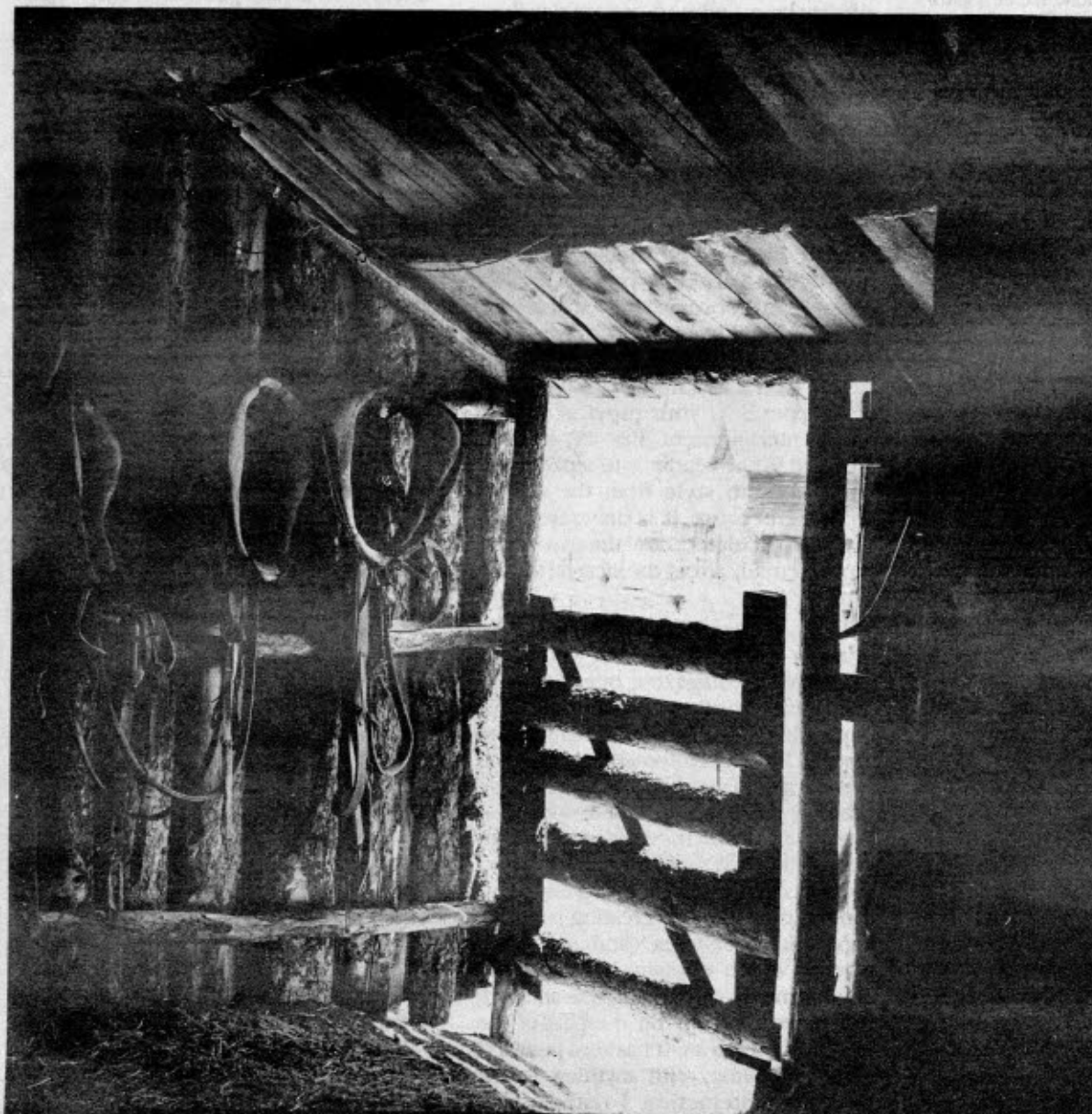
Wyoming's enabling act is similar to Oklahoma's, as are the purposes and procedures of the farm loan program. According to State Land Commissioner Oscar Swan, who administers the farm loan program, "The similarities are too obvious to ignore."

However, Swan said, "I have to carry out the legislative directive as

expressed in the statute. It is not up to me to tell the legislature that something is unconstitutional.

"I sent copies of the decision to the chairmen of the appropriate committees during the last legislature. The current program is inviting some sort of challenge. But, there are some things that could be done. There was a bill to raise the interest rate on the loans above the current eight percent level. Most of the legislators seemed to support it, but

(continued on page 12)



Lynne Bama

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