William Lockhart and Terri Martin

Salt Lake City, Utah

An Interview by

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DE: This is Danielle Endres and I'm doing an oral history interview with William Lockhart. It's May 22nd, 2009 at about 3:00 [PM] and we're at the University of Utah law school. So I'd like to start with your current full name with the spelling.

WL: I see, okay…my full name? [laugh]

DE: Yes.

WL: William Joshua Lockhart. And probably the only things needed are the Joshua…which, again, shouldn't be difficult...

DE: No.

WL: …so we won't spell that. Lockhart is L-O-C-K-H-A-R-T but please call me Bill.

DE: Great. And your current residence and how long you've lived here.

WL: Well I've lived in Utah since 1964 and in my present location, which is up in Emigration Canyon, since 1996.

DE: All right, and your occupation.

WL: I'm a law professor.

DE: Great. All right and then you said you had something you wanted to kind of open with?

WL: Yeah… let's see…just by way of background. Much of what I have to say is legally oriented, and may or may not the kind of thing oral histories are mainly concerned with. The nitty-gritty of the local conflicts and battles I had a fair role in, but mainly as a lawyer in dealing

with the issues that I anticipated as legal problems that ultimately came to bear in litigation. So the kinds…there are side stories and I know some of them. Terri would know a great many more and have, in some ways, a broader perspective on that whole problem. So, that's all.

DE: Thanks. I'll ask a little bit of background information…so your birth place and birthday?

WL: [laughs] My birthplace is largely irrelevant except as the possible starting point for a password or something [laughs]. I was born in Louisville, Kentucky…

DE: Okay.

WL: …in 1933.

DE: All right.

WL: …and lived there all of about a year and may have spent another two or three hours there sometime in my past… [laughs] that's about it. I grew up in…first of all in Los Altos, California, which happens to be where Terri hails from as well, although we didn't cross paths there then. So I was there until seventh grade and then moved to Minneapolis and I grew up in Minneapolis, went to high school in Minneapolis and to the University of Minnesota.

DE: Great. I'm from San Francisco, actually…

WL: Okay.

DE: …so I know Los Altos very well.

WL: Of course.

DE: So are there any major ethical influences or role models that you've had that have kind of led you to where you feel you are now?

WL: Yeah. My dad was also a law professor and dean at the Minnesota law school actually for some time. And he was very active in *some* local legal political action. He was mainly more of a scholar than I am and less an activist as I am. So it wasn't exactly that our commitments were identical. But the ethical sources are similar and he had a very strong commitment to constitutional protections and to underlying principled values of that kind which must have rubbed off in some fashion. So that's probably the central familial source except that [my] family spent a great amount of time in northern Minnesota in the semi-wilds of the canoe country up there and so I developed a strong connection and instincts for preservation of natural areas. So that's some background as well.

DE: Great. And then anything that you would like to share that you think is relevant to how you got involved in the nuclear waste siting issue?

WL: Um, well prior to those issues becoming hot [laughs], I was involved in a certain amount of work on environmental problems more generally. So that involved a few cases. There was a plan for coal mining just down off of some of the main viewpoints of Bryce Canyon and I took on the district court final stages of that litigation. My arguments challenged, actually resisted a challenge, to protection of areas near Bryce Canyon National Park that had been imposed by the Secretary of the Interior. The case had been filed by coal companies which wanted to strip mine those areas for coal basically. And there was a determination by the Secretary of the Interior that said that this is not suitable for surface coal mining operations. They challenged it and I jumped

in as counsel with some others who had previously fought the case representing the environmental groups who had initially sought the secretary's determination. So I ended up arguing that case in its final stages to district judge Winder – who just died the day before yesterday…or was it yesterday?

DE: Oh, I think I saw it in the news…

WL: Yeah. He was a very good guy. I had known him at an earlier stage [brief interruption, sound of door closing] just as a social friend but then he was appointed to the bench. We didn't have much contact for a while until that case. I was just talking about this Alton coal case as sort of background for how I got into some of this litigation. Terri actually had a much deeper involvement there too than I did. But mine was focused on the legal side.

DE: Great. And I think I'll take this opportunity to ask you,Terri, a few background questions.

TM: I have to say…interrupt and say…we just found out that Salazar, you know, the new interior secretary, just…you know how Bennett has been holding up this guy's appointment and the under secretary just basically approved his republican credentials so that he can make it through the convention. Well, Salazar not only agreed, reasonably, to review the suspension of the seventy-seven leases but he just agreed to uphold the no-more-wilderness policy that Leavitt gave away under the Bush administration.

WL: What?

TM: So he basically said to Bennett "I will stick with the Bush policy of designating no additional wilderness study areas" on a footnote, which the BLM is allowed to do and should be

doing through their resource management planning process "and I will also agree…" he gave away the two big things that conservation thought they were going to get in the settlement on the Resource Management Plan litigation. And the other one is this "I will give no additional protection to those…the areas that are proposed for wilderness, the wilderness character areas." But why? Because Bennett's been a jerk. Because Bennett's like hammering on Salazar, and like so you're rewarding this sort of unreasonably rude and obnoxious political behavior with giveaway of the two fundamental things that conservationists needed in order to return the balance to some kind of reasonable approach to planning these lands without a heavy political bias.

WL: He didn't have any qualifications to these conclusions?

TM: That's as much as I know, but I don't think so. And it's not only a battle again but now it makes you think 'okay, is your only choice to play hardball and to be a jerk like that?' I'm so tired of that message; I'm so tired of it.

WL: Yeah, right.

TM: You know, that's what…that's what… that's how we're supposed to play the game? Okay, so you want us to be a jerk like that?

WL: We know how.

TM: I don't. I mean…

DE: We just don't want to.

[laughter]

TM: Yeah, yeah, I mean I can't do it, but uh, there are plenty of people who can and I mean all SUWA [Southern Utah Wilderness Alliance] is going 'you mean you want us to burn our bridges with you by calling you a jerk because you just screwed us royally, for what?" To give Bennett…so Bennett can win the convention? I mean, I'm for Bennett winning the convention…you don't have to do this, you don't have to give away that much.

DE: Yeah.

TM: It's really a blow.

WL: That's outrageous.

DE: Yeah.

TM: Yeah, those are unreasonable positions, particularly the first, the no-more-wilderness policy, that's like, that's actually a violation of what's intended. They're supposed to continually go through the planning process and evaluate plans. And because we all know the first inventory was heavily biased…and that it needs to continue happening.

WL: That's really bad.

TM: We know…so…[laughs] if I wasn't already having a good day, we just opened the wilderness quilt at the Salt Lake City [Utah] hall…Becker said the right things and you know all these women were there saying 'we need you we love you,' you know, 'let's walk in beauty together' and you know Salazar did something so unnecessary [angry growl].

WL: He doesn't really get much out of it.

TM: Yeah, what does he get except the message to everyone that he's…you can beat up on him and he'll give you something?

WL: Yeah, I think Obama is running scared right now because he's getting beat up in places where he ought to be just hitting back hard and he's not doing it.

TM: So it's a conundrum, how do you respond to that?

WL: Jesus Christ.

DE: Yeah.

TM: If he wants to get back to, you know, conservationists declaring war on the administration.

DE: I thought we didn't have to do that [laugh].

TM: You know…

WL: Well, we knew we were going to have to do some, but…

TM: …I mean I knew they weren't going to deliver everything good, perfect, but you'd hope for putting the scales back in balance so we can have some reasonable assessment.

WL: It's like he doesn't have an understanding…or somebody didn't have an understanding of the solicitor's side of it.

TM: It might, it might even, you know, I mean it might be that it was partly the view of the [Interior Department's] Solicitor's office, Salazar didn't really understand it but he's a Coloradoan; he should know what this means.

WL: Well that's not what you came for.

DE: Right. [laugh]

TM: Right, but I couldn't talk…I mean otherwise you'd be like angry to… anyway.

WL: That's bad news.

DE: Yeah, that is bad news.

TM: Yeah.

DE: Alright Terri, so I'm going to get a little background [laughs] information.

WL: [laughs] What more do you need?

DE: Like name…

TM: Nice to see you anyway.

DE: …good to see you too. Name and residence and a little bit about some of your background and life experiences and then we'll get into the nuclear stuff. So, can you give me your full name with spelling?

TM: Terri…well, my real name is Teresa but I go by Terri T-E-R-R-I, Martin M-A-R-T-I-N. You want an address?

DE: I don't need an address but a residence.

TM: Residence, here in Salt Lake City [Utah]…Salt Lake County actually I guess we live in.

DE: Great.

TM: And, some background?

DE: Sure, first your occupation and then some background on ethical influences or personal influences that got you to where you are today.

TM: Oh brother…okay I'll try and be succinct. Okay, let's see, currently I'm doing some part-time contract work with Southern Utah Wilderness Alliance on two projects. One which is to work on a campaign called Women Protecting Wilderness, the main part of which has been a creation of the wilderness quilt that is a collection of testimonies from people from all walks of life about why wilderness is important in an effort to use…to make those voices physical because there seems to be an impression that only extremists and outsiders [laugh] care about wilderness in this state and it's not true. It's our grandmothers and our neighbors, and people we go to church with… so trying to change the political…the discourse a bit there. Believing that if you change the discourse you change the world, right? That's what a master's [degree] in communication tries to convince you anyway [laughs]. And so let's see…the other project I'm working on is a project called Faith in the Land and that was an effort to bring, well, an effort to create an inter-faith statement about the spiritual importance of wilderness. We've done that and we're now looking for our next step. We did that through holding dialogues…this also comes out of communication…dialogues within the different faith communities where instead of talking at people we invite people to speak with each other about why Utah's wild places are important to them…spiritually, with very personal points of view, and then also to share how they feel their faith tradition holds them as a caretaker of the natural world. And we harvested highlights of

their conversation and then distilled out of those highlights, themes that cut across dialogues, ten different faith communities, LDS to Islamic, Quaker to Catholic, Jewish to Christian…a really interesting spread and over two hundred and thirty people participated. And so on…about a month ago they stood on the plaza at the federal building and announced…representatives from all these ten faith groups announced that, in a group statement… and are seeking to meet with our delegation to talk to them about why Utah's wild lands are spiritual, a sort of moral imperative we have to protect them.

Those are fun projects and they reflect actually my effort to bring to conservation work a different approach that's not so based on divisiveness, fear…fear out of what we're going to lose, which often leads to polarization and a sense of divisiveness and then I think just triggering resistance, triggering resistance from both sides. Just saying, 'what if we focus on what's important to us, what we share in common in terms of some values?' And then start the conversation from that place. Because we're always going to…we can work out disputes around issues like wilderness acreage, and wilderness boundaries if we share a common grounding that it's an important of our heritage. So it's an effort to make a different approach—which sometimes feels futile [laughs]. Not really, standing in it by itself it's fantastic but the world of power politics is…you know marches on. One hopes we'll make a dent but we'll see.

So, in some ways those projects speak to my sort of ethical grounding I think, which is very personal and emotional-based rather than rational. Because growing up in the San Francisco bay area as a kid in a subdivision that was devouring some really incredibly rich and beautiful landscapes which were at that point—we were surrounded by apricot orchards there—and as a kid we watched…and we loved those orchards they were where we…they were our refuge from

all the traumas and dramas in my family life. And we watched them get cut down and more houses were built. And as a really young kid and we're talking, you know, elementary school, I thought this was wrong. I didn't think these places should be destroyed. I…it makes me cry. They were an emotional refuge as they are today for me [sigh]. So, I remember even pulling up stakes, which as a young Catholic girl I knew was wrong, [and] throwing them over the fence into the high school knowing I shouldn't do it but thinking…they're somebody's, but, there's some greater good here in the sense of…that nature shouldn't just all disappear into sort of tame subdivisions. So, I think it's for me also always I've been sort of driven by just that…a passion for places I love and a sense that's in some ways very anthropomorphic, how important they are to *me*, but I think there's a deeper piece of that which is feeling the interconnectedness of my well-being with the well-being of this greater whole that is nature. And feeling like I need to have my…know my place in the scheme of things, have a certain humility in terms of assumptions about how it can be used and that wild places…the balance of wild places and places that are touched by man…the wild places sort of keep us humble in terms of reminding us what we don't know and also who we are in this, in the mystery of life and the largeness of life.

So, my work in Utah is really driven by falling in love with the place in 1973 when I came to work as a lifeguard at Lake Powell for the Park Service and felt like I was coming home. And then I watched the Navajo Generating Station be constructed and watched that whole basin be filled with industrial air pollution to the point that what had been two-hundred fifty mile vistas dropped to ten mile vistas at times. And this is the wrong…this is…this is all mixed up [laughs]. So, I was working seasonally for the park service and the BLM and realized I was never going to quite make it as a government bureaucrat and by the gift of some generosity of some people who

knew me and loved Utah, I started working for the National Parks and Conservation Association in 1983, and was their first field representative, or actually I was one of two first field representatives so I was free to really carve out my own program and said 'I'm putting the office in Moab [Utah],' because I'm focusing on this big threat, the high-level nuclear waste dump that was proposed actually at two potentially different proposed sites next to Canyonlands National Park. Both Lavender and Davis Canyons were listed as sites. And for the next two years I worked, oh I don't know, seven months out of the year and focused primarily, not solely, but substantially on that fight. And it was quite an amazing time because at that time the Department of…there was a very good reason to believe that the Department of Energy was looking at Utah as its most serious site because politically it was the easiest place to put it. Utah hadn't really said much…They had used Utah for nuclear bomb testing. It was a state of people who were fairly compliant with those kinds of edicts from above. And Republicans who were with the nuclear program and industrial program and from the DOE's [Department of Energy] point of view it was the middle of nowhere. So, the saving grace was Canyonlands National Park which allowed us to not only work locally in the state, but also more importantly nationally. And there…I burst…there were days I burst into tears in my little Moab [Utah] apartment at the insanity of placing a huge industrial waste facility on the literal doorstep of one of the most pristine, wild, isolated national parks in the United States. You know, the insanity of it. And I would take reporters down to the lip of the Canyonlands basin, which is kind of like going to the edge of the Grand Canyon, they were looking at this huge basin of carved out canyons which…the center of which is the Green…the confluence of the Green and the Colorado river[s] and I would point to the site which was identifiable by these two formations called the six-

shooter peaks. And every single reporter I took there would say 'but that's in the park isn't it?' Because that's… you can see that place as a rim-to-rim park but the park is shaped like an hourglass leaving out these two big gaps on either side. And those were politically draw boundaries ecologically, but topographically the park should be rim-to-rim. And that said it all. That was where DOE was proposing to put it. Anyway, that's an introduction.

DE: So, you've kind of described what brought you to being involved in the high-level nuclear waste issue. What about you Bill? What got you involved originally?

WL: Well I don't think I can say it in as much detail but I was already really in love with that whole region and I knew from description how devastating *any* of that kind of development would be down there. So that really just was an imperative that couldn't be ignored in my view, so that and then running into Terri is… [laughs]

TM: 'There's this lawyer in Salt Lake City [Utah]' they said [laughs]. 'He might be able to help you…'

WL: And I just felt that it, it demanded both passion and legal expertise to deal with it because there's a very complex regulatory framework that plays a big role. So I chose to start getting involved and I assume we're probably going to get into that. But that's basically how it happened. I had already been involved in some other environmental work. Before that I had done a lot of liberal litigation [laughs] in ACLU [American Civil Liberties Union] cases and worked with Rocky [Anderson] in his other life [laugh] and in some other civil liberties cases. But I just started shifting gears toward environmental litigation because there seemed like there were such

huge threats to values that I cherished basically and which I felt would define us as a people in ways that cut either one way or the other and I think I didn't like the way that it was tending.

DE: So earlier you said that you considered yourself an activist and also a lawyer. What would you consider as your main kind of role in this nuclear waste Davis County project?

WL: Both.

DE: Okay.

WL: Very much both. I did…in terms of time allocation [laugh] if you look at it on a time sheet it would be more legal I guess. Although those things mix so much…

TM: It was activist litigation.

WL: Huh?

TM: It was activist litigation.

WL: Yeah, right, right. Activist litigation always demands both involvement in the organization of the politics that is either to define how the litigation comes to happen or what's to be done about the politics when they fail. So yeah, an example would be…one of the big issues or legal tools with which to fight had to do with the dangers of the transmission of radio nuclides in the ground water to the Colorado River and that issue needed exploration. The designation of the site had virtually ignored that problem. So I did a bunch of the kind of homework that I hope I've sometimes taught my students to do, which had nothing to do with the law really [laugh], but to pull together a group of groundwater experts to talk up…and chemistry experts. We conducted

what amounted to a symposium seminar on the transmittal of radio nuclides in ground water, what the groundwater flows would be, what the pressures would be…

TM: Hydrostatic pressure.

WL: …how they would…huh?

TM: Hydrostatic pressure.

WL: Yeah.

TM: That's what I remember.

WL: [laugh] and how…well…but it isn't just pressure it's also the way in which the radio nuclides combine with chemicals in the soil basically so that they become…they can be transmitted in the water systems.

TM: So the site was only thirteen miles from the Colorado River. And the Department of Energy's claim…the sites…the Department of Energy's claim was that the underlying formation was a salt dome and stable. Yet if you look at the formations in Canyonlands National Park the geologists explain a lot of them as the collapse of salt formations underneath the surface of what's called the grabens. These areas are big fault blocks, chunck! [exclamation], these long vertical canyons that are caused by underground collapse of salt blocks. So… it's convenient to think of the salt as stable but there's also…there's also evidence to believe it wasn't. And then there's always which way the ground water is moving…

WL: Where would it flow? How fast would it flow? How readily would it absorb radio nuclides for transmittal? All those kinds of issues were virtually ignored by the Nuclear Regulatory

Commission. I guess it was…was it still the AEC [Atomic Energy Commission] then, I can't remember…

TM: No, it was the Department of Energy really.

WL: …yeah, that's right, the work was…it would be the NRC [Nuclear Regulatory Commission] that would pass judgment but it was the Department of Energy that was commissioning and doing the studies. And those studies largely failed…I mean they acknowledged ground water but they didn't give any time of day to its analysis. So, that kind of thing…we did a fair amount of both jointly and separately to some extent…

TM: You also filed a challenge to the nuclear waste regulations…

WL: Oh yeah, she's got some of that material and I was going to talk about that but yeah a lot of the effort was involved in just framing the basis for litigation; and the DOE knew it was coming. But there were a lot of other issues: recreational issues, the aesthetic issues, things that were largely dismissed. And a major feature of the whole legal framework that demanded attention, and which I thought was extremely vulnerable, was the way in which they chose to conduct their environmental reviews basically. And what that involved was essentially…how would you say it? Anyway, not giving the time of day to the kinds of consequences that are important in a local region and can in some fashion be generalized and then swept away by broad conclusions.

So, that doesn't make any sense to you until I tell you the exact context. The context is that the process for licensing a nuclear plant, that is the one that generates the energy with the fuel that we're now trying to dispose of the waste from – that process of licensing the plant has several stages, or it did at that time…still does. And they had to deal with the same problem

every time they would choose a plant site or an area to be developed as a plant site. They would have to confront the National Environmental Policy Act and the requirements for environmental review of the consequences. But there are so many…innumerable, really, kinds of impacts that are sometimes repetitive. There are always going to be transportation burdens no matter where they put the stuff. There are always going to be risks of its release by mistake, and those risks are always going to require analysis. But what they did was essentially take all the elements of environmental consequence and line them up against some of the other risk elements and then allocate numerical values to each kind of impact. And with respect to the environmental consequences of locating any particular plant, or any particular operation, they ended up attributing a goose egg valuation to the environmental consequences of those individual licensing choices. And what that meant was that places like Canyonlands with the huge destruction that would be involved in either railroad systems bringing the waste into the site…and it's a huge volume of waste, it would be a constant flow of waste. Or carving [a] major highway down because there's no highway access, they would have to create a whole new access…

TM: You're talking about a train…

WL: Well, they were talking about a highway too. There was a major highway planned for…

TM: Yeah yeah, highway and train…

WL: Yeah, right, and those kinds of consequences were essentially written off by that licensing process. So they're not completely written off theoretically because you can bring them up with regard to a particular plant to the extent that you could show it was uncharacteristic of the generalization, but that's a highly bureaucratic game and it didn't…it clearly just didn't provide

opportunity for those real consequences to be weighed in the judgment in choosing the places in which this development could take place. So that was a major background concern that also told us that all of those impacts…if we could generate a showing that they were disproportionate to the assumption of zero consequence, would give us a basis for litigation. And to the extent that those could be driven home politically it might persuade [the] DOE [Department of Energy] to not face the consequences and go somewhere else [laugh]. So a lot of effort was involved in just depicting, laying out the consequences in different ways. And early…Terri can talk more about this than I can, but early on in this process the governor's office was useless. They wouldn't take a position, they wouldn't…

TM: It was Bangerter, Norm Bangerter.

WL: It was initially Bangerter but then it was also [Scott M.] Matheson. He didn't, he didn't jump in…

TM: Before Bangerter it was Matheson?

WL: No, after Bangerter, no, no, the other way around, I'm sorry. It was Matheson first.

TM: Yeah, he did jump into it. But…

WL: He wouldn't jump into it until about the last nine months or a year maybe. He would take…he [would] take a sort of muted approach. His office set up a nuclear waste unit, I don't remember what they called it now, with a director and a sub-director…

TM: Was that our friend, what's her name? That was under Bangerter wasn't it?

WL: No.

TM: What was her name?

WL: It was initially under Matheson for quite a while as that office actually it operated. And their job was to do, in sort of a formalistic bureaucratic way, what we were trying to do in a more substantive way. And they wouldn't do it very well. And they would…they tried to keep their distance from advocacy. Their idea was that they would be objective state experts on the topic. And as objective state experts they presented…they would have more credibility. Well, it didn't really look like that. A good part of the time they were sort of hobnobbing with the DOE [Department of Energy] people in one way or another. They would go to these conferences. I went to a couple of them, and the state people were spending a lot of time sort of spinning their wheels with the DOE bureaucrats, but it didn't seem to be *doing* much and you couldn't get a sense of progress toward any real protection.

TM: They never did, they never did take a strong position did they?

WL: No, in the end Matheson did but *way* down the line. And mostly after Bangerter was elected and Matheson finally…there was a hearing held, what was that?

TM: That was a hearing we spoke at. That hearing was about selling state lands, national parks.

WL: I know but, no, no, there was another…yeah, you're right, the one where he came most dramatically forward…

TM: Yeah, it was on that issue.

WL: …but there was another instance and I'm trying to think of where it was, where he…

TM: I think you're right, that he began…

WL: Yeah…he became…

TM: …but Bangerter was governor because I remember we collected this huge petition drive and we had some substantial number of signatures, like three-thousand or something. And we did a press conference and delivered them to him. And I'm not sure if it…he he, I'm not sure if…how much impact it had but it was a good effect [laughs]. You know, I mean it sort of dramatized that they weren't doing much. And there's such an interesting parallel between both in Moab [Utah] and in the state then and now sort of after the fight. Because in 1983 when I first started working on it, there was a fellow in Moab named Gordon…What's his name? What's his last name? He worked with Friends of the Earth, Anderson. And Gordon was organizing a conference there in Moab. He was in the Summer, organizing this conference for August and he was bringing in some big hitters from the California Energy Commission, which had taken good positions on nuclear waste, and David Brower and Stu Udall…and trying to bring attention to the issue. And the conference was picketed by a small, relatively small number of individuals, ten to fifteen people with signs reading things like 'plant your future at Gibson Dome' which was the salt dome formation and 'shoot the no-nuke pukes' [laughs]. And it was really interesting being picketed by these pro-nuclear dump folks…this was Moab coming out of [the] uranium industry period where the miners made a lot of good money before they all died off of cancer.

WL: It was a very split community on this at that time…

TM: Yeah, well, yeah, this issue…

WL: It wouldn't be today…

TM: Moab…yeah that's what I'm trying to say…

WL: Oh.

TM: …Moab was not with us. There was…it was split. And at the state level, the state was kind of twiddling its thumbs and then ten years later Moab fights and defeats, I mean on its own, the inner-city structure, a toxic waste dump proposed in Cisco which is just north thirty miles. And they were absolutely adamant they didn't want this, this toxic dump. And then you have both [Michael O.] Leavitt and [Jon M.] Huntsman's leadership saying, they don't want nuclear waste surface storage, you know, west of Salt Lake City [Utah]. So it was a really different era. It was like in between being nuked by bomb testing and 'we don't want it at all.' And I think…

WL: Well, two of the most prominent county commissioners played a big role in that politics too.

TM: In Grand County?

WL: Cal Black was the…was constantly putting pressure…

TM: That's right, San Juan County commissioner.

WL: Yeah.

TM: He was one of the most influential bizarrely rural political guys in the state gave a lot of money in campaign contributions, had made his millions off uranium mining and he's famous for, I love this, saying that when he heard the phrase 'black is beautiful' he thought they were referring to asphalt [laughs]. And he…you know, you drive…in those days maybe all the roads look like this now, but you drive down these two-lane highways and you hit the San Juan County

line and somewhere there would be this, you know, three four-lane fresh blacktop…he was famous for getting road projects in his county.

WL: And then he loved to throw it in your face by wearing a bolo tie…

TM: uranium ore…

WL: …with a piece of uranium ore right here.

TM: I debated him so many times on TV and radio shows. He had a personal airplane and he would fly around the state…

WL: There are a lot of good history tapes you could probably get from the TV.

TM: Yeah, yeah, he would fly around the state in his airplane and I would inevitably show these pictures of the beauty of the site right, trying to invoke that to build protection. So he once took these photos from his airplane, you know, leaning…flying it one hand leaning out I presume with the other…

WL: Those pictures were so…[laugh]

TM: …these pictures of Kennecott, you know. And his point was that people in Salt Lake [City, Utah] aren't offended by the sight of Kennecott which sort of made me start being offended by the sight of Kennecott [laughs]. And people in southern Utah won't be offended by the site of this nuclear waste dump. I think that was his point. I'm not sure. Mostly there were struts and his wings in the photos [laughs].

WL: So when he would show those pictures it was one of the more helpful things he did actually…

TM: …and it was kind of easy with all the pollution in Salt Lake [City, Utah] [laughs]. So I wasn't quite sure what the point was.

WL: Yeah, his basic point was so pointless that it didn't cut any ice. It made him look kind of silly. He ultimately died of cancer…

TM: Lung cancer.

WL: …lung cancer, which…

TM: It was a sad thing.

WL: …many thought was attributable to that constant exposure…

TM: Yeah, yeah.

WL: …wearing of that bolo tie…

TM: Well, or just…

WL: …or just his exposure generally.

TM: Right.

WL: Yeah, right...because he had processing milling plants that he was working – that's where his money came from.

TM: Yeah…yeah so there's been…it really is…that really was a different era in terms of people's ideas of these things. In terms of was this something that the community wanted or was willing to accept was going to exist?

WL: If you've been listening at all to representative [Mike] Noelle… He's a kind of throw-back to what would have been a more dominant theme of the county commissioners in that era.

DE: Interesting. So in your own words, what were your main kind of actions that you took in response to the proposed site in San Juan County? And I'll maybe let…you can either kind of tag team or you can each take your turn…

WL: I think Terri should start on that because she did a lot of the organizing that I didn't do. I mean I helped with a lot but I didn't do as much of that.

DE: Right, and as we go through this I would like to hear the cases that you put forward so…

TM: Yeah, the legal and organizing efforts…they were hand in hand…complimented each other. Several…a number of things, one was to create a locally-based organization so it wasn't seen as National Parks and Conservation Association and its regional director fighting it…so it was seen as a state-based effort too. So we created an organization called Don't Waste Utah which had a Moab [Utah] chapter and a state chapter. And they sponsored…mailings went out from them; the petition drive I think went out from them. Don't Waste Utah sponsored updates on KRCL [90.9 FM community radio station], you know, that kind of stuff…sold t-shirts, and organized with what was, you know, a loose citizens' group…I mean it existed and it was one of those organizations that people come and go from but…

WL: It had a strong core.

TM: It had a strong core, yeah, and then so that strategy combined with making it a national issue because of Canyonlands National Park…The idea was to make clear that DOE would not just be storing nuclear waste but creating a mile square industrial facility on the doorstep of a national park, on lands which really should have been in the national park. And Canyonlands at that time was established in I think '62 '64 somewhere in there and so this is like '82. It's twenty years old. People didn't know about Canyonlands, it got less than 300,000 visitors a year. And so this…in many ways the nation was getting to know Canyonlands as, as they saw all these amazing photographs of the place…and it put that region on the map for a lot of people. And we offered, largely… a park-based argument…that industrial facilities did not belong there…that we shouldn't sacrifice a national park for the disposal of high level nuclear waste.

I mean I have to back up and say that when I was a college student in Berkeley, California there was a referendum in California that…that I think passed and prohibited any new nuclear power plants until the waste problem was solved. And I remember one of the first things that I learned about like that and the whole notion that you have high level waste which is dangerous for two-hundred thousand years…that we don't know what we're going to do with it and that we're nevertheless building nuclear power plants. To me that was so personally compelling… the insanity of that and irresponsibility to future generations that for the sake of electricity which we can create in other ways or figure out how to do a lot less with…use a lot less…that we were creating materials that could kill people flat out and give them cancer is horrific…the side affects to human life as well as all other life for two-hundred-thousand years…

WL: And to destroy an area that had major aesthetic and spiritual importance…

TM: Yeah but apart from that any location there's the fundamental insanity of it to me, and now on top of that you're gonna sacrifice one of the few remaining really wild and exquisitely beautiful places for doing something, for pretending to do something…wasn't even a safe site. I wasn't even convinced it was a safe site…and I remember being up Davis Canyon where the disposal site was proposed with some reporters from the *Rocky Mountain News* and we were in an alcove where there is a really beautiful set of pictographs – five-foot high three figures, one with sort of ceremonial markings in the middle and two more simply dressed and, behind them a little granary where the Anasazis store food and I was commenting to these reporters, you know, that's the state-of-the-art storage technology from a thousand years ago [laughs] and doesn't it look absurd to us? You know, and just cast yourself…we're talking two hundred thousand years…these guys lived here 800 to 1300 AD you know, we're talking about a thousand years ago. Look what we've learned in a thousand years. What is this going to look like, what we're doing? Even from the perspective of several hundred years. We had that kind of that sense of just craziness of it. So anyhow, back to organizing, but I just, it was just such a ridiculous issue to work on. So many aspects of it … reflected such poor judgment.

So organizing on the local level, the national level, was really by way of networking with other organizations that had sort of empathy either on the park issue or on the nuclear storage issue. An ally of ours was also Nuclear Information Resource Service, NIRS? I think they still exist, they were in New Mexico at that point and those guys were really helpful on some pretty reliable analysis and basic information that helped us understand some of the pieces. So I think you know in a nutshell it was that my work was focused primarily on the political side—to try

and show the Department of Energy that this was not an unknown in the middle of nowhere spot on the map with a bunch of people who would just accept what the government said. That there was going to be resistance at the state level if not state government and there was going to be resistance at the national level. And they weren't going to be able to just cram it down Utah's throat.

WL: And the effectiveness of that was revealed by the comments that ultimately came in to [the] DOE [Department of Energy] if you remember, they…received comments on the various sites toward the end of the process…

TM: In terms of the numbers…

WL: Yeah.

TM: …the numbers.

WL: Forty percent of all the comments…

TM: Is that right, were just on our site?

WL: …were focused just on the Canyonlands site. And there were at least seven...was it seven or nine sites?

TM: Yeah, yeah. So we also…I'm just realizing, remembering we also tried to work with the National Park Service because it was really important to have them take a position. [The] Park Service [is] really devoted to its mission…a culture of nice people who aren't in the business of adversarial confrontation. So [it] took a while to kind of get them fired up but there was a really good superintendant at Canyonlands at that time who understood that this was not something that

should go ahead. His name was Pete Perry. He was really good at taking a stand without being super-adversarial confrontational and kind of working behind the scenes to line things up. The Park Service was developing at that time, resources offices in Denver to work on issues like water quality, air quality, or air issues and geologic issues, and those more scientifically resource-based offices began to get involved, and that was helpful to look at things like light pollution and noise pollution and impact on scenery. So it gave us some credibility from having another government agency raise questions. That was helpful.

TM: And Pete Perry taught me one of the great organizing lessons at the time after I had moved from Moab to Salt Lake City. I was working with the Don't Waste Utah group, but the members in Moab would never respond. This was before email, right, so I mailed them things and they never responded. …I sort of gave up on them and then I found out that the reason they were not responding was because they had lost the key to their mailbox [laughs]. And I was telling this story to Pete Perry and saying like, 'can you believe these folks in Moab?' 'That their excuse was that they lost the key to their mailbox' and he looked at me and said 'well in any case you should have just telephoned them' [laughs]. And I'm like, 'right' [laughs]. You know, of course, who cares if they lost the key or didn't lose the key [laughs]. And that's how he was, you know, he was like, 'okay just figure out how you need to get the job done. Get it done; you don't have to be right' [laughs].

WL: Well, you and Don't Waste Utah organized the commenters at the DOE [Department of Energy] public hearing on the nuclear waste issue. And you put together this group which included several guys that dressed up in these white anti-contamination suits...

TM: No I didn't do that. But that was part of what grew out of it.

TM: There are a lot of pieces. There was the sort of social piece where there were some people who really were, wanted to be involved, and they made real contributions. The Saliva Sisters… there was this big party where people paid ten dollars to get in the door. It was a dance…raised helpful money for us. People came in on it in their own way, but, then there was, remember? What was his name, the Earth First! fundraising guy? He was actually a really brilliant strategist. Dave Foreman. There were these different players, and Dave Foreman, who at that point had created Earth First!, and Earth First! was, before it got into some of its ecotage stuff and became more controversial… They were more into…

WL: Just demonstrating

TM: Yes. Civil disobedience and demonstrations, and he said to me, tell me if we need to occupy the site and I'll… I'll make it happen. And it was really nice to have that. I said 'not now, not yet, but it's…that's really helpful,' so there was always this piece of knowing that if we needed that kind of action, that it could be taken. And then there was, you know, some really great political theatre around it. What the absurdity the whole situation produced included some ridiculous formal DOE reports.

TM: Well, which was an effort to… one report was an effort to answer the question 'how do you warn future generations two-hundred thousand years in the future that this is a toxic site and that they shouldn't come near it?' Which is a really interesting question, and...

WL: They're still struggling with that.

TM: They had…there were two, I don't remember the third, but there two…

WL: Three signs…

TM: Oh no, there were three ideas. One was these posters or images of the "radioactive" symbol with a stick figure…a stick figure…then the radioactive sign, and then the radioactive sign next to the stick figure lying on the ground dead [laughs]. So that was number one. And number two was to render the site…

WL: repulsively…

TM: …repulsively malodorous. [laughs]

WL: And they were serious about this, this was all studied… [laughs]

TM: Yeah, a fabulous study. This is the sort of…once you've created stuff that is dangerous for two-hundred thousand years you have to answer these really important questions [laughs]. And then the third was to create an arch druidship, a priesthood…

WL: A powerful myth was the idea.

TM: Yeah, and like a myth that is passed down like through a priesthood that hazardous materials are buried here. So the nuclear DOE [Department of Energy] held a public hearing here in Salt Lake City [Utah]. These Earth First! types came in dressed like monks in these robes chanting [makes chanting sound] you know, and they were the nuclear priesthood [laughs] which helped play up the absurdity.

DE: Do you remember what year that hearing was?

TM: I think…why do I think'84? That seems like maybe too soon.

WL: It seems a little too soon.

TM: It would be between '84 and '88.

WL: Yeah, I'm sure it would be in…

TM: Hotel Utah…

WL: I wonder if they retain that sort of tape that long. Would it be around?

WL: Yeah, that was a great hearing. You know, there were just so many…it was a big hearing and it was almost full and people were uniformly against the proposal.

TM: That was in Hotel Utah and it was one of these hearings where ninety five percent of the people were on the side we were on, and so it was very satisfying. But it was also frightening because of that cultural disconnect between the agency and the affected people…It reminded me of the MX missile when…the MX missile guys…I was living in Cedar City when the MX missile was proposed and the MX missile team came to Cedar City and the hearing pointed out that the gap between their perception of the world and Utahns' perception of the world was probably unbridgeable and rather terrifying. And it was the same thing with the Department of Energy. I mean they were the only people I ever saw stand at Davis…at Hatch point overlook and look in the park and not get it. Not…I mean they were just looking at the future project. In their minds what they were seeing was a site in the middle of nowhere.

TM: And I remember in a meeting with them and the park service. Talk about communication from two different worldviews. For the park service talking about the impact of sound. They had

began to develop some of their sound analysis that was done on threats from oil and gas drilling contrasted with how quiet Canyonlands is. And quiet became this quality of place that is as important as the visual landscape, really in the experience. People talk about hearing their heartbeat literally. And then you've got this, you know, this industrial site. And there was such a complete disconnect about how silence and the experience couldn't even count.

WL: Read the first paragraph there, on the top.

TM: You mean, read it out loud?

WL: Sure.

TM: At another point in a major public hearing in Salt Lake [City, Utah] an opponent addressed the DOE [Department of Energy] hearing officers with the question 'have you been down there next to the park? What do you feel about the appropriateness of a waste dump at that site when you're in that country?' The DOE rep answered 'I can't answer, we're paid not to have feelings in these matters.'

[END FIRST CD]

TM: Another point in a major public hearing in Salt Lake [City, Utah] an opponent addressed the DOE [Department of Energy] hearing officers with the question 'have you been down there next to the park? What do you feel about the appropriateness of a waste dump at that site when you're in that country?' The DOE [Department of Energy] rep answered 'I can't answer; we're paid not to have feelings in these matters.' Oh that's, excellent, that's really…yeah. And I, I, were you there in that meeting in Denver where they were in the same room as the park service?

WL: Yeah.

TM: And there was like emotional tension in the room because the park service people felt so dismissed…

WL: Right, right.

TM: …because the DOE [Department of Energy] people were like 'does not compute.'

WL: Yeah.

TM: You know, like 'this does not compute in our reality.'

WL: They were taking the position that the park service statutory basic mission was subsidiary to their mission. And it was their job to evaluate their mission alongside of the park service mission and conclude which should be the dominant controlling mission. And I, I've quoted their conclusion on that too. They took a very specific position that [the] park service is not capable of weighing our values so we've weighed theirs against ours and concluded that we should go ahead [laughs].

TM: Yeah, and also "a boundary is a boundary is a boundary. We're not in the park."

WL: Yeah.

TM: You know, so then it sort of…they tried to reduce the park service to arguing if there would be contamination in the park.

WL: Yeah. [laugh]

TM: And that boundary issue was a very tough one for the park service. I remember working for a parks advocacy organization for years trying to get the park service to be willing to stand up and speak about impacts from outside their boundaries into the park was something that politically they were often not comfortable doing. But they would…they had to do it if they were going to protect park resources so, and so they were up against that hesitation as well, the park service was—because the origin of the impacts were outside of the park, but light and noise would intrude. So you can, you know, you go to these contorted efforts to show the obvious—the extreme impacts of a huge industrial facility on the doorsteps of a pristine national park.

DE: How about the legal piece to the strategy?

WL: The legal piece, well let's see. I've told you some of the background of that, developing the information base for presenting a challenge to the adequacy of their environmental review. But there's really a prior piece to that which is the original selection of sites. I mean, what they did was identify a series of…I can't remember whether it was seven or nine sites. I really want to say nine.

TM: I think it was nine. It was nine. I remember nine too.

WL: Yeah, which included two sites in the east, two sites in the south, let's see…

TM: Louisiana.

WL: …Louisiana and Texas.

TM: …and Texas was... Kansas wasn't on that list.

WL: No.

TM: Hanford [Washington] was.

WL: Yeah, I mean we should talk about Kansas in the background but…

TM: Nevada was…

WL: …but Nevada was, yeah.

TM: …two sites in Utah.

WL: Yeah.

TM: One, two, three, four, the four western sites…

WL: Yeah.

TM: …and then there must have been Louisiana, Texas…And I know that in the east, there was an eastern site?

WL: Yeah, there was at least one.

TM: But everyone knew that no one was taking that seriously so it was always clear they would be looking West. That's probably why you probably think it was seven because we probably dismissed the two eastern sites out of hand [laughs].

WL: Yeah. Yeah right. But that was a really important part of the ingredient of the lawsuit actually because the basis on which they selected those sites was essentially entirely conclusory. They looked around for the sites where they thought they could make a sale and they did no preliminary review…

TM: This was the starting point.

WL: …and then they started establishing some guidelines for site selection. And the guidelines for site selection "just happened" to coincide with their choices. So one element of the lawsuit was just basically that—to challenge the guidelines by which the original sites were selected. It was pretty clear to us that there were basically three sites that were viable and the Canyonlands site was probably the best geologically from their standpoint. The other ones were the one in Texas, I can't remember what the locale was to be, and Yucca Mountain in Nevada. But all of them were purportedly lined up and chosen on the basis of these guidelines which were clearly entirely preemptive. They had already made their judgment call. And there was no environmental criterion for making those choices either. So that was part one of the lawsuit. Part two was the complete inadequacy of the environmental assessments that had been prepared in support of the selections that were in the process of being prepared. And on that account we wind up with all the consequences that had not been taken into account or not been studied properly because they didn't have adequate information. And that presented in many cases legal questions, particularly for sites like the Canyonlands site, verging literally on the boundary of a national park. That raised very serious fundamental questions that had been coming up for quite some time before about when activities outside the park can and should be prohibited because of their consequences within the park. So those are the two basic grounds for litigation, and I represented Terri's organization National Parks and Conservation Association, Friends of the Earth, and…who else was it? Let's see, who else was it?

TM: Don't Waste Utah might have been…

WL: No, no. No, this was…UWA [laughs].

TM: That's hilarious. That's pretty funny.

WL: Yeah, Utah Wilderness Association.

TM: Oh that was because [of] your colleague Wayne McCormack, who knew several of their people. I would think that's why UWA signed on; because he told them it was credible.

WL: That's probably right, yeah.

TM: Because it didn't really affect their interests…

WL: UWA [Utah Wilderness Association] was not heavy into litigation as a tool.

TM: They were a state-based wilderness group that took a pretty moderate approach to wilderness. They were not…SUWA [Southern Utah Wilderness Alliance]. That's a different group with a more aggressive agenda.

DE: I was going to ask about that.

WL: Pre-SUWA [Southern Utah Wilderness Alliance] but then SUWA basically took over their entire subject matter [laugh], while UWA tended to be too conservative. [**TM** speaking inaudibly in the background] So in any case those three organizations were the main parties to the litigation. And you now have my letter explaining the ultimate dismissal of the lawsuit which we agreed to because DOE had chosen Nevada and our lawsuit was basically moot at that point. There was no way we were going to be able to litigate it. But before we got to that stage we had developed a lot of information that was to be the basis for presentation and the lawsuit if it ever

got to trial. We had considerable hope that it would not have to go to trial because they would see how bad their case was basically [laugh]. And I think that did play a role when they ultimately backed away.

TM: I can't remember, how, how…I mean I can't actually remember how it went away.

WL: Well what happened was…

TM: There was a choice around Christmas time when they were picking four sites and we knew we were going to be on that list, and we were.

WL: Yeah, well and then Congress selected…fuck Nevada is what they did [laugh].

TM: …and then, and then it seems like before that though there was some kind of sense that, that, they had been successfully diverted from this program. I get some sense…that they weren't going to be able to move on any of the sites, that politically they were in trouble on all of them. And that gave rise to this screw Nevada legislation, but…

WL: I think part of that was because they saw that in order to justify their position they were going to have to bring in one of the eastern sites as a serious site…

TM: In the second round they were talking…

WL: They were going to have to do the study. Yeah that's right, there were several rounds.

TM: Right, they talked about this being the first round and the second round was going to look at the east and the north. Like the granite shield was geologically a place that people thought might make sense. And so they kept saying 'oh, the reason we haven't looked at those and the reason

we're not looking at those alternatives now is they'll be part of a second round.' So that's how they dismissed the argument that they weren't looking at all reasonable alternatives. But then before the screw Nevada legislation there was the nuclear waste negotiator.

WL: Well that was part of the original act actually.

TM: That's how it happened.

WL: The Nuclear Waste Policy Act included…well maybe it wasn't, maybe it was an amendment…

TM: No, I think it was an amendment.

WL: There was an amendment in any case.

TM: Then these other alternatives of how to go about it came about. And before the screw Nevada legislation there was the nuclear waste negotiator who was hired and went around and said basically, you know, 'how much can we pay you?' you know.

WL: And Cal Black…

TM: It was just unbelievable. San Juan County…

WL: San Juan County was holding up its hand trying to get [laughs]…

TM: So sad…I mean all these…either this sort of foolish leadership, like that, or poverty stricken places came forward.

WL: Yeah. Well it was pretty clear that the big problem was likely to be some poor Native American tribe.

TM: Ya, totally.

WL: And ultimately that, that *is* what led to the Goshute problem although the law had changed some by then but…

TM: You study this all the time so you've thought about this but the whole…to me craziness of it, of creating a technology that creates this waste that is dangerous for two hundred thousand years leads to these bizarre irrational policy initiatives that are based just on desperation to keep the industry alive.

WL: I mean that's how…that *is* how the entire nuclear industry was expanded.

TM: But then you're forced to work within this system as if it's rational, you know, when you're trying to fight this, you know, in a court of law and be in a sort of rational system when you're in this play of absurdity the whole time. That's how I felt. I mean looking back it's defeated ,you know, and we can talk about it with a certain amount of 'yes this was inevitable.' But it didn't feel that way at all in the battle against it. It felt that they were very powerful and that they could screw us very easily.

WL: I thought Canyonlands was in great jeopardy actually. I think it still could be actually. And what happened today makes me worry more [laugh].

TM: Yeah well, we still have the problem with the new focus on non-carbon energy sources. You know, the idea of trading the problems we have with global warming for nuclear waste to

me is an absurdity, but it is a play of absurdity. Still, I don't know how people work on this issue over time actually [laugh] because I think you can go kind of crazy [laughs]. I know I just tell you because it's really, whoa. It's dark stuff nuclear waste. It's, it's like the shadow part of our society and it's…the consequences are so serious really. And yet we, we ignore it. We just ignore it.

WL: There are not a lot of litigation stories to tell about the litigation [laughs]. It basically consists of hard drudging work putting the case together and then you file the case and then you get motions to dismiss and you fight the motions to dismiss. So the case keeps going but eventually the ground shifts under you [laugh] and the case no longer has life because the problem has changed and so we dismiss our case on the grounds and in the manner which you see in that note. That was pretty much the end of it.

TM: When, when was …what was the date of the dismissal? It was quite after the fact.

WL: Oh yeah it was…what was it '90… no, what was it? Yeah, my note to the…

TM: And I think we sort of knew it was sort of…

WL: …it was 1990.

TM: …beat by like '87 or something.

WL: Well…

TM: '86-'87.

WL: But there were two problems. First of all they… hadn't repealed the act for some time, so that still…it targeted…the West.

TM: When did the screw Nevada bill pass?

WL: It was probably about the time you said. I'm not sure exactly. Maybe it was a little later than that. But the problem was at that point they were just getting into the Nevada site. We didn't know what the upshot of their initial physical investigations would be and whether they would conclude that that was a site they could continue with. I had worked closely at some times with the attorneys for Nevada when they were joining us in challenging the entire program. Yeah, and so when they got named…that relationship switched somewhat too of course. And that's part of what caused me to write what you commented on and my own sense of the moral compass conflict between fighting it here and knowing that fighting it here meant I was dumping it there basically.

TM: Yeah, right, that's what I was just thinking. How for me it was such a place-based fight even though I was the…you could of used the arguments of the absurdity of putting a waste dump on the doorstep of a national park to argue against the whole nuclear policy but we were in the trenches saying you know, 'not here' like everybody else. And so while we never said 'screw them not us'…we didn't take on the larger issue…I mean where we could we commented on it, but our fight was really a 'not in our national park' fight. And some of it had to do with…

WL: Well that's not exactly true with litigation.

TM: …not so, maybe less for you. For me working for a parks organization…

WL: Yeah, right.

TM: …you know, I mean I wasn't being paid to work against nuclear power…so that's a kind of interesting way of how these things get determined as well was like who's paying you…

WL: But I, I was very concerned that it was going to come back around because I knew that they really liked the Canyonlands site technically speaking and for that reason I was afraid that it was going to be coming back around. And that's why when we dismissed the case we did it with the very explicit reservation that all of our claims could be brought at any future time that it, that it was opened up.

TM: Another piece of the strategy too was a proposal to expand Canyonlands National Park which we didn't think would go anywhere but brought attention to the fact that the land in which it was to be located belonged in the Park. Someone made that proposal right before I came on board through my organization, National Parks and Conservation Association. It just established credibility that this place was not some scrappy wasted piece of desert, that didn't count that it was park quality kind of landscape, which it is. Those proposals are still out there and they'll happen someday.

DE: So we've gone already over an hour which is kind of what I promised for today. I'd… might be in contact to follow up, or if there's more to kind of say today but I don't want to take more time than what I promised.

WL: Sometime that history needs to be written in more detail. We've kept old files around forever with that thought.

TM: I think my…you kept…

WL: Oh I think there's a bunch of yours around too. Maybe…yeah I kept them [laugh] and I've got a whole bunch of them here too.

TM: What do you do with old files.

WL: Yeah right, well I mean it's still possible. That is the way I look at it. I, I'm really concerned…I don't *think* it can happen but it could.

TM: Well the problem is not now…Obama has said he's not going to do it to Nevada. And the Goshute things are dead right? And so we're stuck with surface storage on-site and that's a problem everyone's ignoring. At some point that will start to be a problem like Hanford's a problem, so that's…

WL: Well you know… They initially attributed zero weight to the environmental consequences of any single location for the plan, not for the storage but storage was…if you're considering licensing plant A in Minnesota somewhere, and the question is what is the impact environmentally of the waste that will be generated by that site? They say oh, zero because we know we can find appropriate geological storage sites. And they did that initially on the basis of their assumption that they could put it in old salt mines in Kansas. Which Terri had originally mentioned.

TM: Yeah, that was their original…

WL: …that was their original theory…

TM: Yeah, that's what they told everybody, Kansas.

WL: …and they were presuming that this was going to be a piece of cake to dispose of. And the idea is that these layered salt formations are very stable in comparison to most other geological features. But what they forgot was that people had been drilling for oil in Kansas for years and years before that and as soon as they started doing any experimenting they found that if you put something in here it came out over here.

TM: The place was riddled with holes and water was dissolving it. It was all moving around as I understand.

WL: Yeah, the water was dissolving the salts…that's another key problem with salt storage because water can come in and start dissolving away the base.

TM: It boggles my mind…[laughs] that we still continue with nuclear power and that argument still doesn't get the kind of purchase you would think it would get…

DE: Yeah.

TM: How do you figure that after studying this all these years?

DE: People don't make an emotional connection to it and they really can't see how it affects them. And part of it is the invisibility of radiation. And part of it is the cancers occurring well after the time period and so unlike something like air pollution that you can see, if you can't see it it's hard to make that personal connection to it. That's part of it but I think there's a lot involved [laugh].

TM: Yeah, that makes sense to me.

WL: Well an awful lot of it has to do with the money that's thrown at it by the nuclear industry to advertise their…

TM: I'm just wondering how they get away with it. That's clearly what's driving it. That also underscores that whole sense that at Canyonlands what we had to work with was the emotional connection of people to place.

DE: Well yeah and you brought this up actually in some of the documents you sent me. That the way they situated the guidelines made it so that it had to be a scientific decision and then that means that any of these place-based or emotional or social perspectives just don't even get included in the conversation.

TM: Right, so you had the sort of so-called rational discourse which was removed from what really drives things, politics, which is an emotional discourse and then, you know, we were working on place-based arguments…Canyonlands and all that that means parks to people, the American Dream, and then Utah. Don't Waste Utah was about Utah, and home, and are we going to let them poison us again…that kind of thing? So, very emotional things but at the same time have to maintain our credibility within their framework and argue and have defensible arguments.

DE: That's the trick. Well anyway thank you both so much. This was really wonderful information. So what I'll do is we'll do a transcription and that will take a while maybe up to a month or two. And then it gets sent back…I'll just send it to both of you. I'll get your address before I leave and you can review. And if you want to follow up with me and give more information at that time…

TM: I think this is what I basically wanted to do. I didn't respond before just because it's something I didn't want to sit down and prepare for because I would get into trying to remember everything, and spend a day doing it [laughs] but coming in and having these issues discussed provoked the memory of things that were going on, that would be fun and I like to do.

DE: Well thank you both.