

WESTERN
STATES
COALITION

Western States Conference

February 13, 1978

Spokane, Washington

- 8:30 A.M. I. Call to Order - Robert Dilger, President, WETA-Washington
- II. Introductions
- 8:45 A.M. III. Why We're Here - Paula Easley, Executive Director, OMAR
- 8:55 A.M. IV. Round Robin Discussion
- A. Your organization - description.
- B. Issues of greatest concern.
- C. What do you envision as the role, scope, etc., of a Western States Conference?
- 10:30 A.M. V. Break
- 10:45 A.M. VI. Call to Order - Bob Fleming, President, OMAR
- VII. A Proposed Structure - Chuck Keenan, Executive Director, WETA-Washington
- 11:05 A.M. VIII. Workshops
- A Goals
- B A. Structure - Chairman, James Cook
- D B. Issues - Chairman, Guy Stringham
- C. Composition (Membership) - Chairman, Kent Lamberson
- 12:30 P.M. IX. Lunch - You're On Your Own
- 1:30 P.M. X. Reconvene Workshops
- 2:30 P.M. XI. Call To Order - Joe Crosswhite, President, WETA-Montana
- XII. Report - Workshop Proposals
- Discussion and motions to accept proposals.
- 3:30 P.M. XIII. Break
- 3:40 P.M. XIV. Call to Order - Roger Blades, President, WETA-Idaho
- A. Assign Chairmen for:
1. Bylaws
2. Membership
3. Issue Development
4. Communications
5. Structure
6. Etc.
- B. Next Meeting - March 20th, ^{Reno} ~~Las Vegas~~
- 4:45 P.M. XV. Adjourn

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REGULATORY & LEGISLATIVE REVIEW

CALIFORNIA BUSINESS PROPERTIES ASSOCIATION



WESTERN CONFERENCE

RENO

March 20, 1978

Recent Federal Register Announcements

Attached is a listing of selected federal announcements appearing in the Federal Register during the past three months.

Although this selection was originally compiled to reflect the special interests of California Business Properties Association members, attendees at the Western Conference in Reno will find many of these issues of immediate importance to their own association's interests.

Topics

Air, Clean Air, Air Pollution
Public Lands
Farmlands
Coastal Management
Water
Solid Waste
National Pollutant Discharge Elimination System
Pollution Control
Environmental Impact
Presidential Environmental Reorganization
National Environmental Policy Act
Energy Conservation
Federal Land Policy
Flood Plain Management
Rural Development

CBPA

A periodic service reviewing recent and pending regulatory and legislative action of special interest to members of CALIFORNIA BUSINESS PROPERTIES ASSOCIATION: the developers, builders, financiers, commercial property owners, real estate agents, major retailers, and professional service corporations based in California, but operating nationwide - engaged in creating redevelopment projects, public and private buildings and commercial, industrial, recreational and shopping centers.

FEDERAL REGISTER ANNOUNCEMENTS

Following are references to recent Federal Register Announcements of particular interest to CBPA members:

AIR POLLUTION

EPA issues notice on review of prevention of significant air quality deterioration permit applications. Fed'l Reg. Wed. March 8, '78. Page 9529.

AIR POLLUTION

EPA sets forth attainment status of States in relation to national ambient air quality standards. Fed'l Reg. Fri. March 3, '78. Page 8962.

CLEAN AIR ACT

EPA announces workshop meetings on 2-17, 3-17, 4-14, and 5-12-78 to discuss development of a regulation to provide for consistent implementation by the various regional offices. Fed'l Reg. Mon. Feb. 6, '78. Page 4872.

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND ENGINES

EPA clarifies and changes its Selective Enforcement Auditing regulations and revises the vehicle exhaust emission test procedures for 1978 and later model years; effective 2-2-78 (Part 11 of this issue) (2 documents). Fed'l Reg. Thurs. Feb. 2, '78. Pages 4552,4553.

AIR QUALITY DETERIORATION

EPA extends comment period to 1-31-78 on proposal and conference. Fed'l Reg. Fri. Dec. 23, '78 Page 64427.

AIR POLLUTION

EPA designates three methods for measuring concentrations of NO₂ in the air. Fed'l Reg. Wed. Dec. 14, '77. Page 62970.

EPA proposes requirements for the implementation of the national ambient air quality standards for lead, and schedules a public hearing for 1-17-78; comments by 2-17-78 (Part V of this issue) (2 documents). Fed'l Reg. Wed. Dec. 14, '77.

AIR PROGRAMS

EPA modifies proposed regulations for prevention of significant air quality deterioration and announces hearing date of 1-9-78. Fed'l Reg. Thurs. Dec. 8, '77. Page 62020

RECREATION ON PUBLIC LANDS

Interior/BLM establishes permit and fee system; effective 3-27-77 (Part 111 of this issue). Fed'l Reg. Fri. Feb. 24, '78. Page 7868.

AIR POLLUTION

Interior/NPS issues notice of final identification of Mandatory Class 1 Federal areas where visibility is an important value and responds to public comments on preliminary findings of task force. Fed'l Reg. Fri. Feb. 24, '78. Page 7721.

IMPORTANT FARMLANDS INVENTORY

USDA/SCS prescribes general guidelines for a national program of inventorying prime and unique farmland; effective 1-31-78. Fed'l Reg. Tues. Jan. 31, '78. Page 4030.

WATERSHED PROJECTS

USDA/SCS adds procedures to deauthorize projects which have been dormant for eight years; effective 2-7-78. Fed'l Reg. Tues. Jan. 31, '78. Page 4029.

COASTAL ZONE MANAGEMENT

Commerce/NOAA publishes interim final regulations on development and approval of programs; effective 4-1-78 (Part 11 of this issue). Fed'l Reg. Wed. March 1, '78. Page 8373.

WATER MANAGEMENT

USDA/SCS issues final guidelines for use of channel modification; effective 3-1-78. Fed'l Reg. Wed. March 1, '78. Page 8252.

SOLID WASTE MANAGEMENT

EPA issues interim guidelines for public participation; comments by 12-13-78 (Part 111 of this issue). Fed'l Reg. Thurs. Jan. 12, '78. Page 1902.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

EPA proposes revision of regulation; comments by 2-6-78 (Part IV of this issue). Fed'l Reg. Fri. Jan. 6, '78. Page 1256.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

EPA proposes regulations which would indicate that the amounts of pollutants in any existing discharge would be incorporated as NPDES permit limitations unless otherwise modified in the permit. Fed'l Reg. Fri. Dec. 30, '77. Page 65209.

POLLUTION CONTROL FACILITIES

EPA revises certification regulations to conform to internal Revenue Code provisions; effective 1-9-78. Fed'l Reg. Mon. Jan. 9, '78. Page 1339.

ENVIRONMENTAL IMPACT

CEO issues memorandum to Heads of all Agencies on interim guidance to Federal agencies on referrals to the Council of proposed Federal actions found to be environmentally unsatisfactory. Fed'l Reg. Thurs. Dec. 1, '77. Page 61066

PRESIDENT'S REORGANIZATION PROJECT

OMB solicits comments by 1-14-78 on reorganization study of natural resources and environmental functions. Fed'l Reg. Mon. Dec. 19, '77. Page 63665.

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

USDA/FS requests comments by 12-29-77 on revised implementation guidelines. Fed'l Reg. Tues. Nov. 29, '77. Page 60769.

EMERGENCY ENERGY CONSERVATION PROGRAM

CSA proposes substantive changes to its policy statement; comments by 12-27-77 (Part V of this issue). Fed'l Reg. Fri. Nov. 25, '77. Page 60432.

CENTRAL AIR CONDITIONERS

DOE prescribes final energy conservation test procedures; effective 1-1-78. Fed'l Reg. Fri. Nov. 25, '77. Page 60150.

FEDERAL LAND POLICY AND MANAGEMENT

USDA/FS implements the National Forest townsite provisions in eleven Western States and Alaska; effective 2-10-78. Fed'l Reg. Fri. Feb. 10, '78. Page 5821.

FLOOD PLAIN MANAGEMENT

Water Resources Council issues implementation guidelines (Part VI of this issue). Fed'l Reg. Fri. Feb. 10, '78. Page 6030.

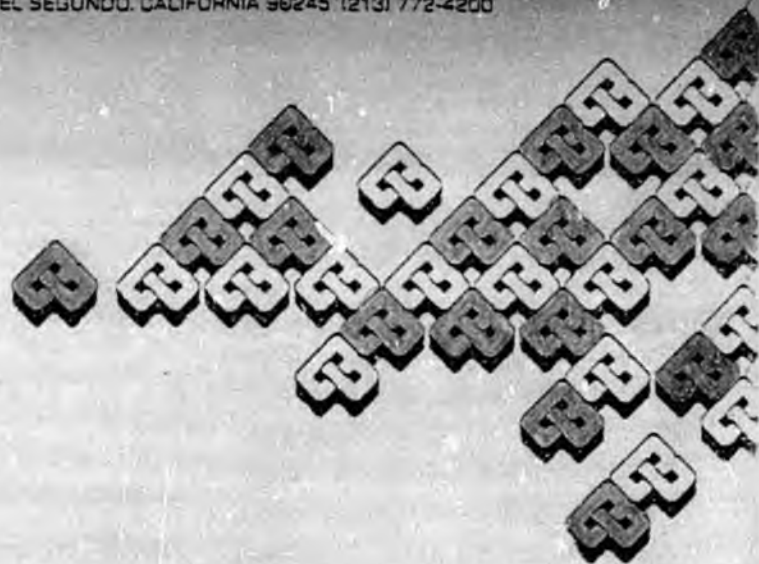
RURAL DEVELOPMENT

USDA/FmHA proposes regulations on Area Development Assistance Grants for comprehensive planning; comments by 3-10-78 (Part 111 of this issue). Fed'l Reg. Wed. Feb. 8, '78. Page 5488.

STATE WATER STANDARDS

EPA issues interim rule on State authority to assess penalties for violation; effective 2-8-78. Fed'l Reg. Wed. Feb. 8, '78. Page 5372.

EPA proposes amendment to State Public Water System Supervision Program Grant regulations; comments by 4-10-78. Fed'l Reg. Wed. Feb. 8, '78. Page 5390.



ISSUE STATUS

Western Conference

Reno

March 20, 1978

As an aid in determining the evolving status of on-going issues that affect attendees to the Western Conference, Reno, attached is a culling of selected news articles that have appeared in the Environmental Reporter during the past three months.

We hope you find this information of service in alerting you to issues of particular importance to your association's membership.

James A. Cook

HOUSE RULES COMMITTEE CLEARS OCS BILL FOR FLOOR ACTION AFTER MONTHS OF DELAY

The House of Representatives is expected to vote soon on the outer continental shelf bill (HR 1614).

Action on the bill had been delayed for several months because of an October 25 decision by the Rules Committee to defer action on the OCS measure until 1978. The committee January 23 cleared the way for a vote by the House.

Despite support from the Carter Administration and House Speaker Thomas P. O'Neill (D-Mass) for early action on HR 1614, the committee had voted 10-to-5 in October to shelve the bill.

The committee action to defer the measure followed intense lobbying efforts by the oil industry, which says the measure would slow development of offshore oil and gas.

The Senate passed an OCS bill (S 9) by an overwhelming margin of 60 to 19 on July 15. The House Select Committee on the OCS approved a measure July 27 and sent it to the full House for consideration.

Proposed changes contained in HR 1614 would be the first revision to statutes pertaining to federal oil leases on the outer continental shelf in nearly 25 years. In addition to the President and O'Neill, the measure is supported by environmentalists and most coastal states.

Sponsored by Congressman John Murphy (D-NY), chairman of the House Ad Hoc Select OCS Committee, HR 1614 would require the Interior Secretary to prepare an offshore leasing program covering the next five years. States and local governments would have a voice in the plan. Bids for at least half the leases would have to use some alternative to the long time system of bonus bids, which favors companies that have large amount of front-end capital.

Backers of HR 1614 say prompt action is needed because of a scheduled January 31 sale of oil and gas tracts off the New England coast.

Two Rules Committee members who previously had voted against the bill reversed their votes. Congressmen B.F. Sisk (D-Calif) and Morgan Murphy (D-Ill) provided the necessary margin to get the measure to the House floor.

Sisk said he still has doubts about the bill. But he said he feels the measure should go to the floor for full consideration.

Congressman John Young (D-Tex), an opponent of the bill, said HR 1614 "will not raise one Btu of energy. It is designed strictly as an environmental-type bill that will thwart the effort to produce oil and gas off the New England and Eastern Seaboard."

Two congressmen are expected to offer substitutes to HR 1614 when the bill reaches the floor.

Breaux Substitute

A substitute to be offered by Congressman John B. Breaux (D-La) would allow the Interior Secretary to use his discretion in requiring experimental bidding systems on OCS leases.

The Breaux substitute would prohibit the Secretary from using the experimental bidding systems on more than 50 percent of the leases.

Breaux has said that requiring the Secretary to use experimental bidding systems would cost the Federal Government \$375 million in lost revenue.

The experimental bidding system would lead to federal involvement in development and exploration of the OCS, Breaux has said, and thus create more bureaucracy. "I don't think we need the Federal Government participating in the process," according to Breaux.

The Breaux substitute would authorize the Secretary to conduct geological and geophysical explorations on the OCS and to contract for oil and gas explorations. HR 1614, however, would prohibit the Secretary from taking such action.

Minority Substitute

A minority substitute, to be offered by Congressman Hamilton Fish, Jr. (R-NY), would require Interior to use alternative bidding systems on at least 10 percent of the OCS leases. The Secretary, however, would be prevented from using experimental bidding on more than 30 percent of the leases.

National Environmental Policy Act provisions in HR 1614 would be left intact, and the Fish substitute would require drilling operations to use the best and safest technology to protect the environment.

The Fish substitute would delete any reference to an oil spill pollution fund because this issue will be taken up by the House Merchant Marine Committee in a measure (HR 6803) pending before the committee.

By eliminating this provision and other "useless verbiage," the Fish substitute would cut HR 1614 in half, according to a minority aide to the OCS committee.

The Fish substitute also would eliminate Section 31 from HR 1614. Section 31 deals with documentation, registry, and manning requirements for vessels and structures. The section would require use of domestic or permanent resident alien crews on vessels, vehicles, or structures conducting OCS activities.

California

AIR BOARD ADOPTS MODEL RULE TO REDUCE LIGHTERING EMISSIONS

The California Air Resources Board has approved a model rule to control hydrocarbon and sulfur oxide emissions from petroleum lightering operations and ordered all 11 California coastal air pollution control districts to adopt either the model or similar regulations.

The board has given the districts until March 8, with possible time extensions, to adopt lightering rules based on the model. If the districts do not adopt similar rules by that date, the board will establish lightering rules for the districts. If the board succeeds in enforcing these controls, it could be a national precedent.

Lightering is a procedure in which petroleum-carrying supertankers, too large to enter California ports, are unloaded by smaller vessels that travel between the supertankers and the refinery ports. The process, which transfers large amounts of oil from one vessel's cargo tanks to another, pushes out gas fumes accumulated inside the cargo holds from previous trips.

The air board says these emissions are a major source of air pollution in Southern California. The board estimates that 16,400 pounds per day of hydrocarbon gases, with a potential daily maximum of 71,300 pounds, are released in the air from petroleum lightering operations.

In addition, combustion from the ship engines also contributes significant amounts of pollutants, the board says. It estimates that 22,500 pounds per day of sulfur oxides, 3,000 pounds per day of nitrogen oxides, and 1,000 pounds per day of particulates are released from ship engine combustion.

At present, Chevron USA, Shell Oil Company, and Coastal States Corporation conduct California's largest lightering operations, with approximately nine supertankers unloading per month off the coast of San Clemente Island.

Model Rule

The model rule is one of the first attempts by the state to regulate air pollution from sources outside its territorial boundaries and the first to apply to all ships.

The model rule requires that hydrocarbon emissions during loading of each 1,000 gallons of organic liquids be reduced 80 percent by March 1, 1978, and 95 percent by 1980. This reduction can be achieved by:

- ▶ Requiring the tank owner or operator to wash the holding tanks so the organic vapors do not exceed 0.5 percent by volume immediately before lightering into tanks, and short-loading a lighter so the organic liquid in the tank is at least 10 feet below deck level; or

- ▶ Using alternative emission control practices or equipment, such as mechanical vapor recovery systems.

Emissions of sulfur compounds would be reduced by requiring lighters to burn fuel with a sulfur content of no more than 0.5 percent by weight while in California waters.

The model rule would require final compliance by July 1, 1980.

Coast Guard Expresses Concern

The U.S. Coast Guard has expressed several concerns over the model rule. It says aspects needing more consideration include:

- ▶ Potential safety risks, i.e., increased risk of explosions, oil spills from washing the tanks, reduced ship stability, and adverse structural effects from installation of mechanical vapor recovery systems;

- ▶ The need or justification for such a rule; and,

- ▶ Whether the state can exert jurisdiction over such a rule.

The Coast Guard is responsible for certifying the safety of any pollution devices used by seagoing vessels. A Coast Guard official told Environment Reporter that although the rule is meant to be technology-forcing, no approved mechanical vapor recovery systems now exist for ships. Coast Guard officials estimate that development of an acceptable system could take from three to five years.

Coast Guard and oil industry officials also contend that the state's attempt to regulate in the lightering zone — 65 miles at sea — violates the U.S. Constitution and international agreements.

"Restrictions in the recognized right of freedom of navigation should not be imposed lightly for they carry international in addition to state and national implications," said Coast Guard Commander Jonathan Ide of the 11th Coast Guard District in Long Beach.

Because of the Coast Guard's concerns over the model rule, the California agency is considering making "minor" changes to the rule, an Air Board spokesman told Environment Reporter January 23.

He said that although none of the districts has adopted lightering rules yet, they are now in the process of doing so.

The Air Resources Board plans to meet February 23 to discuss the progress of the coastal districts in adopting lightering rules.

The board says, "It is critical to the oil transportation industry that lightering rules which are consistent be adopted throughout the state."

Board officials say the rule was adopted in an atmosphere of legal uncertainty, and they say the issue eventually may be settled in the courts.

Coal

UDALL REJECTS REQUEST FOR EXTENSION OF STRIP MINING REGULATIONS DEADLINES

Congressman Morris Udall (D-Ariz) says he will not ask Congress to extend the February 4 and May 4 deadlines for compliance with interim surface mining regulations despite pleas from coal industry and state reclamation officials for an extension.

State and coal industry officials said at oversight hearings held by the House Subcommittee on Energy and the Environment January 19 and 20 that they do not have enough time to comply with the interim program of the Surface Mining Control and Reclamation Act of 1977.

Walter Heine, director of the Interior Department's Office of Surface Mining, and environmentalists urged Udall to reject the extension request. Their input was a crucial factor in Udall's decision to let the issue drop.

"I thought they would all be able to agree to extend compliance deadlines for 90 days," Subcommittee Chairman Udall said January 24. "But the environmentalists were opposed to it, and it would have taken at least 90 days to pass legislation. I'm not going to go after an extension."

State reclamation officials said the lack of federal grants accounts for the states' inability to carry out the interim regulations.

The Office of Surface Mining's fiscal 1978 budget request still is tied up in Congress, making it impossible for federal officials to disburse funds to the states.

Heine said extending the compliance deadlines would create additional confusion, and he said such action assumes that federal officials will be inflexible in applying and enforcing the Act's provisions.

Industry, Environmentalist Differences

Coal industry officials gave the following reasons for their extension request:

- ▶ Their inability to comply with the regulations because of a lack of federal technical assistance, bad weather, strikes, and the delay in promulgation of the regulations;

- ▶ The inability of federal regulators to enforce the interim program because of the personnel shortage resulting from the lack of a congressionally approved budget.

The Surface Mining Act requires operators of new surface mines to comply with an interim program by February 4, and operators of existing mines must bring their facilities into compliance by May 4. Small operators have until January 1, 1979, to meet the provisions of the interim program.

Karl Englund, director of the Environmental Policy Institute's citizen coal project, said: "Anyone opening a new mine after February 4 has known since August 4 that his operation would have to meet the limited requirements of the interim program on February 4."

Englund said "there is no rational reason why an operator opening a mine on February 5 would want to construct haul roads, sediment ponds, and valley fills in a manner that would violate the standards with which he must comply in 90 days."

The industry's second argument — the lack of personnel in the surface mining office — also does not justify extending compliance deadlines, Englund said.

Although the staff shortage will result in a lack of inspections "the Act assumes that operators will make a good faith attempt to comply with or without the existence of an inspector force," he said.

Operators still can request technical assistance from state regulators, Englund added. "Moreover, the Office of Surface Mining will be increasing its staff and field personnel in February and March," he said.

Likewise, Englund said that extending the May 4 deadline for operators of existing mines makes little sense. "Operators argue that weather and the strike have prevented them from working on their mines in order to bring them into compliance by May 4," Englund said. "We assume their concerns are with pre-existing or nonconforming structures, such as settling ponds and haul roads now in use which do not comply with surface mining regulations but which must comply by May 4, 1978."

Englund said the law provides for exemptions of such structures on a case-by-case basis. "There is no reason to allow those operators who can comply to be exempted, which is what an across-the-board delay would do," Englund said.

Further Industry Concerns

Industry officials also said the regulations issued by the Interior Department exceed the requirements of the Act.

Representatives of the National Coal Association and American Mining Congress said the regulations' prime farmland and blasting provisions establish "unrealistic performance standards."

Buddy Beach, manager of Consolidation Coal Company's environmental impact reports, criticized the rule requiring mine operators to design sedimentation ponds for drainage of mined areas.

"A pond of this size is not only environmentally disruptive," Beach said, "but in steep mountain areas it would require massive dams where no flat land is available."

Congressman James Santini (D-Nevada) attacked the surface mining office's promulgation of the regulations:

"I find it astonishing that the Office of Surface Mining finds it necessary to promulgate 400 pages of regulations," Santini said. "They should not be permitted to make industry and the states spin their wheels to achieve unreasonable goals."

Santini joined industry and state officials in calling for delay in the compliance date.

Land Use

ANDRUS PRESENTS ADMINISTRATION PLAN FOR ALASKA LANDS TO SENATE COMMITTEE

Secretary of the Interior Cecil D. Andrus January 19 presented the Carter Administration's plan to designate 92 million acres of federal lands in Alaska for parks, wildlife refuges, wild and scenic rivers, and national forests.

"Through enactment of our proposals, we can be certain that the crown jewels of Alaska — its most spectacular natural environments, recreation areas, and wildlife habitats — will remain intact for the benefit of our nation's citizens," Andrus told the Senate Committee on Energy and Natural Resources.

The committee is considering four bills — S 499, S1500, S1787, and S1546 — to designate 83.47 million acres, 114.7 million, acres 25.2 million acres, and Admiralty Island, respectively, as a unit of the National Park System.

The Administration's proposed amendment to include 92 million acres in the four systems is designed to protect whole watersheds and ecosystems, Andrus said, while also allowing resource exploration and development wherever possible.

Designated Wilderness Areas

The 92 million acres included in the Administration proposal would establish 10 new units and expand three existing units of national parks (41.7 million acres); nine new units and expand five units in wildlife refuges (45.1 million acres); add 33 rivers to wildlife and scenic rivers (2.3 million acres); and add 3 million acres to national forests.

In addition, the Administration proposes to create 43.3 million acres of "instant wilderness," mostly in areas already designated as national parks or wildlife refuges. One controversial wilderness designation would apply to the 8.9 million-acre Arctic Wildlife Refuge, which is rich in oil and gas reserves, but also is a haven for caribou, waterfowl, bears, seals, and other wildlife.

Andrus said the Administration plan would leave plenty of Alaska's 375 million acres open to development. The state would receive more than 103 million acres, much of which will be open to development, he said.

"The natives are receiving more than 44 million acres, some of which will be developed." An additional 100 million acres will remain outside the four systems to be available for mining, timber harvesting, hunting, fishing, and other uses for the benefit of Alaska and the U.S., Andrus said.

Energy Concerns Raised

Chairman Henry M. Jackson (D-Wash) of the Senate Committee on Energy and Natural Resources asked Andrus how much of the oil and gas reserves would be made inaccessible by the Administration's proposal.

In response, Andrus said there are 145 million acres of sedimentary oil and gas basins in Alaska, of which 105 million acres or 70 percent of these basins are not included in the proposal.

Andrus added that 1.8 million acres of proven high oil and gas reserves are included in the Arctic Wildlife Refuge, which has been proposed for wilderness designation. He said this area is very sensitive and fragile and "should be the last spot we extract." Many of these areas can be "given back to exposure for development," he added.

Senator Ted Stevens (R-Alaska) said he is quite disturbed about a briefing book distributed to agencies and assessing the mineral potential of the Alaskan lands. According to Stevens, the information did not appear to have been provided to the Office of Management and Budget and there appeared to be a lot of inaccuracies in the data.

Stevens said the total mineral assessment data should be made available, and he said Interior's briefing book should be corrected to reflect the true mineral potential in Alaska.

House Subcommittee Markup

While Andrus presented the Administration's plan to the Senate Committee on Energy and Natural Resources, the House Interior oversight and Alaska lands subcommittee began final consideration of a revised version of HR 39, which would set aside 102 million acres of Alaskan land for parks, wildlife refuges, wild and scenic rivers and national forests.

The original bill proposed to set aside 116 million acres in the four protection systems (Current Developments, September 23, 1977, p. 784).

Enforcement

CARTER ADMINISTRATION WEIGHS MEASURE TO BOLSTER FEDERAL FACILITY COMPLIANCE

The Carter Administration is considering a new executive order which, combined with the \$516 million requested for federal agency cleanup in the fiscal 1979 budget, would bolster federal compliance with environmental statutes, according to an Administration source.

No decision has been made to issue the order, the source told Environment Reporter January 25, but the current draft will undergo interagency review nonetheless once the Office of Management and Budget, which is developing the policy along with the Environmental Protection Agency, finishes work on it.

If issued, the order would replace Executive Order 11752 signed by then President Nixon in 1973. That order calls for compliance, but it does not promise the necessary cleanup funds (Environment Reporter — Federal Laws 71 0201). Federal facilities traditionally have cited insufficient funding as a key reason for their inability to comply with environmental requirements.

According to the Carter Administration source, the order under review "makes a very strong commitment that federal facilities are going to meet the requirements of the various environmental statutes, provides a mechanism so that sufficient funds are in the budget to meet the requirements, and where there's a difference between EPA and the agency" being regulated, provides "a mechanism for resolving it very fast."

EPA Deputy Administrator Barbara Blum, in kicking off the Administration's cleanup campaign against federal facilities, had said OMB had promised support for money to get the job done (Current Developments, October 28, 1977, p. 964; December 9, 1977, p. 1174). With that commitment, she said EPA would sue if necessary to get federal facilities to clean up.

OMB apparently made good its earlier commitment, approving a \$105 million increase in proposed budget authority for pollution control from federal facilities.

The new order would go a step further and establish a mechanism for providing funds beyond the \$516 million for pollution control, according to the Administration source.

He said OMB might look elsewhere in an agency's budget for additional funds to pay for more costly controls required by EPA or to handle increased cost estimates.

He said the process for resolving disputes over pollution control requirements would involve first a meeting between EPA and the regulated agency and then, if necessary, a negotiating session with OMB. Asked what would happen if there were further disagreement, he said "there won't be."

He said the order under consideration "recognizes EPA as the official agency overseeing the process and having the authority to bring noncompliance cases to the director of OMB immediately."

He described EPA's potential litigation against non-complying federal facilities as "an extremely last resort."

The draft order does not change any residual legal authority EPA has to sue federal facilities, he said, but "it's an extremely remote possibility that they'd use it, given the provision of funds."

SOUTHERN CALIFORNIA AIR DISTRICT OUTLINES CONDITIONS FOR SOHIO'S OIL TANKER FACILITIES

LOS ANGELES — (By an Environment Reporter staff correspondent) — Permit conditions including a trade-off policy for new source review of proposed supertanker facilities in the Port of Long Beach were approved by the South Coast Air Quality Management District January 17.

The facilities would be used for transporting oil from the Alyeska pipeline in Alaska to eastern markets.

The action marks the end of the first phase of hearings which began in July 1977. Phase two will begin once Sohio Transportation Company decides whether to accept the provisions and proceed with plans to build the two-berth, 500,000 barrel-per-day oil terminal.

During phase two, the company would present details of its trade-off proposals. Any final permit decision by the air quality district must be approved by the California Air Resources Board and the Environmental Protection Agency.

Under permit conditions approved January 17, the emissions chargeable to the Sohio project would be determined at two levels, the 97th percentile operational mode or the maximum operational level (MOL) and the total annual emissions. For sulfur oxides, the MOL would be 5,108 pounds per day and the total annual emissions would be 1.2 million pounds per year; for nitrogen oxides, 5,884 pounds per day and 1.3 million pounds per year; for particulate matter, 791 pounds per day and 200,000 pounds per year; and for organics, 1250 pounds per day and 310,000 pounds per year.

In explaining its recommendation prior to adoption, the technical committee said the Project Benefit Ratio is the total annual emissions reductions obtained through trade-offs divided by the total annual project emissions for each pollutant.

For example, for a Project Benefit Ratio of two, the required annual trade-offs would equal twice the annual project emissions. This would result in a net emissions reduction or benefit within the district equal to project emissions.

According to the technical committee, the safety factor will ensure that no degradation in air quality will occur during times of maximum operating levels by requiring daily trade-offs to exceed the 97th percentile emissions by a factor of 1.2 or greater. "For purposes of adding a safety factor, we define the MOL to be the maximum day of the month (97th percentile)," the committee said.

The Project Benefit Ratio for the Sohio project was set at two to one for sulfur oxides, nitrogen oxides, and particulate matter, and 7.2 to one for organics. The safety factor was set at 1.2 to one for all of the pollutants.

In approving the 7.2 to one ratio for organics, the local air board disregarded the advice of its staff and technical committee which had recommended five to one for organics. In approving the more stringent ratio, the board noted that it will apply to hydrocarbons, a major component of photochemical smog which presents the most serious health threat in Southern California.

Operating restrictions adopted by the air district would prohibit tankers visiting the SOHIO terminal from doing any of the following while in the coastal waters:

- ▶ Take ballast water into cargo tanks or perform any other ballasting operation that would result in the release of hydrocarbon vapors to the atmosphere;

- ▶ Purge, gas-free, or otherwise deliberately expell vapors from cargo tanks, except as necessary to operate the inert gas system, unless the permittees can demonstrate that there will be no emissions of hydrocarbon vapors as a result of the above activities;

- ▶ Burn bunker fuel having a sulfur content of more than 0.25 percent by weight.

- ▶ Transfer any portion of its cargo to any vessel, including a barge;

- ▶ Load cargo (not including the tanker's own bunker fuel and provisions and supplies);

- ▶ Open ullage hatches on cargo tanks except that gauging of tanks shall be in accordance with 46 C.F.R. Section 32.20-20 on tankers subject to that regulation;

- ▶ Set pressure vent valves on cargo tanks at a pressure differential of less than 1.5 pounds per square inch;

- ▶ Wash cargo tanks.

- ▶ Engage in maintenance, repair, or inspection of cargo tanks that could result in the escape of hydrocarbon vapors; and

- ▶ Engage in cargo unloading, internal transfers of oil, or bunkering until an oil spill boom has been properly deployed.

The local air board also voted that the maximum total capacity of tankers at berth for unloading at any one time will be limited to 330,000 dead weight tons.

The unloading rate could not exceed 240,000 barrels per hour, and the amount of crude oil unloaded in any one year could not exceed 182.5 million barrels per year.

At the suggestion of the technical committee, the board voted to postpone adoption of enforcement and monitoring provisions until phase two. The committee felt that the staff should work with EPA, the state, Sohio, and other interested parties and agencies to obtain "concurrence" in other necessary conditions so that one set of permit conditions would be issued.

Trade-off Candidates

In its brief dated January 6, the air district staff said that Sohio submitted a tentative listing of possible trade-off candidates, and the staff's preliminary analysis indicated that the following may qualify as viable trade-off candidates:

- ▶ Five-stage lime scrubber on Southern California Edison Alamitos power plant;

- ▶ Control of organic emissions from dry cleaners;

- ▶ Co-generation of electricity;

- ▶ Control of glass plant emissions;

- ▶ Control of NOx emissions from natural gas-fired stationary internal combustion engines; and

- ▶ Fuel switching.

Solid Waste

EPA ADOPTS POLICY INVOLVING PUBLIC IN DEVELOPING WASTE MANAGEMENT PROGRAMS

The Environmental Protection Agency January 12 (43 FR 1902) adopted interim guidelines (40 CFR 249) for public involvement in the development of solid waste management programs.

The guidelines apply to EPA offices, federal agencies carrying out provisions of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. They apply also to states and municipalities receiving federal funds under the Act, and they require:

- ▶ A summary report of public participation efforts conducted by EPA and states and municipalities receiving federal funds under the Act;

- ▶ Inclusion of a section on public participation in future regulations issued by EPA under the Act; and

- ▶ Inclusion of a public participation program in EPA grant regulations related to solid waste management grants.

Use of the guidelines is a condition of performance by states and local governments receiving federal money under the Act, EPA said. Failure to comply with the guidelines may subject recipients of federal funds and the EPA administrator to citizen lawsuits.

The Act requires the EPA administrator to maintain a central reference library housing information on nine key areas of solid waste management. Those materials are to be available to states, municipalities, and interested persons.

The EPA administrator also must disseminate information on solid and hazardous waste management and resource conservation.

EPA defines public participation as public meetings, workshops, and conferences, distribution of reference materials related to solid waste, and opportunity for individuals and groups to comment on regulations and guidelines prior to their promulgation.

Some comments submitted to EPA on the public participation guidelines had suggested full or partial reimbursement of costs for participation by individuals and groups.

Several individuals claimed that public participation in administrative proceedings carries a heavy financial burden. EPA officials agreed that a reimbursement program deserves serious consideration.

Others recommended that a set percentage of a solid waste management project's budget should be allocated and earmarked specifically for public participation.

EPA officials said determining the public participation needs of states and municipalities must be done on a case-by-case basis.

Comments on the guidelines may be submitted before February 14 to the deputy Assistant Administrator of Solid Waste, EPA, Washington, D.C. 20460.

Solid Waste

EPA'S SOLID WASTE MANAGEMENT PROGRAM COMES UNDER FIRE FROM STATE OFFICIALS

National Governors Association representatives January 19 criticized the Environmental Protection Agency's draft strategy for carrying out national solid waste management program.

Texas Health Department official Wally Osborne said the strategy represents a major shift in EPA positions on the Resource Conservation and Recovery Act of 1976.

"The draft fails to recognize individual state requirements," Osborne said (Current Developments, December 23, p. 1315). "It does away with state autonomy and clearly circumvents the intent of the Act."

Osborne and other state officials repeatedly said the key to a successful solid waste program is direct financial assistance to state, regional, and local governments.

The absence of funding in the Act was viewed as the greatest single impediment to progress in solid waste management efforts.

David J. Damiano, commissioner of Philadelphia's Department of Streets, told EPA officials: "Incentives to local governments to stimulate implementation of RCRA should take the form of direct financial assistance since our cities are financially unable to implement high capital cost resource recovery facilities."

Damiano called on federal officials to provide guidance and assistance in efforts to overcome public opposition to the national solid waste management program.

Damiano criticized EPA's emphasis on hazardous and toxic waste: "Turning to resource recovery or hazardous and toxic wastes before providing needed relief for the overall solid waste problem is a luxury we cannot afford."

The agency's draft strategy provided grants for conversion or construction of solid waste disposal facilities in rural communities with low populations and high levels of waste generation.

Damiano urged EPA to give priority to urban areas and called the rural emphasis "a mix-up of priorities. There is no valid reason for discrimination against cities in favor of rural communities," Damiano said.

EPA's draft strategy drew criticism also from industry representatives.

Arthur Handley, solid waste programs consultant for Malcolm Pirnie Inc., White Plains, N.Y., said the strategy delays resource recovery implementation by failing to acknowledge existing recovery technologies.

"The statement's failure to acknowledge that recovery implementation can take place now could decrease the momentum of many projects which are in the design stage and could deter others from proceeding," Handley said.

Thomas Conry, project coordinator of Technical Information Project, said EPA should provide hazardous waste recycling incentives.

Additionally, Conry recommended that EPA emphasize the following:

- ▶ Monitoring of hazardous waste composition, including analysis of selected wastes for their complete chemical composition.

- ▶ Public participation and education regarding hazardous wastes; and

- ▶ Establishment of adequate and convenient hazardous waste disposal facilities.

Air Pollution

EPA REVISES STRATEGY FOR ENFORCING DELAYED COMPLIANCE ORDER PROVISIONS

The Environmental Protection Agency January 16 revised its strategy for enforcing delayed compliance order provisions of the Clean Air Act Amendments of 1977.

The changes affect the federal role in granting or reviewing cleanup deadline extensions for stationary sources by:

- ▶ Subjecting federal issuance of delayed compliance orders (DCO's) and federal approval or disapproval of state-issued DCO's to informal rulemaking procedures of the Administrative Procedures Act;

- ▶ Limiting EPA approval or disapproval of state-issued DCO's to criteria in Section 113(d), thereby excluding a good faith test;

- ▶ Prohibiting EPA from disapproving state-issued DCO's on the basis that they fail to waive certain rights to seek judicial review.

The revisions are reflected in a January 16 memorandum to the regions from Marvin B. Durning, EPA assistant administrator for enforcement. The memorandum is published in the Full Text section of this issue.

It modifies the second version of the agency's enforcement strategy which, although draft, is current policy until the final version is issued (Current Developments, December 2, 1977, p. 1132). The final enforcement strategy is expected early in February.

'Additional Resource Burden'

The memorandum says the informal rulemaking requirements impose "an additional resource burden upon the EPA regional offices and EPA headquarters," and it promises detailed procedural guidance to reduce the impact.

In issuing a DCO, EPA is to use the Federal Register to give notice of the proposed order, solicit public comment, and provide opportunity for a public hearing.

EPA is to follow similar procedures in acting on state-issued DCO's, except that it is not required to provide an opportunity for a public hearing. The state is to have provided that opportunity earlier. Failure to do so is grounds for EPA disapproval of the order.

Approach to Recalcitrance

According to the memorandum, EPA will not issue DCO's to sources that have an egregious history of noncompliance and recalcitrance, have serious violations, and/or are likely candidates for civil or criminal penalties.

As a result of this approach, it says, "there will be no category of cases involving a federally issued DCO and a federal court action relating to the pre-DCO period."

EPA encourages states to follow a policy similar to its own but, the memorandum says, the agency cannot base approval or disapproval of state-issued DCO's on failure to follow suit. Criteria in Section 113(d) is to govern federal review.

However, the memorandum says, "a DCO does not insulate a source from initiation of an action to collect civil or criminal penalties for violations which occurred during periods in which the order was not in effect (i.e., the period of violation prior to the DCO period)."

It says EPA will pursue judicially imposed penalties for this period as well as for later noncompliance in cases where the state acted differently than EPA would have done, considering the source's recalcitrance and the seriousness of the violation.

Air Pollution

EPA ISSUES FURTHER GUIDANCE ON AMBIENT AIR STANDARDS ATTAINMENT

Six U.S. cities must be classified as photochemical oxidant nonattainment areas under the Clean Air Act because of their size, even though no data exist to support either an attainment or nonattainment designation, a January 3 memorandum to regional administrators of the Environmental Protection Agency says.

The memorandum, written by David G. Hawkins, EPA assistant administrator for air and waste management, is to "provide additional guidance on the attainment/nonattainment area designations relative to Section 107 of the Clean Air Act." The memorandum is published in the Full Text section of this issue.

Earlier Guidance

The January 3 memorandum does not differ substantially from earlier attainment/nonattainment guidance circulated by Hawkins on October 7, 1977 (Current Developments, October 14, 1977, p. 902). The October document said any urban areas over 200,000 in the U.S. should be presumed in violation of the ambient air quality standard for photochemical oxidants in the absence of data showing attainment.

According to the most recent Hawkins memo, at least six U.S. cities for which data are not available should be presumed in violation: Aurora-Elgin, Ill. (population 233,000); Fort Wayne, Ind. (population 226,000); Lansing, Mich. (population 230,000); Charleston, S.C. (population 228,000); and Columbus, Ga. (population 208,000).

Another 99 cities of more than 200,000 population have submitted oxidant data, Hawkins said. The Clean Air Act requires EPA to issue lists of attainment and nonattainment areas by February 3, 1978.

Populous Areas Top Priority

Although the attainment/nonattainment designation requirement applies also to smaller urban areas, the Hawkins memorandum says, "significant resources should not be devoted by EPA to designation activities for areas less than 200,000 in population.

"Areas designated as attainment or unclassified will be controlled by prevention of significant deterioration (PSD) review," the memorandum says.

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OIL SHALE DEVELOPMENT WILL CAUSE AIR, WATER, SOLID WASTE PROBLEMS

Development of an oil shale industry could have adverse environmental consequences, including air, water, and solid waste pollution, according to an Environmental Protection Agency report on anticipated environmental changes from oil shale development.

Environmental restraints, socio-economic problems, and uncertain environmental protection costs make the outlook for the oil shale industry uncertain, the report says. Nevertheless, oil shale development is moving forward, urged on by the high price of world oil, the potential for high profits, and decreasing U.S. supply of conventional energy sources, it says.

Aside from environmental pollution, other potential adverse effects of oil shale development include disruption of the land, hazardous health effects, and creation of boom towns with stressing side effects, the report says.

Greatest Environmental Roadblock

"There will be a lot" of solid waste from oil shale operations, the report says, in the form of fine particles of raw shale from crushing operations, catalysts from refining processes, and spent shale that remains after the oil is removed.

The report says the disposal of spent shale is "the greatest environmental roadblock to oil shale development. The potential effects of the enormous amount of spent shale cross all major environmental boundaries."

The problem of spent shale disposal is a key to success of the industry and will have to be resolved in relation to air, water, land, and the quality of life in the processing area, the report says.

Air Pollution

To minimize dust and particulate air pollution from shale mining operations, wetting agents will be used during drilling, after blasting, and along transport routes from the mines. Baghouse filters similar to those used in industrial smokestacks will be placed in crusher units to capture the dust from the shale as it is pulverized. Wet scrubbers will control particulates generated in retorting operations.

According to the report, however, none of the processes being considered for a commercial-sized oil shale industry can meet both federal and Colorado pollution standards (85 percent of the oil shale resources are located in Colorado, 10 percent in Utah, and 5 percent in Wyoming).

Water Pollution

Oil shale operations would withdraw large amounts of water to extract and process oil shale. Depletion of local water supplies, disruption of stream beds and groundwater aquifers, and resulting water contamination are a problem for the industry. Before the shale industry develops, the potential water pollution hazards associated with the various processes must be examined, the report says.

Land disruptions from oil shale mining include increased erosion and sedimentation, removal or burial of vegetation, and a change in the mix of native trees, shrubs, and grass species, the report says.

To minimize these impacts, disturbed areas should be returned "as nearly as possible" to their natural state, it says.

The health hazards from an oil shale industry presently are under study to define their severity and to identify solutions.

Avoiding boom towns will take thoughtful planning, money to carry out the plans, and support of those who live in the shale country, the report says. The Western Governors Regional Energy Policy Office is a key force that will help alleviate boom town conditions and adverse societal impacts of energy development, it says.

Research

EPA and 16 other government agencies are studying many aspects of oil shale development and are developing environmental controls in conjunction with oil shale processing technology. These studies are developed with funds provided by the Office of Energy, Minerals, and Industry through the federal Interagency Energy/Environmental Research and Development Program.

Over \$35 million has been earmarked for oil shale research over the next five years, with \$10 million to \$20 million coming from EPA/OEMI through the interagency program, the report says.

Private industry, universities, and independent research contractors also are researching oil shale problems.

Copies of the report, "Oil Shale and the Environment" (Document No. EPA-600/9-77-033), are available from the National Technical Information Service, Springfield, Va. 22161.

Colorado

EPA REGION VIII OUTLINES WORK PLAN TO CLEAN UP DENVER'S AIR

An Environmental Protection Agency Region VIII work plan calls for a state-federal program to clear up the air in Denver, where the air is the dirtiest in the region and in the U.S. in some respects.

Alan Merson, EPA regional administrator for Region VIII, said the emissions polluting Denver's air are mainly from automobile traffic and that stationary source pollution control options are inapplicable. Merson says cleaning up Denver's air — making it a model for other cities — is his highest priority.

At least one study shows Denver's carbon monoxide problem to be the worst in the U.S. Denver ranks in the worst five to 10 cities in the U.S. for photochemical oxidants, and its particulate levels are more than 60 percent above the annual average primary standard. Carbon monoxide, oxidants, and particulates are caused primarily by automobiles.

The goal of the Denver air quality program is to improve human health conditions in the Denver area and to improve visibility by reducing automobile emissions of particulates, the work plan says.

The work plan proposes that an "Action Plan" executing the work plan be developed jointly by local, state, and federal agencies by January 31.

Action Plan Program

Merson said EPA immediately will try to reduce the vehicle miles traveled by its own employees of the regional office in Denver by encouraging bus and carpool commuting.

The second major step will involve implementing a similar program for other federal agencies in Denver. With about 45,000 federal workers, Denver has one of the largest federal work forces in the U.S. Merson says that if the federal workers use mass transit or carpools, Denver's dirty air may be cleaned up significantly.

Current plans call for extensive support by federal agencies, including assistance for effective carpool matching, identification of potential employer incentive programs, and other assistance as needed, Merson said.

EPA also will seek to develop consistent policies on state implementation plan revisions, construction grant applications in nonattainment air quality areas, and inclusion of EPA headquarters in the program.

EPA also will launch a joint state/local public involvement program on air quality, Merson said.

The public involvement program will involve gathering information, developing resources, investigating methods, and developing and monitoring specific activities. The program will identify and work with private and public organizations and individuals and will form advisory groups of health experts, citizens, and perhaps industry and local governments.

Regional Office Plan

Under the work plan, EPA will undertake a number of programs in the regional office to set an example for improving transit ridership and vehicle occupancy. As these internal programs take shape, EPA plans to involve other federal agencies in Denver, and finally move the program into the private sector.

The overall objective of the work plan will be to reduce emissions by reducing travel, increasing auto occupancy, and reducing emissions from individual automobiles.

EPA construction grants policy and an agreed-upon state/EPA state implementation plan (SIP) policy are essential ingredients of the Denver air program, because these policies must be consistent, the work plan says.

Motor Vehicles Program

At Denver's high altitude, emissions are approximately twice that at sea level. The higher ratio of fuel to air causes poor driveability and greatly increased emissions.

Four goals of the Motor Vehicle Emissions Control Program outlined in the work plan will be:

▶ Development of high-altitude emission standards for new vehicles, effective with the earliest possible model year;

▶ Development of regulations to require manufacturers to provide high-altitude performance adjustments for 1968-1983 vehicles not certified to meet emission standards at high altitudes;

▶ Federal vehicle inspection/maintenance to obtain early emission reductions from government-owned vehicles and additional experience for running an areawide I/M program; and,

▶ Inspection/maintenance of in-use vehicles to ensure that the new vehicle emission standards continue to be effective.

Air Pollution

EPA STAFF DRAFT CONSIDERS CHANGES TO KEY REQUIREMENTS OF OFFSET POLICY

The Environmental Protection Agency is considering revising its emission offset policy to subject many more sources of air pollution to the stringent conditions for construction in heavily polluted areas.

The change is one of many outlined in a December 19 staff draft undergoing internal and regional EPA review. The draft had not been reviewed by David G. Hawkins, EPA assistant administrator for air and waste management and "does not necessarily reflect his views," Walter C. Barber, EPA deputy assistant administrator for air quality, planning and standards said in an accompanying memorandum. Barber said some positions are "tentative" and "subject to change before proposal."

EPA is revising the "Emission Offset Interpretative Ruling" (Current Developments, December 24, 1977, p. 1219) to reflect public comments and the Clean Air Act Amendments of 1977 (Environment Reporter — Federal Laws 71:1101). The agency hopes to make formal proposals in February.

Definition of Potential

The amendments apply the offset requirements to new or modified major stationary sources or those with potential emissions of 100 tons or more per year, but they leave "potential" undefined.

In the draft ruling, EPA would define "potential" as 100 tons per year without considering reductions from control equipment. The definition still in effect takes reductions into account. It applies to sources with allowable emissions of 100 tons or more per year.

"A 'major source,'" the draft ruling says, "is any source for which the potential emission rate is equal to or greater than 100 tons per year for any of the following pollutants: particulate matter, sulfur oxides, nitrogen oxides, non-methane hydrocarbons (organics), or carbon monoxide." It would define major modification to "include a modification to any source which increases the potential emission rate by the amount set forth above."

EPA would define potential emission rate to mean "the emission rate expected to occur without control equipment unless such control equipment is (aside from air pollution control requirements) necessary for the source to produce its normal product or is integral to the normal operation of the source."

Consistent with PSD Proposals

As the draft preamble to the Federal Register proposal notes, the shift from 100 tons allowable to 100 tons before control is consistent with the definition proposed in revisions to EPA's prevention of significant deterioration (PSD) rules (November 11, 1977, p. 1034).

"However," it acknowledges, "based on the comments on the PSD regulations, there appears to be substantial concern over the workability of the proposed definition and what the congressional intent was in using the term."

Industry representatives commenting on the proposed PSD rules at a public hearing in January emphasized their opposition to such a change (January 13, p. 1373).

At a minimum, the revised definition would subject far more sources in clean and dirty-air areas to the newer, more

strenuous environmental requirements of the amendments.

In resolving the issue, EPA is considered likely to settle on a consistent definition of potential for both the PSD and offset requirements, but it does not appear committed to the controversial change.

The draft preamble describes EPA as "fully open to suggested definitions of the term potential emissions other than the one proposed," and says that, until finally revised, the ruling will continue to apply to sources with allowable emissions of 100 tons per year (1000 tons per year for carbon monoxide)."

Exemptions for Fuel Conversions

EPA is considering allowing somewhat broader exemptions from the offset policy for sources switching to alternate or dirtier fuels.

The existing ruling exempts sources switching to more polluting fuel, such as coal, if the facilities as of December 21, 1976, were capable of burning different kinds of fuels. Fuel conversion by these types of sources are not considered modifications and consequently are not subject to the ruling.

EPA is weighing the possibility of expanding this exemption to include actual construction if the fuel conversion is required by a federal coal conversion order or natural gas curtailment plan.

EPA had sought public comment on whether the narrower exemption in the present ruling should apply in nonattainment areas. It did so through an advanced notice of proposed rulemaking published together with the offset policy (December 31, 1977, p. 1245).

EPA in the draft ruling would exclude the following two cases from being considered as modifications and thereby would exempt them from the offset requirements:

▶ "Use of an alternative fuel or raw material (unless limited by previous permit conditions), if prior to December 21, 1976, the source was designed to accommodate such alternative use," or

▶ "A conversion to coal (i) by reason of an order under Section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 or any amendment thereto, or any subsequent enactment which supersedes such Act, or (ii) which qualifies under Section 113(d)(5)(A)(ii) of the Act."

Significance Levels

Under EPA policy, all major stationary sources, whether locating in clean or dirty-air areas, must be evaluated for their potential impact on air quality in neighboring areas (November 25, 1977, p. 1109).

As a result, sources locating in clean areas might be subject to offset requirements and facilities locating in dirty areas might be subject to PSD areas.

EPA is wrestling with the issue of excluding from the requirements sources whose effect might be considered insignificant.

In its proposed PSD rules, EPA said it "is considering a 'significance level' scheme for analyzing areas in which the allowable increment has already been consumed." Under this approach, a source would be reviewed for its impact in such an area only if its effect is considered significant according to some scheme, such as numerical increments.

The draft interpretive ruling would establish a significance level scheme for sources which are locating in clean-air areas or clean portions of nonattainment areas and

which have some impact on nonattainment areas. They would not apply to Class I situations.

The significance levels would be based generally on the Class I PSD increments in the Act.

According to the draft ruling, "a new or modified source will not be considered to cause or exacerbate a violation of the NAAQS if the air quality impact of the source is less than the following threshold levels:

Pollutant	Averaging Time				
	Annual	24-Hour	8-Hour	3-Hour	1-Hour
Sulfur Dioxide	1.0 $\mu\text{g}/\text{m}^3$	3 $\mu\text{g}/\text{m}^3$		25 $\mu\text{g}/\text{m}^3$	
Total Suspended Particulates	1.0 $\mu\text{g}/\text{m}^3$	5 $\mu\text{g}/\text{m}^3$			
Nitrogen Dioxide	1.0 $\mu\text{g}/\text{m}^3$				
Carbon Monoxide			0.5 mg/m^3		1 mg/m^3

The draft preamble says "the principal use of the significance levels will be in determining how far away from a new source air quality concentrations should be estimated (i.e. calculations should be made until the concentrations drop to the significance levels)."

It says "the significance levels, in conjunction with the stack height limitations in Section 123 of the Act are such that sources with actual emissions greater than 10-15 tons per year could not be constructed in an area that exceeds a NAAQS without also exceeding the significance levels."

EPA solicited comments on whether or not it should permit "any major source to construct in a nonattainment area without being subject to the ruling, even if the significance increments are not exceeded."

Case-by-Case Despite Designations

In general, for stable air pollutants, "the determination of whether a source will cause or exacerbate a violation of a NAAQS should be made on a case-by-case basis," according to the draft ruling. It should be done "independent of any determination of non-attainment made pursuant to Section 107(a)(1)."

Section 107 requires states to propose and EPA to promulgate lists of the air quality status of their areas (see related story, p. 1408).

EPA is including this approach, according to the draft ruling, "because the area affected by a determination of nonattainment usually conforms to established administrative boundaries such as counties or Air Quality Control Regions (AQCR's) rather than a precisely defined area where air quality problems exist."

Decisions Involving Nitrogen Oxides

"For major sources of nitrogen oxides," the draft ruling says "the initial determination of whether a source would cause or exacerbate a violation of the NAAQS for nitrogen dioxide should be made using an atmospheric simulation model assuming all the nitric oxide emitted is oxidized to nitrogen dioxide by the time the plume reaches ground level."

It says the initial concentration estimates could be adjusted "if adequate data are available to account for the expected oxidation rate."

Offsets in Rural Oxidant Areas

The draft ruling would modify the proposed geographic application of the offset policy for major volatile organic compound sources, requiring sources locating in rural areas with high oxidant levels to obtain offsets.

According to the draft preamble, "one of the issues not totally resolved in the December 21, 1976, ruling was

whether offsets should be required for major sources of volatile organic compounds (VOC) locating in remote rural areas, given the widespread violations of the NAAQS for photochemical oxidant in such areas."

At the time, it "outlined a tentative policy which would have exempted remote rural areas from the offset requirements (even though such areas were exceeding the oxidant standard.)"

In response to public comments, EPA is considering a change in the ruling to "require offsets for VOC sources locating in any area classified as nonattainment oxidant pursuant to Section 107(d)(1)(A) of the Act, or is otherwise shown to be exceeding the national ambient air quality standard for oxidant, unless the source owner can show that the emissions for the proposed source would have virtually no effect on any area that exceeds the oxidant standard."

The ruling says that "sources locating in areas that are attaining the oxidant standard or cannot be classified are exempt from the offset requirements."

In general, the draft preamble says, "offsets will be acceptable if obtained from within the same ACCR as the new source or within a radius from the new source equivalent to 36 hours travel time under wind conditions associated with high oxidant concentrations."

It says "the 36 hours travel time translates to approximately 75 miles during normal light wind conditions associated with multi-days stagnation conditions which are most conducive to oxidant formation."

General Policy

NATURAL RESOURCE REORGANIZATION DRAWS MIXED REVIEWS IN PUBLIC COMMENTS

President Carter's natural resources reorganization team is sifting through more than 1,400 responses to a December 19 request for public comment on reorganization alternatives for federal natural resources and environmental programs.

The responses reflect a cross-section of environmental interests and include suggestions from figures as diverse as oceanographer Jacques Yves Cousteau and Alabama Governor George Wallace. Most of the comments are from industry, environmental, and government entities more directly involved in shaping and working under federal environmental and natural resources policy.

A sampling of the comments reveals little support for a department of natural resources, department of the environment and public health or a department of natural resources and the environment.

Strong support came from state officials for expanding a Department of Agriculture to include renewable resource management and protection.

Reorganization Drawbacks Noted

The Environmental Protection Agency was the focus of many of the comments, with evaluations offered about the agency's successes and failures and suggestions offered about EPA's role in the future.

Throughout the 14 volumes of comments, however, were responses voicing doubt about the wisdom of a natural resources reorganization, and warnings about the disruption reorganization can cause.

William E. Towell, executive vice president of the American Forestry Association, voiced strong support for a department of agriculture and renewable natural resources, noting what he described as "a reasonable balance in management philosophy between (the) Interior and Agriculture" departments.

He warned that "consolidation could lose that balance and the healthy competition that now prevails."

Jim Tozzi, chief of the environment branch in the Office of Management and Budget's natural resources division, suggested considering of a strengthening of "interagency coordinating mechanisms" by modifying the procedures which govern agency actions as opposed to changing the basic structure" to "avoid the disruption of major change."

Oceanographer Jacques Y. Cousteau also questioned concentrating responsibility under one umbrella organization, saying that "overcentralization presents the danger that a proposed policy which might appear logical from the point of view of one agency might be harmful because the decision lacks input from another."

Rarely did those commenting suggest including EPA in a larger, more comprehensive organization. Strong support was voiced for retaining EPA's independent agency status.

Strong EPA, CEQ Suggested

EPA should stand alone in dealing with the effects of chemicals in the environment, said William J. Driver, president of the Manufacturing Chemists Association.

He said that while "environmental management has some limited relationship to public health, much of both areas are totally unrelated and their regulation deserves complete separation."

Also in favor of preserving EPA's authority was William K. Reilly, Conservation Foundation president, who pointed out the potential for conflict of interest within a consolidated agency.

"Many of the agencies within the Department of the Interior promote activities which result in pollution or which otherwise run contrary to the regulatory interests of EPA," he said, in comments signed by 23 environmental groups and two labor unions.

Richard Engelbrecht, president of the Water Pollution Control Federation, called for the strengthening of the Council on Environmental Quality "to resolve interagency environmental and natural resources conflicts."

Separate Agencies for Research, Regulation

H.E. Lansbery, professor emeritus of the University of Maryland's Institute for Physical Science and Technology, recommended creation of an environmental regulatory commission with no enforcement powers and a mission to focus on air and water monitoring and research and development on the effects of pollutants.

He also warned against linking scientific and engineering activities with enforcement and regulation.

Lansberg traced the problems of EPA to a failure to separate those two functions, describing EPA as "an organization top-heavy with lawyers and scientifically inadequately educated advocates of self-interpreted public interests."

EPA, he said, "has almost since inception looked for support of their regulations by their research and monitoring arms. This has tied the latter down to pursue ephemeral studies rather than find facts on which sound regulations could be based."

Carl Bagge, National Coal Association president, voiced similar comments, calling for a separation of public health and environmental research functions from the standards setting functions.

Any reorganization should result, he said, in placing research involving "important and controversial" matters in more than one agency "to assure debate among researchers with different points of view."

Secretary of Agriculture Bob Bergland called for consolidating all agriculture and land management activities in the Department of Agriculture, saying that such an arrangement would allow decisions to be made "that consider all renewable natural resources" and would "assure that Federal land and related water resources contribute effectively to the sustained yield of food and fiber supplies."

Also supportive of an expanded Agriculture Department, was Alabama Governor George Wallace who, in a letter to President Carter on the reorganization study, pointed to the "strong and direct ties" federal natural resources agencies should maintain with state and local agencies.

COURT AGAIN SAYS EPA CANNOT ENFORCE TRANSPORTATION CONTROLS AGAINST STATES

The U.S. Court of Appeals for the Ninth Circuit December 23 affirmed its decision of two years ago that the Clean Air Act does not authorize the Environmental Protection Agency to impose sanctions against California for the state's failure to administer and enforce the transportation controls in its state implementation plan (SIP) (*Brown v. EPA*, Nos. 73-3306, 73-3305, 73-3307 and 77-2558).

EPA had promulgated an SIP for California after determining that the state's own plan did not provide for the attainment of the national ambient air quality standard (NAAQS) for photochemical oxidants.

The EPA plan included transportation controls, and required that the state adopt laws and regulations to implement the controls.

California objected to the federal requirement that it initiate state legislation, and challenged the EPA plan on both statutory and constitutional grounds.

The Ninth Circuit, in order to avoid "serious constitutional issues" under the Tenth Amendment, ruled only on California's statutory claim (*Brown I*, 8 ERC 1053).

Supreme Court Consideration

The case then was consolidated with three similar actions for Supreme Court review, and on January 12, 1977 the Court heard oral argument on both the statutory and constitutional issues (Current Developments, January 14, 1977, p. 1347).

While the case was before the Supreme Court, however, EPA conceded that its SIP regulations were invalid unless modified. It was not empowered, the agency admitted, to require states to enact legislation and adopt regulations.

The Supreme Court therefore vacated the decisions and remanded the cases to the appropriate appeals courts for consideration of mootness (Current Developments, May 5, 1977, p. 3).

On reconsideration of the case, the Ninth Circuit ruled that it was not mooted by EPA's admission that it lacked authority to compel state legislation.

EPA had modified its regulations since the Supreme Court action to remove requirements that states enact laws and adopt regulations, and had deleted certain details concerning enforcement of the programs.

But California argued that the agency's modifications amounted only to "cosmetic changes," and EPA said that it would enforce the revised regulations.

It followed, the appeals court said, "that the cases before us to the extent they concern these regulations are not moot and are ripe for decision."

The court therefore went on to decide the substantive issue, and ruled that EPA cannot enforce the SIP against California.

'Indirect Polluter' Analysis Rejected

EPA argued that it was authorized under the Air Act to enforce the SIP against California under the agency's "indirect polluter" concept.

Under the indirect polluter analysis, EPA contended, it could enforce an SIP against a state as owner-operator of pollution inducing transportation systems (i.e. indirect polluter) to the same extent that it could enforce the plan against the state as owner of municipal incinerators (i.e. direct polluter).

There was no statutory distinction between the two state functions, EPA said, and because enforcement of the SIP would be against the "state as a polluter and not as a sovereign exercising police power" there would be no constitutional problems either.

The Ninth Circuit again ruled only on the statutory issue in order to avoid the constitutional problem.

The Clean Air Act, the appeals court said, does not evidence a "clear intention on the part of Congress to adopt such an attenuated notion of pollution" as that offered by EPA's indirect polluter concept.

The 1970 Act, the court said, made no mention of indirect polluters, and the 1977 Amendments did not rectify that omission in EPA's favor.

In fact, the court said, EPA asked Congress for an amendment to overturn *Brown I* and the House prepared such an amendment (Section 208), but "the section . . . never existed in S. 252 . . . and was not enacted in the Clean Air Act Amendments of 1977."

"We construe this as an unwillingness on the part of Congress to overturn our refusal in *Brown I* to adopt EPA's 'indirect source' theory," the court concluded.

Outer Continental Shelf

AMENDED OCS BILL CLEARS HOUSE, HEADED FOR CONFERENCE COMMITTEE

Legislation (HR 1614) to amend the Outer Continental Shelf Lands Act was approved 291 to 91 in the House February 2, and now goes to a House-Senate conference committee.

The bill includes measures to broaden state involvement in offshore drilling plans and would provide up to \$200 million in OCS revenues to coastal states affected by offshore development.

A House-Senate conference committee will iron out the differences between the House measure and Senate-passed S 9.

Committee Version Altered

However, the bill was amended during five days of consideration to delete several controversial provisions approved by the House Ad Hoc Select Committee on Outer Continental Shelf, of which Murphy is chairman.

Deleted were provisions to:

- ▶ Allow dual leasing (requiring separate leases for OCS exploration and production);
- ▶ Include the Santa Barbara, Calif. channel on the list of frontier areas for OCS development;
- ▶ Expand the Occupational Safety and Health Administration's jurisdiction to include offshore activities and make it the lead agency on diving regulations on the OCS; and
- ▶ Include core and test drilling in the Federal Government's authority to conduct geological and geophysical exploration on the Outer Continental Shelf.

In addition, the House altered the bill's provision for the use of new bidding systems to allow experimental types of bidding to be applied to between 20 per cent and 50 per cent of leases offered. The committee version would have required other than bonus bids for at least 50 per cent of the area offered for lease.

Congressman Hamilton Fish (R-NY), who attempted unsuccessfully, along with Congressman John B. Breaux (D-La), to gain House approval for substitute OCS measures (Current Developments, February 3, p. 1513), said the House-revised bill is "now much improved" over the earlier version of HR 1614.

He and Breaux were persistent critics of the committee version of the bill, saying that the measure would promote unneeded federal regulation, duplicate legal authority in existing regulations, and erode OCS revenues.

Environmental Provisions

The bill includes provisions that would require OCS lessees to comply with national ambient air quality standards of the Clean Air Act and would prohibit lease or pre-lease exploratory drilling on any tract within 15 miles of the boundaries of any existing National Wilderness area.

It also would require that new regulations on waste prevention and conservation of natural resources on the OCS would continue to be applied to existing and new operations. It would change environmental impact statement provisions to allow an environmental impact study to be based on any of several plans submitted by prospective lessees. However, language requiring environmental impact predictions to be included in baseline studies was removed from the committee-approved version of the bill.

The House also amended the bill to broaden the scope of a measure to require the Secretary of the Interior to apply the "best and safest technologies" in OCS operations instead of the committee-approved language for "best and safest technology."

Pollution Fund Established

The House also included in the bill measures from the Oil Spill Liability and Compensation Act to establish an \$200 million offshore oil pollution compensation fund within the Department of Transportation that would be supported by a fee of up to three cents per barrel of oil produced on the OCS.

For coastal states, the House included in the bill measures to provide up to \$200 million of OCS revenues to the states, with each coastal state eligible for at least two per cent of the funds. The House also voted to change the allocation formula to states to include offshore production as a 25 per cent factor and to reduce oil and gas landing to a 25 per cent factor (Special Report, January 20, p. 1425).

An Ad Hoc committee staff member said February 5 that "a short conference" is expected on the bill. Conferees have not yet been named.

The staff member said that among the key issues expected to surface during the House-Senate conference are federal oil and gas exploration, revenue sharing, OSHA jurisdiction

in the OCS, types of bidding allowed in OCS lease sales, and the applicability of Federal regulations.

Fish warned that the House rejected a conference committee report on a similar bill two years ago and "if the will of this House is not adhered to in the conference with the Senate, we shall be back to seek instructions for the conferees, and if necessary, regrettably, we shall again return to seek recommital."

Coal

NATIONAL COAL POLICY PROJECT RELEASES RECOMMENDATIONS ON COAL MINING, ENERGY

The National Coal Policy Project, a coalition of industry officials and environmentalists, on February 9 released recommendations on the mining, burning, and transportation of coal, and energy pricing.

Those recommendations drew sharp criticism from environmentalists who contend that, although the positions are purported to reflect a consensus reached by industry and environmentalists, they do not represent the sentiment of the environmental community.

The coal project, sponsored by Georgetown University's Center for Strategic and International Studies, is an attempt at bridging the gap between industry and environmentalists concerned with coal issues.

The report released by the project was divided into five areas studied by individual task forces: mining, coal transportation, air pollution, fuel utilization and conservation, and energy pricing.

Mining

One of the more controversial positions taken by the mining task force is that the restoration of essential hydrologic functions of mined areas in the western United States might best be accomplished by leaving highwalls.

The mining task force's stance contradicts a provision of the Surface Mining Control and Reclamation Act of 1977, mandating the elimination of all highwalls.

The task force recommended issuing mine permits on a watershed basis. "In order to better control impacts of surface mining on water resources in Appalachia, mine permits should be issued on a watershed basis to minimize the amount of land disturbance and watershed impact by mining at any given time," it said.

Permits should be coordinated between affected states when watersheds cross state boundaries, the task force recommended.

The task force concluded that mining should be prohibited only where specific problems cannot be addressed by reclamation.

It cited as examples areas where acid is forming or toxic chemicals cannot be buried, where special wildlife or cultural values exist, and where an important aquifer cannot be replaced by a water source without additional cost to the users.

The task force recommended controlled mining on an experimental basis in areas where it is uncertain that coal can be mined in an environmentally sound way, but where it appears techniques can be developed to mine in an acceptable manner.

The report cites prime agricultural lands in the Midwest and sub-irrigated alluvial valley floors and Ponderosa pine forests in the Northern Great Plains as such areas.

Mining task force members agreed that mining in the Northern Great Plains would cause fewer problems in areas where coal seams are thickest and rangelands least productive.

Environmentalists and industry officials disagreed, however, on whether seam thickness and rangelands productivity should be criteria for limiting future mining.

Environmentalists favored concentrating mining in thick seam/least productive rangeland areas, such as the Gillette area in Wyoming and the Decker area in Montana.

Industry officials claimed that geographic limitation is unnecessary if operators comply with environmental requirements.

The group set specific reclamation goals for the Northern Great Plains, Midwest, and Appalachia.

"In the Northern Great Plains and all other arid areas, the ultimate goal of reclamation should be to establish a viable, progressive, self-regenerating ecosystem that can be sustained through a severe drought cycle."

The basic goal in the Midwest should be to return surface-mined land to its original or higher level of productivity, the task force concluded. In Appalachia, the short-term goal should be to establish vegetative cover, stabilize spoils, and prevent erosion, the report said. The long-term goal, according to the task force, should be to establish a native forest ecosystem.

The task force recommended that hydrogeologic characteristics of affected watersheds be considered when head of hollow fills are being designed and constructed.

"In areas with acid overburden, the construction of head of hollow fills (used with mountaintop removal mining) requires that special efforts be made to avoid acid water problems," the report says.

Environmentalists and industry officials disagreed, however, on how acid overburden problems should be resolved.

"The industrialists feel that the regulatory agencies can handle this situation upon receiving the detailed plans they require from mining companies prior to approving mining applications," the report says.

Environmentalists, on the other hand, recommended that mountaintop removal be permitted only on an experimental basis in areas troubled by acid overburden.

Both industry and environmentalists agreed that current and future mine operators should continue treating acid water as long as it persists after mining.

The group recommended a classification system: comparing sulfur in coal on a uniform Btu basis.

According to the study, Appalachia, followed by the Gulf Coast and Midwest coal regions, appears best able to accommodate increased coal development with the least disruptive impact on existing socio-economic structure.

"Communities in the Northern Great Plains and the Rocky Mountain regions have the least ability to accommodate coal development," the task force said.

The task force supported development of a national coal leasing policy, saying "the mix of federal and nonfederal coal is such that little nonfederal coal in the West can be mined economically without the inclusion of federal coal in the mine tract."

Environmentalists recommended that:

- ▶ The Interior Department establish criteria for identifying on a site-by-site basis areas that are environmentally unsuitable for mining and where coal production should be encouraged from nonproducing federal leases;

- ▶ Preference right lease applications not be approved unless the courts determine that holders of legitimate applications have a right to lease;

- ▶ The Interior Secretary issue regulations discouraging speculation on coal leases;

- ▶ No new leasing be undertaken until an adequate federal coal leasing environmental impact statement is prepared and until regional statements are prepared.

Industry officials did not formulate recommendations because they lacked sufficient expertise in the area, according to the study.

Air Pollution

The task force on air pollution policies developed a consolidated procedure for siting permits which, they say should be used on the state level.

According to the study, "there would be a single application for all state permits and approvals pertaining to environmental, economic, and social considerations and a single hearing."

The task force agreed that, to the extent possible, coal-burning plants should be sited near the users of energy rather than at remote mine sites where pollution could be ignored.

The group recommended that standardized air quality models be required to predict the impact of a given source on ambient air quality before actual data from operation of the source is available."

Fuel Utilization and Conservation

The task force on conservation and utilization acknowledged that major environmental problems complicate the prospects of using coal, and "reluctantly endorsed the expansion of coal use as a practical midterm solution to the nation's energy shortage."

The group opposes federal subsidies for commercial application of new conservation methods, and it urges cash flow incentives to make returns on investments in new technologies look more appealing.

The task force said conversion by existing electric and industrial plants to coal should be paced to allow for the application for cogeneration and developing technologies.

"We agree that natural gas and oil must be phased out and gradually replaced by coal in the production of steam and electricity," the group said. "But this change must be accomplished primarily in expansion and new plant construction."

Transportation

The transportation task force recommended a total overhaul of the freight transportation systems to replace "the maze of conflicting federal subsidies and web of unneeded regulations."

The group recommended, with one dissenting vote, that barge operators pay for construction and maintenance of waterways through full cost recovery user charges.

The task force also recommended:

- ▶ Permitting long-term contracts for railroads;
- ▶ Temporarily subsidizing shippers;
- ▶ Raising the existing user fees for trucks;
- ▶ Giving coal slurry pipelines eminent domain as contract carriers;
- ▶ Setting as a goal the preservation of all remaining wetlands which may be threatened by waterway construction; and
- ▶ Enforcing noise abatement, water, and air pollution laws.

Energy Pricing

The energy pricing task force said that the pricing of electricity should be based on an analysis of each utility's cost for replacing its plant and for fuel.

The group gave highest priority to cogeneration, and agreed that coal conversion mandates should be modified to allow for development of alternate technologies.

Environmentalists' Criticisms

The major concerns of environmentalists not involved in the project are two-fold: first, that the recommendations will be viewed as a consensus of the entire environmental community; and second, that the positions taken by the participants are weaker than those included in recently enacted legislation.

Karl Englund, director of the Environmental Policy Institute's Citizen Coal Project, said four positions taken by the project's mining task force are weaker than those environmentalists took when lobbying for passage of the Surface Mining Control and Reclamation Act of 1977.

"Those four positions are weaker than the positions finally adopted in the language in the Act," Englund said. "The project stated that it is an environmental-industry consensus, and that's just not the case. We're still in favor of strengthening the Act."

Englund said the most active environmental lobbyists do not support the project's consensus on prime farmlands, alluvial valley floors, spoil over the side, and highwalls.

"Take highwalls as an example," Englund said. "They say there are places in the Midwest where you'd want to leave highwalls. First of all, that's not true because of the serious

problems caused by acid drainage, but second, for five years, Congress has wrestled with this problem and decided to the contrary."

It could be harmless to leave highwalls in "one percent of the situations," according to Englund. "But how do you write legislation making an exception for that percentage?"

Englund said Congress included the provision mandating elimination of highwalls in its stripping law after hearing the testimony of Walter Heine, director of Interior's strip-mining office.

"Based on Heine's testimony, Congress decided it would be an administrative nightmare as far as enforcement goes to make such exceptions," Englund said. "And furthermore, the elimination of highwalls is not overly burdensome on the industry."

The project has "ripped open the whole debate all over again," Englund said, "without realizing the political situation or the technical aspects of enforcement procedures included in the Act."

Environmentalists who lobbied for passage of the Clean Air Act of 1977 also criticized positions taken by the project.

Specifically, they took issue with the group's recommendations on tall stacks, one-stop siting, air quality modeling, and standards for fine particulates.

Richard Ayres of the Natural Resources Defense Council, said his biggest gripe is that the project made recommendations without consulting others and called it a consensus.

"The law represents the real consensus," Ayres said. "People who lobbied for the Clean Air Act were in contact continually with people around the country."

Rafe Pomerance, conservation director of Friends of Earth and legislative coordinator for the National Clean Air Coalition, reiterated Ayres concerns. "Their recommendations and conclusions do not represent a consensus that Friends of Earth shares," he said.

NATURAL RESOURCE REORGANIZATION ALTERNATIVES OUTLINED IN OPTIONS PAPER

The Environmental Protection Agency would be expanded into a department of environment and public health under one of the "preliminary organizational alternatives" being circulated for public comment by President Carter's natural resources reorganization team.

Other major reorganization alternatives presented in the paper include creation of a department of natural resources, consolidation of natural resources and environmental regulations in a department of natural resources and the en-

vironment, creation of a department of agriculture and renewable resources, and combining ocean programs and environmental regulation in a department of ocean resources and the environment.

A sixth major reorganization alternative would create a department of resource development and a department of the environment and conservation. "Since this concept involves two advocacy-oriented departments, a third body might be needed to set overall policy and rule on unresolved conflicts short of the President," the paper says.

No decisions have been made on any of the options.

In addition to the major reorganization alternatives which call for creation of new departments, the paper contains an extensive list of less sweeping reorganization alternatives in three categories: changes in specific programs or activities; measures to strengthen the interagency coordinating process; and realignments and consolidations affecting single resources such as water, land, and oceans.

Environment-Public Health

The alternative of creating a department of environment and public health "would take all or most of EPA's functions and join them with selected functions of the Food and Drug Administration, Occupational Safety and Health Administration, Consumer Product Safety Commission, National Institutes of Health, National Institute of Occupational Safety and Health, and perhaps others," the paper says.

The paper acknowledges that this alternative overreaches the scope of the natural resources reorganization study.

"While the scope of our study is not designed to fully evaluate this alternative, it may conclude that the functions of environmental protection are more related to the protection of human health than to the management of natural resources," the paper says. "Further work would be needed to fully examine this possibility."

Combining environmental protection with public health "would recognize a strong and growing commonality of interest between EPA and several public health agencies in connection with harmful substances which come to us through the environment, the work place, products, and the food chain," the paper says. "In effect, this alternative would take environmental protection in a different direction from natural resources management and conclude, instead, that it needs to be more closely associated with public health regulation and administration."

Separate EPA

The department of natural resource alternative would bring together all resource management programs, but would leave environmental regulatory authority in a separate EPA "to void possible conflict" with resource management.

Under this alternative, the Department of the Interior would be expanded to include the following agencies: the U.S. Forest Service, all or parts of the Soil Conservation Service, the National Oceanic and Atmospheric Administration, the civil works program of the Army Corps of Engineers, and the Water Resources Council. "The concept might or might not extend to TVA, the wastewater treatment grants of EPA, and specific smaller functions of other agencies," the paper says.

EPA Merger

The department of natural resources and the environment alternative would merge EPA's regulatory functions with resource management into a single department.

"The need for independence in administering the environmental regulatory powers could be provided by 'insulating' this activity within the framework of the department in a manner similar to the regulatory program within the Department of Energy," the paper says.

The department of agriculture and renewable resources described in the paper would combine the farm-related functions of the Department of Agriculture with the land and renewable resource management functions of other agencies, including Agriculture and the Department of the Interior.

A department of ocean resources and the environment would combine the regulatory activities of EPA with the ocean resource activities of NOAA, the Department of the Interior, perhaps the U.S. Coast Guard, and other agencies.

"Again, in this case, the regulatory program could be 'insulated' to avoid conflict with the development responsibilities," the paper says.

Two Departments

The alternative of creating a department of resource development and a department of the environment and conservation "recognizes the continuing tension between developmental interests on the one hand and environmental quality and resource conservation values on the other hand," the paper says.

The development-oriented agency would include programs from the Bureau of Land Management, the Bureau of Reclamation, the Bureau of Mines, the Bureau of Outdoor Recreation, the Corps of Engineers, most of the U.S. Forest Service, and parts of NOAA.

The preservation-oriented agency would take in programs from EPA, the Fish and Wildlife Service, and parts of NOAA, the Soil Conservation Service, and the U.S. Forest Service.

If a third entity were created to arbitrate disputes between the two departments, it "might be a very small Executive Office unit confined to policy formulation and major case resolution," the paper says. "It could also be expanded to meet some needs common to both 'advocate' agencies in order to prevent duplication in research activities."

Resource Realignments

Some of the less comprehensive reorganization alternatives would transfer responsibilities among existing agencies to consolidate programs for specific resources such as water, land and oceans. Currently, a number of agencies have overlapping programs in these areas.

The reorganization paper was circulated to about 1,000 interest groups, agencies and congressmen and also is to be published in the *Federal Register* to elicit public comment.

"This document is not a report, nor the result of an analysis of current programs, nor does it provide recommendations," said William W. Harsch, head of the natural resources reorganization team. "It merely seeks your comments and views for use in our analysis, to help form the study's conclusions and to make recommendations to the President."

Responses are due by January 14, 1978, and should be sent to the Executive Office of the President, Office of Management and Budget, President's Reorganization Project, Natural Resources-Environment Division, Room 3203 New Executive Office Building, 726 Jackson Place N.W., Washington, D.C. 20503.

Atomic Energy

GOVERNORS SHOULD HAVE VETO POWER NEEDED IN NUCLEAR PLANT BILL, EPA SAYS

Reform of the nuclear plant siting and licensing process should assure that all issues are fully aired by the construction permit approval stage and should provide for a govern-

nor's veto of the project before construction is begun, according to the Environmental Protection Agency.

EPA Administrator Douglas M. Costle, while voicing strong support for the major objectives of the Carter Administration's attempt at streamlining the siting and licensing process, said the proposed legislation should enhance the Nuclear Regulatory Commission's credibility and assure a strong state role in the nuclear reactor approval process.

Costle also cautioned against submitting to Congress a bill that "unduly emphasizes nuclear over non-nuclear generating sources" and "invites that public perception of our policy."

His comments came in a letter November 25 to James T. McIntyre, Jr., director of the Office of Management and Budget.

Reform of the siting and licensing process has been a goal of the Carter Administration, but the Administration's thinking on the matter has undergone several changes, many of them encountering objections from within the Administration.

Costle was commenting on a November 11 draft bill, but Energy Department officials said December 13 that they are uncertain when the bill will be submitted to Congress (see related story, p. 1285).

To strengthen the bill, Costle said, "Nuclear power plant siting and licensing decisions should be approved prior to the start of construction by a state's governor after an open, well-informed public debate."

Preserve Federal NEPA Responsibility

However, the National Environmental Protection Act authority of the NRC should not be shifted to states, as provided for in earlier draft bills, Costle said.

He suggested safeguarding the federal NEPA responsibilities, along with intervenor rights — including funding — to "assure that unresolved issues or issues about which new information is available are fully at the construction permit approval stage" of administrative proceedings.

Noting that plant siting and design can, under the draft bill, proceed construction approval by as much as a decade, Costle said, "If a once-isolated site is now surrounded by new homes, if new studies indicate geological or other drawbacks to the site not previously recognized, or if it appears that a particular approved design will not mate properly with an approved site, the prior basis for approval may no longer be valid."

Costle said he supports the draft bill's provisions for standardized nuclear facilities "for safety as well as economic reasons." He also supported site banking and other measures designed to cut administrative and litigative delays in the siting and reactor safety review processes

Air Pollution

EPA SEEKS TO CLARIFY PSD EFFECTIVE DATE; SEEKS PUBLIC COMMENTS ON TWO RELATED ISSUES

The Environmental Protection Agency is seeking to clarify the effective dates for sources not subject to the agency's current prevention of significant deterioration regulation (42 FR 62020).

The agency says in a proposed regulation that it created confusion when it said on November 3 that a source would be subject to new PSD rules immediately upon promulgation unless it had obtained a final PSD permit before March 1, 1978, and unless it began construction before December 1, 1978 (Current Developments, November 11, p. 1034).

Sources not in one of the 19 categories now covered by EPA's PSD regulations were confused because they are not now required to obtain a PSD permit, EPA said December 8.

"EPA's intent is that any source not covered by EPA's current PSD regulations would be subject to the new PSD rules beginning on March 1, 1978, unless such source both (a) obtains before March 1, 1978, all final preconstruction permits which are necessary under the applicable state implementation plan under the Clean Air Act, and (b) commences construction before December 1, 1978."

Sources not required by a state implementation plan to obtain a permit to commence construction before March 1, 1978, would be subject to the new PSD rules only if they do not commence construction before December 1, 1978.

Related Issues

In proposing the regulations, the agency also asked for public comment on two other issues:

Whether PSD "increments" are to be protected only through preconstruction review (December 9, p. 1171); and

Whether all 250-ton potential sources are "major" sources under Section 169(1) of the Air Act.

The agency also noted some technical amendments recently signed into law and potentially affecting the prevention of significant deterioration program and published notice of informal public hearings on its PSD proposals.

The agency's proposed rule is published in the Full Text section of this issue.

Land Use

PRIME FARMLAND SHOULD BE PRIORITY FOR USDA, AGRICULTURE OFFICIAL SAYS

Assistant Secretary of Agriculture for Conservation, Research and Education M. Rupert Cutler November 29 said he wants prime farmland to be a major thrust of the Department of Agriculture over the next few years.

Addressing the Iowa Association of Soil Conservation District Commissioners, Cutler said there are five reasons for prime farmland to be a major thrust of USDA:

▶ Prime farmland should be preserved to ensure a farmland base for long-term productivity;

▶ Prime farmlands should be maintained as an agricultural resource so that wetlands and other fragile environmental areas can be preserved;

▶ Prime farmland provides the best yields with the least energy and other resources;

▶ Prime farmland can withstand soil erosion. By substituting marginal land, Cutler said, water supplies throughout the U.S. would be affected by sediment pollution from soil erosion; and

▶ A strong agricultural economy, the base of most rural communities, assumes sustained quality yields from prime farmlands.

Reclamation of Surface-Mined Lands

According to Cutler, there are about 14,000 surface mined acres in Iowa which have not been restored to productive use. Reclamation costs, Cutler said, may average \$4,000 or more per acre for regrading, topsoiling, engineering structures, and other steps to prevent soil slippage and control water flow.

Under the Surface Mining Control and Reclamation Act of 1977, Cutler said, fees will be set for every ton of coal mined over the next 15 years, and one-fifth of the fund may be allocated to USDA for sharing the reclamation costs on rural lands.

He said the law also requires mine operators to include reclamation in the mining process and to determine whether an area chosen for coal mining is prime farmland. If a soil survey shows it is, Cutler said, the state regulatory agency still can permit the area to be mined in accordance with special reclamation requirements.

Energy

AVOIDING ENVIRONMENTAL/ENERGY LAW SUITS GOAL OF INTERIOR GRANT TO ARBITRATION

The American Arbitration Association, long a highly respected labor/management arbitration group, is going to try to identify and resolve energy-environmental issues before they reach the courts.

The six-month research project, funded by an \$87,900 Interior Department grant, is to be administered by the Council on Environmental Quality and the U.S. Geological Survey's Resource and Land Investigation program.

"Adversary proceedings have an important place in our system of government, but excessive litigation has detrimental effects," Interior Secretary Cecil D. Andrus has said. Adversary proceedings complicate and draw-out administrative programs and add costs, Andrus said, and "when the Government and the courts appear to bog down, citizens lose faith in the system."

Nonetheless, some persons speculate that the introduction of arbitration into environmental conflicts could merely add an additional step, thereby further drawing-out final decisionmaking.

Much Research, Little Actual Application

"There has been a great deal of dispute settlement research in this area, but little application of new technology where the issues are real and the tempers hot," said Donald B. Straus, president of the Research Institute of the American Arbitration Association in New York.

He said the Interior Department grant will provide a chance for developing and applying new mediation techniques to energy and environmental conflicts of "national importance."

"This project provides the means to draw upon new ideas that have been developed in universities and other research centers, to apply them to ongoing disputes, and to make those that are successful available to others," Straus said in a prepared statement.

"We are administering this project jointly with CEQ because of its role in improving federal resource plans and decisions through more effective use of public participation and the National Environmental Policy Act," said Ronald Jones, chief of the Geological Survey's Resource and Land Investigation Program.

The Arbitration Association's research team on the project is to identify five "prototypical environmental-energy disputes." Among potential policy areas that could be studied, the association listed: coastal zone management, mining development (coal and uranium), on-shore impact of Outer Continental Shelf leasing, air and water pollution, siting decisions, and land management issues concerning forestry, grazing land, or national parks.

The association is to prepare a handbook outlining ways to identify, manage, and resolve energy and environmental conflicts. It is to determine which organizations and individuals might have concerns with particular issues in order to see that they are involved in decisionmaking.

In a separate action, the board of directors of the Virginia Environmental Endowment said it is going to pay \$25,000 for mediation of environmental disputes. The money is to be used for a mediator to try to resolve differences between business, environmental, and government interests, said an endowment official.

Coal

INTERIOR ISSUES INTERIM RULES GOVERNING SURFACE MINING OPERATIONS

Interim final regulations (30 CFR 700 *et seq.*) controlling surface mining operations and reclamation were issued by the Interior Department December 13 (42 FR 62639).

Effective immediately, the interim rules set performance standards and environmental protection requirements for surface mine operators. The regulations differ in many respects from the version proposed by Interior September 7 (Current Developments, September 9, p. 705).

Beginning February 3, 1978, new coal mine permits must incorporate initial minimum performance standards included in the interim rules. Operators of existing coal mines must comply with the standards by May 3, 1978.

The regulations also establish procedures for granting federal funds to help states enforce the interim regulations and to establish their own permanent enforcement program.

The interim rules' performance standards direct mine operators to:

- ▶ Restore mined land to its original or an improved use;
- ▶ Restore mined land to approximate original contours;
- ▶ Remove topsoil and save it for later use;
- ▶ Control spoil placement;
- ▶ Guard against damage to the hydrologic balance;
- ▶ Control mine waste embankments; and
- ▶ Provide permanent vegetation for restored mining sites.

In addition to setting the general performance standards, the interim rules establish special standards for steep slope mining, mountaintop removal, prime farmland mining, and surface effects of underground mining.

Small Operator Exemptions

Exemptions from the interim standards may be obtained by small operators who produce less than 100,000 tons of coal in a calendar year. The exemption, effective until January 1979, does not apply to rules governing mine spoil handling.

In response to the 300-plus comments on the proposed version of the rules, Interior modified the interim final rules by:

- ▶ Changing requirements for detention time, sedimentation storage, and volume specifications for sedimentation ponds;
- ▶ Increasing requirements for communications between permittees and neighboring communities during preblasting surveys;
- ▶ Controlling maximum linear decibels of air blasts;
- ▶ Reducing the particle velocity test criterion from two inches per second to one inch per second;
- ▶ Setting general revegetation requirements rather than requiring compliance with more specific revegetation tables.
- ▶ Revising the grandfather clause provision applicable to prime farmlands to conform to the clause in the Surface Mining Control and Reclamation Act.
- ▶ Establishing separate specific performance standards for the surface effects of underground mining, rather than making that category subject to the same standards which apply to surface mining.

Air Pollution

EPA ASKS WHETHER AIR ACT REQUIRES MORE CONTROLS TO PROTECT INCREMENTS

Does the amended Clean Air Act require state implementation plans to prescribe measures beyond preconstruction review to protect air quality increments set for clean-air areas?

This question is one of the issues the Environmental Protection Agency is raising for public comment as part of a supplement to notices of proposed rulemaking and public hearing signed by EPA Deputy Administrator Barbara Blum December 5 (Current Developments, November 11, p. 1034, p. 1052, and p. 1061).

The EPA supplement, to be published soon in the Federal Register, will be published in Environment Reporter.

Deciding that additional controls are required could trigger a major change in the federal approach to administering prevention of significant deterioration (PSD) rules. That policy now relies on preconstruction review of major stationary sources to protect the increments.

Revising that approach may lead to disapprovals of state plans if they would lead to violations of the increments, EPA said, or plans would need revision. EPA now takes this approach to protect the ambient air quality standards.

Air Act Sections 161, 163

EPA acknowledges in the December 5 preamble that reliance on preconstruction review might be inadequate to protect the PSD increments and cites new statutory language that could be interpreted as requiring additional measures. Triggering the issue, according to EPA, are Sections 161 and 163 of the Air Act (Environment Reporter — Federal laws 71, 1101).

Section 161 says each state plan "shall contain emission limitations and such other measures as may be necessary, as determined under regulations promulgated under this part, to prevent significant deterioration of air quality."

Section 163, which prescribes the allowable increments of sulfur dioxide and particulate matter for Class I, II, and III, says plans "shall contain measures assuring" that increments "shall not be exceeded."

EPA says the "only method for protecting the increments specified in any detail in the Act is the preconstruction review scheme outlined in new Section 165." This section requires that new major sources be reviewed before construction and denied if emissions would violate the increment. It also imposes stricter control requirements than EPA's court-ordered regulations.

However, for at least two reasons, EPA says, it is possible "for increments to be violated despite good-faith" efforts to carry out the preconstruction review section.

It says first that emissions from sources not subject to preconstruction review under both EPA's original PSD rules and the new Act could lead eventually to violations. It says secondly that actual monitoring data may show violations for sources which passed earlier review stages.

In light of these considerations, the agency is asking for comment on whether the new Sections 161 and 163 or "any other statutory language or legislative history" require SIP's to contain measures in addition to the preconstruction requirements of new Section 165 to protect the increments." EPA is seeking public comment also on the types of additional measures which might be required."

'Basic Questions' Raised

EPA poses the issue of protecting the increment in terms of certain "basic questions." For example, it asks: "Are the increments in new Section 163 absolute statutory requirements to be protected by whatever combination of regulatory measures is necessary?"

If the answer is yes, EPA says it "would mean that the increments would be treated in basically the same regulatory manner as the ambient air quality standards set under Section 109. EPA would then apparently be obligated to disapprove SIP revisions (such as emission limitation regulations for existing sources) which would cause increment violations and to call for SIP revisions under revised Section 110(a)(2)(H)(ii) wherever substantial increment violations were found."

EPA then asks, "Alternatively, are the increments to be protected only through preconstruction review?"

If the answer is yes, EPA says it "would mean that an increment could legally be violated, but that no more major sources could be permitted in or near the area (unless and until the violation were corrected)."

It says the "latter approach reflects EPA's policy under the PSD regulation promulgated in 1974."

250-Ton Definition

Another issue raised in the December 5 preamble is whether all sources with the potential to emit 250 or more tons per year of a pollutant are major and therefore subject to PSD requirements.

Section 169(1) first identifies as major 28 specific sources which also have the potential to emit 100 or more tons per year of any air pollutant.

The section then includes in the term major "any other source" with the potential to emit 250 or more tons per year of any air pollutant.

Included in the list of 28 sources are size cutoffs for four types of sources: fossil-fueled steam electric plants of more than 250 million BTU per hour heat input, municipal incinerators capable of charging more than 250 tons of refuse per day, fossil-fuel boilers of more than 250 million BTU per hour heat input, and petroleum storage and transfer facilities with a capacity exceeding 300,000 barrels.

EPA is seeking comment "on the relationship between (1) the sentence in Section 169(1) conferring major source status on 'any other source' of 250-ton potential and (2) the specific size cutoffs for the four types of sources."

"For instance," EPA asks, "if a fossil-fuel boiler has less than 250 million BTU per hour heat input but the potential to emit 250 tons of a pollutant per year, is it a major source?"

Effective Dates Clarified

EPA also clarifies the effective dates of the proposed PSD rules for sources not covered in EPA's current regulations.

EPA said on November 3 that "a source would be subject to the new PSD rules immediately upon promulgation unless the source both (a) obtains a final PSD permit before March 1, 1978, and (b) commences construction before December 1, 1978."

Agency statements "created confusion for those sources not in one of the 19 categories covered by EPA's currently effective PSD regulation (40 CFR 52.21), because such sources are not now required to obtain a PSD permit," the agency says.

EPA says its "intent is that any source not covered by EPA's current PSD regulation would be subject to the new PSD rules beginning on March 1, 1978, unless such source both (a) obtains before March 1, 1978 all final preconstruction permits which are necessary under the applicable state implementation plan under the Clean Air Act, and (b) commences construction before December 1, 1978."

In cases where a "source is not required by a SIP to obtain a permit in order to commence construction before March 1, 1978, then such a source would be subject to the PSD rules only if it fails to commence construction before December 1, 1978," according to EPA.

**STRATEGY FOR PUTTING RCRA INTO EFFECT
OUTLINED IN PAPER FOR PUBLIC MEETING**

A draft strategy for putting into effect the Resource Conservation and Recovery Act of 1976 is being circulated by the Environmental Protection Agency. The strategy paper is to be the subject of a public meeting January 19 in Arlington, Va.

Sections of the Act that would receive major emphasis under the draft strategy are:

- ▶ Subtitle C regulations and Section 1008 guidelines for identifying the characteristics of hazardous waste, and listing hazardous wastes, and for controlling generation, transportation, storage, treatment, and disposal of hazardous wastes;

- ▶ Subtitle D criteria and Section 1008 guidelines for determining acceptable and unacceptable disposal and for conducting the open dump inventory;

- ▶ Section 3006, 3011, 4002, 4008 guidelines and financial assistance to help states develop and put into effect hazardous and solid waste programs including resource recovery;

- ▶ Technical assistance panels to assist in development of state programs;

- ▶ Resource Conservation Committee recommendations to Congress for resource conservation; and

- ▶ Research, demonstration, and evaluation activities for management and recovery of hazardous wastes and solid wastes.

Receiving "medium emphasis" under the draft strategy would be Section 6002 guidelines for federal procurement of recovered materials, Section 8002 reports on special research and demonstration projects, Section 7004 public participation guidelines, Section 8003 public information dissemination, and Section 2003 technical assistance teams for local implementation.

No activity is foreseen on Section 1008 guidelines for agricultural and mining wastes, Section 2004 tire shredder grants, and Section 8003 solid waste management library and model accounting systems.

Highest Priority Activity

The draft strategy says that controlling waste disposal should be the highest priority under RCRA over the next five years because "this activity will have the most direct impact on the adverse public health effects of improper solid waste management."

Other reasons cited for assigning this priority to waste disposal control are that such control will provide an indirect stimulus for resource conservation and recovery by increasing the costs of disposal and that the act "contains very clear and strong mandates relating to disposal controls."

To establish resource conservation and recovery as "the preferred solid waste management options," certain programs also have high priority, the draft strategy says. These programs include development of economic incentives for fostering conservation and recovery, state and regional programs for resource conservation and recovery, and research on recycling and resource recovery technologies.

Outline of Problem

Outlining the problem that must be dealt with, the draft strategy says that mining and agricultural waste quantities "far outweigh all other types of solid waste."

Industrial wastes and sludges, though much smaller in quantity than the mining and agricultural wastes, are about 2 1/2 times the quantity of residential solid wastes and sludges, and about 10 percent of industrial wastes are hazardous, the draft strategy says.

"It is also important to point out that significant increases in waste generation rates can be expected over the next decade as environmental laws relating to air and water pollution are implemented," the draft strategy says. "Particular waste streams that are expected to be affected are the industrial waste, industrial sludge, and wastewater treatment sludge streams."

Other points the draft strategy mentions in its outline of the problem are the dangers of surface and groundwater contamination from land disposal sites and the growing drain on natural resources from current consumption patterns. U.S. consumption of most classes of raw materials "has been growing by 20 to 40 percent per decade in the 20th century, and typical projections by independent resource economists forecast at least a doubling in U.S. consumption of most raw materials by the year 2000," the draft strategy says. Only a small proportion of residential solid waste is recycled, it adds.

Constraints Cited

One chapter of the draft strategy deals with constraints on putting RCRA into effect.

A significant expansion of resource conservation and recovery could take place without major advances in technology, the draft strategy says. But for this to happen, the draft says, opportunities for conservation must be recognized, and it must be in the economic interest of a firm or industry to carry out the opportunities.

In two respects, the draft strategy says, public attitudes may be the major obstacles to putting the Act into effect. "The history of citizen resistance to the siting of solid waste facilities is extensive and consistent," the draft strategy says, adding that such resistance cannot be dismissed as based upon "erroneous or disputed data regarding the adequacy of the proposed facility with respect to public health or the environment."

The other point of public opposition to the Act may be cost. "Public willingness to pay for improved solid and hazardous waste management is difficult to predict, especially without precise data on the nature and scope of those increased costs," the draft strategy says.

The draft strategy, when completed, will not be law and will not have the status of a regulation or of official rulemaking, EPA says. "Rather it broadly describes how EPA plans to proceed implementing RCRA in light of its legislative mandates and the realities of existing federal, state and local capabilities and resources."

Copies of the draft strategy are available from Geraldine Wyer, (202) 755-9157. The public meeting will be held at the Ramada Inn (Rosslyn) in Arlington, Va., beginning at 9 a.m. in Rosslyn Room B.

Water Pollution

EPA EXPECTED SOON TO RELEASE SECTION 311 CHEMICALS, REGULATIONS

Final regulations under Section 311 of the Federal Water Pollution Control Act are expected to be released shortly by the Environmental Protection Agency.

Agency sources said December 20 that the regulations for implementing the hazardous and toxic materials discharge provisions of the Water Act should be approved within days by EPA Administrator Douglas M. Costle.

They said the final regulations will be essentially the same as proposed regulations published December 29, 1975. The major difference, one source said, is that the agency has eliminated the gross negligence standard and substituted something "between a low and high discriminator."

He also said that a number of the original proposed toxic or hazardous substances have been removed from the final list, but the agency intends to propose additions. The final list will include about 271 hazardous substances. The agency expects to propose 28 additions to the list, he said.

Discharger Liability

Section 311 of the Water Act prohibits the discharge of toxic or hazardous substances and oil into the nation's waterways. The Water Act directs EPA to establish a list of toxic or hazardous substances and also to formulate procedures for removing chemical discharges. The provision also authorizes imposition of fines on persons found responsible for chemical discharges.

Although EPA has formulated procedures for dealing with oil spills, it has not issued regulations dealing with hazardous materials.

Congressman John J. LaFalce (D-NY) has asked EPA to adopt regulations to cope with hazardous substances buried by Hooker Chemical Company in Niagara County, N.Y. LaFalce has asked the agency and President Carter to put in force regulations that would prohibit chemical discharges and also provide for a revolving fund to remove toxic substances in cases where liability for improper chemical disposal cannot be ascertained.

The Niagara County site was used by Hooker some years ago to dispose of toxic chemicals. The land later was sold by Hooker to the county and private developers. Hooker disclaimed responsibility for the chemicals in the sales contract. In recent months the chemicals have been forced to the surface as containers dissolved and rising ground water tables forced the buried polychlorinated biphenyls up into a recently constructed schoolyard and several private residential properties.

Gravity-of-the-Offense Standard

In a letter to LaFalce December 13, EPA Administrator Costle said the agency's hazardous substances regulations have been delayed since December 1975 because of unresolved policy issues.

One issue, Costle said, concerns the liability for cleanup and mitigation following the discharge of a hazardous substance determined to be nonremovable. Costle said the other issue involves the discriminator that would differentiate between the lower or higher civil penalty rates for the discharge of a nonremovable substance.

Costle said in his letter that the removability issue has been resolved by proposed amendments to the Water Act. Specifically, he said amendments to Section 311 that authorize the Government to clean up chemical discharges determined to be nonremovable and then assess clean-up costs to the discharger resolve the removability issue.

The gross negligence issue has been resolved in favor of a "gravity of the offense" discriminator, Costle said. This new discriminator "provides maximum latitude of discretion for the administrator for each major discharge of a hazardous substance," he said, because the agency "may consider the nature and circumstances surrounding the discharge."

Costle told LaFalce that the new gravity-of-the-offense discriminator will enable the agency to consider such factors as culpability of the owner, operator or other persons charged, the toxicity, degradability, and dispersal characteristics of the discharged substance, and the discharger's cleanup and mitigation efforts.

Costle said the agency is preparing a monitoring program to determine what final action should be taken on the toxic chemicals surfacing in Niagara County.

Air Pollution

EPA DRAFT GUIDELINES REFLECT NEED FOR PUBLIC INVOLVEMENT IN URBAN CLEANUP

Transportation planning to clean up heavily polluted metropolitan areas should involve as wide a range of the public as possible in analyzing and deciding on reasonably available control measures.

This approach is the thrust of transportation planning guidelines being developed by the Environmental Protection Agency in response to the Clean Air Act Amendments of 1977. The current draft, dated November 28, is undergoing comment and revision.

Transportation planning reflects part of what EPA Assistant Administrator for Air and Waste Management David J. Hawkins calls the "unfinished agenda" of the Clean Air Act of 1970. (Current Developments, December 18, p. 1246) — the attainment of the ambient air quality standards set to protect public health.

In dirty metropolitan areas, measures generally must go beyond controls on tailpipe exhausts and stationary sources

to include transportation control measures as conditions for extensions of attainment deadlines to 1982 and 1987.

In many areas, transportation controls have been controversial, fraught with litigation, and characterized by federal rather than local development. EPA cites a number of reasons for the failures, including the "extremely tight time constraints imposed" by the court-ordered deadline for plans to include transportation control measures.

However, the EPA draft says "perhaps the greatest deficiency was the lack of intergovernmental coordination and citizen participation." It says "a considerable amount of the opposition to the plans centered not so much on the measures but rather on the manner in which the measures were developed and imposed."

The guidelines deal with "these deficiencies," according to the EPA draft, "by requiring locally developed plans that result from a process containing the following major elements: extensive agency interaction at all government levels, involvement of local elected officials, effective public participation, and integration with the ongoing Department of Transportation planning process to the fullest extent possible."

The amendments inject into the planning process another new element, the EPA draft says, by including funding sanctions.

No longer is the threat of federal intervention the principal sanction. Under the revised Act, failure to submit to EPA an approvable plan by January 1, 1979, triggers a ban on new major sources in nonattainment and the withholding of certain highway and air pollution funds.

The guidelines EPA is developing are intended to describe a planning process adequate to correct earlier deficiencies and result in submission of approvable plans.

They would apply to all government agencies designated according to Section 174 and involved in revising or developing the transportation parts of the control plans.

They are said to recognize that "unique characteristics may exist in any specific area," and to be "designed to be flexibly applied and adapted to ongoing planning processes."

However, although each part is not to be viewed "as an inflexible mandatory requirement," the EPA draft says "the objective of each is considered to be a necessary part of an effective process," and any change would require "substitution by an equally effective approach."

The draft emphasizes that preparing the transportation part of the plan "is not merely the one time development of temporary or short-range tactics to improve air quality, but rather such planning includes the entire process of taking air quality needs into account in all transportation actions on a continuing basis."

For transportation sections of submittals in 1979, it says EPA's approval would be "primarily dependent on the establishment of an effective planning process" and "less dependent on actual emission reduction from the transportation system." But for submittals after 1979, it says "approval will be primarily dependent on demonstrable, incremental progress in reducing emissions from the transportation system."

Air Pollution

EPA ANTICIPATES NO MORE POLLUTANTS, EXCEPT LEAD, TO BE ADDED TO CRITERIA LIST

With the exception of lead, the Environmental Protection Agency does not anticipate adding any more pollutants to its Section 108 air pollutant list, according to EPA Administrator Douglas M. Costle.

EPA has issued criteria documents for sulfur oxides, particulates, hydrocarbons, carbon monoxide, oxidants and nitrogen oxides. The agency recently issued a criteria document for lead and proposed a lead standard of 1.5 micrograms per cubic meter based on a monthly average (Current Developments, December 16, p. 1235).

In a letter December 9 to Congressman George E. Brown, Jr. (R-Calif), Costle said that although there are no written standards for determining when criteria documents should be revised, the Clean Air Act specifies that "the Administrator shall from time to time review, and, as appropriate, modify, and reissue any criteria." Costle indicated that the next projected revisions are currently scheduled as follows:

- ▶ Sulfur oxides and particulate matter — May 1980;
- ▶ Hydrocarbons — September 1980;
- ▶ Carbon monoxide — December 1979;
- ▶ Oxidants — March 1978; and
- ▶ Nitrogen oxides — January 1979 with revision to areas specified in Section 104(b) (research relating to fuels and vehicles) by February 1978.

In addition, Costle said the Clean Air Act amendments of 1977 specify that such revisions occur no less than once every five years. Therefore, some changes will occur in the criteria revision schedules, particularly the February 1978 nitrogen oxide deadline, he said.

In advising Brown of methods used in revising the criteria documents, Costle said most of the existing documents were prepared by agency experts with little assistance from outside contractors. However, because of difficulty in meeting the deadline imposed by the 1977 amendments, Costle said, the agency will request assistance from outside contractors for most parts of the revision process except for internal staff review and overview.

Costle added that the "in-house" approach is being used in the pending oxidant revision and in preparation of the lead document, as well as for assessing reports prepared by the National Research Council under contract to EPA. These reports will be used for all other revisions, he said.

Atomic Energy

MAJOR RADIATION CONTROLS ROLE SHOULD GO TO EPA, SENATE REPORT SAYS

Government control of radiation should be the exclusive preserve of the Environmental Protection Agency, according to a two-year Senate Government Affairs Committee study of federal regulation.

"The field of radiation safety shows many deficiencies which typically mark a piecemeal approach to federal regulation," the report says.

To remedy the situation in which "numerous agencies... administer numerous statutes in the field of radiation health and safety," the report recommends, EPA should be authorized by Congress to:

- ▶ Request action from another agency if EPA determines that a hazard exists which could be addressed by the agency under separate statutory authority;

- ▶ Set "reasonable" timetables for the other agency's consideration; and

- ▶ Allow EPA to intervene if the other agency does not act on "a recognized hazard" and to set enforceable standards for the agency.

Currently, the report says, "Too many agencies are charged with administering too many laws. And nobody has the clear ability to overview the total situation, or the power to guide and coordinate the dispersed authority.

"As a result coordination is often less than systematic, the extent of the risk is not fully understood, and some potentially significant hazards are not subject to any federal controls at all," the report says.

The recommendations are included in a chapter from Volume V of the committee's two-year, six volume study of federal regulation and were released December 28.

"What is needed is not more agencies involved in radiation protection — but one agency with the resources, the mission, and the determination to see that the job gets done," said Committee Chairman Abraham A. Ribicoff (D-Conn).

Radiation Responsibility Scattered

EPA, he said, should be that agency since it is "charged with the responsibility to protect the environment. These are the people who have the expertise and the authority to coordinate federal efforts to regulate radiation levels." "EPA has perhaps the broadest claim of jurisdiction," the direct result of the 1970 consolidation which created EPA and transferred to it the radiation functions from other federal agencies, the report says.

EPA attempts to fill its coordinator role, however, "have often been resisted or ignored by other agencies and departments" and its use of that authority has been "unilateral rather than cooperative in nature."

The ranking minority member of the committee, Charles Percy (R-Ill) said, "If someone were to set out to devise a flawed, cumbersome, ineffective scheme to deal with harmful levels of radiation, he probably could not do better than what we have now."

Water Pollution

GAO REPORT SAYS DATA INADEQUATE ON EFFECTS OF NONPOINT POLLUTION CONTROLS

The General Accounting Office recommends that the Environmental Protection Agency gather additional data on the effects of nonpoint pollution control measures.

In a report released December 20, GAO said nonpoint pollution controls often are poorly defined and cause difficulties that restrict the scope of planning agencies forming comprehensive nonpoint control plans.

GAO said EPA information is available on pollution loadings that could be reduced because of certain nonpoint control measures. But data are lacking on the impact of control measures on overall water quality.

For example, GAO said no-till agricultural methods greatly reduce soil erosion and stream sedimentation. But no-till farming generally requires using additional fertilizers, herbicides, and insecticides. Information on the total effects of no-till farming is lacking, GAO said.

Data Base Inadequate

"Comprehensive assessments of nonpoint pollution involve sampling numerous water quality parameters at various sites," GAO said. "Existing data is inadequate."

EPA's guidance to state and local agencies should be changed to require data on effects of nonpoint control measures, GAO said. Currently, the guidance instructs the agencies to identify major nonpoint pollution sources and their relative pollutant contributions.

GAO said most of the state and local planning agencies it visited "lacked the data necessary to develop an effective nonpoint source control program." Agencies in Pennsylvania, for example, identified stream miles degraded by mining activities but did not investigate other categories of nonpoint pollution.

GAO also said EPA should more actively involve other federal agencies in developing a nonpoint control program. The Soil Conservation Service has a \$214 million nonpoint control program, but GAO said the Soil Conservation Service's approach to the program is "passive."

Copies of the report, "National Water Quality Goals Cannot Be Attained Without More Attention To Pollution From Diffused Or 'Nonpoint' Sources," are available for \$1 from the General Accounting Office, Distribution Section, Room 4522, 441 G Street, NW, Washington, D.C. 20545.

AMENDED WATER ACT DELETES FUNDING FOR SEPARATE STORMWATER RUNOFF SEWERS

The recently enacted Federal Water Pollution Control Act amendments delete funding for separate stormwater runoff sewer systems from October 1977 through September 1982, leaving local governments to enforce best management practices to control urban stormwater runoff.

The major sources of urban runoff pollution are:

- ▶ Meteorological sources, such as particulates, dustfall, and other air pollutants above urban areas;
- ▶ Traffic-related pollutant residue, such as motor vehicle exhaust emissions of suspended solids, chemical oxygen-demanding materials, heavy metals, especially lead, and oil and gasoline spills;
- ▶ Urban litter; and,
- ▶ Urban construction causing sedimentary erosion from construction sites.

The Environmental Protection Agency estimates that the cost of treating urban stormwater runoff is \$200 billion. Preventive measures instead of treatment measures, however, appear to carry a much smaller price tag, EPA says.

Best Management Practices

Best management practices (BMP) can help clean up stormwater runoff by redirecting existing controls to reduce or prevent pollution, EPA says.

Some nonstructural BMPs include extensive street sweeping based on the frequency of rainfall; disposal of street sweeping debris through sanitary landfills; proper solid waste management, including improved trash pickup; and catch basin cleaning on a regular, rather than on a demand, basis.

In developing areas, such as construction sites, sedimentary pollution may be reduced by:

- ▶ Detention basin facilities where particulates naturally settle and the cleaner water is released;
- ▶ Use of straw bales, which filter out particulates from the runoff;
- ▶ Diversion dikes, which channel stormwater to other areas; and,
- ▶ Vegetative cover, which holds down sediment and reduces erosion.

All control methods should be checked for maximum effectiveness, EPA says.

The agency says using BMP nonstructural techniques would require a national capital expenditure of close to \$6 billion as opposed to the estimated \$200 billion for treatment.

A U.S. Court of Appeals ruling (Current Developments, November 25, p. 1107) means that EPA may require use of BMP in the general permit program, the agency says.

Local Participation

EPA encourages local governments and planning agencies to work with the public to assess and devise solutions to the urban runoff problem.

EPA says it is up to local governments to enforce the general permit program area (GPPA) for separate stormwater sewers. The GPPA applies to areas with a population more than 50,000. EPA says there are approximately 200 such areas nationwide.

Joel Miltenberger, administrative environmental specialist for the Urban Runoff Program of the Nonpoint Source Branch, told Environment Reporter that little data exists to document the impact of urban stormwater runoff. He said EPA does not know what amount of heavy metals in the water will kill fish; how many heavy metals or toxics are indigenous to the water, or are dumped upstream; how much is in the rainfall; and how much builds up between rainfalls.

Miltenberger said, however, that EPA does know that use of BMP such as detention basin facilities, straw bales, and vegetative cover, will reduce sedimentation and erosion and will reduce the turbidity levels of silt in the water.

STANDARDS SOUGHT FOR OCS DRILLING SAFETY, POLLUTION CONTROL EQUIPMENT

The U.S. Geological Survey January 3 requested public comments on standards and certification procedures to be applied to safety and pollution control equipment used in Outer Continental Shelf oil and gas production (43 FR 39).

USGS said it intends to require "by National OCS order, that safety and pollution-prevention equipment used in OCS oil and gas operations comply with specific design-performance standards" which are to include standards and procedures developed by the American Society of Mechanical Engineers and the American National Standards Institute.

Acting on an earlier notice of USGS intention to develop these standards, ANSI and ASME developed provisions for:

Quality assurance and certification of safety and pollution-prevention equipment used in offshore oil and gas operations (ANSI/ASME OCS-1-1977);

▶ Accreditation of testing laboratories for safety and pollution-prevention equipment used in offshore oil and gas operations (ANSI/ASME OCS-2-1977); and

▶ ASME-certification and accreditation procedures.

▶ In addition, the USGS said, "in the near future, two documents will be accepted as meeting the criteria for specific equipment standards." The documents are:

▶ "API Specification for Wellhead Surface Safety Valves for Offshore Service" (API Spec 14D).

Survey Team Certification

Survey teams from ASME will be available, upon request, to certify or accredit manufacturers and test laboratories for subsurface and surface safety valves during visits to plants or laboratories. The visits — to be monitored by USES — are to begin in February and manufacturers will have until the end of January, 1979 to obtain certification for such valves.

The use of certified sub-surface and surface safety valves will be required for use in oil and gas production at OCS leased after July 1, 1979, the agency said.

Survey team certification of other equipment must await development of standards for other equipment, the agency said and invited "any standards writing organizations that have developed equipment standards" to submit them to the ASME Standards Committee.

Comments on the use of the ANSI/ASME standards OCS-1-1977 and OCS-2-1977 and the ASME certification and accreditation procedures and the suitability, addition, or deletion of equipment for which the standards are desired should be directed to the Acting Chief, Conservation Division, U.S. Geological Survey, Mail Stop 600, National Center, Reston, Va. 22092 no later than February 3.

Water Pollution

GAO CRITICIZES WETLANDS PROGRAM ADMINISTERED BY CORPS OF ENGINEERS

Regional differences in wetlands programs administered by the Army Corps of Engineers lead to unequal enforcement of federal regulations, confusion, and the issuance of questionable wetlands permits, according to a December 23 report by the General Accounting Office.

Under Section 404 of the Clean Water Act and Section 10 of the River and Harbors Act of 1899, the corps administers permit programs to protect U.S. waterways from activities deemed contrary to the public interest. Inconsistencies among corps district offices in applying federal wetlands for different parts of the U.S., and restrict establishment of a national wetlands program, the report says.

The corps should evaluate its wetlands program, the report says, to determine whether local district offices are over-regulating or are approving activities contrary to national wetlands protection goals.

Geographical Boundaries

The corps, by law, must define the geographical boundaries of wetlands under its control and set procedures for district offices to achieve uniform objectives.

The report says current guidance is inadequate, and "has resulted in significant differences" in program results at various corps offices.

The lack of geographical definitions, for example, has led to violations because individuals were unaware of corps jurisdiction. And, in some instances, the GAO report says, federal officials issue contradictory opinions because they lack definitive guidance.

Corps regulations require consideration of a proposed project's cumulative impact — additional structures or activities that could be expected to occur in the permit area — but the report says guidance is not available on how cumulative effects should be evaluated.

According to the report, the district offices GAO analyzed "recognized that certain types of activities cause serious cumulative impacts." However, permit applications for these projects "are usually approved" because cumulative impacts are not evaluated.

Unauthorized Blanket Permits

The corps should re-examine its use of general and blanket permits to determine whether current procedures are administratively manageable and effective in protecting the public interest, the report says.

The corps should increase its use of general permits "to ensure uniform treatment of applicants" and to reduce workloads, the report says.

General permits are issued, after public comment, to several applicants wishing to engage in similar activities in a wetlands area. The permits may be issued only for activities that individually and cumulatively are determined to have minimal environmental impacts.

The general permits result in less time and paperwork for applicants and can be used more often, the GAO report says.

Blanket permits, however, are not specifically authorized by corps regulations and the continued use of such permits is "questionable," the report says.

Blanket permits allow an applicant to engage in a wide range of activities without identifying the specific location, nature, or type of activity to be undertaken. An applicant would, for example, apply for a permit to conduct a variety of oil and gas exploration and production activities within a large geographical area, the report says. Individual corps

district offices determine blanket permit duration, sometimes authorizing activities for up to 10 years.

Although the corps does seek public comment before issuing blanket permits, the report says, the lack of information describing the type of activities covered by the permit and the apparent lack of regulatory authority for issuing blanket permits make their use questionable.

Guidance on Priorities

The GAO report also says the corps should provide district offices with additional guidance for setting priorities and making enforcement actions consistent.

Most violations examined by GAO involved activities undertaken by individuals without permits. Ultimately, the report says, most of these cases were settled by the issuance of after-the-fact permits. But sometimes similar cases were handled differently, it says.

For example, the report says, it found instances where district offices fined individuals for altering wetlands without permits, but in other cases after-the-fact permits were issued. "Districts are inconsistent in their treatment of violators," the report says. "These inconsistencies exist within as well as among districts."

Guidance regarding program emphasis also should be clarified, the report says, to determine whether program emphasis should be placed on permit processing, monitoring and enforcing, or whether each of these functions should be given equal emphasis.

The report says that "currently, the districts differ considerably in their interpretation of the importance of these functions," and guidance to identify proper program emphasis should be provided.

Public Notification

Guidance also should be issued to district offices to ensure adequate information is provided in public notices, the report recommends.

The corps uses public participation as a key element in evaluating the interest of the public and as a basis for making decisions," but adequate evaluative information such as the type of area to be affected frequently is lacking in district office notices, the report says.

Generally, the report says the corps should clarify how district offices can achieve program results: the "protection, enhancement, and conservation of the Nation's waters." According to the report, the corps' regulations are unclear in many respects, lacking details on critical matters such as how to resolve conflicts involving navigation and water quality or energy development and wetlands protection.

Although corps management recognizes that differences exist among district offices, the report says, corps headquarters views the differences as a good way to regulate because offices are "fine-tuned" to their respective areas and interests.

"We recognize that local interests considerations are very important," the report says. "However, these interests may not always be synonymous with the overall interests of the nation."

Enforcement**MOORMAN SEEKS MORE CITIZEN SUITS.
PREDICTS STEP-UP IN CRIMINAL PROBES**

The chief of the Justice Department's land and natural resources division, puzzled by the small number of citizen lawsuits filed against polluters, February 21 said citizen lawsuits could help ease the federal burden of enforcing pollution laws.

Although congressional consideration of Clean Air Act and Clean Water Act amendments included sharp debate over citizen suit provisions, Assistant Attorney General James W. Moorman told a District of Columbia Bar Association gathering that the once-controversial concept "appears to be an unused, atrophying part of the law."

Fewer than 25 citizen lawsuits currently are on federal district court dockets throughout the U.S., Moorman said.

The low total is evidence, he said, that fears that the provisions would trigger a flood of frivolous lawsuits "were groundless."

He said he is "disturbed" by the figures and suggested that the "bar doesn't understand how easy it is to bring these suits."

Moorman then outlined the data needed for adequate preparation of a suit.

Under the air and water laws, anyone can file a lawsuit charging violation of a National Pollutant Discharge Elimination System permit, a state implementation plan, effluent or pretreatment standards, or an EPA compliance order. In addition, both laws allow the courts to award litigation costs to the plaintiffs.

Violation Detection Method

Moorman said that for suspected violations of an NPDES permit, the discharger's permit monitoring reports should be examined. For nonpermit dischargers, he said, water samples should be obtained from above and below the discharge point source.

Use of those methods, he said, "would allow citizens to make a substantial contribution to the enforcement of the Act."

For suspected Air Act violators, he said, opacity measurements should be taken with a Ringelmann chart. Evidence of less visible emissions is "more difficult" to gather and demands use of expert witnesses, he said.

Citizen lawsuits against polluters, he said, are "welcomed because of the size of the task facing the Justice

Department," and he called for attorneys "to join Justice in seeing to it that the high goals set by Congress are met."

In response to a question about federal enforcement, Moorman said he is "not satisfied" with either the number of enforcement cases or the geographic distribution of the cases.

"It seems that some EPA regions have plenty of enforcement actions pending while other regions can't seem to find any problems in their areas," he said.

He also pointed out that EPA and Justice manpower in enforcing pollution control laws is "stretched very thin" and is concentrated on checking Water Act permit compliance.

Moorman said if more citizen lawsuits were filed, "just enough to be noticed," polluters would be deterred from violating environmental laws.

"Without the deterrent effect, you don't have any enforcement," he said. "You'd much rather deter than go to court after violators."

But in an earlier address, Moorman spelled out a "policy of vigorous criminal enforcement" that, he said, "will be truly effective as a deterrent and will result in a higher degree of pollution control."

Justice is seeking indictments and convictions for "willful, substantial violations of the pollution control laws of a criminal nature" and has begun grand jury investigations against corporations and individuals, he told an American Law Institute-American Bar Association meeting February 10.

The prime candidates for grand jury investigation are surreptitious dumpings, he said, adding that the Justice Department also "views as extremely serious false reporting to the agencies that conceals or omits important information called for" by reporting requirements.

In addition, he said, the Justice Department will try to "identify the individuals responsible for corporate acts so that the law may be truly enforced and its real deterrent effect mobilized."

"The enforcement of the criminal laws is a serious matter," he said. "The Department of Justice will approach enforcement in the pollution control area with the same seriousness with which it must approach enforcement of the tax laws or the laws against bank robbers."

Although the Justice Department is taking a tougher pollution control enforcement stance, Moorman noted the massive dimensions of the task facing EPA and Justice, and he underlined the need for voluntary compliance.

He said EPA is responsible for the emissions of 22,000 major stationary sources of air pollution, 45,000 NPDES permits, and more than 30,000 registered pesticides.

"Clearly EPA and the Department of Justice cannot deal with these enforcement problems satisfactorily in the absence of widespread voluntary compliance," he said.

"It is illusory to believe that the Government can check every tax return or the effluent coming out of every pipe."

Air Pollution

INDUSTRY SAYS LEAD STANDARD LOWER THAN NEEDED TO MEET HEALTH GOALS

Industry representatives testifying at the Environmental Protection Agency's February 15 hearing on its proposed air quality standard for lead of 1.5 microgram per cubic meter (ug/m³) said the standard is at least three times lower than needed to protect public health.

Using the same mathematical methods and data base as EPA used, Emmett S. Jacobs, head of environmental studies for Du Pont's Petroleum Chemicals Division, said the air quality standard should be no less than five ug/m³ as originally recommended by EPA in its first draft of the lead criteria document (Current Developments, February 4, 1977, p. 1486).

Citing two differences between EPA's calculations and DuPont's, Jacobs said EPA's assumption that the blood lead level increases two ug/dl (micrograms per deciliter of blood) for each unit increase in air lead exposure is too high. Based on the data, he said, a more appropriate relationship would be in the range of 1.2 to 1.4 ug/dl.

Secondly, Jacobs said the threshold level at which EPA said the potential for adverse health effects in children exists should be 20 ug/dl rather than 15 ug/dl.

Concurring with Jacobs, Jerome Cole, director for environmental health for the Lead Industries Association said, "proper analysis of the data supports a standard of five micrograms per cubic meter on a 90 day basis."

EPA December 12 announced that its proposed federal ambient air quality standard of 1.5 ug/m³, based on a monthly average, would provide a margin of safety to protect young children, who are most susceptible to adverse health effects from lead (Current Developments, December 18, 1977, p. 1235).

Subsequent to the announcement, Cole accused EPA of "caving into the environmental activists" (Current Developments, January 13, p. 1392).

Testifying at the hearing, Cole said, the trade group "objects to the proposed standard because it is designed to protect children from certain biological effects without a shred of evidence that such effects are in any way injurious to health." He said, "If we accept the proposition that children are especially sensitive to lead, the proper function of an ambient air standard should be designed to ensure that blood levels in children are kept below 40 micrograms per deciliter." Thus, he concluded, "a lead ambient air standard of at least five micrograms per cubic meter on a 90 day average will accomplish that goal."

Water Resources

INDUSTRY OFFICIALS CRITICIZE REVIEW OF NATIONAL WATER POLICY

NEW ORLEANS — (By an Environment Reporter staff correspondent) — Industrialists attending the annual Water Resources Congress convention here February 14-17 criticized the process used by federal officials reviewing national water policy and developing reform proposals for President Carter.

Convention participants contended that local influence on policy reform issues was inadequate, Congress should have been included and was by-passed, and the National Water Management Assessment should have been completed before the review was undertaken.

Officials from the Office of Management and Budget, the Council on Environmental Quality, and the Water Resources Council comprise the review committee.

The concerns of industry officials were addressed by Lewis D. Walker, acting deputy director of the Water Resources Council.

Walker assured industrialists that Congress will review the policy group's proposals before the President formulates a national water policy.

"Furthermore, Congress sets water policy," Walker said. "It seems at least the President could set an agenda for what

this Administration is going to do with regard to water policy."

Walker said the comment period on water policy was intended to provide a forum for policy suggestions from the private sector.

He also told the group that the National Water Management Assessment was developed concurrently with the policy group's proposals. "There just wasn't sufficient time, but I did what I could to get the assessment out before we finalize the policy review," Walker said.

The review stresses water conservation and increased state responsibility in the financing of water projects, according to Walker.

Impact Statements

EPA OBJECTS TO EIS REQUIREMENT IN STATES WITH NPDES AUTHORITY

The Environmental Protection Agency, fearing a threat to its delegation of authority under the Clean Water Act, is asking the Council on Environmental Quality to drop a proposed requirement that environmental impact statements be prepared for new source permits in states that have assumed National Pollutant Discharge Elimination System authority.

Currently, no impact statements are required in the 28 states (including territories and the District of Columbia) that have been delegated NPDES authority. Statements are required, however, for new source permits in states where EPA administers the NPDES program.

Draft regulations distributed by CEQ for interagency review in December (Current Developments, December 16, 1977, p. 1236) would define any federal program "delegated or otherwise transferred to a state or local government" as a "major federal action" requiring an environmental impact statement.

According to both EPA and CEQ sources, this definition means that statements would have to be completed for new source permits in states with NPDES authority, even though no direct federal action is involved.

"This would create inhibitions in terms of a state's assuming a program," an EPA source told Environment Reporter February 22. The inhibition would be there regardless of whether EPA or the state were responsible for preparing the EIS, he said.

The draft CEQ regulations are designed to streamline the environmental impact statement requirement of the National Environmental Policy Act. EPA's comments will be considered along with those of other federal agencies before the regulations are proposed in the Federal Register.

Rules Aimed At NRC

The CEQ source said the provision requiring environmental impact statements for actions delegated to states by the Federal Government was intended primarily to cover authority over energy facilities delegated by the Nuclear Regulatory Commission.

"What we're addressing is not the question of NPDES permits per se, but what happens when a federal program goes to states," the source said.

However, CEQ at this point believes that either states or EPA should prepare an environmental impact statement for new source permits in states with NPDES authority, the CEQ source said.

"We don't want to create a gap in NEPA unless Congress specifically authorizes it," he said.

EPA, in draft comments on the CEQ rules, contends that requiring impact statements in states with NPDES authority would violate NEPA and also would conflict with provisions and congressional intent of the Clean Water Act.

'Federal Taint'

"By its plain language and numerous court decisions, it is well established that NEPA's impact statement provisions are not applicable to state actions," EPA's draft comments say. "The current proposal goes far beyond this principle and establishes some concept of 'federal taint.' The regulations seem to provide that once a program has been administered by the U.S. Government it can never lose its character as a federal action."

Citing legislative history, EPA argues that assumption of authority by a state under the NPDES permit process "does extinguish the federal role, and although originally administered by the EPA, the issuance of new source permits becomes solely a state action."

Rules Said To Inhibit Delegation

Aside from the legal issue, EPA contends that the CEQ proposal "would frustrate the goal of state administration of the NPDES permit process.

"Not only would federal resources be consumed but that independence which is the major incentive to state assumption of NPDES authority would be removed," the draft comments say.

The CEQ source left open the possibility that the regulation would be revised in response to EPA's concerns.

"We are going to go over everything they say extraordinarily carefully," the source said. "We're open to being convinced that there's a different congressional intent."

EPA Supports Thrust of Rules

Aside from the NPDES issue and three other areas of concern, EPA's draft comments support the thrust of the CEQ draft regulations.

The three other areas of dispute revolve around EPA's contention that the rules:

- ▶ "Are insensitive to the practical problems associated with federal grant programs;"
- ▶ Are too strict and flexible in their criteria for referrals by reviewing agencies;
- ▶ Would create an "intolerable burden" on EPA through the new concept of a "cooperating agency" to work with lead agencies on EIS problems.

Foreign EISs

EPA's draft comments "generally support" the controversial proposal to require environmental impact statements for major federal actions outside the U.S., but the agency suggests a change in approach.

Instead of writing uniform procedures for all agencies, EPA suggests that CEQ "consider the simpler approach of a regulation requiring all agencies affected to submit for approval from CEQ procedures for handling international actions.

"This approach differs from the proposed language by allowing the agencies the flexibility to deal with the peculiar sensitivities of their mandates while the CEQ assures that federal agency procedures conform to the requirements of NEPA," EPA's draft comments say.

Forestry

BILL TO EXPAND REDWOOD PARK GOES TO HOUSE-SENATE CONFERENCE

The House passed legislation (HR 3813) February 9 that would add 48,000 acres to California's Redwood National Park, and would authorize the Department of the Interior to acquire an additional 30,000 acres within a designated area if necessary to protect the park from physical damage.

The bill now goes to a House-Senate conference committee. The Senate version of the bill (S 1976) was passed January 31. The conferees have not yet been named.

Dislocation Benefits

The acreage totals for the proposed park expansion are the same in both versions.

The main issue to be resolved by the conference committee is whether to provide dislocation benefits to workers affected by the reduction in Redwood logging if the park is expanded. The House version would provide income protection and job programs for displaced workers, but the Senate bill contains no such provisions.

Another issue to be resolved is the amount of money allotted for rehabilitation of the added land to reduce the threat of sedimentation. The House version would authorize an appropriation of \$12 million for this purpose. The Senate version would authorize \$33 million.

Finally, the House and Senate versions differ on which court should have jurisdiction over actions taken against the U.S. Government to recover just compensation for lands and trees taken up by park expansion. The House version, favored by the timber industry, would place jurisdiction over contested compensation settlements in the Court of Claims. The Senate version, favored by the Interior Department, would give district courts jurisdiction.

Created in 1968

The 55,000-acre Redwood National Park was created by Congress in 1968 to protect the last great stands of Redwoods in the U.S.

The House National Parks Subcommittee reported last year that the 1968 Act does not adequately protect the Redwoods, and that timber harvesting is causing erosion in the lower Redwood Creek drainage.

The Carter Administration supports the proposed park expansion, but timber industry representatives are strongly opposed, contending that there already are enough trees protected and that any further expansion will depress the economy and eliminate jobs (Current Developments, April 8, 1977, p. 1871; April 15, 1977, p. 1911; and July 1, 1977, p. 351).

The legislation would authorize the Department of the Interior to acquire 48,000 acres adjacent to the existing park, affecting three corporate landowners and their employees.

The 1968 Act would be amended to allow the Interior Department to accept lands with existing title restrictions from the state.

Currently, the Interior Department is prohibited from accepting lands to which it cannot have clear title. That provision has kept California from donating land on which prior owners placed restrictions.

The bills would allow owners to remove any timber cut down between December 3, 1974 and February 1, 1978, unless the Interior Department determines that removal would result in excessive sedimentation or would damage future growth in the park.

Income Protection

The House version would provide benefits for workers laid off because of park expansion. Income benefits would be paid to employees who met the following criteria:

- ▶ Seniority under a collective bargaining agreement, and 12 months of employment for one or more affected employers since January 1, 1977; or

- ▶ At least 1,000 hours of work for an affected employer between January 1, 1977 and the enactment date, and continued employment with an affected employer.

Income benefits would be based on an employee's highest weekly wage between January 1, 1977 and date of enactment, and the annual average of all hours worked during three of the last five calendar years.

Employees who reach age 50 before September 30, 1984 would remain eligible for income protection benefits until the age of 65. Other employees would be allowed to accept a lump sum severance payment, thereby terminating eligibility for benefits.

Job Programs

The bill would require the Interior Department to analyze and report to Congress by January 1, 1979 on steps the Federal Government should take to mitigate adverse effects caused by the expansion.

The Labor and Commerce Departments could use employment programs to provide jobs to dislocated workers. The Interior Department would be authorized to hire 41 fulltime and 91 temporary employees.

Land Rehabilitation

The House bill would authorize \$12 million and the Senate version \$33 million, for rehabilitation of areas both within and upstream from the park through timber removal, clearing streams, and replanting.

The Interior Department would be required to study erosion and sedimentation within the Redwood Creek basin and use the findings in drawing up its land management plans.

Air Pollution

EPA: DRAFT NEW SOURCE STANDARDS COULD BLOCK NEW COAL TECHNOLOGY

Draft Environmental Protection Agency air pollution standards for new fossil fuel plants could block the use of solvent refined coal technology that changes coal into a refined solid fuel, according to a key EPA official.

Stephen J. Gage, EPA acting assistant administrator for research and development, February 9 said the agency's draft new source performance standards (NSPS) could prevent the use of the Solvent Refined Coal I (SRC-I) process.

EPA's standards would limit sulfur dioxide, particulate matter, and nitrogen oxides from electric utility steam generating units.

According to the draft regulations, which could be revised before they are proposed formally, sulfur dioxide emissions would be limited to 520 nanograms per Joule (ng/J) input or about 1.2 pounds per million Btu. Uncontrolled sulfur dioxide emissions would have to be reduced by 90 percent.

Particulate emissions would be limited to 13 ng/J heat input (0.03 pounds per million Btu), and uncontrolled particulates would have to be reduced by 99 percent.

The draft proposed nitrogen dioxide emission standards would limit emissions and require a percentage reduction in uncontrolled nitrogen oxide emissions on a fuel-specific basis.

Gage told the House Science Fossil and Nuclear Subcommittee: "Preliminary analysis indicates the draft NSPS will have only minimal impact on the cost and commercialization of emerging technologies. The only technology that will be severely adversely affected is SRC-I (solid) since it will not be able to meet the 90 percent sulfur dioxide removal requirement without excessive cost penalties."

Some Uses For SRC-I

The SRC-I process still could be used in existing facilities or in industrial boilers which have standards below 1.2 pounds per million Btu, Gage said.

The SRC-II process, which converts coal to a refined liquid fuel, "appears to be able to meet the draft standard without excessive cost penalty," he said.

Gage said EPA's findings indicate atmospheric fluidized bed combustion technology "should not experience any significant impact on cost or commercialization."

Low-Btu gasification processes, such as combined cycle, in-situ gasification, and above-ground low-Btu gasification

"should be only minimally impacted by the sulfur removal standard," Gage said. Gage said "minimally impacted" means costs would rise by no more than 15 percent because of the new source performance standards.

Although development of shale oil and magneto-hydrodynamics technologies are "impacted significantly" by existing new source performance standards, Gage said, the draft new source standards would have little effect on these processes.

Congressman Walter Flowers (D-Ala) said the U.S. will "suffer" if environmental provisions block coal conversion technologies.

Flowers said the subcommittee members are "all hawks on energy development. My frustration, my concern — I don't see any enthusiasm on the part of EPA to enlarge the technological aspect. I think we ought to be loose as opposed to tight on what we should innovate, what we should try."

EPA, more than any other agency, "will set the pace" for energy technology through its regulations, Flowers said.

15 Percent Cost Increase

The subcommittee chairman particularly criticized EPA's conclusion that a 15 percent increase in cost because of environmental provisions was a minimal impact.

Considering that several billion dollars could be spent to bring new conversion technology on line, Flowers said, an additional 15 percent could raise the cost of a facility by \$200 million to \$300 million. Utilities already are being required to install flue gas desulfurization units at a cost of \$150 million to \$200 million per plant, he said.

Gage said EPA is "enthusiastic" about new conversion technologies being developed. EPA's findings indicate, he said, that only one technology may be blocked by the agency's regulations. And even that technology might not be totally precluded, he added.

"I want to respond very strongly that this time we don't think environmental laws are going to stand in the way of new coal-based technology," Gage said.

Walter C. Barber, EPA deputy assistant administrator, office of air quality planning and standards, said EPA's draft new source standards will allow use of higher-sulfur coal by electric utilities. Utilities would be required to install scrubbers to clean up emissions.

Because higher-sulfur coal would be used, lower-sulfur coal could be freed for smaller facilities, which cannot afford to purchase scrubbers, Barber said.

Frank Princiotto, EPA director of energy process development, said the draft new source standards would result in less mining and transportation of western coal to eastern utilities.

Drinking Water

EPA PROPOSES AMENDMENTS TO INTERIM DRINKING WATER REGULATIONS

The Environmental Protection Agency February 9 issued proposed revisions to the National Interim Primary Drinking Water Regulations (43 FR 5756).

The proposed regulations, intended to protect public water supplies from organic chemical contamination, establish maximum contaminant levels for trihalomethane compounds and also establish treatment standards. The proposed regulations are published in the Full Text section of this issue.

EPA is accepting comments on the proposed regulations until May 31, 1978. For further information contact Joseph A. Cotruvo, Director, Criteria and Standards Division, Office of Water Supply, (WH-550), Room 1111, WSME, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-755-5643.

Air Pollution

ANDRUS RECOMMENDS SPECIAL PROTECTION AGAINST VISIBLE POLLUTION FOR 156 AREAS

Interior Secretary Cecil D. Andrus recommended February 10 that 156 federal parks and wilderness areas receive special protection against visible air pollution.

All but two of the 158 federal parks and wilderness areas for which protection against air quality deterioration is provided are included in Andrus's proposal (Current Developments, November 14, 1977, p. 932).

The two areas for which Andrus is not seeking the added protection, Bradwell Bay Wilderness in Florida, and Rainbow Lake Wilderness in Wisconsin, have dense vegetation making it impossible to see far.

"It was a little difficult to argue that the ability to see a great distance was a significant factor," an Interior Department spokesman said.

Andrus sent his recommendations to Environmental Protection Agency Administrator Douglas M. Costle, whose staff will review the list before developing a final list of "Class I" federal areas which merit special protection of scenic values.

Under the Clean Air Act amendments of 1977, EPA will develop procedures and regulations ensuring protection of those areas. The amendments, which established the prevention of significant deterioration provision, also requires studies to determine which areas merit special protection from visible air pollution.

Originally, an interagency federal task force recommended only 153 areas as warranting the added protection. As a result of public response, three additional areas were added to Andrus's list.

Coal

HEINE WILL GRANT A SECOND EXTENSION OF STRIP MINING COMPLIANCE DEADLINES

Walter J. Heine, director of the Office of Surface Mining, said February 14 that a second extension of a deadline for compliance with interim strip mining regulations is in the offing.

Heine's latest thought is to give operators until mid-April to submit plans for upgrading existing structures not in compliance with the Surface Mining Control and Reclamation Act of 1977.

The interim program originally required operators to submit those plans by February 3. Two weeks ago, Heine extended that deadline to March 1, claiming that the "lateness of the regulations" made it impossible to expect compliance from operators.

That lateness, coupled with Heine's plan to amend the sedimentation pond requirements, accounts for his latest decision to postpone the deadline again.

"We're going to propose rulemaking to modify some of the hydrologic aspects of the regulations," Heine said. "We would allow for a 30-day comment period, hold a hearing, and have final publication. For all that to happen, it would be around April 1 before the amended regulations would go into effect."

Given those conditions, Heine said, the March 1 deadline "starts not to make sense anymore."

Heine said the deadline extension and amended regulation may result in the withdrawal of some of the lawsuits challenging the regulations, which were filed by coal industry officials in late January (Current Developments, February 10, 1978, p. 1537).

"I have a feeling the time element and additional flexibility we're going to put into the hydrologic portion of the regulations may result in the withdrawal of some of the suits," Heine said. "We certainly hope so."

Environmentalists File Suit

Environmentalists joined the bandwagon of parties challenging the regulations and filed suit February 10 in the U.S. District Court for the District of Columbia.

Their action alleges that a regulation exempting certain pre-existing structures from a May 4, 1978, compliance deadline violates the strip mining law and the Administrative Procedure Act.

The environmental groups are requesting that the court enjoin Interior Secretary Cecil D. Andrus and federal regulators from enforcing or applying the regulation.

The suit was filed by the National Wildlife Federation, Appalachian Coalition, Northern Plains Resource Council, Virginia Citizens for Better Reclamation, Council of the Southern Mountains Inc., and Citizens League to Protect Surface Rights.

'Congressional Intent Fulfilled'

Heine responded to the environmentalists' action, saying that the regulations fulfill congressional intent.

"Because of the timing of passage and publication of the regulations, and winter and the coal strike, we quickly recognized that the vast majority of companies could not get their nonconforming structures into compliance by May 4," Heine said.

The regulations were written, Heine said, to give operators every opportunity to comply.

"If they are operating on a compliance schedule and start construction by May 4, we give them until November 4 to complete construction and bring structures into compliance," Heine said. "We think we are effectively interpreting what Congress intended."

Western States Resource Congress

~~Western States Conference~~

March 20, 1978

Reno, Nevada

- West End
Gen. Sec. Room*
- I. Call To Order - Robert Dilger, President, WETA-Washington
 - II. Introductions
 - III. Summary of February 13th Meeting in Spokane - Charles T. Keenan, Executive Director, WEFA-Washington
 - IV. Round Robin Discussion
 - A. Your Organization - description.
 - B. Issues of greatest concern.
 - C. Your thoughts regarding a Western States Conference.
 - V. Break *Opportunity Lost*
 - VI. Call To Order - Bob Fleming, President, Organization for the Management of Alaska Lands (OMAR)
 - VII. Structure - Jim Cook, Executive Vice President, California Business Properties Association
 - VIII. Name - Paula Easley, Executive Director, OMAR
 - IX. Issues - John Thompson, Corporate Liaison, Land Resources, Georgia-Pacific
 - X. Discussion of Structure, Name and Issues
 - XI. Break for Lunch
 - XII. Call To Order - Roger Blades, President, WETA-Idaho
 - XIII. Guest Speaker - John Thompson Introduce
 - XIV. "Think West Conference", "Great Western Debate" - Charles T. Keenan
 - XV. Discussion and approval of:
 - A. Structure
 - B. Bylaws
 - C. Projects
 - D. Membership
 - E. Other
 - XIV. Next Meeting - ~~April 27~~ 27, 1978, Denver, Colorado

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May 2



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KEITH BROWN
Puget Sound District Council of Timber & Sawmill Workers, AFL-CIO
ROBERT BUCH
Baker National Bank
HENRY BURGE
Central Washington District Council, LPIW AFL-CIO
JAMES CALLEMAN
The Capital Company
HERMAN RIVER
U.S. Forest Service
BENJAMIN CLIFFORD
Lake Region Development Company
WILLIAM E. FRISVOLD
Seattle Building & Construction Trades Council, AFL-CIO
LUCYNE J. DALE
Lime Star Industries
DON DYBURN
Beechcroft Lumber Company
WILLIAM H. ELLIS
Western International Home
CHARLES R. EVANS
Evans Excess & Equipment Company
ROBERT GRANHAM
Boyle & Green
DELBERT C. GRANLUNDSON
International Woodworkers of America, AFL-CIO
PAUL GRAY
Columbia Union Local 451, AFL-CIO
ROBERT W. HURD
Rocky Mountain Insurance
SAM HESS
Bain Heat Supply
CLYDE H. HERR
Pierce County Central Labor Council, AFL-CIO
JOHN HUSTON
Associated Sand & Gravel
B. M. KOPPEL
KOP Construction Company
MORRIS D. L. HUBBARD
Operating Engineers, Local 302, AFL-CIO
JOHN J. LARSEN
Raynolds Metals Company
JOHN LARSEN
Sagehen Central Labor Council, AFL-CIO
JIM PHILLIPS
Simpson Timber Company
JOHN J. LAMBERT
As
PHIL GIBBY
Kingston Shale Corporation
BARRY M. PEARSON
Kaiser Aluminum & Chemical Corporation
JIM MAZUR
Pope & Talbot
BILL MALLORY
Bain Oil Company
WILLIAM MORROW
Washington Resource Gas Company
THOMAS ORR
Lopez Brothers Machine
ROBERT E. PETERSON
Scott Paper Company
WALTER R. LUM
Preston's Lumber
MARK SANDERSON
Acetylene Communications
PHILIP STANTON
Washington Forest Products
JAMES A. THOMPSON
ALCOA
JOHN THOMPSON
Gibson Plaster
LEROY ADRIE
Washington State Association of Building Workers - IBEW, AFL-CIO
FRED WYATT
Coffey, Barker & Company
PAUL W. WOODRUFF
Eliel Corporation

February 28, 1978

TO: Western States Conference Meeting Attendees
FROM: Judy Henry

Chuck and I were very pleased to see you in Spokane at the first organizational meeting of the Western States Conference. Find enclosed herewith the Minutes of the February 23rd meeting.

You will note from the Minutes that many aspects of this organization were left rather unstructured. That was done purposely, in order to encourage participation by others in its formation, and to allow for flexibility during the development stages.

As you recall, the next meeting will be held in Reno, March 20, 1978. Arrangements are being made at Harrah's, Center Street at Second, Box 10, Reno, Nevada. When you make your room reservations, please indicate that you are attending the Western States Conference. The rates range from \$31.00 per day for a single, to \$46.00 per day for a double. The toll free number for the States of California, Oregon, Utah, Idaho and Arizona is 800-648-3773. For Nevada and all other states, the number to call is (702) 329-4422.

An agenda and other proposals will be forthcoming from Chuck Keenan in the very near future. If you have any comments or suggestions, please contact us at your earliest convenience.

Please RSVP Chuck or me at the WETA-Washington office regarding your attendance at your very earliest convenience. Also, please contact us regarding any additional persons you feel should be invited to the March 20th meeting.

Yours truly,

Judy Henry
Judy Henry
Executive Assistant

Chuck Keenan

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Enclosures

Western States Conference - Organizational Meeting

February 13, 1978, Spokane, Washington

MINUTES

The meeting was called to order at 8:45 A.M. by Robert Dilger, WETA-Washington President.

A roster of meeting attendees is attached to these minutes.

Mr. Dilger made a brief statement regarding the need for those with common concerns to join together to fight the no-growth trend in government regulations; to educate legislators throughout the nation; to promote sensible guidelines and sensible growth; and, at the same time, protect the environment.

Mr. Dilger then asked for comments from the Organization for the Management of Alaska's Resources (OMAR) representatives. Ms. Paula Easley, OMAR Executive Director, stated that one reason they are involved is to avoid another defeat such as the one Alaska experienced regarding the natural gas pipeline. Mr. Stringham, Administrative Assistant of the Alaska District Council of Laborers, related a similar concern regarding the Alaska d-2 lands situation.

Following these introductory remarks, was a "round robin" discussion, with attendees each describing their respective organization, discussing their areas of concern, and stating their feelings regarding the purpose, goals, etc., of a Western States Conference. Following is a summary of this portion of the meeting:

There is a need to address the problem of Eastern legislators (not fully realizing the impact of their actions) promoting legislation which locks up the vast resources of the west. A cohesive coalition could, via the grass roots strength of its varied membership, educate and influence these legislators on issues of common concern.

The concern was raised, and it was the consensus of the entire group, that the issues addressed must be limited to areas of interest which reflect the actual purpose and goals of this group. Any issue which could divide and/or hinder its effectiveness or credibility should be avoided.

One common problem is the adverse impact on employment caused by unreasonable legislation and delays. Another area of common concern is the use and regulation of public and private lands, including all types of land use regulation.

There is deep concern regarding oil and mineral exploration and development in Alaska and on the Outer Continental Shelf. Mr. J. A. Stransky of the Western Oil & Gas Association stated that there is not much about which they are not concerned; and basically would like to know what kind of direction and assistance this group would like from WOGA.

Mr. Charles Keenan, WETA-Washington Executive Director, expressed the need for an entity to work together to identify areas that need addressing, identify any possible roadblocks, and reach a consensus on such issues, which consensus can be advocated and strongly promoted by a unified western block. Some of the areas which he identified as possible targets are: the need for transportation; the need for timber policies; the need for land use regulations which do not downzone or slow responsible growth; the need for water policies; and the ability to develop mineral and energy generating capabilities.

Mr. Lynn Engdahl, WETA-Oregon Executive Director, made three basic points: (1) It is important to concentrate and cooperate on issues upon which all involved can agree; (2) Most have the same feelings on many issues, but we need to combine forces to accomplish our goals; and (3) It is very important to be able to communicate our story.

Mr. John Thompson, Georgia-Pacific Corporate Liaison, stated that it is not only the Eastern legislators that present a problem. He feels there is also a real need to educate and influence our Western legislators, citing the example of the Redwood National Park legislation. He suggests concentrating on our own legislators, then moving east, and, with the support of our congressmen, begin concentrating on the Eastern legislators. He also stated that the choice of persons to represent the Western States Conference on a particular issue is critical; and that we should not disregard the importance and influence of key legislative staff.

Mr. Bob Getts of Shell Oil Company indicated their concern with government leaders placing too much importance on energy conservation, and not enough on energy development and growth to provide employment and a continued good standard of living.

Mr. Joe Crosswhite, WETA-Montana President, stated that he had been sent to this meeting to observe and report to his Board before making an official commitment. He also stated that legislators in Montana need education, etc., and that he feels they should be addressed before considering the eastern state's legislators.

There was other discussion and comment expressing concern regarding the discretionary power of bureaucrats, etc.; and general agreement that it is important to educate and obtain the support of our Western states legislators first, and that an important in-road to any legislator is via key staff.

Mr. Bob Fleming, President of OMAR, stated a concern of Alaska interests is that Alaska is being used as an example, pitted against the rest of the United States and some of its environmental problems, of what not to do, environmentally. Individuals are determined that the same mistakes not be made there; therefore, its mineral and resource importance to the nation is being minimized.

Mr. James Cook, California Business Properties Association Executive Vice President, stated his concern about organizations in the East raising funds in the West, which funds are then used against the interests of the West. He feels that a Western States Conference is an excellent approach to this and other problems previously discussed. He also stressed the importance of addressing issues of common concern to all, not individual state's or organization's interests.

Senator Joe Orsini of Alaska stated his belief that a strong labor/business group, such as being discussed here, could be very effective and is very important. He feels that this group should be concerned about legislators' concerns also - such as state's rights. He cautioned against public funding.

After a short break, the meeting was reconvened and called to order by Bob Fleming, who stated the need for structure and unity within this group.

Mr. Keenan then presented, for discussion, the following summarization and proposed structure:

1. Name: Western States Conference.

2. Goals:

A. Form Western states group of laymen to advance legislation beneficial to the Western states;

B. Form a Western states conscious - an entity which formulates policy beneficial to the Western states.

C. Activate key persons within congressional districts to intercede with their representatives on issues of concern.

D. Attempt to coordinate in-place organization to facilitate and achieve broad-based support for our concerns.

3. Structure:

A. Thirteen Western states.

B. Five representatives from each state on Steering Committee.

C. Generate two representatives per congressional district in each state.

D. Staff be voluntary at first.

E. Dues - none.

F. Steering Committee and representatives be a mixture of labor and management.

4. Possible activities:

A. Conduct an annual "Think West" conference in Washington, D.C., for congressmen from Western states and their staff.

B. Develop rating system with which to measure voting of Western congressmen on issues of concern.

C. Conduct an annual conference, and on-going communications, for and among media.

D. Establish mechanism to identify and put into laymen's terms, data regarding specific issues.

4. Issues - Candidates for Action:

A. RARE II.

B. 160-acre water limitation issue.

- C. Nuclear facility sitings, permits, construction, and initiatives.
- D. Divestiture - affecting all companies - horizontal and vertical.
- E. OCS legislation in the Gulf of Alaska and on the Western Coast.
- F. Water reclamation projects - sites available and needed.
- G. Federal highway appropriations.
- H. Alaska d-2 legislation.
- I. Coal mining legislation - exploration and extraction.
- J. Stringent national air standards.
- K. Chemical regulations for silvacultural and agricultural uses.

5. Establish a task force to identify, assess, and communicate with key legislative and administrative staff.

6. Promote recreation and access to public lands specifically as an on-going general policy.

At this point a motion was made to revise Item VIII on the agenda, which was to break into workshops, and continue the meeting as one group.

Mr. Cook stated that he felt the goal of this group should address the need to have our local state efforts stronger. He felt we should identify organizations and various interests in relation to each state who should be part of this organization, and explain what we might expect them to contribute. He identified the 13 Western states as Washington, California, Alaska, Oregon, Montana, Idaho, Hawaii, Utah, Arizona, New Mexico, Colorado, Nevada, and Wyoming. Mr. Cook stated that goals should be (1) at the federal level - (a) impact legislation, and (b) impact regulators; and (2) at the state level (a) influence federal western representatives; (b) influence federal eastern representatives; and (c) communicate problems within the states.

At this point the question of an office and staff was raised. After discussion, Mr. Dilger volunteered the WETA-Washington office and staff to coordinate and plan events prior to and including the next meeting.

Two additions were suggested to Mr. Keenan's proposal:

- 7. Influence federal legislation and regulations.
- 8. Circulate information on issues which occur in different states - don't take positions on them at this time.

Mr. Thompson stated that he felt the overall goal is to get the Western Congressional Delegation voting in our best interests, and then to do what we can to see that they have a strong coalition to depend on. He also suggested that specific delegates be appointed for the annual "Think West" conference - individuals who would have the most effective influence on their congressmen.

There was also discussion regarding the number and type of representatives from each state. Mr. Thompson suggested that there be three - one the Executive Director of the WETA-type group from each state, one from labor, and one from business. Mr. Cook indicated that this may be a problem in a larger state where several organizations would qualify as a WETA-type group.

At this point, Mr. Bolin suggested that an ad hoc committee of this group be formed to meet during lunch, discuss the points made during the morning session, and come back after lunch with some specific suggestions..

The following ad hoc committee was appointed: Jim Cook, Joe Crosswhite, Paula Easley, Lynn Engdahl, Judy Henry, Chuck Keenan, Kent Lamberson, and John Thompson.

At 1:30 P.M., Mr. Crosswhite reconvened the meeting of the entire group, and asked Mr. Cook to summarize the ad hoc committee's meeting.

It was decided to establish a steering committee of three members per state. Ultimately, there will also be a group of two representatives for each federal legislator (not decided if these would be Senate or House representatives).

At this time, there will be no election of officers or solicitation of members. The following persons will be responsible for appointing/selecting the Steering Committee representatives for the state indicated: Washington - Chuck Keenan; Montana - Joe Crosswhite; Oregon - Lynn Engdahl; Alaska - Paula Easley; California - Jim Cook; and Idaho - Kent Lamberson (pending approval by various state organizations involved). These appointments/selections are not unchangeable, and number of representatives and involvement by individuals from states will be flexible.

Structure:

1. Establish one group to work with issues.
2. Establish one group to deal with legislation.
3. Establish a Communications Committee which is responsible for getting material to the various organizations involved, which organization then would distribute the material to their members. The material would be generated by the group or interest which desires the material circulated. Also, establish a method to get the information to the audience we are trying to reach.
4. The "Think West" function would be first held in the West for Western legislators, and from that conference, use the expertise and knowledge generated to determine how to carry the message to the Eastern legislators.
5. Sponsoring a "Great Western Debate" was also suggested.

The next meeting was decided to be held March 20, 1978, in Reno, Nevada. Those in attendance today were asked to send in to the WETA-Washington office their suggestions of others from other states to be invited to the next meeting.

The following responsibilities were assigned relating to the next meeting:

Ms. Easley - bring suggestions for a name for this group.

Mr. Cook - finalize structure.

Mr. Thompson - chair committee to identify issues and legislation which could possibly be addressed.

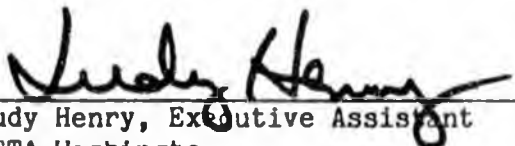
Mr. Keenan - Communications Chairman - present proposals for "Think West" conference, "Great Western Debate", and other similar events.

Mr. Thompson - bring guest speaker to speak on the nature and structure of our adversary.

Mr. Cook - make meeting arrangements, etc., for the meeting in Reno.

There being no further business, the meeting was adjourned at 2:00 P.M.

Respectfully Submitted,



Judy Henry, Executive Assistant
WETA-Washington

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WESTERN STATES CONFERENCE

Organizational Meeting

February 13, 1978, Spokane, Washington

ATTENDEES

Mr. Russell Babcock, Jr.
(Northwest Mining Association)
Exploration District Manager
Bear Creek Mining Company
Box 8, Dishman Branch
Spokane, Washington 99213
(509) 924-2600, or 624-1158

Mr. Roger Blades
(President, WETA-Idaho)
Operating Engineers
1317 West Hays
Boise, Idaho 83702
(208) 336-4120

Mr. Jim Bolin
Assistant Business Manager
Washington, Northern Idaho District
Council of Laborers, AFL-CIO
East 10419 - 16th Avenue
Spokane, Washington 99206
(509) 928-2901

Mr. James Cook
Executive Vice President
California Business Properties
Association
2311 West El Segundo Boulevard
Hawthorne, California 90250
(213) 772-4200

Mr. Joe Crosswhite
(President, WETA-Montana)
Operating Engineers
International Union
Box 96
Columbia Falls, Montana 59912
(406) 892-5055

Mr. Elmer Curry
(Vice President, WETA-Washington)
International Representative
Laborers' International of
North America, AFL-CIO
1302 Plaza 600
Seattle, Washington 98101
(206) 623-6507

Mr. Robert Dilger
(President, WETA-Washington)
Executive Secretary
Washington State Building &
Construction Trades
Council, AFL-CIO
1063 Capitol Way, Room 211
Olympia, Washington 98501
(206) 357-6778

Ms. Paula Easley
Executive Director
Organization for the Management
of Alaska's Resources
Box 516
Anchorage, Alaska 99510
(907) 278-9615

Mr. Lynn Engdahl
Executive Director
WETA-Oregon
2400 S.W. Fourth Avenue, Suite 200
Portland, Oregon 97201
(503) 221-0357

Mr. Bob Fleming
(President, OMAR)
Big Country Radio
KYAK and KGOT
2800 East Dowling Road
Anchorage, Alaska 99507
(907) 278-9615

Mr. Bob Getts
Shell Oil Company
400 - 108th Avenue N.E.
Bellevue, Washington 98004
(206) 453-3025

Mr. Darrell Grant
(Vice President, WETA-Washington)
Executive Secretary
N.E. Washington-Northern Idaho
Building Trades, AFL-CIO
East 102 Boone
Spokane, Washington 99202
(509) 327-1650

Ms. Judy Henry
Executive Assistant
WETA-Washington
314 Park Place Building
Seattle, Washington 98101
(206) 623-5235

Mr. Rol Herriges
(Board Member, WETA-Washington)
Director of Trusts & Public Information
Inland Empire Chapter
Associated General Contractors
P.O. Box 3266, Terminal Annex
Spokane, Washington 99220
(509) 535-0391

Mr. Boyd Holding
Public Relations Manager
Chevron U.S.A., Inc.
P.O. Box 220
Seattle, Washington 98111
(206) 628-5272

Mr. Charles T. Keenan
Executive Director
WETA-Washington
314 Park Place Building
Seattle, Washington 98101
(206) 623-5235

Mr. Kent Lamberson
Executive Director
WETA-Idaho
P.O. Box 2194
Boise, Idaho 83701
(208) 336-9290

Mr. Mr. Wallace McGregor
Citizens for Sound Mining Law
North 10018 Huntington Road
Spokane, Washington 99218
(509) 466-8636

Mr. Charles W. Mason
Business Manager
Ironworkers, Local 14
East 102 Boone Avenue
Spokane, Washington 99202
(509) 328-8452

The Honorable Joe Orsini
Alaska State Senate
Pouch V
Juneau, Alaska 99811
(907) 465-3758

Mr. Richard Pittenger
(Board of Directors, CMAL)
Alaska Chapter
Associated General Contractors
P.O. Box 4-2500
Anchorage, Alaska 99509
(907) 272-3417

Mr. J. A. Stransky
Western Oil & Gas Association
609 South Grand Avenue, Suite 910
Los Angeles, California 90017
(213) 624-6386

Mr. Guy Stringham
Administrative Assistant
Alaska District Council of Laborers
P.O. Box 699
Anchorage, Alaska 99501
(907) 275-1640

Mr. John Thompson
(Board Member, WETA-Washington)
Corporate Liaison, Land Resources
Georgia-Pacific
900 S.W. Fifth Avenue
Portland, Oregon 97204
(503) 222-5561, Ext. 7782

Mr. Steve Wheeler
Citizens for Sound Mining Law
North 10018 Huntington Road
Spokane, Washington 99218
(509) 466-8636

Mr. Lee Young
(Vice President, WETA-Washington)
International Representative
Western Regional Office
International Union of Operating
Engineers
12605 S.E. 187th Place
Renton, Washington 98055
(206) 226-6039

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January 9, 1978

Mr. James P. Clark
Robertson, Monagie,
Estaugh & Bradley
Attorneys at Law
217 - 2nd Street
Juneau, Alaska 99801

Dear Jim:

I believe the meeting among Clarence Kramer, Jim Rynearson, Larry Keenan, you, and myself was worthwhile and will accomplish the coordination and leadership needed for the d-2 legislative efforts.

Pursuant to our conversation, WETA-Washington's activities will be as follows:

1. Responsibility for contact and coordination of overall efforts will be with Tony Motley and Citizens for the Management of Alaska Lands (CMAL).
2. Contacts, questions, etc., will be through the CMAL office in Washington, D.C. or as directed by CMAL.
3. WETA-Washington will conduct ARCTIC activities in conjunction with CMAL as follows:
 - a. WETA-Washington will conduct in-district contacts, and will have primary responsibility for selected legislators in the Northwest.
 - b. WETA-Washington will contact and be primary coordinator for selected Congressmen in other parts of the country, as assigned by CMAL.
 - c. WETA-Washington will follow-up by telephone and mail, on those Congressmen previously contacted, for the purpose of introducing them to contacts selected by CMAL. CMAL selected contacts will have the primary responsibility for the selected congressional contact.
4. Regarding the Congressmen for whom WETA-Washington has primary responsibility, the following methods for maintaining contact and coordination will be utilized:

Mr. James G. Clark
January 9, 1978

Page 2

- a. In-district visitation, including visual display, and in some instances, "response packet" distribution.
- b. A follow-up from Seattle and Washington, D.C. to generate needed response.

Enclosed find a list of Congressmen, in priority-contact order, and a revised budget for ARCTIC II.

At the present time, WETA-Washington has been conducting fund-raising activities among three major groups. In the future, all budgets and invoices will be submitted to CMAL directly, who will conduct all fund-raising efforts. Organizations and firms previously contacted by WETA-Washington will be informed of the above, and will be referred to you for all future funding for ARCTIC II.

WETA-Washington requests that the current project deficit of approximately \$8,000 retired by CMAL, and that funding, in approved increments, be forwarded to WETA-Washington in advance, based on an approved estimated budget.

Best regards.

Yours truly,

Charles T. Keenan
Executive Director

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Enclosures

ARCTIC II

Estimated Budget

(Includes In-Process & Revised Project)

ITEM	ESTIMATED EXPENSE	ACTUAL
A. WETA Coordinator - 600 hours @ \$20 per hour	\$12,000.00	\$ 3,500.00
B. Airfare - Seattle to Los Angeles - \$204 x 2	408.00	408.00
C. Airfare - Seattle to Washington, D.C. - \$406 x 2	812.00	-0-
D. Airfare & Travel (in-district)	2,000.00	200.00
E. Lodging, Meals, etc.		
1. Los Angeles - \$130 per day for 2 x 12 days	1,560.00	1,200.00
2. Washington, D.C. - \$130 per day for 2 x 10 days	1,300.00	-0-
3. In-district - 21 days @ \$100 per day	2,100.00	50.00
F. Steno and Mag Card Time	1,000.00	500.00
G. Telephone	1,000.00	800.00
H. Visual Presentations	1,000.00	2,500.00
I. Response Kits (optical)	<u>1,000.00</u>	<u>-0-</u>
Sub-Total	\$24,180.00	\$ 8,758.00
J. WETA 20% Contingency	<u>\$ 4,836.00</u>	<u>\$ 1,751.00</u>
Total Expenses	\$29,016.00	\$10,509.00

SUMMARY

Income to date	\$ 2,487.20
Expenses to date	\$10,509.60
Deficit/Excess	(\$ 8,022.40)

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WETA-Washington Priority Contact List
House and Senate

Following is a list of House Interior Committee members and their Senate Energy and Natural Resources Committee counterparts listed by state and priority.

Priority I

Washington - House: Meeds Senate: Jackson

Expansion of WETA ARCTIC I with Seattle Chamber's Alaska Resource Committee (Blumenfeld)

Idaho - House: Symms Senate: McClure and Church

Through WETA-Idaho, Building Trades, and Laborers. Strong labor and business contacts.

Montana - House: Marlenee Senate: Metcalf

Marlenee is freshman Congressman. Metcalf sponsor of S1500 - expansion of HR39. WETA-Montana as nucleus. Strong labor and business contacts.

Colorado - House: James Johnson Senate: Haskell

Johnson is worthy of additional effort to assure his vote. No ARCTIC I activity. Mining to be nucleus of "in district" meetings.

Wyoming - House: Roncalio Senate: Hansen

Roncalio, as lame duck, is deserving of additional effort. ARCTIC I contact limited. Keys will be mining, oil, and Laborers and State Building Trades.

Oregon - House: Weaver Senate: Hatfield

WETA-Oregon and Eugene-Medford based labor will be key to "in district" involvement.

The above itinerary would involve a trip - Seattle to Boise to Helena (Billings) to Cheyenne to Fort Collins (Colorado).

Washington and Oregon would be handled by auto from Seattle base.

For each stop (state) there would be allocated two days for "in-district" meetings and involvement motivation.

Priority II

California - House: Burton, G. Miller, Krebs, Clausen, Lagomarsino No Senate
All California representatives are members of full committee - no subcommittee members. ARCTIC I established good labor commitments from State Building Trades and State AFL-CIO. Forest product participation will be limited, due to Redwood expansion issue. Look to WOGA for help on oil and overall assistance.

Nevada - House: Santini Senate: Laxalt
ARCTIC I d-2 commitments from Building Trades. Look to industry help from Nevada miners.

New Mexico - House: Lujan and Runnels Senate: Domenici
No ARCTIC I contact. Delegation would appear supportive of Young. Listed as priority due to State Congressional delegation's d-2 committee positions.

Arizona - House: Udall and Rudd No Senate
ARCTIC I established good base for "in-district" involvement.

Utah - House: Marriott No Senate
Marriott is freshman Congressman and deserving of "in-district" effort.
Good ARCTIC I labor contact.

Priority III

Minnesota - House: Vento No Senate
ARCTIC I "in-district" established good labor base. Vento is considered swing. WETA assessment: Vento can be brought into our column through additional "in-district" efforts.

Michigan - House: Ruppe No Senate
Ruppe, by voting analysis and present assessment, could be worthy of "in-district" efforts. ARCTIC I did not visit Ruppe's district.

Pennsylvania - House: Kostmayer and A. Murphy No Senate
ARCTIC I established good base with Penn. labor. Feel this has moved A. Murphy. Kostmayer, though a sponsor of HR39, could be moved to "compromise" legislation through intensified "in-district" effort.

New York - House: Bingham and McHugh
Bingham is a "lost cause". McHugh has been assessed as pivotal to subcommittee vote. ARCTIC I established good New York City based labor support. This could be extended to localize to McHugh's.

Priority IV

Meet and transfer rapport with assigned responsibility of individuals.

Massachusetts - House: Tsongas and Markey
ARCTIC I

West Virginia - House: Rahall
ARCTIC I

North Carolina - House: Gudger
ARCTIC I

Indiana - House: Sharp
ARCTIC I

Wisconsin - House: Kastenmeier
ARCTIC I

Texas - House: Eckhardt and Kazen
ARCTIC I Eckhardt worthy of additional effort

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WETA-WASHINGTON
ARCTIC PROJECT ACTIVITIES

Formulation of Project

Following the June 18th Alaska d-2 lands hearing of the Alaska Subcommittee in Seattle, Washington, the Western Environmental Trade Association of Washington, Inc. (WETA-Washington) met with mining, oil, labor, and forest product representatives of Washington, Alaska, and national interests.

This group asked WETA to utilize its expertise with the House Interior Committee and to develop a project to limit the acreage, resource impact, and job losses of eventual Alaska National Interest Lands (d-2) legislation.

ARCTIC I - July 1st through October 15th, 1977

This portion of the project, the Alaska Resources Committee To Influence Congress (ARCTIC), entailed the establishment of local labor-business contact with supportive interests in 29 of the 46 House Interior Committee districts.

This was accomplished through in-district (within Congressional Districts) meetings conducted by WETA during August and September to familiarize local constituents with the economic and resource tradeoffs of the Alaska d-2 lands issue. These individuals were then urged to support the WETA guidelines utilizing model resolutions, position papers, etc., through their unions, chambers, AGC chapters, and industry associations.

Each of these ARCTIC meetings included representation from local and/or state Building and Construction Trades Councils as the catalyst for labor d-2 involvement. (See ARCTIC preliminary report)

WETA-Washington's strategy anticipated that Washington's Congressman Meeds, senior member of the House Interior Committee, and Senator Jackson, Chairman of the Senate Energy and Natural Resources Committee, would play key roles in Alaska d-2 lands legislation development.

ARCTIC's in-district campaign for Congressman Meeds, involved labor councils, chambers, and industry groups within the 2nd District. This led to letter campaigns, resolutions, and constituents/Meeds meetings within the Congressman's district.

ARCTIC I Influence

During ARCTIC I's timespan (July 1st through October 15th) the following occurred:

1. Washington, D.C. industry spokesmen reported that ARCTIC succeeded in establishing d-2 as an issue in selected Congressmen's local districts and further eliminated a vote for locking-up Alaska as a free environmental vote.
2. Interior Committee minority staff reported that activity suddenly occurred among Democratic Interior Committee Members for "some sort" of compromise legislation.
3. Congressman Meeds announced plans to introduce alternative d-2 legislation in January session.

ARCTIC II - November, 1977 through February, 1978

ARCTIC II includes activities already accomplished at the Building Trades Department and AFL-CIO National Conventions in Los Angeles in late November and early December, respectively.

ARCTIC II also provides for WETA involvement in Washington, D.C. during markup.

At the National labor conventions, WETA-Washington arranged to meet with national labor legislative staff in Washington, D.C. for briefing and strategy sessions regarding further lobbying efforts.

ARCTIC II (interim) Events

1. Building Trades Department Resolution
2. AFL-CIO Resolution
3. WETA-Washington Labor D.C. Coordination Arrangement
4. National AGC Resolution
5. Washington State WETA Labor/Meeds meeting
6. Political assessment of HR 39 demise. Present assessment of subcommittee members would project enough votes to support "compromise" d-2 legislation.

ARCTIC II Continuation

Funding of a continued WETA-Washington Alaska d-2 lands involvement will avail Washington, D.C. d-2 interests of ARCTIC I's in-district contacts, provide WETA-Washington in a continuing role with Congressman Meeds, and place WETA in a labor advisory and overall coordinating capacity to the d-2 labor-industry task force.

1977 ANNUAL MEETING

WESTERN CONFERENCE

Santa Fe, New Mexico

September 25-28

PROPOSED RESOLUTIONS & POLICY POSITIONS

- I. ALCOHOL ABUSE
- II. EDUCATION FOR HANDICAPPED
- III. HEALTH CARE COST CONTAINMENT
- IV. WELFARE REFORM
- V. HYDROELECTRIC PRODUCTION AND ENERGY
- VI. NATIONAL ENERGY ACT AND PUBLIC UTILITY REGULATION
- VII. NATIONAL WATER POLICY STUDY
- VIII. FEDERAL LAND MANAGEMENT
- IX. FEDERAL PUBLIC LANDS
- X. DEFINITION OF AN ECONOMIC UNIT FOR PURPOSES OF THE FEDERAL RECLAMATION ACT OF 1902
- XI. RESOLUTION ON NATIONAL WILDERNESS PRESERVATION SYSTEM POLICY
- XII. TRANSFER OF SELECTED IN-LIEU AND EXCHANGE LANDS
- XIII. RESOLUTION ON INDIAN JURISDICTION
- XIV. U.S. DEPARTMENT OF TRANSPORTATION PAPERWORK REDUCTION STUDY
- XV. GASOLINE ALLOCATION
- XVI. COMMUTER AIRLINE SERVICE
- XVII. AMERICAN INDIAN POLICY REVIEW COMMISSION
- XVIII. MECHANISM FOR THE DEVELOPMENT OF A WESTERN COALITION ON ENERGY, LAND, WATER, AND AGRICULTURE

XIX. PARTICIPATION IN THE WESTERN STATES WATER COUNCIL

XX. PROPOSED AMENDMENTS TO THE RULES OF THE WESTERN CONFERENCE

XXI. GUIDELINES FOR THE PROCESSING AND FOLLOW-UP ACTION ON POLICY
POSITIONS APPROVED BY THE WESTERN CONFERENCE OF THE COUNCIL
OF STATE GOVERNMENTS

XXII. APPOINTMENTS TO THE WESTERN CONFERENCE COMMITTEES

I. ALCOHOL ABUSE

WHEREAS, the abuse of the drug, alcohol, is a problem common to every state and territory in the nation and,

WHEREAS, the abuse of alcohol affects children and adults alike, through welfare costs, police services, court costs, and disruptions of family life, and,

WHEREAS, alcohol related accidents drive up the cost of auto insurance for every automobile owner.

THEREFORE BE IT RESOLVED THAT:

1. Information on the harmful effects of alcohol be required in the entire educational process.

- 2, Attempts be made to require insurance companies to recognize alcoholism as a disease in dealing with the diseases caused by alcohol.

II. EDUCATION FOR HANDICAPPED

WHEREAS, the framers of our Constitution in their wisdom, left to the several states the right to provide education for the citizens within their jurisdiction; and

WHEREAS, each state and territory has different sociological, economic, geographic needs and problems; and

WHEREAS, the Education for All Handicapped Children Act represents a significant expansion of requirements upon the states to provide services to students with handicapping conditions; and

WHEREAS, concurrent development of Vocational Rehabilitation and Vocational Education regulations place further requirements upon school districts and other providers of public services; and

WHEREAS, while we commend the goals and directions of the Act, and as states and citizens are anxious to extend the opportunity for quality education to all students, we must also act responsibly to guide the implementation of federally imposed standards and programs; and

WHEREAS, the Education Act requires designation of the State Educational Agency as the sole supervisory authority for all programs and services to the handicapped, a provision which conflicts with state law and practice in many jurisdictions; and

WHEREAS, the requirements for an Individual Education Program evaluation for each handicapped student are comprehensive and detailed, and seem in the view of some state officials to create a potential basis for legal adversary proceedings; and

WHEREAS, the provisions of these two federal programs are indicative of a continuing and expanding policy of encroachment upon traditional state and territorial policy areas and represent a trend which contradicts legitimate state and territory concern; and

WHEREAS, the federal funding commitment lags far behind the implementation dates imposed upon states, placing the primary financial burden upon school district state education systems, and state service providers.

NOW, THEREFORE BE IT RESOLVED by the Western Conference of the Council of State Governments, meeting in Santa Fe, that Congress instruct the Department of Health, Education and Welfare through its Office of Education to allow the various states and territories to assess their educational needs and goals and permit the states and territories to assist in designing the programs needed to resolve the special education needs as well as other educational requirements of their respective jurisdictions.

III. HEALTH CARE COST CONTAINMENT

WHEREAS, the rising costs of medical care represent a significant financial burden upon the states and our citizens without apparant increases in quality of services which warrant such costs; and

WHEREAS, federal intervention through mandated limits to increasing costs would not represent a viable solution to the legitimate concerns about health care cost containment; and

WHEREAS, systems of health care vary widely from state to state and any program of cost containment must respect the diversity represented; and

WHEREAS, each state and territory should be authorized and encouraged to develop innovative programs, demonstration projects, and feasibility studies in response to the unique needs of the state; and

WHEREAS, while developing systems of cost containment, policy makers should also be cognizant of the value of preventive health methods as a control on increasing costs.

NOW, THEREFORE BE IT RESOLVED by the Western Conference of the Council of State Governments, meeting in Santa Fe, that as Congress develops the federal approach to health care cost containment, we urge that the respective states be given the opportunity to develop state programs which are responsive to state needs. Unnecessary and duplicative federal mandates should be avoided and emphasis should be placed upon state program initiatives to achieve health care cost containment.

IV. WELFARE REFORM

WHEREAS, the President of the United States has undertaken and submitted to Congress a comprehensive program of welfare revision with impact upon all of the states and our citizens, and

WHEREAS, the President, through the Department of Health, Education, and Welfare, has held hearings throughout the nation, and has listened to the comments of state policy makers, state administrators, and citizens, and

WHEREAS, many features of the proposed welfare reform continue to be of concern to state legislators, including the role which the states will play in the administration of the program, the fiscal relief envisioned for states, the development of an alternative work and training program, the inclusion of medical coverage for those eligible, and others; and

WHEREAS, some specific problem areas of the proposal warrant careful consideration including the impact upon recipients and eligibility criteria, the inadequacies of provisions for emergency response, the intention to make eligibility determinations and payments through federal structures completely by-passing the states, and the cursory attention given to the subject of medical eligibility, and

WHEREAS, the on-going development of welfare reform as it progresses through the legislative process will continue to be of great interest and concern to state legislators;

BE IT RESOLVED by the Western Conference of the Council of State Governments, meeting in Santa Fe, that the Congress of the United States and the President, acting through the Secretary of the Department of Health, Education, and Welfare, be prepared to give specific response to concerns of the states and territories of the Western Conference in the continuing development of the welfare reform proposal.

V. HYDROELECTRIC PRODUCTION AND ENERGY

WHEREAS, there is created a new Federal Department of Energy, which will take over from the Bureau of Reclamation the marketing of Electric Energy and transmission related to Hydro projects,

WHEREAS, the Bureau of Reclamation has done a commendable job in administering this program; and

WHEREAS, these projects are almost all located in the Western part of the United States,

NOW THEREFORE BE IT RESOLVED by the Western Conference Committee on Energy and Resources, that the new Department of Energy establish a Western office in some accessible city in the West to market and administer the Electric Energy and transmission serving the Bureau of Reclamation Hydro projects; and,

BE IT FURTHER RESOLVED that the Department of Energy draw heavily from the present Bureau of Reclamation staff, who are familiar with the needs of the western region to administer this portion of the Department's programs.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the state legislatures of South Dakota, Nebraska, North Dakota, Minnesota, Iowa, Kansas, and the Bureau of Reclamation, Department of Energy, and the Congressional delegation of the western region.

VI. NATIONAL ENERGY ACT AND PUBLIC UTILITY REGULATION

States traditionally have been responsible for public utility electric and gas regulatory matters at the retail and intrastate level, including establishing consumer rates. Part E of the National Energy Act (S. 1469) would deprive the states of this traditional responsibility.

The Western Conference of the Council of State Governments opposes the federal preemption of the states' regulatory authority over electric and natural gas utility operations, including the right of the states to regulate consumer rates to be charged for these services.

The Western Conference of the Council of State Governments therefore urges the Congress to delete Part E from S. 1469 and preserve the right of the states to regulate public utilities within their borders.

VII. NATIONAL WATER POLICY STUDY

WHEREAS, a true National Water Policy should combine federal, state and local policies to form the overall strategy for guiding present and future water resource management and development;

WHEREAS, the Western Conference of the Council of State Governments believes that a National Water Resources Policy should respond to state goals and objectives, reflecting the diversity of economic, social and environmental problems of individual states and regions of the nation;

WHEREAS, the proposed options in the National Water Policy Study (Federal Register, July 15 and July 25, 1977) do not fully recognize the differing regional problems;

WHEREAS, formulation of the policy cannot be accomplished without the participation of water interests throughout the country; and

WHEREAS, most states have established or are improving their systems of water law to meet individual economic and environmental needs.

NOW, THEREFORE, be it resolved by the Western Conference of the Council of State Governments that it unequivocally opposes intrusion of the federal government into water resource areas traditionally managed by the states. In particular, the Western Conference opposes any attempt by the federal government to usurp the role of the states in allocating, distributing and adjudicating water rights;

BE IT FURTHER RESOLVED that the Western Conference of the Council of State Governments recognizes a need for clarification and improved coordination of federal water policy among federal agencies; this clarification, however, should recognize and strengthen the states' role in water administration;

BE IT FURTHER RESOLVED that because many of the options proposed by the National Water Resources Policy Study are unclear, unrealistic or unworkable, the Secretary of the Interior be requested, upon completion of additional public review, to provide state policymakers an adequate opportunity to review and comment on all water policy recommendations that the Secretary intends to present to the President.

BE IT FURTHER RESOLVED that all water rights be recognized as a property right as established by the laws of the various states and territories.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the President of the United States and the Secretary of the Interior.

VIII. FEDERAL LAND MANAGEMENT

WHEREAS, there is a continuing and increasing effort on the part of the federal government to designate vast acreages of federal lands in the West for use, conservation and management without regard for input from the State and local governments of the Western Region; and

WHEREAS, input to federal land classification and management decisions from Western State and local government has been ignored or overridden by administrative and Congressional actions; and

WHEREAS, recent federal land management decisions have tended to be overly restrictive and single-purpose use oriented rather than addressing the diverse needs of all the people; and

WHEREAS, pending federal legislation regarding federal lands in the West, such as H.R. 39, would have the effect of establishing dangerous precedents encroaching upon historical state and local government land, resource and wildlife management prerogatives and violating the fundamental principles of States' rights; and

WHEREAS, federal land management decisions and regulatory authority frequently have unreasonable and confiscatory effects upon adjacent and nearby state, local government, and private lands; and

WHEREAS, the majority of all federal lands in the United States are located in the Western States and these same Western States have the capability to fulfill many of the renewable and non-renewable resource needs of the entire country but are being denied these opportunities by federal land use, conservation and management policies and regulatory controls;

NOW, THEREFORE, BE IT RESOLVED that the Western Conference of the Council of State Governments vigorously opposes H.R. 39 (the Alaska National Interest Lands Conservation Act) and any other pending or proposed federal legislation which usurps States' rights, revokes state management of state resources, ignores input from state and local governments, and revokes established state-federal land selection provisions; and

BE IT FURTHER RESOLVED that the Western Conference of the Council of State Governments urges the federal land management agencies of the U.S. Department of the Interior to join with the Western States to establish a more meaningful process of input from State and local governments to federal land management decisions and policy development; and

BE IT FURTHER RESOLVED that the Western Conference of The Council of State Governments urges federal land management agencies of the U.S. Department of the Interior and the U.S. Congress to be more mindful of their obligations to meet all the needs of the people consistent with the preservation of wilderness values.

IX. FEDERAL PUBLIC LANDS

WHEREAS, 93.5 percent of all federal public lands are contained within twelve western states;

WHEREAS, federal public lands comprise 63.6 percent of the total land area of the twelve states;

WHEREAS, the representation of these western public land states in the United States House of Representatives amounts to 17 percent of the total voting power;

WHEREAS, non-western states have representation in the United States House of Representatives amounting to 83 percent of the voting power, while only 6.5 percent of the federal public lands are located within their boundaries;

WHEREAS, this disparity between the amount of public land in the western states and their political power causes the following conditions to exist:

1. Land use policies made through such laws as the Mineral Leasing Act, Historic Preservation Act, the Endangered Species Act, the National Forest Management Act of 1976, the Federal Land Policy and Management Act and the Natural Environmental Policy Act, among others, control vast land areas of the western states with little regard for the knowledge, experience and needs of the western states and those who live on or near these lands.

2. In addition to that determined by law, much of the land use policy of the western states is developed by administrative rule and regulation through policy-making power residing outside of the states' boundaries.

3. Virtually all of the nation's energy reserves are in the West, but the federal government controls the power to develop those resources.

4. The federal government through Congressional action and administrative fiat controls not only the development of public lands but indirectly controls the development of state and private lands encircled by the federal public lands;

WHEREAS, the BLM Organic Act (P.L. 94-773) declares that it is the policy of the United States that the public lands be retained in federal ownership;

WHEREAS, the Western Conference of the Council of State Governments believes these facts to describe a situation reminiscent of colonialism that is contrary to the following constitutional and legal doctrines:

1. The doctrine of equal protection
2. The doctrine of equal footing
3. The Tenth Amendment reservation of residual power in the several states

4. The common law doctrine of fiduciary trust

5. The Fifth Amendment guarantee of just compensation for the taking of private property; and

WHEREAS, the inequities herein described interfere with the rightful exercise of sovereign power by western states and unduly restrict their citizenries in the control of their own destinies.

NOW, THEREFOR, BE IT RESOLVED by the Western Conference of the Council of State Governments that it adopt the position that the described disparities are intolerable to the Western United States; and,

BE IT FURTHER RESOLVED that the Western Conference of the Council of State Governments act to seek remedy through legislative action and at the same time prepare to seek redress through the courts from the flagrant inequities placed upon the West by past precedents and policies of the federal government and crystallized by the BLM Organic Act.

X. DEFINITION OF AN ECONOMIC UNIT FOR PURPOSES
OF THE FEDERAL RECLAMATION ACT
OF 1902

WHEREAS, the U. S. Department of the Interior intends to promulgate regulations within the 1902 Federal Reclamation Act which will limit the acreage farmers can reasonably expect to farm and make a living; and

WHEREAS, the promulgation of these regulations will fall under the law with the interpretation of an Act written in 1902; and

WHEREAS, the Act mandates a standard of 160 acre limitation for farmers using present irrigation methods; and

WHEREAS, farming conditions have changed significantly over the years;

THEREFORE BE IT RESOLVED by the Western Conference of The Council of State Governments that we would propose that the Administration and the U.S. Department of the Interior reconsider their definition of an "economic unit" for the purposes of the Act, in relationship to the 160 acre limitation.

XI. RESOLUTION ON NATIONAL WILDERNESS PRESERVATION

SYSTEM POLICY

WHEREAS, additional acreage in the western states is being considered for inclusion in the National Wilderness Preservation System; and

WHEREAS, the designation of large areas of the western states as federal wilderness areas prohibits the harvesting of timber, prevents the development of needed mineral resources and makes difficult the improvement of range land by the reseeding of grasses, the eradication of brush and nonproductive vegetation, the control of forest fires and diseases and the development of water resources, thereby limiting the national food supply and decreasing the value of wildlife habitat; and

WHEREAS, by such designation, the multiple-use concept of federal lands is being undermined, thereby eliminating the utilization of those lands by the majority of our citizens for recreation, resource development and other beneficial use; and

WHEREAS, the largest amount of federal land is located within the western states whose economy and governments are handicapped by the consequent loss of tax revenue, employment opportunities and national resource development; and

WHEREAS, the Roadless Area Review Evaluation II Study has, as its purpose, the expansion of the wilderness system by the inclusion of additional large tracts of western lands, without sufficient consultation, communication or involvement with the state and local governments affected; and

WHEREAS, federal lands belong to the entire citizenry of our nation and should be managed under multiple-use concept for the benefit of all;

NOW, THEREFORE, BE IT RESOLVED BY THE WESTERN CONFERENCE OF THE COUNCIL OF STATE GOVERNMENTS that the United States Congress and the Secretaries of Agriculture and the Interior be requested to refrain from designating any additional federal lands west of the 100th meridian for inclusion in the National Wilderness Preservation System without express consent of the governor and the legislature of the affected state, and, further, that those areas in the American West presently included in the National Wilderness Preservation System be reevaluated for their possible return to multipleuse management; and

BE IT FURTHER RESOLVED, that, prior to the review of the suitability of any lands for inclusion in the National Wilderness Preservation System, the Congress of the United States through its appropriate committees, confer with and seek the cooperation and approval of the state and local governments affected by such inclusion; and

BE IT FURTHER RESOLVED, that copies of this resolution be delivered to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the Secretaries of Agriculture and the Interior and to the Congressional Delegation of each of the member states of the Western Conference of the Council of State Governments and each of the six easterly adjoining states.

XII. TRANSFER OF SELECTED IN-LIEU AND EXCHANGE LANDS

WHEREAS, there exist in the Western States large tracts of the unappropriated and unreserved public domain to which the individual states are entitled by Acts of Congress, and

WHEREAS, the Bureau of Land Management has failed to act in a timely and properly manner of selected in-lieu lands and exchange lands which are due the individual states,

NOW, THEREFORE, BE IT RESOLVED that it is the sense of the Western Conference of The Council of State Governments that the Bureau of Land Management be encouraged and assisted to speedily and completely transfer all selected in-lieu lands and exchange lands to the respective states.

XIII. RESOLUTION ON INDIAN JURISDICTION

WHEREAS, the Western Conference Committee on Judiciary, having examined and studied Indian Jurisdiction, finds the matter to be of extreme import and complexity;

WHEREAS, Indian Jurisdiction will continue to be of major importance and concern to all states;

WHEREAS, even though a preliminary position paper has been prepared, further study and publication is necessary in order to properly deal with the questions evolving in the field of Indian Jurisdiction;

NOW, THEREFORE BE IT RESOLVED that the position paper presented to the Western Conference of The Council of State Governments be published as an article in the appropriate publication of CSG, and that this article be forwarded to all members of Congress and the President of the United States;

BE IT FURTHER RESOLVED that the Western Conference Committee on Judiciary proceed in further examination of Indian Jurisdiction and further present a position paper for the considerations of the members of the Western Conference of The Council of State Governments.

XIV. U.S. DEPARTMENT OF TRANSPORTATION
PAPERWORK REDUCTION STUDY

WHEREAS: The State Highway and Transportation agencies of the several states have been increasingly burdened as a result of unnecessary Federal Rules and Regulations; and,

WHEREAS: the processes resulting from unnecessary rules and regulations have resulted in paper work and time delays on federally aided highway projects; and,

WHEREAS: these delays have resulted in increased cost of highway construction projects; and,

WHEREAS: a task force established by the Federal Highway Administrator has conducted an extensive study of federal procedures to identify how the red tape may be reduced; and,

WHEREAS: the members of the task force have recommended changes that could materially reduce the delays in processing federal aid projects;

NOW THEREFORE, BE IT RESOLVED: that the Western Conference of the Council of State Governments urge the Secretary of the Federal Department of Transportation and Federal Highway Administrator to adopt the recommendations of the task force as proposed in the Federal Register; and,

BE IT FURTHER RESOLVED: that the Secretary of the Federal Department of Transportation and the Federal Highway Administrator be commended for their outstanding effort in seeking to reduce the red tape and delays attendant in processing Federal Aid Highway Projects.

XV. GASOLINE ALLOCATION

WHEREAS, the new Department of Energy has been recently developed by the Carter Administration; and

WHEREAS, the legislation which will establish the new department will also drop the present gasoline allocation plan as established by the present Federal Energy Agency;

THEREFORE BE IT RESOLVED, that the Western Conference of the Council of State Governments would encourage that the Congress reconsider the plan to drop the present gasoline allocation plan.

XVI. COMMUTER AIRLINE SERVICE

WHEREAS, the Western Conference of The Council of State Governments, recognizing the need of the communities of the West for an adequate transportation system, and

WHEREAS, to make air transportation an effective and responsive force in achieving goals for social, economic, and environmental development, and conservation of entitled resources; and

WHEREAS, to provide for optimum and broader use of federal funds as they become available; and

WHEREAS, to promote the development and continuation of privately owned air commuter service;

BE IT THEREFORE RESOLVED that the Western Conference of The Council of State Governments urges the U.S. Congress to support legislation that would protect and promote air service to small communities; and,

BE IT FURTHER RESOLVED that copies of this resolution be distributed to the appropriate federal agencies, members of The Western Congressional delegation and appropriate state offices and agencies.

XVII. AMERICAN INDIAN POLICY REVIEW COMMISSION

WHEREAS, the American Indian Policy Review Commission has recently completed its report to Congress;

WHEREAS, the Commission Report has assumed as first principles that all policy and legal issues in contemporary Indian law should be resolved in favor of the Indians;

WHEREAS; the Western Conference of the Council of State Governments believes that the Commission Report fails to recognize the following facts:

1. That the Constitution of the United States provides for only two sovereign powers -- the United States and the several states within their spheres of influence.

2. Indian tribes are political subdivisions of the United States and are not sovereign in their own sphere.

3. Powers not specifically denied by treaty are not reserved to the tribes.

4. The intent of the Federal Congress in establishing Indian self-government was purposive in nature, to maintain tribal integrity and identity. Therefore, Congress did not intend Indian government to be general or territorial in nature.

5. There is no legal doctrine whereby one entering the land of another consents to general lawmaking and enforcing authority of the landowner.

6. The Commission Report fails to recognize that Indian tribes are no longer isolated communities; and

WHEREAS, the granting of sovereignty to Indian tribes and the necessary inclusion of non-Indians under their jurisdiction will destroy the ability of Indian peoples to make their own laws and be governed by them.

NOW THEREFORE, BE IT RESOLVED by the Western Conference of the Council of State Governments that it agree with the Minority Report of Congressman Lloyd Doods, Vice-Chairman of the American Indian Policy Review Commission, that Americans are justified in believing that 400 years have been sufficient to quiet title to the continent;

BE IT FURTHER RESOLVED that the Western Conference also agrees with the following recommendations and opinions of the Minority Report:

1. That Congress should enact comprehensive legislation defining the scope and nature of tribal self-government, making clear that tribal governmental powers are limited.

2. Legislation should be enacted directly prohibiting Indian courts from exercising criminal jurisdiction or civil jurisdiction over any non-Indian or Indian who is not a member of the tribe which operates the court.

3. Congress should enact legislation allowing civil jurisdiction in state courts against Indian defendants in all cases where states would have jurisdiction were it not for Indian status of the defendant, and tribal government does not provide a judicial forum. Tribal interests could be protected by providing that rules of decision must be given appropriate weight in state courts.

4. Congress should bar actions by Indians against non-Indians for claims arising on reservations where tribes have not provided forums for similar actions by non-Indians against Indians.

5. Congress should enact legislation confirming that states have the same power to levy taxes, the legal incidence of which falls upon non-Indian activities or property, on Indian reservations as they have off Indian reservations. The exemptions to this blanket state authority should come in instances where federal regulation of special subject matter would preempt state regulation.

6. Congress should expressly proscribe the authorization for tribal taxation of nonmembers or property of nonmembers.

7. With regard to the Indian Civil Right Act of 1968, if Indian governments are to exercise governmental powers as licensees of the United States, it is imperative that they be fully answerable for the improper exercise of those powers.

8. To the extent that chosen national Indian policy entails financial burdens on persons other than Indians, it is neither fair nor rational for those burdens to be cast disproportionately on the taxpayers of the states in which Indian reservations are situated.

9. Congress should undertake to define "Indian Country" for the various purposes for which the term is used.

10. In regard to the operation of Public Law 280, if withdrawal from state jurisdiction is to be done on grounds of federal policy, the policy choices should be made by Congress, which can weigh fairly the cost of billiarding state jurisdictions as well as the advantages to Indians.

11. In the absence of ultimate authority over Indian land use planning lying with federal officials, the fairest system would be to place final authority in state planning agencies in which Indians would participate equally with other affected citizens.

BE IT FURTHER RESOLVED, that copies of this resolution be delivered to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the Secretaries of Agriculture and the Interior and to the Congressional Delegation of each of the member states of the Western Conference of the Council of State Governments and each of the six easterly adjoining states.

XVIII. MECHANISM FOR THE DEVELOPMENT OF A
WESTERN COALITION ON ENERGY, LAND, WATER, AND AGRICULTURE

Whereas, there is a need to balance the interests of western American into national/subnational policy, including law, rule, or regulation; relating to land, water, energy, and agriculture; and,

Whereas, at the present time there is no formal mechanism established wherein the voice of western Governors, legislatures, county officials or city officials can coalesce on issues of mutual concern; and,

Whereas, it is evident on many occasions that there is often expressed to officials in Washington, D.C. a variety of western feelings and policy statements on issues in land, water, energy, and agriculture; and,

Whereas, oftentimes this divergence of opinion can be detrimental to the West as a whole;

Therefore be it resolved that The Western Conference of The Council of State Governments do hereby acknowledge the need for Governors, legislatures, and city and county officials to join into a coalition effort and establish a mechanism with existing organizations in the western region, to, where possible, develop policies of mutual agreement and transmit those policies to the proper federal elected and appointed officials in Washington, D.C. and,

Be it further resolved that there be an appointment of equal membership from each western state to formalize the procedures for the coalition effort.

Senator Ernest Dean, Utah
Chairman, Committee on Energy and Resources

XIX. PARTICIPATION IN THE WESTERN STATES
WATER COUNCIL

The Western Conference of the Council of State Governments, at its 1977 Annual Meeting in Santa Fe identifies that water and related issues are of major importance to states from the perspective of both the executive and legislative branches of governments.

The Western States Water Council, established by the governors of the West had proven to be a successful tool in assisting the governors in areas of water policy. Since the inception of the Western States Water Council in 1965, there has been a working relationship between WSWC and the Western Conference of the Council of State Governments. Invaluable information has been provided to assist the Conference in its efforts to speak to water issues.

The Western Conference, in its efforts to avoid conflict in water policy areas and duplication of services, and recognizing the importance of water and its related impact on all the Western States, desires to become more actively involved in activities of the Western States Water Council. It is therefore requested that each governor give serious consideration to appointing, as a member of his or her delegation to the Western States Water Council, a member of their state legislature.

It is urged that each member of the Western Conference Executive Committee, visiting with his or her governor to explain the reasoning behind this effort and that the members will report the results of the discussion at the next meeting of the Western Conference Executive Committee. The President of the Senate and the Speaker of the House of

Representatives from the State of Utah are urged to convey the sentiments and feelings of this resolution to the Council members at the next meeting of the Western States Water Council, which will be held in Salt Lake City, October 14.

XX. PROPOSED AMENDMENTS TO THE RULES OF THE
WESTERN CONFERENCE

XIII. AMENDMENTS - The Rules of the Conference and any amendments thereto may be adopted, altered, amended, added to or repealed at any annual meeting of the Conference by a majority vote of all member states, voting by state, provided that a notice of such amendments be filed with the Director of the Western Office of The Council of State Governments at least thirty (30) days prior to the meeting. Upon receipt of a copy of the proposed amendments, the Director shall forward copies thereof to the presiding officers of each house of every member legislature and to the members of the Western Conference Executive Committee.

The following recommended amendments to the rules have been reviewed and approved by the Western Conference Executive Committee and the Western Conference Resolutions Committee; (language to be deleted is struck out; new language is in caps)

VI. OFFICERS Officers of the Conference are Chairman, ~~Chairman-elect, and Vice-Chairman.~~ The Chairman-elect shall be elected from among the state delegates or alternate members of the Executive Committee who have been formally designated by the appropriate appointing authority in his or her State. THE CHAIRMAN-ELECT PRESIDES IN THE ABSENCE OF THE CHAIRMAN AND WILL SUCCEED TO THAT OFFICE IF THE CHAIRMAN RESIGNS OR LEAVES STATE SERVICE. The Executive Committee may fill an officer vacancy occurring between annual meetings in conformity with the qualifications stated in this rule.

VIII.a. Committee Membership. The Chairman of the Conference at the beginning of each biennium shall request the appointing authorities in each state to name, within 60 days, individuals to each study committee, on which it wishes representation -- the appointments to include at least one member from each house of the legislature, a legislative staff agency head or his designee, and at least one executive branch agency official appointed by the Governor whose position and competence would contribute to the work of the committee. MEMBERS OF THE STUDY COMMITTEE SHALL SERVE UNTIL REPLACED.

XXI. GUIDELINES FOR THE PROCESSING AND FOLLOW-UP ACTION ON
POLICY POSITIONS APPROVED BY THE WESTERN CONFERENCE OF
THE COUNCIL OF STATE GOVERNMENTS

The following guidelines shall be observed, in the name of the Western Conference of the Council of State Governments, regarding policy positions approved by the Western Conference of The Council of State Governments.

1) Policy positions, drafted in simple, clear and concise Terms are preferred in accordance with By-Law #2;

2) Policy positions shall be forwarded by the Executive Committee, through the actions of the Chairman of the Conference to the Governor, the President of the Senate and the Speaker of the House or Assembly of each of the member states and territories of the Western Conference;

3) Policy positions that urge action by the Congress of the United States will be forwarded to the President of the United States, the Vice President of the United States, the President Pro Tem of the Senate and the Speaker of the House of Representatives and to the Senators and Representatives representing the Western States and territories in Congress;

4) It shall be the responsibility of the Chairman of the Conference and the Executive Committee of the Conference to assure that all policy positions adopted by the Conference at its Annual Meeting and followed up to determine if responsive action had been taken and to each year review the positions taken in prior years to determine if further action is required. The review process shall be undertaken in cooperation with the standing committees of the Conference;

5) In concert with the afore mentioned point regarding the distribution process of policy positions to the appropriate members of the administration and the United States Congress, it is realized that the needs and desired goals of the Western Conference must be vigorously brought to the attention of Congress. Therefore it is the policy of the Western Conference that all committees of the Conference are authorized to travel to Washington, D.C. or to other appropriate locations (at the expense of the home state or territory of the committee member) to articulate the viewpoints of the Western States concerning the needs and goals which have been approved as policies of the Western Conference. Any travel in the name of the Western Conference must be done in consultation with both the Chairman of the Western Conference and the appropriate study committee chairman.

XXII. APPOINTMENTS TO THE WESTERN CONFERENCE COMMITTEES

The Western Conference and its Executive Committee recognize that a significant part of the total Western Conference activities revolve around the interim committee activities. It is further noted that in order to obtain the maximum benefit from the unique benefits of each state, it is important to receive appointments to all committees as soon as possible. Therefore it is the policy of the Western Conference to encourage member states and territories to make appointments as soon as is practical. Staff of the Western Conference shall, at the direction of the Chairman of the Conference, solicit appointments from the appropriate state and territorial appointing authority to all committees.

WESTERN STATES RESOURCE CONGRESS MEETING

March 20, 1978

Reno, Nevada

The meeting was called to order by Robert Dilger, President of WETA-Washington, at 9:05 A.M.

Charles T. Keenan, WETA-Washington Executive Director, summarized the February 13th meeting in Spokane. Mr. Keenan outlined the structure, scope, and procedures as discussed in the Spokane meeting, and as summarized in the minutes sent to the attendees and to the invitees.

During a round-robin, discussion the following comments, in summary form, were offered by the attendees.

John Thompson, Corporate Liaison, Georgia-Pacific: Lets not lose sight of the kitchen cabinet approach, nor of identifying key issues and key legislators. Gentlemen, we are getting "out-grass-rooted" by the preservationists. WSRC must address that fact.

Jim Craine, Executive Vice President, Federal Timber Purchasers Association (FTPA) suggested that we include South Dakota among the Western States targeted for the organization. His association has members in South Dakota.

Jim Cook, Executive Vice President, California Business Properties Association (CBPA) commenting on Mr. Craine's statement, suggested that we keep the organization loose, so that other organizations who want to belong to the WSRC will be able to join.

Paula Easley, Executive Director, Organization for the Management of Alaska Lands (OMAR), suggested that we may want to drop Hawaii because she felt they do not share the same issues as any other Western States.

John Thompson, responding to Paula Easley's statement, pointed out that Hawaii was the first state to develop a state-wide comprehensive land use plan; therefore, Hawaii not being considered for part of the Congress is certainly worth monitoring.

Lynn Engdahl, Executive Director of WETA-Oregon, stated that Hawaii has nuclear siting problems.

Patricia Wright, Executive Assitant, CBPA, described CBPA as an association of builders and commercial interests, with activities in many states other than California.

Roger Blades, President of WETA-Idaho, described Idaho as sharing most of the same problems that the other Western States experience; that the new organization is gearing up for a membership drive; and that WETA-Idaho would be a part of the WSRC. He stated that his members in Idaho are in favor of a strong WSRC, and he feels it would be beneficial to the citizens of Idaho.

Dave VanCamp, Chevron U.S.A., described the corporation as having operations in the nine Western States, and which is conducting its own grass-roots program as to trying to build a relationship with key legislators and regulators within those states.

Joe Stransky, Western Oil and Gas Association (WOGA), described WOGA as an 80-member organization of producers, refineries, and marketers of oil products. WOGA is also conducting a grass-roots program, and is very interested in the "kitchen cabinet" approach described earlier.

Joe Orsini, Senator, State of Alaska, reported on the latest session of the Western Council of State Governments (WCSG). Issues that the organization discussed at their quarterly meeting included a Western States Coalition similar to WSRC, and a concern with air, water, and Indian land issues.

Senator Orsini said that the WCSG, which is not as dynamic as it could be, hopes that the WSRC might coordinate activities with the WCSG organization. Senator Orsini also expressed the hope that the Council might consider supporting funds for WSRC, probably through individual state legislators.

Phillip Truluck, Heritage Foundation, described the foundation as a public policy research organization which distributes its research among the legislature and media.

Phil attended this meeting to discuss environmental legislation, nuclear issues, and the nature of selected environmental organizations.

Jim Craine, FTPA, described the organization as a 32-member group with 50 mills operating primarily in the Eastern/Western states. This group interfaces with legislators and agencies regarding federal timber policy.

Dick Pittenger, representing CMAL, described the statewide Alaska organization as a group which worked closely with WETA-Washington and OMAR, and which is addressing the d-2 lands legislation, operating out of three Alaska offices and one Washington, D.C. office.

John Thompson of Georgia-Pacific described the corporation as a basic forest products producer company managing 4½ million acres; highly concerned with legislation at the national level; and quite interested in the WSRC.

Paula Easley, OMAR, stated that the organization was established in 1975 at 6,000 members, including corporations, municipal groups, labor, educators, and others.

Jim Cook further described CBPA as a California association since 1972. Mr. Cook is concerned with the impact of Eastern influence in the West. He stated a keen interest in WSRC. CBPA members operate in 38 states, therefore, have a vested interest in most of the Western States. As restrictions grow in California, there is more pressure to operate in the other states, primarily in the West. CBPA's main concerns are: (1) Air Quality Act in California; (2) Coastal Zone Management Act; (3) NEPA; and (4) Seizing of agricultural lands.

CBPA conducts its work among legislative, regulatory, and judicial mediums.

The 200-member organization operates on approximately a \$100,000 per year budget and conducts regular mailings up to 1,000 per mailing.

Charles T. Keenan described WETA-Washington as an 800-member statewide organization, including 80 association members, who, in its 52 months, has conducted several innovative projects of interest, including: (1) Creation of a layman's response form regarding federal timber withdrawals; (2) Formation of quasi-autonomous citizens groups called Citizens For Energy & Jobs; (3) Positive programs, such as Construction Obstacles Evaluation, which calls for solving major construction problems before they become an issue; and (4) constant grass-roots activities, primarily at the county level, addressing comprehensive plans and shoreline ordinances.

WETA-Washington operates on an approximate \$150,000 per year budget, and generates approximately \$60,000 per year on special projects.

Bob Dilger, WETA-Washington President, and Executive Secretary of the Washington State Building and Construction Trades Council suggested that "our side" has waited too long to take the offensive regarding promotion of common sense environmental/economic issues. He urged that we "get it together".

The Washington State Building and Construction Trades Council represents 45,000 members, 126 locals, and has played a leading role in WETA-Washington since its inception.

Dave VanCamp indicated strong support of the concept of a WSRC. He further stated that it is important that the organization be fully representative of both labor and business.

Joe Stransky suggested that the organization fully research federal and state lobbying laws before it embarks upon its contact with lawmakers and lawmakers' staff.

Senator Joe Orsini suggested that Alaska's legislator-to-legislator program regarding the d-2 lands issue could be a tool for WSRC to adapt.

Charles T. Keenan suggested that one of the functions of WSRC could be to see that the various lobbying rulings are applied equally to groups, such as the Council of Churches, the Sierra Club, etc., as are applied to corporation and labor activities.

Jim Cook, CBPA, circulated information regarding that organization's experience with the IRS regarding lobbying and other issues.

Bob Dilger suggested that WSRC could initially be an arm of another existing organization, such as WETA-Washington.

Jim Craine, FTPA, supported the concept of WSRC, and endorsed the concept that full use be made of in-place organizations, stating that many organizations are going down the "same path".

John Thompson stated that a greater legislative involvement is needed in WSRC initially, and perhaps a function of WSRC could be sponsorship of various state legislators participating in the Western States Legislative Coalition.

Paula Easley, OMAR, presented a map illustrating the impact of public lands and policies in the Western States. She cited the Alaska d-2 lands legislation as a prime example of a need for WSRC.

Guy Stringham, OMAR, indicated that Western States faced a common battle, and was enthusiastic about the fact that three months ago someone was talking about a Western States group, and at least now, we are on our way

Jim Craine expressed his opposition to the WSRC being an arm of existing organizations. He suggested that the WSRC be kept independent.

Mason Warren, National Vice President, Laborers' International, suggested that one function of the WSRC be to bring together Association Executives and Officers.

Charles T. Keenan presented the following items for consideration so that that organization could proceed. He suggested that activities be conducted immediately in the following areas: (1) Compose and file Articles of Incorporation; (2) Designate and activate a Steering Committee; (3) Compose and approve By-Laws; (4) Organize and conduct a "Think West Conference"; and (5) Elect five issues from which one or more issues could be addressed as a WSRC project.

At this point, Guy Stringham, representing OMAR, assumed chairmanship of the meeting.

Jim Cook was asked to report regarding his proposed structure.

Mr. Cook summarized some of the thoughts of the previous meeting in Spokane, including his conclusion that representation be limited to three or five per state, and that the organization not be highly structured.

It was decided in consensus among the group, that representation per state not be limited to three to five persons, and that the decision regarding specific numbers of representatives per state be made in the future.

Charles T. Keenan suggested that we agree to have a meeting in Denver, Colorado, and to propose for adoption Articles of Incorporation and By-Laws, and that we designate a Steering Committee.

Lynn Engdahl suggested that we address and resolve the following two major questions before the body: (1) Should WSRC be a separate structure; or (2) Should it be a part of another group?

Lynn went on to move that WSRC be a loose organization, coordinated from either WETA-Washington or OMAR for the time being. Upon discussion, the above motion was amended and seconded to state that WETA-Washington and OMAR coordinate the formation of WSRC.

Mr. Pittenger further amended the motion to state that time for coordination and formation of WSRC be limited to a 120-day period.

The motion, as amended, passed by unanimous consent.

Charles T. Keenan added that it is the intention of WETA-Washington to "make or break" the formation of WSRC in 30 to 45 days; deadline being the Denver, Colorado meeting.

Paula Easley, OMAR, suggested that the name of the organization be Western States Resource Congress. John Thompson proposed that that name be adopted, and Lynn Engdahl seconded. The group passed the name without objection.

Following lunch, the meeting was called to order by Roger Blades, President of WETA-Idaho.

Phillip Truluck, Heritage Foundation, presented the Foundation's observations regarding preservationists, including their lobbying, funding tactics, and philosophies.

Phil stated that many believe that the preservationists growth has peaked, and present administration has given them a tremendous boost via key appointments. He stated that preservationist activists are now at many mid-level bureaucratic positions "on the inside".

Phil also pointed out that the major preservationists organizations might not exist if it were not for funding from "business-oriented" sources, especially major foundations, such as Rockefeller, Ford, Mellon, and others.

Phil also discussed the contents of the publications "Unfinished Agenda" and "A Time To Choose".

Phil stated that a grass-roots organization was needed to respond to the preservationist onslaught with "coalition politics" emphasizing jobs, and articulating the option for growth in various areas, such as options to nuclear energy, which Phil stated would create eight million jobs for Americans.

Following Mr. Truluck's presentation, Chuck Keenan proposed that the group conduct a "Think West" Conference. He further proposed that the conference be conducted June 15th and 16th in either San Francisco or Seattle.

The conference proposal is as follows:

DATE & TIME	PERSON OR EVENT	PERSON ASSIGNED TO BE RESPONSIBLE FOR CONTACTING OR ARRANGING FOR THAT EVENT OR PERSONS IN THE "THINK WEST" CONFERENCE
<u>June 15, 1978</u>		
9:15 A.M.	Governor Dixy Lee Ray	Bob Dilger
10:30 A.M.	Panel of State Legislators (California, Alaska, Utah, and Washington)	Senator Joe Orsini, Alaska
12:00 Noon	Lunch	
12:45 P.M.	Jack Henning, President, California, AFL-CIO or Andy Anderson, President, Western Conference of Teamsters	Mason Warren
1:30 P.M.	Panel: Western States Resource Congress (Subjects: Air, Water, Mining, and RARE II)	Air - Jim Cook Water - Lynn Engdahl Mining - Russ Babcock RARE II - Jim Craine
3:00 P.M.	Harry Merlo, President, Louisiana-Pacific	John Thompson
4:00 P.M.	Legislative Reception	_____
<u>June 16th, 1978</u>		
9:15 A.M.	Senator Paul Laxalt	John Thompson
10:30 A.M.	Western States Resource Congress Panel (Subjects: Nuclear, _____, Transportation, Agriculture)	_____
12:00 Noon	Lunch	
12:45 P.M.	Governor _____ Judge of Montana	Roger Blades
1:30 P.M.	Panel of Federal Legislators (Oregon, Colorado, New Mexico, and Arizona)	_____
3:00 P.M.	Speaker	_____
4:00 P.M.	Legislative Reception	_____

It was the consensus of the group that the "Think West" Conference be approved, based upon the availability of speakers, place, and commitments, all of which will be coordinated by Charles T. Keenan.


Charles T. Keenan recommended that the following subjects be researched; that presentations be made at the next meeting in Denver, Colorado; and that the WSRC could choose one or more of them to address.

1. Air - Jim Cook or John Thompson
2. RARE II - Jim Craine
3. Water - 160 acres - Lynn Engdahl
4. Mining - Gene Baker
5. Divestiture - Joe Stransky or Dave VanCamp
6. Nuclear - Max Warren via CCEEB

It was agreed that the next meeting will be held in Denver, Colorado, May 2, 1978, beginning at 9:00 A.M., at Stouffer's Denver Inn, 3203 Quebec Street, Denver.

There being no further business, the meeting adjourned at 2:45 P.M.

Respectfully submitted,


Charles T. Keenan, Executive Director
WETA-Washington

CTK:lfc
opeiu8

Western States Resource Congress

"Think West" Conference Proposal

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3:00 P.M.	Harry Merlo, President, Louisiana-Pacific	John Thompson
4:00 P.M.	Legislative Reception	Jack Boggess
<u>June 16th, 1978</u>		
9:15 A.M.	Senator Paul Laxalt	John Thompson
10:30 A.M.	Western States Resource Congress Panel (Subjects: Nuclear, Divestiture, Transportation, Agriculture)	Nuclear - Mason Warren Divestiture - Joe Stransky Transportation - Charles T. Keenan Agriculture - Joe Crosswhite
12:00 Noon	Lunch	
12:45 P.M.	Governor _____ Judge of Montana	Roger Blades
1:30 P.M.	Panel of Federal Legislators (Oregon, Colorado, New Mexico, and Arizona)	Jim Craine
3:00 P.M.	Senator Ted Stevens	Guy Stringham
4:00 P.M.	Legislative Reception	Jack Boggess

CTK: jh
opeiu8
4/1/78



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April 1, 1978

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Professional Workers - UPWA, AFL-CIO
PHILIP WATTS
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PHILIP WATTS
Hess & Partners

The Honorable Joseph L. Orsini
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Orsini:

I believe the Western States Resource Congress (WSRC) meeting in Reno went well.

Although considerable time and effort must be invested in developing the organization, I firmly believe that there is solid enthusiasm and a compelling need for the Western States venture.

I am requesting that you advise me at your earliest convenience regarding the persons whom you have contacted to participate in the June 15th 10:30 A.M. Panel of State Legislators, in conjunction with the "Think West" Conference June 15th and 16th in San Francisco.

Because of scheduling complexities regarding several Governors and Senators, etc., we must know in the next few days of state legislators who can definitely be available June 15th.

While you are procuring commitments for the June 15th date, also inquire about your assigned legislators' availability June 22nd and 23rd, in the event that we move the date back one week to facilitate scheduling.

Enclosed find a more complete "Think West" Conference proposal, which updates the one included in the Minutes of the Reno meeting.

Please advise me regarding your actions at your earliest convenience.

Best regards.

Yours truly,

Charles T. Keenan
Executive Director

CTK: jh
opeiu8

Enclosure

Western Environmental Trade Association

314 PARK PLACE BUILDING
SEATTLE, WASHINGTON 98101
(206) 623-5235

Date 4/7/78

Subject Western States

Resource Congress

to

Senator Joe Orsini
Pouch V
Juneau, Alaska 99811

IMMEDIATE REPLY
REQUESTED

NO REPLY
NECESSARY

message

Dear Senator Orsini:

Do you have available to you a complete list, with addresses and telephone numbers, of state legislators in the 13 western states we have identified for our Western States Resource Congress (WSRC)? If so, please send us a copy so that we may inform all of them regarding activities of the WSRC.

We appreciate your interest and assistance regarding the WSRC.

Signed

Judy Henry
Judy Henry
Executive Assistant

reply

Signed

Date

RECIPIENT RETURN PINK COPY



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Central Committee: AL SCOTT DICKS
Washington State Building & Construction Trades Council, AFL-CIO

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JOHN THOMPSON
Osborne Pacific

LENNY WARD
Washington State Association of Electrical Workers Local 414 AFL-CIO

PHIL WILAS
Columbia Bank & Company

LUCIA WILKOFF
Bona Fideable Corporation

April 10, 1978

TO: Western States Resource Congress Mailing List

FROM: Charles T. Keenan

Due to logistic problems, the Western States Resource Congress (WSRC) meeting previously scheduled for May 2nd in Denver is being rescheduled as follows:

Thursday, May 25, 1978
9:00 A.M. to Approximately 4:00 P.M.
Cosmopolitan Hotel
East 18th and Broadway
Denver, Colorado 80202

Registration cards for accommodations and a meeting agenda will be mailed prior to the meeting.

Please RSVP the WETA-Washington office by mail or telephone, (206) 623-5235, at your earliest convenience.

Best regards.

Yours truly,

Charles T. Keenan
Charles T. Keenan
Executive Director

CTK:1fc
opeiu8

Western States' Coalition Takes Shape At Meeting

Business and labor leaders from six western states — including Alaska — met in Spokane last week to lay the groundwork for a western states' coalition.

The organization will lobby for legislative and national policies favorable to western states' needs. States represented this week included Alaska, California, Idaho, Montana, Oregon and Washington.

Bob Fleming, president of the Organization for Management of Alaska's Resources, one of those attending the meeting, said the all-day meeting was devoted to "identifying issues of mutual concern to the western states."

Issues mentioned repeatedly, he said, were federal land use regulations and land withdrawals, mineral extraction policies and environmental restrictions to resource development.

Three persons from each state, including a coordinator and representatives from business and labor, will be members of the coalition's steering committee to direct the organization's activities.

Fleming, who has been named coordinator for Alaska, said a second meeting will be held in March. It will concentrate on selecting several key issues and setting up a communications system between the states. The states of Arizona, Colorado, Hawaii, Nevada, New Mexico, Utah and Wyoming will be invited to send representatives to that meeting.

Alaskans attending the Spokane meeting, in addition to Fleming, were state Sen. Joe Orsini, R-Anchorage; Guy Stringham, Paula Easley, executive director of Omar; and Dick Pittenger.

Orsini told Omar he was pleased to see the formation of the western states coalition for resource development "because of many high-handed actions" by the federal government in dealing with states and with resource development within states.

Wednesday, Feb. 22, 1978, Anchorage Times

Joe,

2/9/78

Becky from the D-2 Steering Council called to confirm your flight to Spokane.

Travel Agency will send down an itenarary to your office here in Jun. and you will just take that to the airport where your pre-paid ticket will be.

FLIGHT SCHEDULE

	Sunday
Leave Juneau Flight 62	12:10 p.m.
Stop Seattle / Hughes Air West Fl. 34	
Arrive Spokane - Sunday	5:18 p.m.
Leave Spokane - Mon.	3:30 p.m.
Hughes Air West Flight 37	
Stop Seattle/Alaska Airlines Flight 69	
Arrive Juneau - Mon.	8:15 p.m.

Over →

Colletta - citizens west. coal

Spokane - Fri 12th 1/23

Deerport Hotel 509-624-2121

OMAR - type region getting together

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Chuck Keenan
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Guy St. John

STATE OF ALASKA

Inter-Department Route Slip

Senate Bay 100
Room

TO:

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DEPARTMENT State Legislature

ATTENTION Senator Orin

- | | |
|--|--|
| <input type="checkbox"/> Approval | <input type="checkbox"/> Note & Return |
| <input type="checkbox"/> Signature | <input type="checkbox"/> Initial & Return |
| <input type="checkbox"/> Comment | <input type="checkbox"/> Return As Requested |
| <input type="checkbox"/> Contact Me | <input type="checkbox"/> Return For Approval |
| <input type="checkbox"/> Prepare Reply | <input type="checkbox"/> Necessary Action |
| <input type="checkbox"/> For Your File | <input type="checkbox"/> Your Information |

Remarks:

*Please call me if you
need more maps.
RDS*

FROM:

MAIL STATION NUMBER 2504

DEPARTMENT DOT/F

BY Ray Spumway

DATE 2/7

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OMAR RESOURCE REVIEW

Published Monthly by OMAR — The ORGANIZATION for the
MANAGEMENT of ALASKA'S RESOURCES, Inc.

Box 516

Anchorage, Alaska 99510

January 1978

NEW YEAR'S RESOLUTIONS

Tom Kelly's weekly column (*Anchorage Times*, 1-15-78) suggested 1978 resolutions for legislators. Two we particularly liked: "Do something positive to encourage job opportunities other than in government by enacting or reenacting laws or policies that are an incentive to business and industry." The other would have the legislature uphold Article VIII

of the State Constitution: "IT IS THE POLICY OF THE STATE TO ENCOURAGE THE SETTLEMENT OF ITS LAND AND THE DEVELOPMENT OF ITS RESOURCES BY MAKING THEM AVAILABLE FOR MAXIMUM USE CONSISTENT WITH THE PUBLIC INTEREST."

ALASKA— ENERGY CENTER OF THE WORLD

"The combination of Alaska's energy resources—oil, gas, coal, uranium, wood, hydro and geothermal power—and energy operations—such as TAPS, Cook Inlet, the Kenai and North Pole refineries, the Usibelli Coal Mine—makes Alaska the energy center of the world," said Dr. Gene Rutledge at OMAR's January 5 meeting. Rutledge is Project Leader of the Alaska Regional Energy Resource Planning Project.

With this combination Dr. Rutledge hopes to see Alaska become the "energy

education center" of the world. Rutledge is working with Alaska Methodist University to assess interest in developing a "Pacific-Polar Rims Energy Institute." Rutledge sees the Institute as a center for research and planning projects related to Pacific-Polar Rims' energy resources.

A new course on Alaska's energy resources is being offered by Dr. Rutledge at AMU this semester. OMAR staff members Judy Rolle and Donna Dent are enrolled.

OMAR FORMS NEW DIVISIONS

Five divisions have been established in the statewide operation of the Organization for the Management of Alaska's Resources. In a January 19 release, Robert Fleming, OMAR President, announced formation of the divisions "to more effectively deal with the vast complexity of resource development issues facing Alaska."

The five divisions are: (1) Land, Minerals and Energy, (2) Forestry and Agriculture, (3) Fisheries, (4) Transportation and (5) Recreation and Tourism. Technical advisors are being selected for each division. Management of division activities will be the responsibility of five division directors.

Fleming stated the new management plan would enable statewide members to concentrate their activities in specific areas of interest and to develop information for the entire organization and public.

Fleming also announced that individuals, businesses and governments will now be able to earmark contributions to any of the five divisions.

OMAR was incorporated in April 1975 "to insure the wise management of Alaska's natural resources for the benefit to all Americans" and has a membership of over 6,000. Persons wishing to work for specific divisions are urged to contact OMAR headquarters in Anchorage.

SUSITNA/WATANA DAM PROJECT

Three million dollars of Corps of Engineers' funds have been given to the Corps' Alaska District to gather additional data to supplement its feasibility study of the power potential of the Upper Susitna River.

At Congressional direction, the Corps prepared a feasibility study of the possible construction of two dams on the river, some 110 miles north of Anchorage, to provide electrical energy for the "Rainbelt" area from Fairbanks to the Kenai Peninsula. The dams, which could supply more than 60% of Rainbelt power needs, would constitute the largest hydroelectric project in North America.

The Corps' environmental impact statement on the \$2.1 billion project came under sharp criticism for not sufficiently addressing possible seismic problems. However, Colonel George R. Robertson, Alaska District Engineer, told OMAR "the Corps recognizes that additional data must be obtained to evaluate the seismic conditions and to develop ways to insure the economic viabilities of constructing

dams in that environment, and has included more than \$1 million for these investigations in the plan of study covering Phase 1 work. Recommendation for a go or no-go decision will not be made until completion of this four-year effort costing about \$25 million." Phase 1 will include more complete environmental study, cost-benefit analyses, advance engineering and design work.

The Alaska District was allocated the \$3 million to expand the 1975 feasibility study of foundation conditions at the proposed Watana dam site, and to perform other technical and economic studies before Phase 1 investigations are initiated.

Senator Mike Gravel continues his efforts to amend the Water Resources Act of 1976 to make it possible for the state to proceed as rapidly as possible with this much-needed project to reduce power costs for Alaskan citizens.

George Easley has headed the Susitna Dam Project for OMAR since 1975.

NEW ESTIMATE ON COST OF ALCAN PIPELINE

A full-page *Wall Street Journal* ad on December 15 begins. "THE ALCAN PIPELINE. A project to be privately financed, that will cost more than the Apollo 11 Moonwalk, the Golden Gate Bridge, the Alaskan Pipeline

and the movie Star Wars. Combined."

The ad was placed by the Bank of America's World Banking Division. Seems an odd way to promote a badly-needed project struggling to put together a financing package.

MEMBER OF THE MONTH (YEAR?) — DON HILL

It is with sadness we leave our favorite landlord, Don Hill, the end of January. Since July 1976 we have lived in comfortable luxury, compliments of the Wometco-Lathrop Company. The value of that generous firm's contribution of office space? No less than \$43,605.00!!

Don also has participated in virtually every OMAR project, no matter how time-consuming. Wometco-Lathrop's management outside the state worked tirelessly on the gas line issue and is now planning a campaign to help us on D-2.

PETROCHEMICALS — NEW INDUSTRY FOR ALASKA?

Some 350 persons attended a December 10 petrochemicals symposium sponsored by OMAR, the Alaska State District Council of Laborers and the Anchorage Central Labor Council. Industry experts and state and community representatives discussed the technological, economic and social considerations of petrochemical development in Alaska.

Symposium participants were asked to complete a survey regarding the use of Alaska's oil and natural gas. Of 135 responses, 57% indicated a desire to see all royalty oil and gas used in Alaska for fuel and for petrochemical development, and 83% wanted the State to use investment or taxation policies to encourage in-state use of all or part of producer-owned oil and gas.

Respondents identified specific policies to encourage a petrochemicals industry: 28%

wanted incentive programs concerning loan guarantees or bond financing, 25% favored tax incentives, and 16% saw an advantage to making feedstocks available at reduced prices. 22% chose to let free market conditions decide the question.

Assuming such industry became a reality, participants were asked where it should be located. An overwhelming majority, 59%, responded: "Whichever region possesses the greatest economic and environmental advantages."

This response tells us Alaskans are moving to the conclusion that industry space benefits the entire state, regardless of its physical location.

Highlight of the meeting, in our opinion, was the valuable contribution made by community representatives John Carlson, Fair-

banks North Star Borough; Don Gilman, Kenai Peninsula Borough; Vincent O'Reilly, City of Kenai; Carl Heinmiller, City of Haines; Raymond Menaker, Haines Borough; George

Sullivan, Anchorage; and Lynn Chrystal, Valdez. Their comments were generally positive and supportive of development. Transcripts are available from OMAR.

TO SUBSIDIZE OR NOT TO SUBSIDIZE

On the subject of an oil and natural gas-based petrochemicals industry in Alaska, Governor Jay Hammond recently commented, "I'm not saying I will absolutely oppose any subsidy whatsoever," and "I am disinclined because I don't think it is necessary. But I am willing to take a look at a modest subsidy if it reflects a broad, collective public benefit that couldn't be met as well by using the money

for something else."

OMAR, aware of political implications of the subsidy issue, is researching pros and cons of loan guarantees, capital loans, bond financing, tax holidays and other industrial incentives and exploring subsidy policies of other oil-producing states, with the assistance of A. Kermit Black, Vice President of the Pace Company consulting firm.

SEED MONEY FOR AGRICULTURE

Last issue reported on state administration efforts to develop export markets for Delta-area barley. On January 6 Governor Hammond announced plans to create the "Alaska Agriculture Action Group" to coordinate future agriculture development and recommend agricultural projects "in which the state can and should play a legitimate role of encouragement and front end assistance." The governor said some 8 million acres of Alaska land were suitable for cultivation and another 8.9 million suitable for livestock pasture. To help the industry become self-

supporting, Hammond will request legislative funding of \$5 million this year and another \$8 to \$10 million next year to place 50,000 acres of Delta land into production. He expressed confidence the venture could become profitable within a few years. Front end money would be used to clear land, divide it into farmable units and convey agricultural rights to farmers. Federal funds may be available to assist with land clearing and certain other costs.

OMAR, an advocate of this project for over a year, will support legislative funding.

VALDEZ GETS CLEAN BILL OF AIR

A Dames and Moore study of the Valdez airshed was presented to the Valdez Council January 19. Mayor Lynn Chrystal said he was "extremely happy to see the results of this particular study. We think this will once again open the door for serious consideration of

Valdez as a site for the royalty refinery." The study concluded, in part, that the city could accommodate development equal to another oil terminal without violating clear air standards.

UPDATE— U.S. BORAX MOLYBDENUM PROJECT

Eleven organizations have appealed to the Forest Service to cancel a permit allowing construction of an access road to U. S. Borax and Chemical Company's molybdenum claim in Southeast Alaska.

U. S. Borax began exploratory drilling in 1974 and found what could be one of the world's major molybdenum deposits at Quartz Hill, 45 miles east of Ketchikan. Molybdenum is used as an alloying agent to give strength and corrosion resistance to steel, cast iron and non-ferrous metals. There are no competitive substitutes for molybdenum in these applications.

If brought into production, U. S. Borax would construct an open pit mine, a concentrating plant to process 30,000 tons of ore per day, a dock and other support facilities at an estimated cost of \$250 million. The project would employ 700 to 1000 people during

construction and 500 full-time workers during operation.

To facilitate the larger scale operations, U. S. Borax applied for approval to build an access road from tidewater to the site. On November 4, 1977, Ketchikan Forest Supervisor Jim Watson approved the Final Environmental Impact Statement (FEIS) on the road and issued a special use permit.

Notice of appeal was filed on December 7 by the following groups: Sierra Club, Alaska Conservation Society, Southeast Alaska Conservation Council, Tongass Conservation Society, Wilderness Society, National Audubon Society, United Fishermen of Alaska, Commercial Fisherman's Cooperative Association, Alaska Trollers Association, Southeast Alaska Seine Boat Owners and Operators, and the Ketchikan Indian Corporation.

Continued on page 4

They maintained the FEIS failed to adequately analyze alternative means of access and did not sufficiently address potential socio-environmental impacts of road construction or impacts of — or alternatives to — the developed mine. They also felt the decision jeopardized the proposed wilderness status of the Misty Fjords area.

Watson's decision will be reviewed by the regional forester in Juneau. If opponents

are not satisfied, they may then appeal to the chief forester of the United States in Washington, D.C. After all administrative appeals are exhausted the final decision could be challenged in the courts.

Because of the importance of this decision to the Ketchikan area and the possible implications for future mineral development in the State, OMAR will keep you informed of developments and any action required.

COAL — A TRILLION TONS OF IT

The University of Alaska, Fairbanks, may be selected as one of ten coal research laboratories to be established in the United States under Title VIII of the Surface Mining Control and Reclamation Act of 1977.

The Act requires laboratories to be located at institutions of higher education in states having abundant coal reserves, with at least one facility established within each of the major coal provinces recognized by the Bureau of Mines, including Alaska. Title VIII further stipulates that selected universities must have currently active programs in coal research and the capacity to establish and operate the facility assisted under the Title.

The University of Alaska is active in coal research, stimulated several years ago by a

Usibelli Coal Mine grant. An application for federal funds is being prepared for submission by the University. However, non-federal matching funds (50%) are limited, and according to Earl Beistline, Dean of the University's School of Mineral Industry, special legislation may be necessary.

While the amount of Alaska's coal deposits is not accurately known, some geologists estimate reserves of one trillion tons — nearly a 2,000 year supply at 1976 U. S. production rates.

To begin now to investigate the potential for productive use of Alaska's coal can only serve to facilitate economically and environmentally sound resource development.

RIGHT WORDS, WRONG SECTION

A letter enclosed with your December 1977 Resource Review stated "Business contributions are tax deductible as ordinary

business expense under Sec. 506 (c) 3 of the Internal Revenue Code." The section referred to should have been 501 (c) 6.

WESTERN STATES TO UNITE ON RESOURCE ISSUES

A Western States Coalition is being formed to address regional and national resource management issues in the thirteen western states.

An organizational meeting of labor, industry and legislative representatives will be held in Spokane, Washington, February 12 and 13. Seven states will be involved in the first meeting — Alaska, Washington, Oregon, California, Montana, Idaho and Utah. At that time the organization will be established that can then identify projects and procedures.

OMAR and the Western Environmental Trade Association based in Seattle are working together on organizational details.

Land use is certain to be a key issue, according to Paula Easley, OMAR executive director. "Regulations affecting national timber land, of which some 80% lies in the western states, coal and mineral extraction, agricultural reclamation, water, energy and transportation—these are areas in which the coalition may focus," said Easley. "By working as a strong coalition, the western states will have substantially more impact than would each state fighting its own battle."

OMAR executive committee member Guy Stringham stated: "The suggestion that Alaska become active in this type effort has been made numerous times over the years. It's exciting to have it finally under way."

HOUSEWARMING TO BE ANNOUNCED

OMAR's new home: 627 West Third, Anchorage, 99501.

Same box number: Box 516, Anchorage,

99510.

Open house will be held soon after moving day, January 30.

ACT NOW

February 13, 1978

From: Jim Cook

TIME FOR REACTION TO ABAG EMP
(Association of Bay Area
Government's Environmental
Management Plan.)

Do what? : Communicate your reactions.

By when, to whom? :

Before March 14, to ABAG Executive Board members (green list)
Before April 4, to ABAG General Assembly (green list)

What is it? :

ABAG EMP (Assn of Bay Area Government's Environmental Management Plan.)
A comprehensive interrelated program controlling water quality, water supply, solid waste, and air quality.
Plan is mandated by federal legislation, particularly the recent amendments to the Clean Air Act.
In July 1979, if the regionally-developed plan doesn't demonstrate compliance with federal air quality standards by 1987, the federal government can withhold federal funds to areawide activities.

Who did it? What next? :

46-member Environmental Management Task Force received it from ABAG staff.
Product of two-year's work and \$4.3 million in EPA funding support.
169 other metropolitan regions nationwide involved in similar planning.
S.F. area plan to become one of 50 in national action program.
Expected to cost \$620 million per year in public & private expenditures.
Comply or suffer loss of federal funds after July 1, 1979 for sewage treatment plants, highway projects, airports, some housing, land use and transportation planning.

Bay area action will be significantly influential:

Within weeks, other California areas must also respond.

Within months, remaining national regions respond.

What happens? :

The EMP, of over 600 pages, encompasses 48 strategies, 16 policies, and 49 actions.

Issues of prime importance to CBPA members are attached in "EMP Plan Excerpts" (blue attachment)

Who is affected? :

First, existing developments & currently operating commercial establishments. One goal, among many, is the reduction of VMT (Vehicle Miles Travelled) in the greater Bay area by 11%.

Second, newly proposed developments. One goal, among many, is to achieve 100,000 more acres of open space in the area by the year 2000 than would otherwise have occurred.

What affects us? :

1. New concept of indirect source regulation: as a tool of growth management control.

Special note: Leasing agents and developers appealing to tenants and financiers on basis of potential growth for developer's project may be establishing the very reason for denying permission to commence project. "The higher the rate of growth, the more stringent control measures generally would have to be applied for the region to meet the standards. A greater fraction of permits would be denied, off-set requirements would be increased, or an amended comprehensive strategy would be needed." Draft summary of EMP, Dec 77, page 13.

2. Use of indirect source regulation for pollution control. Aim is control of oxidant, but individual indirect source regulation for oxidant control is virtually unmeasurable. Consequently, use of ISR would be to control carbon monoxide; not the one-hour ppm standard which is not violated and for which ISR could be useful, but for the 8-hour ppm standard wherein ISR is less likely to be influential.
3. Transportation controls
Limitation on number of parking spaces.
Parking taxes, fees on otherwise free parking lots, restrictions on parking, raised bridge tolls.
4. Land use controls
Compact in-filling property development.

Say what? :

Communicate, both orally and written (so that name and company, on paper, are reminders to recipients).

Communicate with ABAG Executive Board and General Assembly members (green list) by March 14 and April 4.

Express it in your own words.

Attached are "Suggested comments" (pink attachment)

What's the time schedule, short and long-range? :

Feb 16 ABAG Exec Board, public hearing on plan & DEIR.
7:30-10:30 PM. Holiday Inn, Union Square, San Francisco

Feb 22 Env'tl Mgmt Task Force adopts EMP recommendations.
9:30AM-5PM, Hotel Claremont, Berkeley

Mar 1 ABAG Regional Planning Committee reviews EMP recommendations.
Findings to ABAG Exec Bd., 2-5PM, Hotel Claremont, Berkeley

Mar 3 Last day for submitting proposed changes in EMP

Mar 14 Last, best opportunity for you to express your reactions to ABAG Exec Bd members before March 16.

Mar 16 ABAG Exec Bd debates & recommends to General Assembly.
7:30PM. Hotel Claremont, Berkeley

Apr 4 Last, best opportunity for you to express your reactions to ABAG General Assembly members April 6.

Apr 6 ABAG General Assembly final debate & action on EMP.
9:30AM-10PM., McCabe Hall, San Jose.

Time schedule (continued)

- Sept ABAG EMP goes to California air, water resources, and solid waste management boards.
- 1978 Adopt indirect source review program, if required by EMP.
- 1979 Implement indirect source review, if required by EMP.
- Jan 1, '79 EMP submitted to federal EPA.
- Jul 1, '79 Possible ban on all new, major industrial pollution sources emitting 100 tons a year or more by EPA if region's plan is insufficient.
- Jul 1, '79 SF-area EMP becomes one of 50 as a national action blueprint. After July 1, '79 federal government can apply sanctions if plan is insufficient. Freeze federal funds for:
- Sewage treatment plants
 - Highway projects not related to mass transit, safety, or air quality
 - Airports
 - Land use and transportation planning
 - Some housing projects
- Nov 12, '82 Region must backup proposals with enforcement tools. If so, region retains local control of planning & development til '87.
- 1982 Deliver gains in oxidant control; 25% annual reduction in carbon monoxide, nitrogen oxides, particulate matter, and sulfur dioxide.
- 1987 Region's air quality in compliance with federal Clean Air Act.

The difference makes the difference.
CBPA represents your interests.

CBPA is evidently the only group contesting "indirect source regulation."

CBPA may also be the only organization questioning
Parking restrictions-taxes-fees, and
Transportation controls

Speak out! We have a legitimate need to cancel or defer these controls.

But, the ABAG Executive Board and General Assembly must hear from us to evaluate our concerns in comparison with other groups about different, offsetting, EMP regulations.

For instance:

A primary concern about controls on industrial sources is pursued by the S.F. Bay Area Council and CEEB.

Concern about land use restrictions on housing development is pursued by COLAB and BIA.

Be specific about your, and CBPA's, concerns, first:

Indirect source, Parking controls, Transportation control

Subsequently, we may also help other organizations as well.

Joe:

Presume you put this on
my desk??
How did you figure we use
this?

V.W.



The Council of State Governments

WESTERN OFFICE

85 POST STREET
SAN FRANCISCO, CALIFORNIA 94104
(415) 986-3760

October 17, 1977

RECEIVED
OCT 20 1977
MAIL ROOM & 3/2/77

Senator Joe Orsini
c/o TNH
740 I St.
Anchorage, AK 99501

Dear Senator Orsini:

Enclosed please find a copy of the preliminary attendance listing for the 1977 Annual Meeting of the Southern Conference of The Council of State Governments. The final attendance listing will be produced when minutes of that meeting are distributed later in the month.

The minutes of the Annual Meeting of the Western Conference will be forwarded to you shortly.

Sincerely,

Talbott C. Smith
Special Assistant

TCS/jh

Enclosure

SOUTHERN LEGISLATIVE CONFERENCE
OF
THE COUNCIL OF STATE GOVERNMENTS

31ST ANNUAL MEETING
CHARLESTON, SOUTH CAROLINA
JULY 18-22, 1977

THE FOLLOWING IS A CODE SHOWING THE LOCATION OF PERSONS ATTENDING THE CONFERENCE:

MH - Mills Hyatt House
GE - Golden Eagle Motor Inn
KC - King Charles Inn
HI - Holiday Inn Downtown
FM - Francis Marion Hotel
OA - Other Accommodations

PRELIMINARY ATTENDANCE LIST

ALABAMA

MH Bloom, Hal, Jr. - Executive Assistant, Office of the Speaker
HI Bonham, John D. - Assistant Director and Chief Attorney, Legislative Reference Service
HI Greene, Louis G. - Director, Legislative Reference Service
MH McCorquodale, Joe C., Jr. - Speaker of the House
MH McCluskey, Murray P. - Representative
KC McCurley, Bob - Director, Council of Alabama Law Institute
HI McDowell, Rex - House Fiscal Officer
MH McDonald, Albert - Senator
MH McNeese, Allen - Representative
MH Merrill, Hugh D. - Representative
MH Mitchell, Wendell - Senator
HI Ray, George - Administrative Engineer, Alabama Highway Department
MH Robertson, Edward D. - Representative
MH Shelby, Richard - Senator
MH Turnham, Pete B. - Representative
MH Vicca, Paschal P. - Senator

ARKANSAS

HI Adams, Doug - Representative
GE Alford, Boyce - Representative
HI Arrington, Grady P. - Representative
MH Benham, Paul B., Jr. - Senator
HI Brewer, James H. - Representative
MH Bryant, Clovis - Senator
HI Childers, Mrs Jim - Chief Clerk of the House
HI Cogbill, T. C., Jr. - State Board of Educators
MH Collier, Tom - Representative
HI Gibson, John F. - Senator
HI Goodman, Bill - Budget Administrator, Legislative Council
HI Halbrook, Marcus - Director, Legislative Council
HI Harris, Jim - Representative
KC Hendrix, B. G. - Representative
MH Holland, James - Representative
GE Harvey, Robert - Senator

HI Jackson, Cleo - Representative
FM Jenkins, Morris - Legislative Council
MH Landers, Lacy - Representative
KC Linder, Jim - Representative
MH Lipton, John M. - Representative
MH Massanelli, Tim - House Parliamentarian
GE Mazzanti, Geno, Jr. - Representative
HI McCoy, Jack - Representative
GE McCuiston, Lloyd, Jr. - Representative
HI McGraw, Wallace - Assistant Administrator, Budget & Fiscal Section, Legislative Council
HI McKinnack, Jimmie - Representative
GE Meacham, Shirley - Representative
GE Miller, John E. - Representative
HI Moody, Hal - Assistant Secretary of the Senate
HI Moore, Charles R. - Representative
GE Moore, W. D. - Senator
GE Newman, Bobby G. - Representative
GE Nicholson, William R. - Representative
HI Peacock, Joe N. - Representative
KC Poole, Bain - Representative
GE Ramsey, John W. "Bill" - Representative
HI Ray, Joe - Senator
HI Roberts, David E. - Representative
GE Ryburn, Bennie, Jr. - Representative
MH Shaver, J. L., Jr. - Speaker of the House
GE Sherman, William F. - Representative
GE Smith, J. B. - Representative
MH Smith, Ray S., Jr. - Representative
FM Spratt, Jerry E. - Administrator, Division of Local Affairs and Audit
GE Stancil, Bill - Representative
MH Streett, Julian D. - Representative
MH Swesey, Helen D. - Secretary to the Speaker
MH Teague, James R. - Senator
KC Thicksten, Edward F. - Representative
HI Thompson, W. H. - Representative
HI Trent, Kern L. - Deputy Director
GE Wade, Charles O. - Representative
FM Williams, Frank - Representative
GE Williams, Paul - Representative
GE Williams, Sharon - Legislative Council
FM Williams, Tim - Counsel, Legislative Joint Auditing Committee
MH Wilson, Nick - Senator
GE Windsor, Gayle, Jr. - Representative

FLORIDA

FM Blanc, Phil - Administrative Assistant to the Speaker
FM Brown, Joe - Secretary of the Senate
FM Burns, Tommy - Assistant Secretary of the Senate
HI Carpenter, James L. - Staff Director, House Appropriations Committee
GE Christensen, John F., Jr. - Senate Transportation Committee
MH Craig, A. H. "Gus" - Representative
HI Dixon, Earl - Representative
OA Dolan, Gerri - Staff Director, House Commerce Committee
MH Fortune, Edmond M. - Representative
MH Fulford, Bill - Representative

FLORIDA (Continued)

FM Herbert, Dr. Thomas A. - Staff Director, House Natural Resources Committee
 FM Johnson, Dozier - Director, Systems & Data Processing Division
 MH Jones, C. Fred - Representative
 MH Kiser, S. Curtis - Representative
 GE Kranz, Ken - Counsel, House Retirement, Personnel & Collective Bargaining Committee
 MH Kutun, Barry - Representative
 FM McDaniel, Faye - Assistant to the Secretary of the Senate
 HI Morris, Allen - Clerk of the House
 HI Poole, Van B. - Representative
 MH Renick, Richard - Senator
 KC Shoemaker, Jack - Resident Counsel, Department of Agriculture & Consumer Services
 MH Tucker, Donald L. - Speaker of the House
 MH Vogt, John - Senator
 HI Webb, Carroll - Executive Director, Joint Administrative Procedures Committee
 FM Keys, John R. - Legislative Analyst, House Finance & Tax Committee
 FM Uhlfelder, Steven J. - Executive Director, Constitution Revision Commission

GEORGIA

GE Adams, G. D. - Representative
 HI Bond, Cary - Fiscal Officer
 FM Boulden, R. N. - Research Analyst, Legislative Budget Office
 MH Broun, Paul C. - Senator
 HI Brown, Carter, Jr. - Assistant Legislative Counsel
 GE Buck, Tom - Representative
 GE Castleberry, Don - Representative
 GE Coleman, Terry - Representative
 OA Cox, G. Don - Research Analyst, Legislative Budget Office
 HI Crowe, Robert L. - Legislative DP Coordinator, Department of Administrative Services
 GE Daugherty, J. C. - Representative
 MH Doss, Sam W., Jr. - Senator
 GE Duncan, J. Ebb - Senator
 MH Edwards, Ward - Representative
 MH Ellard, Glenn - Clerk of the House
 FM Fincher, Bill - Senator
 KC Gamage, Lynn - Representative
 FM Guerreiro, Richard D. B. - Research Analyst, Legislative Budget Office
 GE Hamilton, Grace T. - Representative
 FM Harris, Andrew - Research Analyst, Legislative Budget Office
 MH Harris, Joe Frank - Representative
 FM Hawkins, Charlie F. - Deputy Legislative Budget Analyst, Legislative Budget Office
 HI Hodgkins, L. Martin - Executive Director, Select Committee on Constitutional Revision
 KC Hogan, Barbara A. - State Legislative Coordinator, Department of Natural Resources
 HI Jackson, Edwin L. - State Government Associate, Institute of Government
 GE Jackson, Jerry - Representative
 GE Jessup, Ben - Representative
 GE Kennedy, Joseph E. - Senator
 KC Kirk, Robert C. - Transportation Planning Engineer, Department of Transportation
 KC Knight, Nathan - Representative
 MH Lee, Bill - Representative
 GE Lester, James L. - Senator
 GE Littleton, Jack - Office of the Legislative Counsel
 MH Mann, Charles C. - Representative
 MH McGill, Sam P. - Senator
 KC Oser, Jeannine - Office of the Legislative Fiscal Officer
 GE Peters, Bob - Representative
 GE Reaves, Henry L. - Representatives

GEORGIA (Continued)

GE Reynolds, Steve - Senator
 KC Sherman, David - Department of Natural Resources
 MH Smith, Virgil T. - Coordinator, Commission on Interstate Cooperation
 GE Snow, Wayne, Jr. - Representative
 HI Steeple, Frederick - Deputy Information Director
 FM Walden, Omi - Director, Office of Energy Resources
 KC Walker, Larry - Representative
 KC Wassell, Tom - Senate Information Officer
 MH Eldridge, Frank - Senator

KENTUCKY

GE Alsip, Allan - Administrative Assistant, Office of the Speaker
 KC Arnold, Adrien - Representative
 HI Bell, Sara - Clerk of the House
 MH Bendl, Gerta - Representative
 MH Benson, Bob - Representative
 MH Blandford, Donald J. - Representative
 HI Dutton, C. Gilmore - Committee Staff Administrator, Legislative Research Commission
 MH Hancock, C. M. Hank - Representative
 FM Harscher, Frank III - Special Assistant to the Governor
 KC Hellard, Vic, Jr. - Director, Legislative Research Commission
 MH Holloway, Edward L. - Representative
 HI Jackson, Danny - Data Processing Manager, Legislative Research Commission
 MH Kenton, William G. - Speaker of the House
 HI Marston, Evelyn - Assistant Clerk of the House
 MH Murphy, Delbert S. - Senator
 MH O'Brien, Mark - Representative
 FM Peyton, Dr. Jim - Deputy Director of Research, Legislative Research Commission
 MH Pollitte, Bert Ed - Senator
 FM Robinson, Albert - Representative
 MH Rogers, John - Senator
 KC Schmidt, Arthur L. - Representative
 GE Severn, Jean - Administrative Assistant to the Lieutenant Governor
 KC Smith, Harry - Assistant Director, Fiscal Analysis, Legislative Research Commission
 GE Taylor, H. K. - Executive Assistant, Office of the Lieutenant Governor
 KC Vrebeten, Bill - Legislative Analyst, Legislative Research Commission
 HI Wagoner, Marjorie K. - Clerk of the Senate
 HI Walker, Courtenay J. - Assistant Director for Legislative Services, Legislative Research Commission
 HI Watta, Margaret - Enrolling Clerk of the House
 MH Fitzgerald, Mark - Representative
 MH LeMaster, Jim - Representative

LOUISIANA

MH Baker, Richard - Representative
 MH Brown, James B., Jr. - Senator
 FM Burns, Charles - Research Analyst, Legislative Council
 GE Champaign, Juanita - Department of Urban & Community Affairs
 KC Coco, J. Reginald, Jr. - Staff Attorney, House Ways & Means Committee
 HI Curry, E. W. "Bill" Curry - Legislative Controller
 FM Daggett, DeVan - Executive Director, Legislative Council
 FM Firmin, Larry - Research Analyst, I, Legislative Council
 FM Forgetson, C. B. - Staff Attorney, House Appropriations Committee
 FM Godfrey, Bruce B. - Research Analyst, Legislative Council
 MH Grisham, Charles - Representative
 HI Henderson, Wallace J. - Counsel, House Natural Resources Committee

LOUISIANA (Continued)

MH Henry, E. L. - Speaker of the House
 MH Jackson, Alphonse - Representative
 MH Jasper, Thomas - Representative
 MH Kennard, Donald Ray - Representative
 HI Kyle, Joseph F. - Legislative Fiscal Officer
 GE LeBreton, Edward F. - Chairman, Governor's Commission on Intergovernmental Relations
 MH Martin, James P. - Representative
 MH Miller, Ralph R. - Representative
 MH Randolph, Edward G. - Senator
 FM Rimes, Billy - Administrative Services Supervisor, Legislative Council
 MH Tiemann, Joe - Senator
 FM Tyler, Tom - Staff Attorney, Legislative Council
 FM Wall, Shady - Representative
 HI Elens, James - Legislative Fiscal Analyst

MARYLAND

MH Athey, Tyras S. - Delegate
 HI Bartlett, J. Kemp - Chief, Legislative Division, Department of Legislative Reference
 FM Bishop, John J., Jr. - Senator
 MH Briscoe, John Hanson - Speaker of the House
 GE Cardin, Benjamin L. - Delegate
 MH Clark, James - Senator
 MH Curran, J. Joseph, Jr. - Senator
 MH Gibbons, Victoria S. - Legislative Assistant to the Speaker of the House
 KC Hance, Young D. - Secretary, Department of Agriculture
 MH Hickman, Carter M. - Delegate
 FM Hopkins, C. A. Porter - Senator
 MH Horne, William S. - Delegate
 KC Krystak, Charles - Delegate
 MH Levitan, Laurence - Senator
 MH Malkus, Frederick C., Jr. - Senator
 GE McCahan, Susan E. - Office of the Speaker
 GE Menes, Pauline H. - Delegate
 HI Merlo, Anthony L. - Chief, Computer Division, Department of Legislative Reference
 MH Minnick, Daniel J., Jr. - Delegate
 KC Needle, Howard J. - Delegate
 GE Payne, F. Carvel - Committee Reporter, Joint Standing Committee on Administrative, Executive & Legislative Review
 MH Schweinhart, Margaret - Senator
 KC Shore, S. Frank - Delegate
 GE Spell, Jacqueline M. - Assistant Chief Clerk of the House
 MH Welcome, Verda F. - Senator
 KC Wolfgang, John W. - Delegate
 GE Zander, Eugene J. - Delegate

MISSISSIPPI

MH Blount, Joseph L. - Representative
 MH Connor, George Payne - Representative
 MH Crook, Robert - Senator
 KC Fitzhugh, Ginger - Legislative Systems Analyst, Central Data Processing Authority
 HI Fortenberry, Rick - Director, Legislative Services
 MH Ingram, Carroll - Senator
 KC Ingram, Harold B. - Special Projects Manager, Central Data Processing Authority
 HI Purvin, Perrin - Senator

MISSISSIPPI (Continued)

HI Raigins, Kenneth B. - Draftsman, Legislative Services Office
 HI Ross, Jim Buck - Commissioner, Department of Agriculture & Commerce
 MH Shumake, Glynn, F. - Representative
 HI Tabb, John K. - Director, State Highway Department
 HI Thigpen, J. A. - Director, House Management Committee
 KC Waggoner, Sam W. - Highway Commissioner
 HI Ward, T. G. - Chief, Research and Drafting, State Senate
 HI Wilkerson, Joe - Fiscal Services, Senate Legislative Services Office
 MH Wilkerson, W. A. - Representative
 MH Williams, Kenneth O. - Representative

NORTH CAROLINA

KC Allen, John L. - Director, Legislative Fiscal Research
 HI Ball, Clyde L. - Legislative Services Officer
 KC Brendle, T. P. - Senior Fiscal Analyst, Legislative Fiscal Research
 KC Collins, Grace A. - Principal Clerk of the House
 KC Flattery, Brian - Director, Energy Division
 GE Fink, Sylvia M. - Senate Principal Clerk
 HI Hale, William K. - Committee Staff, Legislative Services Office
 MH Hardison, Harold W. - Senator
 MH Henley, John T. - Senate President Pro Tem
 MH Jordan, Robert B., III - Senator
 KC Newlin, Jim - Fiscal Analyst, Legislative Fiscal Research
 HI Potter, William H., Jr. - Director of Research, Legislative Services Office
 KC Powell, Linda - Senior Fiscal Analyst, Legislative Fiscal Research
 MH Rountree, H. Horton - Representative
 MH Royall, Kenneth C., Jr. - Senator
 MH Stewart, Carl J. - Speaker of the House
 HI Stock, Paul - Committee Staff, Legislative Services Office
 HI Sullivan, Terry - Committee Counsel, Legislative Services Office
 HI Taylor, Ron - Representative
 KC Webb, Charles E. - Representative
 MH White, Vernon E. - Senator
 MH Whitford, William P. - Senator
 HI Gunnell, Duward - Committee Staff, Legislative Services Office

OKLAHOMA

GE Bradley, V.O. - Department of Transportation
 MH Caldwell, F.A. "Red" - Representative
 GE Camp, George - Representative
 MH Capps, Gilmer N. - Senator
 GE Holaday, T. W. "Bill" - Representative
 KC McElvany, Paul E. - Director of Fiscal Services, Legislative Council
 FM Rowler, Michael - Research Assistant
 KC Smith, Ruth I. - Chief Clerk of the Senate
 KC Tolleason, Thelma - Secretary to the Speaker of the House
 HI Vaughn, George - Representative
 GE Watson, Phil - Senator
 MH Williams, William P. - Speaker of the House

PUERTO RICO

MH Daffy, Lawrence - Administrative Assistant, Office of the Senate President
 MH Noguez, Nicolas - Senator
 MH Ramos, Jose M. - Senator, Vice President of the Senate

SOUTH CAROLINA (continued)

KC Leeke, William D. - Commissioner, Department of Corrections
 OA LeaMond, F. Julian - Commissioner, Public Service Commission
 OA Lightle, Salley - Legislative Information System
 MH Linton, Tom - Research & Personnel
 KC MacDougall, Ellis C. - College of Criminal Justice, University of South Carolina
 KC Mack, Margie J. - Representative
 FM Matthews, Georgiana - Administrative Assistant to Senator Gressette
 OA McCoy, Kay - Secretary, PRT
 OA McKinney, Charles T. - Legislative Information System
 MH McMillan, Gilbert E. - Senator
 MH Munn, Russell - Assistant to the Speaker
 MH Ott, Sidelle D. - General Desk Clerk, State Senate
 KC Parker, Harriet L. - Representative
 GE Pendarvis, Carol - Administrative Assistant, State Research & Administration
 GE Reid, David - Director, Tourism Division, PRT
 MH Risher, Sylvia - Clerk of the House
 MH Russell, Norma - Representative
 HI Schroeder, George L. - Legislative Audit Council
 MH Schwartz, Ramon - Speaker Pro Tem
 KC Shealy, Lois I. - Representative
 FM Simpson, Edward W., Jr. - Representative
 GE Sims, Dot - Secretary, PRT
 MH Smith, Horace C. - Senator
 GE Smith, Peggy - Director, Travel Information Centers, PRT
 GE Sossamon, Lisa - Travel Information Center, PRT
 OA Stevenson, Ferdinand B. - Representative
 KC Stuckey, John - Consultant, State Reorganization Commission
 FM Taylor, Harold E. - Representative
 MH Theodore, Nick A. - Representative
 MH Thomas, Lovick O. - Clerk of the Senate
 MH Thornton, O. Frank - Secretary of State
 MH Toal, Jean Hofer - Representative
 MH Toomey, Robert E. - Director of Research; Medical, Military, Public and Municipal Affairs
 GE Usher, Mat, PRT
 OA Washington, McKinley - Representative
 MH Watson, Laverne - House of Representatives
 MH Wilkins, Betty - House of Representatives
 OA Williams, Marshall - Senator
 GE Williamson, Sandra - Administrative Assistant, Senate Research & Administration
 FM Matthews, Georgiana - Administrative Assistant to Senator Gressette

TENNESSEE

HI Abel, Clifton E. - Acting Director, Legislative Administration
 HI Becker, Janet - Legislative Aide
 MH Bishop, Jimmy - Representative
 MH Blank, Edward C. II - Senator
 KC Bonei, Bill - Senator
 MH Bragg, John T. - Representative
 KC Burke, Tommy - Representative
 MH Butler, Bobby - Representative
 FM Byrd, Harold - Representative
 GE Byrd, Robert T. III - Senator
 FM Clodfelter, James A. - Director, Office of Legal Services
 MH Crouch, Ernest - Senator

SOUTH CAROLINA

OA Edwards, James B. - Governor
 MH Arledge, Lorene - House of Representatives
 MH Ashley, Dr. Franklin
 GE Beckman, Martha - PRT
 FM Braswell, William - State Auditor's Office
 HI Brinkley, Gwen B. - Secretary, Legislative Council
 OA Bryar, James C. - Assistant Director, Legislative Council
 KC Bryan, Nettie L. - Research & Administration
 MH Buchan, Archie - Representative
 MH Burnside, Robert H. - Judge
 MH Byrd, Gary E., Jr. - Representative
 MH Gaggiano, Frank - Director of Research, House Agriculture & Natural Resources
 MH Cain, Leroy - Office of the Speaker
 OA Campbell, Bill - Representative
 OA Carter, Allen - Senator
 MH Carter, Rex - Speaker of the House
 MH Coker, Harry - Sergeant at Arms, State Senate
 FM Corbett, Marie - Senate Staff
 MH Carnell, Marion P. - Representative
 MH Davis, Pam - House of Representatives
 FM Lemotrious, Mary - State Reorganization Commission
 MH Dennis, Rumbert - Senator
 MH Drummond, John - Senator
 OA Durst, John - Executive Assistant to the Lieutenant Governor
 MH Edwards, T. W., Jr. - Representative
 FM Francis, Ed - Legislative Information System
 MH Feltlo, Charles T., Jr. - Executive Director, House Research & Personnel
 MH Fields, James - Office of the Senate President Pro Tem
 MH Fisher, Julie - House of Representatives
 MH Floyd, Henry F. - Representative
 MH Franger, Herbert C. - Representative
 GE Grantham, Dottie - Special Projects Coordinator, Division of Tourism, PRT
 MH Gregory, George W., Jr. - Representative
 MH Gressette, L. Marion - Senate President Pro Tem
 HI Gross, Albert - Deputy Director, Legislative Audit Council
 FM Gross, Philip G. - Director, State Reorganization Commission
 FM Hamilton, Larry - Associate Analyst/Auditor, Legislative Audit Council
 FM Hearn, Joyce C. - Representative
 OA Helmly, Robert - Representative
 MH Henderson, Sara Jane - Administrative Assistant, House of Representatives
 FM Harris, Patrick B. - Representative
 GE Harter, Dave - Director, Energy Management Office
 MH Harvey, W. Brantley, Jr. - Lieutenant Governor
 HI Haynes, Barbara L. - Administrative Assistant to the Director, Legislative Council
 GE Hott, Harry W., Jr. - Director, Senate Research & Administration
 MH Hodges, Charles - Representative
 OA Hollings, Ernest F. - United States Senator
 OA Holmes, Baron, IV - Special Projects Director
 FM Howard, Hunter, Jr. - Representative
 MH Jenkins, Kinsey - House of Representatives
 MH Jolly, Henry L. - Representative
 MH Keller, David W., Jr. - Representative
 MH Kelly, Sandra W. - Office of the Speaker
 MH Keyserling, Harriet - Representative
 OA Lake, Leah, J. - Administrative Assistant, Committee on Mental Health & Mental Retardation
 MH Lake, Robert C., Jr. - Senator
 GE Lawrence, Kathy - Secretary, PRT

TENNESSEE (Continued)

KC Darnell, Riley C. - Representative
 KC DePriest, C. E. - Representative
 GE Dunavant, Leonard C. - Senator
 GE Eaves, Betty - Executive Secretary to the Speaker
 MH Edwards, Penny - Press Secretary, Office of the Lieutenant Governor
 KC Elkins, James E. - Representative
 GE Ellis, Larry M. - Coordinator, Highway Safety Program, Office of Urban and Federal Affairs
 GE Fisher, Janice - Administrative Assistant, Legislative Plaza
 MH Ford, John N. - Senator
 MH Fuqua, L. P. "Buck" - Representative
 MH Henry, Douglas Jr. - Senator
 FM Hollings, William - Legislative Attorney, Office of Legal Services
 HI Garnett, John - Program Analyst II
 HI Greene, Bob - Assistant Chief Clerk of the Senate
 HI Hamlin, Daisy - Chief Journal Clerk, State Senate
 MH Kennedy, Jim - Administrative to the Speaker
 MH Lanier, James O. - Representative
 GE Lashlee, Frank P. - Representative
 MH McCord, James T. - Administrative Assistant, Office of the Lieutenant Governor
 FM McCown, Julie - Legislative Librarian, Office of Legal Services
 HI McCullough, Clyde - Chief Clerk of the Senate
 MH McWhorter, Ned R. - Speaker of the House of Representatives
 HI McWilliams, Cletus - Speaker Pro Tem
 FM Miller, Ted Ray - Representative
 GE Morton, Donald L. - Executive Director, Fiscal Review Committee
 MH Murphy, J. H. - Representative
 MH Naifeh, Jimmy - Representative
 KC Nave, Marshall T. - Senator
 KC Person, Curtis - Senator
 GE Roberts, Maxine - Secretary to the Lieutenant Governor
 KC Rucher, John - Senator
 HI Snodgrass, W. R. - Comptroller of the Treasury
 MH Stallings, Robert S. - Representative
 GE Spitzer, Ed - Director, Energy Authority
 MH Tanner, John S. - Representative
 GE Thomas, Dr. Jack - Energy Authority
 MH Travis, Virginia - Office of the Speaker
 FM Turner, Chris - Representative
 MH Rhinehart, Shelby A. - Representative
 MH Valters, Dan - Administrative Assistant
 MH Webb, Clyde B. - Representative
 GE White, James H. - Senator
 MH Wilder, John S. - Lieutenant Governor

TEXAS

MH Bartow, Sue - Office of the Speaker
 KC Bird, Ron - Representative
 MH Blake, Roy - Representative
 MH Bobbitt, Susan - Office of the Speaker
 MH Cartwright, Don - Representative
 MH Clayton, Bill - Speaker of the House of Representatives
 KC Compton, D. W. - Director, LIST Division, Legislative Council

TEXAS (Continued)

MH Gullahorn, Jack - Administrative Assistant, Office of the Speaker
 KC Davis, Robert E. - Representative
 MH Hanna, Joe - Representative
 GE Harris, O. H. "Ike" - Senator
 KC Koenig, Ann - Systems Analyst, Legislative Council
 KC Kopp, Larry - Senior Budget Examiner, Legislative Budget Board
 MH Lancy, Pete - Representative
 KC Pace, J. B. - Senior Budget Examiner, Legislative Budget Board
 HI Potter, John T. - Assistant Director, Legislative Council
 MH Presnal, Bill - Representative
 FM Reynolds, Jim - House of Representatives
 KC Rymal, Greta - Budget Examiner, Legislative Budget Board
 FM Semos, Chris V. - Representative
 MH Snelson, W. E. - Senator
 MH Traeger, John - Senator
 FM Treadway, Tom - House of Representatives
 KC Wilmot, W. B. - Director, Legal Division, Texas Legislative Council
 MH Wyatt, Joe Jr. - Representative

VIRGINIA

FM Banks, John A., Jr. - Director, Legislative Services
 MH Bateman, Herbert H. - Senator
 MH Brault, Adelard L. - Senator
 HI Connock, Stuart W. - Assistant Secretary for Financial Policy, Governor's Cabinet
 HI Copeland, T. Graham, Jr. - Director, Planning & Development, Department of Agriculture & Commerce
 HI Fogarty, Andrew B. - Staff Director, House Appropriations Committee
 HI Harwood, John E. - Commissioner, Department of Highways and Transportation
 FM Holleman, Joseph H. - Clerk of the House
 MH Manns, Paul W. - Senator
 MH Michael, J. Harry, Jr. - Senator
 KC Neale, Al - Program Supervisor, Department of Intergovernmental Affairs
 HI O'Brien, J. W. - Delegate
 FM Perkinson, Pat - Secretary of the Commonwealth
 HI Shropshire, J. T. - Clerk of the Senate
 FM Sprouse, Constance - Research Associate, Legislative Services
 MH Willey, Edward E. - Senate President Pro Tempore

WEST VIRGINIA

HI Bailey, Encil - Legislative Auditor
 HI Basil, Robert - Budget Analyst
 MH Brenda, Gust G. - Delegate
 MH Burke, Billy H. - Delegate
 MH Davis, James I. - Senator
 MH Donley, Charles - Delegate
 MH Fanning, John Pat - Senator
 MH Gainer, Carl E. - Senate President Pro Tem
 MH Gilligan, W. L. - Senator
 MH Hinkle, J. D. - Senator
 HI Homburg, John R. - Attorney, Office of Legislative Services

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FM Stuart, Muffy - Special Assistant, The Council of State Governments, Lexington, Kentucky
MH Thomas, John J. - Speaker Pro Tem, Indianapolis, Indiana
OA Titus, John - Area Manager, U. S. Civil Service Commission, Charleston, South Carolina

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OA Lightsey, Harry M., Jr. - Attorney At Law, Columbia, South Carolina
GE Limer, E. Blaine - Executive Director, Southern Growth Policies Board, Research Triangle Park, North Carolina
MH Lowrie, Alise - Knobel, Arkansas
KC Maness, Jerry W. - Memphis, Tennessee
GE Martin, Warren N. - Vice President, Public Affairs, Air Transport Association, Washington, D. C.
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GE Meier, George H. - Special Assistant, Southern Interstate Nuclear Board, Atlanta, Georgia
GE Mackey, Earl - Executive Director, National Conference of State Legislatures, Denver, Colorado

WEST VIRGINIA (Continued)

KC Kelley, Earl K. - Staff Assistant, Department of Agriculture
FM Killen, Kathy - Secretary to Senator Fanning
KC Kincaid, Hugh A. - Delegate
MH Kopp, Donald L. - Speaker of the House
MH Lohr, Charles E. - Delegate
KC Neal, Sarah Lee - Delegate
MH Neeley, W. Walter - Senator
FM Pitsenberger, Julia - Delegate
MH Shiflet, Marion - Delegate
HI Vickers, Earl M. - Director, Legislative Services

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MH Durkin, Robert E. - Administrator, Division of Employee Relations, Department of Administration, Madison, Wisconsin
GE Finder, Alan - Special Assistant, The Council of State Governments, Lexington, Kentucky
MH Fisher, Dr. William L. - Chairman, Council for Energy Resources, University of Texas, Austin, Texas
GE French, Al - Chief of Highway Statistics Division, Federal Highway Administration, Department of Transportation, Washington, D. C.
MH Fulton, Maurice - Chairman of the Board, The Fantus Company, Chicago, Illinois
GE Herndon, Dr. Roy - Resource Analysis Center, Florida State University, Tallahassee, Florida
MH Jump, Dr. Bernard, Jr. - Associate Director, Maxwell School of Citizenship and Public Affairs, Department of Public Administration, Syracuse University, Syracuse, New York
GE Kannensohn, Michael D. - Special Assistant, The Council of State Governments, Lexington, Kentucky
HI Kenton, Carolyn - Senior Research Associate, The Council of State Governments, Lexington, Kentucky
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MH Lessinger, Dr. Leon M. - Dean, College of Education, University of South Carolina, Columbia, South Carolina
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FM Morrison, Sarah - Assistant Director, Exceptional Childrens Act Program, Baton Rouge, Louisiana
MH Myers, Richard J. - Managing Editor, The Energy Daily, Washington, D. C.
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OA Phillips, Frances E. - Regional Counsel, Environmental Protection Agency, Atlanta, Georgia
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HI Pound, William - Director of State Services, National Conference of State Legislatures, Denver, Colorado

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FM Pailo, Carl A. - State Coordinator, American Bar Association, Louisville,
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HI Partridge, Jack - The Kroger Company, Atlanta, Georgia
GE Phelps, William W. - Atlantic Richfield Company, Dallas, Texas
MH Rolland, Joffre J. - Government Representative, Rolland Division, Fourco Glass
Company, Bridgeport, West Virginia
MH Sabo, Martin O. - Speaker of the House of Representatives, St. Paul, Minnesota
HI Sheingate, Bert P. - Systems Engineer & Consultant, Data Retrieval Corporation,
Milwaukee, Wisconsin
GE Schweitzer, Wayne - Manager, Public Affairs, Delta Air Lines, Hartsfield
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OA Smith, Dr. Herbert - Western Maryland University
MH Smith, Herbert P. - Benton, Arkansas
HI Sohns, Jerry - Director, State-Federal Relations, National Conference of State
Legislatures, Washington, D. C.
GE Yawn, Archie - Director, Public Affairs, Southern Airways, Hartsfield International
Airport, Atlanta, Georgia
MH Quillman, Carl, Louisville, Kentucky

STAFF

MH Blankinship, Donna - The Council of State Governments, Atlanta, Georgia
MH Brockman, Sharon - The Council of State Governments, Atlanta, Georgia
GE Brun, Richard A. - The Council of State Governments, Atlanta, Georgia
MH Cheesley, Nancy - The Council of State Governments, Atlanta, Georgia
MH Dunn, Ray - Southern Representative, The Council of State Governments,
Atlanta, Georgia
MH Osborne, William D. - Assistant Director, The Council of State Governments,
Atlanta, Georgia
GE Richter, Tom E. - The Council of State Governments, Atlanta, Georgia
MH Wiltsee, Herbert L. - Executive Director, The Council of State Governments,
Atlanta, Georgia; Secretary, Southern Legislative Conference

OCT 11 1977

SPOUSES, FAMILIES & ADULT GUESTS
 PRELIMINARY ATTENDANCE LIST
 SOUTHERN LEGISLATIVE CONFERENCE
 THE COUNCIL OF STATE GOVERNMENTS
 1ST ANNUAL MEETING
 CHARLESTON, SOUTH CAROLINA
 JULY 18-22, 1977

(The Following is a Code Showing the Location of Persons Attending the Conference:)

MH - Mills Hyatt House
 GE - Golden Eagle Motor Inn
 KC - King Charles Inn
 HI - Holiday Inn Downtown
 FM - Francis Marion Hotel
 CA - Other Accommodations

ALABAMA

HI Mrs. Bobbye M. Bonham
 MH Mrs. Joe C. McCorquodale, Jr.
 KC Mrs. Martha McCurley
 MH Mrs. Shirley McDonald
 MH Mrs. Lela Mae McNeese
 MH Mrs. Hugh D. Merrill
 MH Mrs. Rosalind Mitchell
 Maury Mitchell
 Wendy Mitchell
 MH Mrs. Sarah Robertson
 MH Mrs. Annette Shelby
 MH Mrs. Lelia F. Vacca

ARKANSAS

HI Mrs. Barbara Adams
 Doug Adams
 Wendell Adams
 GE Mrs. Boyce Allord
 HI Mrs. Margie Arrington
 MH Mrs. Ann Benham
 HI Mrs. Kathy Brewer
 MH Mrs. Frances Bryant
 HI Mrs. Linda Suffridge
 HI Mrs. Helen Cogbill
 MH Mrs. Helen Collier
 HI Mrs. Juanita Gibson
 HI Mrs. Virginia Goodman
 Bill Goodman
 Cris Goodman
 Cathy Goodman
 HI Mrs. Marilyn Halbrook
 HI Mrs. Mary Harris

ARKANSAS (Continued)

HI Mr. Mike Harris
 Mrs. Adrienne Harris
 KC Mrs. Jan Hendrix
 HI Mrs. Cleo Jackson
 MH Mrs. Lacy Landers
 MH Mr. Herbert P. Smith
 Mrs. Herbert P. Smith
 KC Mrs. Martha Linder
 MH Mrs. Jenelle Lipton
 Robin Lipton
 Stacey Lipton
 Michael Lipton
 MH Mrs. Dottie Massanelli
 GE Mrs. Patricia Mazzanti
 Gina Mazzanti
 Vince Mazzanti
 HI Mrs. Pat McCoy
 GE Mrs. Lloyd McCutcheon
 HI Mrs. Jimmie McKisack
 GE Mrs. Ruby Miller
 Ms. Martha Miller
 HI Mrs. Patricia Moody
 HI Mrs. Sarah Moore
 Ross Moore
 Laura Moore
 GE Mrs. W. D. Moore
 GE Mrs. Mary Elizabeth Newman
 Brad K. Newman
 Lacy Newman
 HI Mrs. Ann Peacock
 Nelson Peacock
 Denver Peacock
 KC Mrs. Carolyn Poole
 Mary Carol Poole

ARKANSAS (Continued)

GE Mrs. John W. Ramsey
 HI Mrs. Maxine Ray
 HI Mrs. Marion K. Roberts
 HI Ms. Patricia Roberts
 GE Mrs. Judy Ryburn
 Bennie Ryburn, III
 Ray Ryburn
 MH Mrs. Bonnie Shaver
 GE Mrs. Charlotte Smith
 Mark Smith
 MH Mrs. Ray S. Smith, Jr.
 FM Mrs. Jerry E. Spratt
 GE Mrs. Maxine Stancil
 Sandra Stancil
 Bill Stancil
 Scott Stancil
 MH Mr. Bob Swesey
 MH Mrs. Gwin Teague
 KC Mrs. Sandy Thicksten
 HI Mrs. Norma Thompson
 Nancy Olaimey
 John Olaimey
 Maggie Olaimey
 Ann Olaimey
 HI Mrs. Betty Treat
 GE Mrs. Charles O. Wade
 FM Mrs. Regina Willoms
 GE Mrs. Nova Williams
 Penny Williams
 FM Mrs. Tim Williams
 MH Mrs. Bernardine Wilson
 Kirk Wilson
 Angela Wilson
 GE Mrs. Betty K. Windsor
 John Windsor

FLORIDA

HI Mrs. Louise Carpenter
 Jill Carpenter
 Michael Carpenter
 MH Mrs. A. H. Craig
 HI Mrs. Louise Dixon
 MH Mrs. Ruthie Fortune
 Skip Fortune
 Terry Fortune
 MH Mrs. Mary Fulford
 MH Mrs. C. Fred Jones
 MH Mrs. Judy Kutun
 Cheryl Kutun
 HI Mrs. Joan Morris
 MH Mr. Lob Goggin

FLORIDA (Continued)

MH Mrs. Donald L. Tucker
 Donnie Tucker
 Richard Tucker
 Joe Tucker
 MH Mrs. Tonie Vogt

GEORGIA

GE Mrs. Frances Adams
 HI Mrs. Jean Bond
 Staci Bond
 Tiger Bond
 MH Mrs. Margaret Broun
 GE Mrs. Terry Coleman
 HI Mrs. Mary Ellen Crowe
 Dawn Crowe
 Paige Crowe
 GE Mrs. Julius C. Daugherty
 MH Mrs. Carolyn Doss
 GE Mrs. Antoinette Duncan
 MH Mrs. Leland Eldridge
 FM Mrs. Peggy Fincher
 GE Mr. H. C. Hamilton
 MH Mrs. Elizabeth Harris
 Joe Harris
 HI Mrs. Annette Jackson
 Jennifer Jackson
 Sarah Jackson
 Stephanie Jackson
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 Ginger Jackson
 Kim Jackson
 GE Mrs. Ren Jessup
 GE Mrs. Lalah Kennedy
 KC Mrs. Anita Kirk
 Karl Kirk
 Ron Kirk
 KC Mrs. Nathan Knight
 MI Mrs. Bill Lee
 GE Mrs. Gwendolyn Lester
 GE Mrs. Joni Littleton
 MI Mrs. Charles C. Mann
 MI Mrs. Florence McGill
 KC Mr. Don Oeser
 GE Mrs. Henry L. Reaves
 GE Mrs. Rebecca Reynolds
 KC Mrs. Janice Walker
 Larry Walker, III
 Wendy Walker
 KC Mrs. Nan Wassell
 John Wassell
 Bill Wassell

KENTUCKY

KC Mrs. Adrian Arnold
 MH Mrs. Donna Benson
 Bobby Benson
 Beth Benson
 MH Mrs. Mary Jane Blandford
 FM Mrs. Rose Marie Dutton
 MH Mrs. Ann H. Hancock
 MH Mrs. Diann Holloway
 MH Mrs. Carolyn Kenton
 Williar Kenton, III
 MR Mrs. Gloria M. Murphy
 Karen M. Murphy
 MH Mrs. Jan O'Brien
 Erin O'Brien
 Shawn O'Brien
 MH Mrs. Bert Ed Politttee
 FM Mrs. Albert Robinson
 MH Mrs. Debbie Rogers
 KC Mrs. Marian Schmidt
 Karen Schmidt
 KC Mrs. Harry Smith
 HI Mr. George R. Wagoner
 HI Mrs. Victoria Walker
 Rocky Walker

LOUISIANA

MH Mrs. Richard Baker
 MH Mrs. James H. Brown
 Cammil Brown
 Gentry Brown
 GE Mr. Lyn Green
 KC Mrs. Harriet Coco
 Laura Coco
 Jay Coco
 Claire Coco
 Ernie Coco
 HI Mrs. Nancy L. Curry
 Billy Curry
 Christy Curry
 FM Mrs. Cynthia Godfrey
 MI Mrs. Charles Grubbaum
 HI Mrs. Wallace J. Henderson
 MH Mrs. E. L. Henry
 MI Mrs. Alphonse Jackson
 Lydia Jackson
 Angela Jackson
 MI Mrs. Thomas Jasper
 MI Mrs. Donald R. Kennard
 MH Mrs. Bernardine Martin
 MI Mrs. Shana Randolph
 Aimee Randolph
 Ned Randolph
 MI Mrs. Joe Tiemann

MARYLAND

HI Mrs. Evelyn M. Bartlett
 FM Mrs. John J. Bishop, Jr.
 MH Mrs. Sylvia Broscoc
 MH Mrs. James Clark
 MH Mrs. Barbara Curran, Jr.
 Max Curran
 Alice Curran
 Katie Curran
 MH Mr. Richard J. Gibbons
 Danny Gibbons
 Michael Gibbons
 MH Mrs. Marlon H. Hickman
 FM Mrs. C. A. Porter Hopkins
 KC Mrs. Carolyn Krysiak
 Carolyn Krysiak
 Charles Krysiak
 Mark Krysiak
 Anne Krysiak
 Paul Krysiak
 MI Mrs. Laurence Levitan
 HI Mrs. Glenna J. Murlo
 MH Mrs. Eleanor C. Minnick
 KC Mrs. S. Frank Shore
 Gregg Shore
 Matthew Shore
 KC Mrs. M. Faye Wolfgang
 GF Mrs. Esther G. Zander

MISSISSIPPI

MH Mrs. Rosalie Blount
 Ken Blount
 Jennifer Blount
 MI Mrs. Gita Crook
 Hubert Crook
 Mrs. Nering
 MI Mrs. Mary Dent Deaton
 Dana Deaton
 Charles Deaton
 Diane Deaton
 MI Mrs. Carroll Ingram
 Joel Ingram
 Jennifer Ingram
 KC Mrs. Harold B. Ingram
 HI Mrs. Betty Thigpen
 Dianne Thigpen
 Amy Thigpen
 Forest Thigpen
 MI Mrs. Dixie Wilkerson
 Donna Lynn Wilkerson
 Dawson Wilkerson
 MI Mrs. Frances Williams
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UNITED FISHERMEN OF ALASKA

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UNITED FISHERMEN OF ALASKA

Resolution on Wilderness Designations in Alaska

March 4, 1977

WHEREAS the protection of habitat quality is essential to wild stocks of salmon; and

WHEREAS the maintenance of high water quality is essential to hatchery production of fish; and

WHEREAS the salmon resource can and should be enhanced and increased;

THEREFORE BE IT RESOLVED that the United Fishermen of Alaska supports the position of wilderness designations in Alaska, providing that:

- (1) Provisions are made allowing for identification and/or future establishment of aquaculture sites in areas proposed as wilderness before designation;
- (2) Access for habitat maintenance and enhancement, including the use of mechanized equipment, is permitted;
- (3) Motorized access is permitted on all navigable waters; and
- (4) Existing use areas such as fish camps, set net sites, etc. are maintained.

RESOLUTIONS

of the

68th Pacific Logging Congress

concerning

Wilderness Issue

Timber Supply

Forest Land Management

Alaska Forest Land Designation

Adopted by majority vote of the Pacific Logging Congress membership convened at its 68th Sessions, Vancouver, British Columbia, November 10, 1977.

THE PACIFIC LOGGING CONGRESS is a voluntary membership, non-profit, incorporated association of individuals engaged in, or interested in the growing and harvesting of forest products.

It was founded in 1909 for the purpose of providing a forum where the logging industry could meet to discuss its operating problems, renew old friendships and to make new acquaintances. Its membership consists of representatives of both small and large logging firms, logging equipment manufacturers and distributors, public forestry officials and forestry educators.

The following resolutions, we believe, accurately reflect the thinking of the forest industries of the western states and British Columbia in regard to the specific matters of public concern referred to in each of the quoted resolutions.

PACIFIC LOGGING CONGRESS
217 American Bank Building
Portland, Oregon 97205
CARWIN A. WOOLLEY,
Executive Vice-President

RESOLUTION NO. I

Wilderness Issue

WHEREAS approximately 12 percent of the National Forest lands in the Pacific Northwest Region have been designated as Wilderness by the WILDERNESS ACT OF 1974 and subsequent additions thereto, and

WHEREAS there is ongoing Roadless Area Review and Evaluation process (RARE II) of potential areas for additional Wilderness designation. Now, therefore

BE IT RESOLVED the 68th Pacific Logging Congress endorses the RARE II program concept and requests the Secretary of Agriculture, subsequent to Forest Service study schedule compliance in the fall of 1978, to designate the maximum possible number of study areas acreage to Non Wilderness status and that he direct these lands to be promptly managed for multiple use with strong consideration for timber production.

BE IT FURTHER RESOLVED the Pacific Logging Congress requests the Secretary of Agriculture to require the Forest Service to complete final reports on all remaining RARE II study areas within a two year period following scheduled 1978 initial report date and the Secretary then promptly declare these areas as either Wilderness or Non Wilderness status and direct that Non Wilderness lands be managed for multiple use with strong consideration for timber production.

BE IT FURTHER RESOLVED the Pacific Logging Congress requests the Council of Environmental Quality, the Secretary of Agriculture and the Chief, US Forest Service, to require that all future Environmental Impact Statements shall include a separate section covering complete Economic Impact Analysis study findings.

RESOLUTION NO. II

Timber Supply

WHEREAS the FOREST & RANGELAND RENEWABLE RESOURCES PLANNING ACT (PL 93-378) was passed by the United States Congress in 1974 and

WHEREAS the NATIONAL FOREST MANAGEMENT ACT OF 1976 (PL 94-588) was passed by the same body last year, and

WHEREAS the Forest Service, US Department of Agriculture, is specifically charged in these Acts with the responsibility for management, protection and utilization of the natural resources on the Nation's forests and related rangelands. Now, therefore

BE IT RESOLVED that the 68th Pacific Logging Congress request the Secretary of Agriculture, through actions of the Forest Service, to expeditiously comply with Resources Planning Act goals by preparing stipulated plans for study areas.

BE IT FURTHER RESOLVED that the Pacific Logging Congress request of the U. S. Congress and the Carter administration their approval of funding and manpower to carry out goals of the Resources Planning Act and that Congress direct the Forest Service to sell the approved maximum volume of timber.

BE IT FURTHER RESOLVED that the Pacific Logging Congress request the Secretary of Agriculture to direct the Forest Service to effect timber management practices and policies that will produce maximum timber growth, including but not limited to the abandonment of evenflow non-declining yield policy in conversion of old growth forests, within the limits of Sec. 13 of the National Forest Management Act of 1976.

RESOLUTION NO. III

Forest Land Management

WHEREAS increased timber supply potential is available from Federal, State, industrial and non-industrial private forest lands by the use of improved land management practices, and

WHEREAS there are presently governmental considerations to programs funding that will provide incentives for the use of improved management practices on private forest lands. Now, therefore

BE IT RESOLVED that the 68th Pacific Logging Congress request of all governmental bodies who are now, or might be in the future, considering establishing improved land management practices

incentive programs that they consult with industrial and non-industrial private forest land owner representatives along with public timber agency and university forestry school representatives, both on the organization of such programs and also on subsequent program performance evaluations and modification considerations.

BE IT FURTHER RESOLVED that the Pacific Logging Congress request of those Federal and States' elected officials responsible for reforestation financing appropriations that they provide sufficient monies to permit needed reforestation work to be performed in an efficient and expeditious manner, including the use of herbicides.

RESOLUTION NO. IV

Alaska Forest Land Designation

WHEREAS Section 17 (d) (2) of the ALASKA NATIVE CLAIMS SETTLEMENT ACT authorized the Secretary of Interior to withdraw up to 80 million acres of vacant, unreserved and unappropriated federal public lands for study as potential additions to national parks, wildlife refuges, forests and wild and scenic river systems, and

WHEREAS these withdrawals are to be finalized by December 31, 1978, and

WHEREAS there exists innumerable pieces of legislation concerning proposed disposition of this land. Now, therefore

BE IT RESOLVED that the 68th Pacific Logging Congress request President Carter and the Congress of the United States to support legislation that offers the maximum amount of cooperative management possibilities between the Federal, State and Private land owners.

BE IT FURTHER RESOLVED that the Pacific Logging Congress supports the Federal land withdrawals in Alaska to have the maximum amount of multiple use designation possible and include those lands suitable to be used to create new National Forests in the interior of Alaska.

POSITION STATEMENT

ON

ALASKA NATIONAL INTEREST LANDS
Section 17(d)(2) ANCSA

by the Planning Association
of
Alaska

PREFACE:

The Planning Association of Alaska (P.A.A.) is an organization of land use planning professionals, persons who are members of local, state and federal land planning commissions or other official groups, and persons interested in land use planning in Alaska. [Almost all] individuals who are engaged professionally in the public and private practice of urban, regional, state or rural land use planning in Alaska are members of P.A.A. Thus, the membership is widely representative of the geographic areas of the state and of the viewpoints held by public agency employees, private sector planners and lay persons active in land use planning in Alaska. [The P.A.A. membership totals ____.]

Mary

STATEMENT:

P.A.A. strongly believes that certain basic principals should govern the many decisions the Congress of the United States will make relative to National Interest Lands in Alaska under Section 17(d)(2) of the Alaska Native Claims Settlement Act. For the benefit of the Interior and Insular Affairs Committee of the U.S. House of Representatives, the Sub-Committee on General Oversight and Alaska Lands, and the Alaska Congressional Delegation, and Alaska Governor Hammond, P.A.A. offers the following:

Federal - class case

1. It must be recognized that the so-called d-2 lands and their classification and eventual use is a matter of concern to all Americans and especially to Alaskans as those who will be most directly affected by their use and classification. It therefore is apparent that several national goals and policies related to environmental enhancement and protection, energy self-sufficiency, national security, and meeting national recreational-open space needs must be equally considered in reaching decisions on d-2 lands. No single national goal, need or desire, should be either ignored or given unnecessary emphasis than any other factor in evaluating this issue.

unconscionable, unjust, & illegal

2. Sound and nationally recognized planning procedures should be followed in evaluating the extent of resources and ranges of proper uses for these National Interest Lands. Arbitrary and hasty decisions to classify millions of acres of land in wilderness or other single purpose use land classifications without first subjecting the lands to a logical planning process is contrary to National and State policy. P.A.A. urges all involved parties to adhere to established land use planning procedures as part of the process of classifying d-2 lands.
3. ^{Refinement of} An exhaustive resource inventory of all lands in the National Interest Lands category should proceed their classification for use. ^{Extent of natural resources,} capability of the land to support the variety of uses in an environmentally safe and compatible manner should be determined and should guide decisions as to classification. Potential for recreation use, wilderness values and scenic and aesthetic values should be considered equally as resources along with minerals, oil and gas, timber, wildlife and agriculture in the inventory and subsequent evaluations.
4. Classification of National Interest Lands in Alaska should not interfere with or in any way negate the State of Alaska's selection rights under the Alaska Statehood Act or selection rights of Alaska Natives under the Alaska Native Claims Settlement Act. No existing State or Native selection should be revoked and both the State and the several Native Corporations should be allowed to complete their selection entitlements prior to any classification of Alaska National Interest Lands. The State of Alaska selection rights are part of a contract between Alaskans and the Congress of the United States, and Congress should not, by classification actions in this instance, unilaterally nullify that contract or any portion of it.
5. P.A.A. urges Congress to evaluate the merits of land classification schemes which digress from those traditionally applied to Federal lands in the other 49 states. There are significant differences in ecosystems, wildlife habitat, settlement patterns, land ownership patterns and use potentials in Alaska to warrant consideration of new and innovative land management approaches for public lands in Alaska.
6. P.A.A. urges Congress to be cognizant of the problems associated with access to and through these National Interest Lands as well as to State and Native lands. ^{can} [Arbitrary] classification of d-2 lands without provisions for access to and through these lands will, in many cases, render State and Native selected lands as well as Federal lands valueless and severely restrict their use potential. No-access wilderness, refuge and park classifications

would be contrary to national interest and would serve to effectively deny use of the several resources and benefits thought to exist on lands in Alaska.

CONCLUSION:

The Planning Association of Alaska does not believe that ^{the} [Congressman Udal's] proposed legislation, HR 39, is consistent with these principals. We therefore urge the House Interior Sub-Committee on General Oversight and Alaska Lands to reject HR 39 as the vehicle for dealing with Alaska National Interest Lands. P.A.A. further urges the Sub-Committee to consider utilizing the principals spelled out above in guiding the Committee's deliberations and decisions.

[~~_____~~]

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JBN

The Council of State Governments



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*Senator
Orsini*

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1977-78

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 Judiciary
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 Agriculture
 Energy & Resources
 Suggested State Legislation
 Transportation
 Agriculture
 Transportation
 Government Reform & Fiscal Affairs
 Judiciary
 Government Reform & Fiscal Affairs
 Western Conference Executive Committee;
 CSG Governing Board
 Agriculture

Education & Social Services
 CSG Governing Board
 Suggested State Legislation
 Energy & Resources
 Transportation
 Agriculture
 Agriculture
 Transportation
 Judiciary
 Suggested State Legislation
 Transportation
 Government Reform & Fiscal Affairs
 Energy & Resources
 Suggested State Legislation
 Education & Social Services
 Agriculture
 Education & Social Services
 Transportation, Chairman; Western Con-
 ference Executive Committee
 Transportation
 Suggested State Legislation

WASHINGTON

continued:

Senator Al Henry
 Senator Gordon Herr
 Senator James E. Keefe
 Representative Charles Kilbury
 Representative Richard King

 Representative Walt Knowles
 Representative King Lysen
 Representative Geraldine McCormick
 Senator August P. Mardesich
 Senator Dan Marsh
 Representative Frances North
 Senator Gary M. Odegaard
 Governor Dixy Lee Ray
 Senator Peter von Reichbauer
 Senator George W. Scott
 Senator George L. Sellar
 Representative Bud Shinpoch
 Senator Don L. Talley
 Representative Alan Thompson
 Senator Ramon Van Hollebeke
 Senator Gordon L. Walgren
 Representative Frank Warnke
 Senator Nat W. Washington
 Wes Wilburn
 Senator Lorraine Wojahn

Transportation
 Education and Social Services
 Suggested State Legislation
 Agriculture
 Suggested State Legislation; Western
 Conference Executive Committee
 Judiciary
 Energy & Resources
 Energy & Resources
 Government Reform & Fiscal Affairs
 Judiciary, Vice Chairman
 Suggested State Legislation
 Government Reform & Fiscal Affairs
 CSG Governing Board
 Education & Social Services
 Government Reform & Fiscal Affairs
 Energy & Resources
 Government Reform & Fiscal Affairs
 Energy & Resources
 Western Conference Executive Committee
 Suggested State Legislation
 Western Conference Executive Committee
 Government Reform & Fiscal Affairs
 CSG Governing Board
 Suggested State Legislation
 Education & Social Services

WYOMING:

Representative Ross D. Copenhaver
 Governor Ed Herschler
 Representative H. L. Jensen
 Senator Roger McDaniel
 Representative Warren A. Morton
 Senator Milton E. Nichols

 Senate President L. Donald Northrup

 Senator Robert L. Novotony
 Representative C. R. O'Neil
 Senator John C. Ostlund
 Senator Dick R. Sedar

 Representative Jack Sidi
 Speaker Nels J. Smith
 Representative Joe W. Stewart

 Ralph E. Thomas

Judiciary
 CSG Governing Board
 Transportation
 Education & Social Services
 CSG Governing Board
 Judiciary; Western Conference Executive
 Committee
 Western Conference Executive Committee;
 Agriculture, Chairman
 Government Reform & Fiscal Affairs
 Energy & Resources
 Energy & Resources; CSG Governing Board
 Suggestive State Legislation; Trans-
 portation
 Education & Social Services
 Agriculture
 Suggested State Legislation; Govern-
 ment Reform & Fiscal Affairs
 Suggested State Legislation



THE WESTERN CONFERENCE

of

The Council of State Governments



Conference Staff
The Council of State Governments
Western Office
85 Post Street, Suite 400
San Francisco, California 94104
(415) 988 - 3760

1977 ANNUAL MEETING
Santa Fe Hilton
Santa Fe, New Mexico
September 25-28

STATE OFFICIALS IN THE WEST:

The Executive Committee of the Western Conference of The Council of State Governments, its Chairman, Senator C. B. Trujillo of New Mexico, and the New Mexico Host State Committee are pleased to announce and to invite you to attend the Annual Meeting of the WESTERN CONFERENCE OF THE COUNCIL OF STATE GOVERNMENTS in Santa Fe this fall.

The program for the Annual Meeting has been formulated by the Executive Committee, the Program Advisory Committee, chaired by Representative Robert Marks, Chairman-elect of Montana, and the New Mexico Host State Committee, chaired by Representative Adele C. Hundley. It is hoped that the program will attract legislators, state administrators and their families to what promises to be a productive, educational and enjoyable meeting.

Registration will commence at 10:00 am on Sunday, September 25, and four committees will be meeting at 2:00 pm. Please check airline schedules to see if it might be necessary to arrive on Saturday in order to participate in the Sunday meetings. Space has been blocked for some Saturday arrivals at the several hotels. The opening social event will be a welcoming reception which will start at 5:30 pm and will include local entertainment. The evening has been set aside to allow conference attendees to enjoy Santa Fe's finest restaurants. A continental breakfast will be provided each morning of the conference. The opening General Session will start at 9:00 am on Monday, September 26. All attendees are encouraged to attend all general and individual committee sessions and to feel free to take part in discussions at any time. The remaining portions of the program, both business and social, are reviewed in the enclosed "preliminary" program. Members of the study committees will be contacted with the updated information prior to the conference. Some of the subjects to be covered in the individual committee sessions will include:

- Privacy
- Indian/Native American Jurisdictional Questions
- Update on Actuarial Figures Regarding Medical Malpractice Insurance
- International Registration Plan
- Electronic Permit Issuance for Trucks
- Quality Control and Design Standards
- Hospital Cost Containment

1977 Annual Meeting
August 9, 1977

Page Two

Welfare Reform
School Financing Issues
160 Acres Limitation Question
Public Land Ownership and Management
Environmental Impact Statements
Energy Alternatives

Please indicate your hotel needs and other information on the enclosed conference and hotel reservation form. The registration fee, payable only at the meeting site, will be \$10 per attendee and \$20 for accompanying spouse. A registration fee of \$75 will be charged for all other attendees. PLEASE RETURN THE RESERVATION FORM AS SOON AS POSSIBLE. We look forward to seeing you in Santa Fe.

Sincerely,


Jerry D. Morris
Director

JEM/vk:

Enclosures

SFO/A/7

1977 Annual Meeting
of the

Preliminary Program
as of August 8

WESTERN CONFERENCE

of The Council of State Governments

September 25-28
Santa Fe Hilton
Santa Fe, New Mexico

SUNDAY, September 25

10:00 am - 5:00 pm	REGISTRATION OF DELEGATES	Santa Fe Hilton
2:00 pm - 5:00 pm	Legislative Service Agency and Research Directors <u>Presiding:</u> John C. Doyle, Alaska, Chairman	Room 270
2:30 pm	Concurrent Meetings of Conference Committees	Santa Fe Hilton
	Committee on Government Reform and Fiscal Affairs <u>Presiding:</u> Representative William H. Grannell, Oregon	Room 269
	Committee on Transportation <u>Presiding:</u> Representative Sam C. Guess, Washington	Don Nicholas Room
	Joint Meeting of the Committees Agriculture and Energy & Resources <u>Presiding:</u> Senate President L. Donald Northrup, Wyoming, and Senator Ernest H. Dean, Utah	De Onate Room
5:30 pm	Welcoming Reception Entertainment (To Be Announced)	Pool Side, Santa Fe Hilton
Evening	Open for Conference participants to enjoy Santa Fe's finest restaurants	

MONDAY September 26

7:00 am - 8:45 am	Executive Committee Breakfast	Don Nicholas Room
7:30 am - 8:45 am	Continental Breakfast for Conference attendees	De Varga Room
8:00 am - 5:00 pm	Conference Registration reopens	Room 267

MONDAY, September 26 - Continued

- 9:00 am - 12:00 pm OPENING GENERAL SESSION Room 267
Presiding: Senator C. B. Trujillo
New Mexico, Chairman, Western Conference
Welcomes: Governor Jerry Apodaca, New Mexico
Representative Alele C. Hundley,
Chairman, New Mexico Host State Committee
Honorable Sam Pick, Mayor, Santa Fe
- 9:20 am "State-Federal Intergovernmental
Efforts in 1977"
Presiding: Representative Robert
L. Marks, Montana, Chairman-elect,
Western Conference and Program Chair-
man

Session Moderators: Senate President
L. Donald Northrup, Wyoming, Chairman
Committee on Agriculture and Senator
Ernest H. Dean, Chairman, Committee on
Energy & Resources

U. S. Senator Paul Laxalt, Nevada
(invited)
Governor _____, Chair-
man, Western Governors' Policy
Office
- 10:30 am Coffee Break (Roll-in)
- 10:45 am "Natural Resources Management - A
Western Coalition"
Presiding: Assemblyman Thomas J.
Hickey, Nevada, Vice-Chairman, Com-
mittee on Agriculture and Assembly-
man Lawrence E. Jacobsen, Nevada,
Vice-Chairman, Committee on Energy
& Resources,
National Association of Counties, and

National League of Cities
- 11:40 am Report of the Committee on Transpor-
tation
- 12:00 pm Conference Luncheon De Vargas Room
Presiding: _____
Speaker: To Be Announced

MONDAY, September 26 - Continued

1:15 pm Report of the Committee on Judiciary

1:30 pm Members of the Western Region of the American Society of Clerks and Secretaries meet in Hotel Lobby and depart for the State Capitol

1:30 pm Concurrent meetings of Conference Committees

Committee on Judiciary Room 269
Presiding: Senator Robert H. Ziegler, Sr., Alaska

Committee on Education & Social Services Room 270
Presiding: Senator Mike P. Mitchell, Idaho

Committee on Energy & Resources Don Nicholas Room
Presiding: Senator Ernest H. Dean, Utah

Committee on Agriculture De Onate Room
Presiding: Senate President L. Donald Northrup, Wyoming

6:30 pm Depart Hotel Lobby for Governor's Residence

7:00 pm Reception and Buffet Governor's Residence

9:00 pm Delegates return to the Santa Fe Hilton

TUESDAY, September 27

7:00 am - 9:45 am Resolution Committee Breakfast Don Nicholas Room

7:30 am - 9:45 am Continental Breakfast for Conference attendees De Vargas Room

9:00 am - 12:00 pm GENERAL SESSION De Onate Room
Presiding: Senator C. B. Trujillo,
Report on The Council of State Governments: President Pro Tem John J. Thomas, Indiana, Chairman, CSG Governing Board and Verbert L. Wiltsee, Executive Director, The Council of State Governments

WESTERN CONFERENCE
Page Four

TUESDAY, September 27 - Continued

9:20 am	<u>Presiding:</u> Representative Robert L. Marks <u>(topic)</u> <u>Moderator:</u> Senator Sam C. Guess, Washington, (Chairman, Committee on Transportation)	
10:00 am	Coffee Break (Poll-in)	
10:10 am	<u>(topic)</u> <u>Moderator:</u> Senator Mike P. Mitchell, Idaho, (Chairman, Committee on Education & Social Services)	
11:00 am	<u>(topic)</u> <u>Moderator:</u> Representative William H. Grannell, Oregon, (Chairman, Committee on Government Reform & Fiscal Affairs)	
11:55 am	Committee reports on Energy & Resources and Government Reform & Fiscal Affairs)	
12:15 pm	Conference attendees depart for Los Alamos (box lunches will be served on route)	Santa Fe Hilton
1:15 pm	Los Alamos Conference Center <u>Presiding:</u> Senator Ernest H. Dean, Utah, and Senate President L. Donald Northrup, Wyoming <u>Speaker:</u> To Be Announced	
2:30 pm	Tour of Los Alamos facilities	
5:00 pm	Conference attendees return to Santa Fe Hilton	
6:30 pm	Reception	Pool Side, Santa Fe Hilton
7:30 pm	New Mexico State Dinner <u>Presiding:</u> Senator C. B. Trujillo <u>Invocation:</u> <u>Speaker:</u> To Be Announced Entertainment (To Be Announced)	De Vargas/Peralt Rooms

WEDNESDAY, September 28

7:30 am - 8:45 am	Continental Breakfast for Conference attendees	De Vargas Room
9:00 am - 12:00 pm	<u>GENERAL SESSION</u> <u>Presiding:</u> Representative Robert Marks <u>(topic)</u> <u>Moderator:</u> Senator Robert H. Ziegler, Sr., Alaska, (Chairman, Committee on Judiciary)	O'ate/Peralta R
9:50 am	Committee Report on Agriculture and Education & Social Services	
10:00 am	The Council of State Governments Outreach Programs <u>Speaker:</u> Michael Minnesota, Special Assistant, CSG	
10:20 am	Concluding Business Session Report of the Resolutions Committee Report of the Nominating Committee Report of the Executive Committee on the location of the 1978 Annual Meeting Invitations for the 1979 Annual Meeting Installation of Officers Other Business Adjournments	
Immediately following the Adjournment of the 1977 Annual Meeting	Meeting of the Executive Committee	Don Nicholas Room

WESTERN CONFERENCE
of The Council of State Governments

Santa Fe Hilton
Santa Fe, New Mexico
September 25-28

NAME & TITLE: _____

ADDRESS: _____

TELEPHONE: Work: _____ Home: _____

Room Reservations Information:

Santa Fe Hilton:	Single \$22 _____	Double \$22 _____	Twin \$28 _____
Inn of the Governors:	Single \$22 _____	Double \$26 _____	Twin \$28 _____
La Fonda Hotel:	Single \$25 _____	Double \$30 _____	Twin \$30 _____
Inn at Loretto:	Single \$31 _____	Double \$37 _____	Twin \$37 _____

Please indicate a first (1) choice and a second (2) choice. Every effort will be made to accommodate your first choice, but hotel reservations will be made on a first come, first serve basis.

Person with whom you are sharing accommodations: _____

Name and ages of children accompanying Conference attendees: _____

I PLAN TO ATTEND THE CONFERENCE, BUT WILL NOT REQUIRE SLEEPING ACCOMMODATIONS: _____

Travel Plans:

I plan to arrive at Albuquerque _____ (or) Santa Fe _____ Airport.

Arrival - September _____ at _____ (or) pm _____; Flight name & number _____

Departure - September _____ at _____ (or) pm _____; Flight name & number _____

I plan to rent a car in Albuquerque _____, _____ Avis _____ Budget _____ Hertz _____ National _____

NOTE: You will have to make your own car rental reservations. Budget has quoted the following special rate--\$26/day standard sedan; \$12/day compact with unlimited mileage.

Registration Fee:

\$40 per state official; \$20 per spouse; \$75 others. (Registration fees are payable at time of registration in Santa Fe.)

Since all reservations are to be made through the Western Offices of CSG, we would appreciate your supplying the information requested by September 16 to the address on the opposite side of this page. Thank you.

return address

stamp

THE COUNCIL OF STATE GOVERNMENTS

85 POST STREET, #400

SAN FRANCISCO, CA 94104

1977 Annual Meeting

WESTERN CONFERENCE
of The Council of State Governments

September 25-28
Santa Fe Hilton
Santa Fe, New Mexico

INFORMATION SHEET

DATES: September 25-28, 1977.

PLACE: The Conference headquarters will be the Santa Fe Hilton. Accommodations are also available at the Inn at Loretto, the Inn of the Governors, and the La Fonda Hotel. Registrants are asked to indicate a first (1) and a second (2) choice on the reservation forms. Reservations for hotel accommodations will be made on a first-come, first-serve basis, with every attempt being made to honor your first request. All hotels are within walking distance of the Santa Fe Hilton.

TRANSPORTATION: Commuter Air Carriers service Santa Fe from Albuquerque, Denver and several cities within New Mexico, to include Las Cruces, Silver City, and Taos. Carriers providing service are Trans-Western Airlines, Trans-American Airways, and Zia Airlines. Aircraft are Cessna 402 Twin Turbo Systems, and Ted Smith Aerostar 601.

The Host State Committee, operating on the premise that most attendees will be arriving at the Albuquerque International Airport, have made arrangements for bus travel to the city of Santa Fe for those arriving on Sunday, September 25. Transportation will also be provided for those desiring to return to Santa Fe on Wednesday, September 28, commencing at the conclusion of the closing general session. The schedules for bus transportation will depend on your providing the appropriate information as to flight numbers and arrival and departure times on the enclosed reservation form.

For those planning to arrive and/or depart on days other than Sunday and Wednesdays, there is a local transportation service which provides service directly from the Albuquerque International Airport to each hotel in Santa Fe. The service is called The Shuttle-Jack and operates periodically during the day. Reservations are necessary and when making reservations you are required to have your flight number and time. The cost for the round trip service (Albuquerque to Santa Fe and return) is \$18.00. Reservations may be made by calling (505) 983-7435. Total shuttle time each way is 1 1/2 hours.

Budget Rent-A-Car has quoted attendees a commercial rate, which is described on the reservation form. Rental cars are also available from Avis, Hertz and National. You will have to make your own reservations for car rentals. All we are trying to do is to obtain information as to numbers, so that any of the rental outfits can stock additional cars as required.

WEATHER: 70-80°, but dry and very comfortable. Suggest a wrap or coat for evening activities (Santa Fe is 7000 feet above sea level).

LOCAL POINTS OF INTEREST:

Los Alamos Scientific Laboratories
Loretto Chapel - Santa Fe
Historic Palace of the Governors
& The Plaza
Puye Cliff Dwellings
Canyon Road Arts & Crafts Area

Albuquerque Indian Pueblo Cultural
Center and Old Town
Pecos National Monument
Bandelier National Monument
Taos and the Rio Grande Gorge
Various museums; nearby Indian pueblos

REGISTRATION FEE: \$40 for official attendees; \$20 for accompanying spouse and for children 16 years of age and older; \$75 per person for other than official attendees. Please make checks payable to the Western Conference of CSG, and present them at the registration desk at Santa Fe.

Please note that several of the Western Conference committees will be meeting early on Sunday afternoon. To assure attendance at the meetings by members of the committees and other interested individuals, please check air arrival times and coordinate your efforts to assure attendance at these very important meetings.