Let me say once again that it is an honor for me to meet with you and to share with you my thoughts about what I feel to be one of the most important issues and responsibilities facing fish and wildlife organizations today. Your hospitality has been exceptional, your reception has been warm and assuring, the evidence of your commitment and professional competence is overwhelming — I am delighted to be among you and to participate in your conference. Thank you all, very much.

AMERICA'S NEW CHALLENGE*

by

Jim Guy Tucker, Attorney General
State of Arkansas

Since 1776, the Spirit of America has been characterized by innovative progress. We are a nation with a tenacious adherence to purpose. We are a nation with an insatiable quest for excellence. Reward for these attributes has been our dominant position of power among the nations and our unsurpassed standard of living. However, the efforts expended in these accomplishments have borne heavily on our national resources. History tells us that our affluence — our sense of superiority, fostered an attitude of wastefulness which today presents America its greatest challenge. It is a challenge of a different nature from those of the past. We are now challenged not to expend and consume but to conserve and restrain. Our crisis of energy, a direct result of natural resource depletion, is a reality.

Our attitudes must be shaped to the preservation of these resources which allowed greatness in the past. Our will must be tempered to insure the perpetuation of our greatness for other generations.

You and your organizations have been the store keepers of one great aspect of our nation's wealth. The success with which you have acted in this role is measured by the continued existence of our wild life and woodlands. Your efforts to preserve our natural habitats insure continuing replenishment by allowing this resource to reproduce itself. Your record of achievement stands as an example to be emulated in our new efforts to preserve those resources which are by nature's device exhaustible and cannot reproduce themselves.

A review of the nation's energy and environment today tells us that we operate in a frame work of ideas, of beliefs, of regulations and of laws, developed yesterday. Our attitude towards those laws, indeed the laws themselves, are inadequate today and will be dangerous tomorrow.

Our national attitude towards energy was formed yesterday when we had unlimited quantities of low cost land, natural gas, oil, coal, cooling water and clean air. We sought growth and population, in industry and energy consumption, on the premise that growth was good. Today we face natural gas shortages, rationing, disastrous air pollution, destruction of land resources by strip mining for coal, serious questions concerning the safety and desirability of nuclear power plants, rapidly rising prices for fossil fuels, and urgent problems in locating sites for power plants, oil refineries and transmission lines.[1]

All of these factors, hopefully, will bring us to a serious re-evaluation of the growth ethic.

How much energy should we use? What is the role of the State? In fact, what is your role?

*Given at the 27th Annual Conference of the Southeastern Association of Game and Fish Commissioners, Arlington Hotel Hot Springs, Arkansas, October 15, 1973.

[1]"Energy and the Environment: Yesterday, Today and Tomorrow", speech presented by Jerome Kohl, Nuclear Engineering Extension Specialist, at the 26th Annual Southern Regional Conference of Attorneys General, Wilmington, North Carolina, April 17, 1973.

As a nation, as states, and as individuals, we seem to have visualized no limits to our resources. We have a utility rate structure with a declining unit cost to provide for more, rather than less, use; promotional activities stimulate all electric homes, air conditioning, appliances and gas ornamental lights. Construction of all glass encased buildings with no natural shading or ventilation; the building of larger horse power, heavier, less efficient cars; the preservation of a subsidized system of freeways which encourages use of private cars and trucks and discourages more energy efficient railways and mass transit; the wide use of aluminum, steel and glass throw-away containers; yesterday, all of this seemed to make sense. Today it is folly. Our nation has totally failed to develop any type of energy policy.

If our wives, driving us to work in the morning, ran out of gasoline in the family car, we would be incensed. To consider the fact that our nation, with its hundreds of planning agencies, the Congress, the Pentagon, and all of its reputed wisdom and power, has run out of gas, seems simply incredible. It is, nonetheless, a fact. The question now before us is how will we respond. The crisis invokes again the call of President Kennedy when he said: "The untapped energies of the American people which are more powerful than the atom itself, must once again be dedicated to great national objectives."

Our objective today is to plot a course through the next decade of our energy shortage. It is my belief that the states will play a decisive and complex role in this area.

Most states have already begun efforts to respond promptly and positively. More than forty states[2] have already created some kind of council or commission specifically to deal with the energy crisis. Most have not been in existence long enough to have clearly defined programs or a record of accomplishment. However, the action of the states already reflects a committment to meet the challenge of this crisis.

Legislation has been introduced in Alabama, Minnesota, Massachusetts and Rhode Island to deal with the shortage of petroleum products, to regulate supplies, sales, purchases, and storage capacity. Three Attorneys General and the Federal Trade Commission have filed antitrust actions challenging the legality of the structure of the petroleum industry. But this is just a beginning.

Before we can decide how to use what we have — we have to know what we have. An obvious and essential initial step for any state is to inventory its resources and its needs. Governor Bumpers has already begun such a process. We in Arkansas really do not know the true dimensions of the energy shortage. In my judgment, one of the most important things needed is some very hard, firm information on exactly how much gasoline is available now, how much fuel oil will be available this winter, how will it be distributed — will all areas of the nation be treated equally — will all areas of a given state be treated the same?

Colorado has initiated an inventory program which listed three data bases as essential for an inventory and evaluation of fuel availability. These are:

1. Current stock piling of fuel;
2. Current status of alternative energy resources;
3. The degree to which environmental considerations have effected and must affect fuel supplies.

Several major areas of action should be considered for all states in our region immediately:[3]

1. Truth in Energy Labeling should be required on all energy consuming products. The EPA, for example, has suggested that automobile gasoline use

[2]*Draft Report: The Energy Crisis*, National Association of Attorneys General, Committee on the Office of Attorney General, September, 1973, pp. 32-37.

[3]See *Draft Report: The Energy Crisis*, National Association of Attorneys General, Committee on the Office of Attorney General, September, 1973, Chapter 6, pp. 44-50, for more detailed discussion of some of these suggestions.

ratings be posted on all new cars. A Phase IV gasoline regulation requires posting octane ratings on pumps.

Electrical appliances could be made subject to Truth in Labeling. Such legislation would require that all appliances reflect its operating cost and the work it can perform. Thus, an air conditioner which is expensive to purchase might operate at a cheap enough cost to make it more economical to a consumer than an energy-inefficient, lower costing air conditioner.

2. Building Standards. Increased insulation might mean a savings of ten to twenty percent or more in heating fuels. The Michigan Consolidated Gas Company has stated its willingness to loan their customers eighty percent of the cost of installing six inches of insulation in the attics of their homes. There would be no interest on the money loaned if it were repaid within three months. That plan is indicative of a growing awareness of the importance of insulation as a high priority in building construction.

3. Utility Rate Structures. Utility rate structure regulations have encouraged energy use. No thoughts were given to potential shortages when they were drafted. There are presently volume discounts for energy use. Thus the largest consumers of energy pay the least per unit cost. Furthermore, many utility companies presently deduct advertising as a legitimate operating expense even when it serves the purpose of increasing energy use in an uneconomical manner. It may be wise for rate structures to be such that additional units of energy used in excess of present needs would have a higher proportional cost. Perhaps energy rates should be made to reflect environmental damages. Rates might differ among classifications of users to encourage each user to use that form of energy most advantageous to the entire community. Surcharges might be placed on use during peak demand hours of the day and of the year.

These alternatives may or may not prove advantageous over present policy. They are reflective, however, of options which must be considered.

In short, states must examine immediately all of their present laws, regulations, tax structures, customs, and codes to determine whether they encourage consumption or waste of energy, and if so, how they can be changed to encourage conservation.

Utility rate structures, motor vehicle registration fees, use of gasoline taxes, subsidies to airlines, building codes, depletion allowances, sewer fees for dumping organic materials and solid wastes, freight rates for scrap versus raw ores — the states have a crucial role in all of these areas.

But perhaps the most immediate impact which your profession can have in our states is in the area of land use management. As I said earlier, your profession has been the store keeper of this valuable resource for our nation. Your involvement in land use management today is more essential than ever. The ways we use our land vitally affects the way we use our energy.

As Mr. Greenwault, Director of the United States Fish and Wildlife Service, noted, the Alaskan Pipeline, off shore drilling, drilling in our lakes, strip mining and massive water use for power generation are having enormous impact on our wildlife and the woodlands. Another example, one of the immediate results of the energy crisis, has been a determined drive by power companies to construct additional power plants. This in turn has involved complex problems of siting and environmental protection.

Power plant siting is effected by both federal and state law and considerable amounts of time may be required to obtain permits. Siting is necessarily complex and time consuming with a multitude of environment issues involved. At least nine Attorneys General are parties to pending or recently completed cases involving power plants.

At the current time, two new coal burning electrical power generating plants are proposed for construction in Arkansas. The locations of the proposed plants

are in good agricultural land, land that is flat with the sky above it clear and the air clean. The water nearby supports fish and wildlife.

Are these locations areas in which we want a power plant? One application for such a plant which has been submitted in Arkansas today says little or nothing about the impact that the plant will have on the wildlife and foliage in the area. Questions that you must ask in your state when power plant siting is considered are: where are the stack gasses with their high sulfur dioxide content going? What will the plume pattern be? Where will prevailing winds carry the acid that eats foliage and can drive away wildlife? Obviously, the power plants are needed. But we need to build power plants in an atmosphere not just of conservation of energy resources but conservation of all of our natural and human resources.

You are land use managers. I urge your involvement and serious consideration of the problems of powerplant siting; of transportation; of the location of new towns; of the creation of retirement communities in undeveloped areas of the State; of the regional distribution of electrical power; of the use of water for irrigation.

In short, your expertise as a conservator of our wildlife is needed now more than ever, as we attempt to conserve and coordinate our energies and our environment.

William D. Ruckelhaus stated: "The idea that unlimited, uncontrolled growth is good is no longer an unquestioned dogma. Indeed, quite the contrary, communities across the land are alarmed by pollution, congestion, ugliness, sprawl, decaying neighborhoods, poor schools, rampant crime. Some are resisting. Vermont now strictly regulates development of her mountainsides. Delaware has outlawed heavy industry along her coasts. Florida has adopted a tough land-use bill. Oregon, Pennsylvania, Michigan, Colorado and a dozen other states are considering moves which a few years ago would have been denounced as un-American."

World War I and World War II challenged the ability of our nation to produce and survive. Vietnam challenged us to limit our might in a fragile world. The energy crisis is part of a new national challenge to limit our appetite. A challenge to conserve on a state, regional and national basis.

As an attorney, and one who loves our wild lands, I want to express my appreciation to you for your efforts and ask each of you to renew your efforts in your home state to conserve our land, our energy, our health and indeed our nation.

Thomas Wolfe said in his novel *You Can't Go Home Again* when speaking of the impact on America of the stock market collapse: "America had come to the end of something, and the beginning of something else, but no one knew what that something else would be. Through it all there was one certainty, though no one saw it yet. America was still America, and whatever new thing came of it would be American."

Whatever new thing comes of our current energy and environment crisis will be American. Your role is a fateful one in deciding what new thing America will be.

Thank you very much.