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WESTERN STATE COALITION

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 Princiotta, 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

CTK: jh
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3/19/78

May 2



WESTERN ENVIRONMENTAL TRADE ASSOCIATION OF WASHINGTON

314 Park Place Bldg., 1200 Sixth Avenue - Seattle, Washington 98101 - (206) 633-6236

- President:** ROBERT L. PHELPS
Inman, Inc.
- 1st Vice President:** ALBERT E. WYDOH
International Association of Machinists & Aerospace Workers, 751 AFL-CIO
- 2nd Vice President:** WILLIAM A. LOWRY
Washington Water Power Company
- 3rd Vice President:** DAN BERTLAND
Aluminum Workers Union, Local 202, AFL-CIO
- 4th Vice President:** ALLAN F. OSBERG
Casing Construction Company
- 5th Vice President:** JIM CLAFF
Brotherhood of Ironworkers, Local 1000
- 6th Vice President:** JOHN S. LARSEN
Meyerhauser Company
- 7th Vice President:** GEORGE CASSEIDY
Western Council Lumber Production & Industrial Workers AFL-CIO
- Secretary:** ELMER CLURY
Laborers International Union of North America, AFL-CIO
- Treasurer:** LLOYD ROBINSON
AL PAC Corporation
- Chairman of the Board:** AUSTIN ST. LAURENT
- REGIONAL VICE PRESIDENTS:**
Northwestern Committee: WILLIAM BIELSON, Shaker, Inc.
North Central Committee: SAM BOODY
Southwestern Committee: H. J. GREELEY, International Paper Company

- Southeastern Committee:** GUY ADAMS
Washington State Council of Carpenters, AFL-CIO
- Island Empire Committee:** CARROLL OSWAT
N.E. Washington-Northern State Building Trades, AFL-CIO
- Central Committee:** ROBERT DUGER
Washington State Building & Construction Trades Council, AFL-CIO
- STANDING COMMITTEE VICE PRESIDENTS:**
Membership-Finance Committee: LEE YOUNG
International Union of Operating Engineers, AFL-CIO
Project-Financial Committee: WOODROW SYLVA
Burlington Northern, Inc.

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
Executive Assistant

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Enclosures

- CHARLES T. KEENAN**
Executive Director
- BOARD OF DIRECTORS:**
GEO. BAKER
The Bunker Hill Company
AL HARRAN
General Telephone Company
JIM BOLIN
Washington, Northern Idaho District Council of Laborers, AFL-CIO
ED BURROUGHS
International Woodworkers of America, Local 301, AFL-CIO
PETH BROWN
Puget Sound District Council of Timber & Sawmill Workers, AFL-CIO
RODNEY BUCHER
Rainer National Bank
HENRY BURGER
Central Washington District Council, LPHW AFL-CIO
JAMES CALLEGHAN
The Capital Company
HERMAN RIVER
U.S. Steel
BENJAMIN CLIFFORD
Lake Region Development Company
WILLIAM E. FORTAKE
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 & Coles
DELBERT C. GRANADSON
International Woodworkers of America, AFL-CIO
PAT LAMBY
Columbia Union Local 451, AFL-CIO
ROBERT W. MURPHY
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. MURPHY
Operating Engineers, Local 302, AFL-CIO
JOHN J. LARSEN
Raynolds Metals Company
JOHN LITVIN
Soprema Central Lumber Council, AFL-CIO
JIM PHILLIPSON
Simpson Timber Company
DICKIE J. RAMBERG
As
PHIL GIBBY
Rise Pencil Works (Cassidy & Allen)
BARRY M. PRADEN
Kaiser Aluminum & Chemical Corporation
JIM MAHER
Pope & Talbot
BILL MALONEY
Steel Oil Lumber
MURPHY WOODSON
Washington Resource Gas Company
THOMAS DRIGG
Lopez Brothers Machine
ROBERT E. PROBERTS
Scott Paper Company
WILLIAM R. LUM
Preston's Pallets
JIM GARDNER
Acrylic Communications
PHILIP STANTON
Washington Forest Products
JAMES A. THOMPSON
ALUMA
JOHN THOMPSON
Gibson Pallet
LEROY ADRIE
Washington State Association of Building Workers - IBEW, AFL-CIO
FRED WYATT
Coffey, Barker & Company
PAUL W. WOODRUFF
Eliase-Gardner Corporation

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.

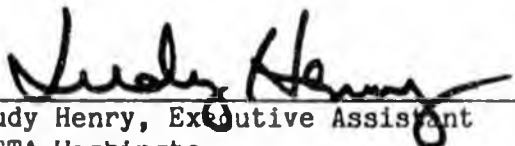
Mr. Keenan - Communications Chairman - present proposals for "Think West" conference, "Great Western Debate", and other similar events.

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
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(509) 924-2600, or 624-1158

Mr. Roger Blades
(President, WETA-Idaho)
Operating Engineers
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Boise, Idaho 83702
(208) 336-4120

Mr. Jim Bolin
Assistant Business Manager
Washington, Northern Idaho District
Council of Laborers, AFL-CIO
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Mr. James Cook
Executive Vice President
California Business Properties
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Mr. Joe Crosswhite
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Mr. Elmer Curry
(Vice President, WETA-Washington)
International Representative
Laborers' International of
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Seattle, Washington 98101
(206) 623-6507

Mr. Robert Dilger
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Mr. Lynn Engdahl
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Portland, Oregon 97201
(503) 221-0357

Mr. Bob Fleming
(President, OMAR)
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KYAK and KGOT
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Anchorage, Alaska 99507
(907) 278-9615

Mr. Bob Getts
Shell Oil Company
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Mr. Charles W. Mason
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The Honorable Joe Orsini
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Juneau, Alaska 99811
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Mr. Richard Pittenger
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Mr. J. A. Stransky
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Mr. John Thompson
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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 reseedling 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 Meeds, 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

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Western States Resource Congress

"Think West" Conference Proposal

DATE & TIME	PERSON OR EVENT	PERSON ASSIGNED TO BE RESPONSIBLE FOR CONTACTING OR ARRANGING FOR THAT EVENT OR PERSONS IN THE "THINK WEST" CONFERENCE
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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

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April 1, 1978

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JOHN THOMPSON
Sage Heat Treat
BERRY WATTS
Washington State Association of
Professional Engineers - IEEE, ASPE, IASPE
PHILIP WATTS
Central Bank & Company
JIM WILSON
Business Development Corporation

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

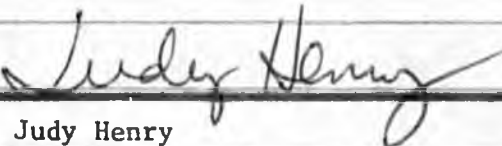
message

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
Executive Assistant

reply

Signed

Date

RECIPIENT RETURN PINK COPY



**WESTERN
ENVIRONMENTAL
TRADE
ASSOCIATION**

OF WASHINGTON

314 Park Place Bldg. 1200 Sixth Avenue - Seattle, Washington 98101 - (206) 623-5235

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- LUCIA WILKOFF**
Banco Foodservice 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.
	<i>Leave 7:15</i>
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

Don - Utter

2 others

Other

Chuck Keenan
→ sorry
Wen Trol
206-623-5235

Conf. begins Mon 12th

9 AM

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Guy St. John

STATE OF ALASKA
Inter-Department Route Slip

TO:

MAIL STATION NUMBER

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DEPARTMENT

State Legislature

ATTENTION

Senator Orin

- | | |
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| <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*

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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, 99510.

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