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THE PRESIDENT HAS SEEN *by*

THE WHITE HOUSE
WASHINGTON

DR

Although Walker is aware of
the attached as you indicated
you wished, and DC knows about
it, possibly you will want to see
this in case there are any related
meetings tomorrow.

Lee 4/3/75
GOODELL

GR-7

TREATED AS HANDWRITING NO BLUE CARD MADE

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4/3/75

PRIORITY
PRECEDENCE

CONFIDENTIAL
CLASSIFICATION

FOR COMMUNICATOR USE ONLY

FROM: KATHIE BERGER

DEX _____

TO: DON RUMSFELD
DICK CHENEY

DAC 094

GPS _____

LDX _____

PAGES 9

TTY _____

CITE _____

INFO: RON NESSEN
HOOPES

DTG: 032116Z APR 75 SB

RELEASED BY: [Signature]

TOR: 032129Z NP

SPECIAL INSTRUCTIONS:

SEND TO PALM SPRINGS
HOLD THERE FOR CHENEY
& NESSEN. DELIVER TO
RUMSFELD UPON RECEIPT.

10 12 5 00 00

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Determined to be
administrative marking
9/8/26/77

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THE WHITE HOUSE
WASHINGTON

April 3, 1975

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MEMORANDUM FOR DON RUMSFELD
DICK CHENEY

FROM: KATHIE BERGER *K*

Senator Hansen thought the attached material on the Hathaway Administration and the Environment might be most useful.

cc: Ron Nessen

Attachment

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Administrative Marking
of 8/26/77

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THE HATHAWAY ADMINISTRATION AND THE ENVIRONMENT - 1967-1974

In his first message to the Wyoming Legislature, Governor Hathaway asked for the enactment of air quality legislation to protect and enhance the quality of Wyoming's air. The Legislature, responding to the Governor's request, passed the Wyoming Air Quality Act.¹

The act created an Air Resources Council as a division of the State Department of Public Health. The Act provided for the regulation of air standards and the control of emissions.

In keeping with his concern for the quality of the State's environment a Water Pollution Advisory Council² was established. The Council was charged with the responsibility of developing a comprehensive program for the prevention, control, and abatement of water pollution.

In keeping with Governor Hathaway's commitment to beautify the State of Wyoming, the legislature passed the Outdoor Advertising Act.³ The Act which was further strengthened in 1971,⁴ provided for the control of outdoor advertising adjacent to Interstate and primary highway systems, and granted authority to the State to condemn and remove signs. As a consequence of this legislation, literally thousands of outdoor signs and billboards which were a blight on Wyoming's landscape were removed.

Hathaway expressed concern for two species of wild life indigenous to the State of Wyoming. Those were grizzly bears and bison.⁵ There was

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no law protecting bison in the State of Wyoming, and Hathaway was concerned about a remnant herd of wild bison then in existence on the Red Desert. Hathaway requested that bison be designated a big game animal, so that the Wyoming Game & Fish Commission could exercise control over the species and, by rule, prohibit their hunting.

He also requested a moratorium on the hunting of grizzly bears in Wyoming.

The Hathaway Administration also enacted a Junk Yard Control Act.⁶ The Act regulated and restricted the establishment, operation, and maintenance of junk yards in areas adjacent to the Interstate and primary highway system within the State of Wyoming.

In 1969, Wyoming adopted its first surface strip mining legislation. The Open Cut Land Reclamation Act,⁷ provided for the reclamation and conservation of land disturbed by surface mining. Under this bill, the Commissioner of Public Lands was given the authority to issue mining permits conditioned upon a satisfactory reclamation plan for rehabilitation of the mined land.

Despite bitter protests from the extractive mineral industry, the 1969 Legislature -- at Hathaway's request -- enacted Wyoming's first severance tax on minerals.

The Severance Tax⁸ was successfully guided through the legislature by Hathaway, despite the industry's protests that the tax was "punitive" and would result in declining mineral exploration in Wyoming.

1973 was a banner year for the environment in Wyoming. Governor Hathaway's Legislative-Executive Commission on the Reorganization of State government presented a bill to the Legislature which, for the first time, created a consolidated department dealing exclusively with problems of environmental concern to Wyoming.

The Environmental Quality Act⁹ created a new department of state government with responsibilities for controlling the quality of Wyoming's air, water, and land. The Act created a Department of Environmental Quality with divisions for the administration of air quality, water quality, and land quality, and established an Environmental Quality Council with broad regulatory powers.

The Act imposed standards and penalties considered to be among the stiffest in the nation. Any person in violation of any provision of the Act was liable to penalty up to \$10,000 for each day during which the violation continued. The Act also provided protection for the surface owners of lands disturbed by mining, and contained tough bonding provisions to assure the performance of the reclamation requirements imposed by the Council.

Hathaway's concern for the maintenance of a quality environment in Wyoming resulted in the establishment of the Wyoming Conservation and Land Use Study Commission.¹⁰

The purpose was initially killed in the Wyoming Legislature, but was resurrected and passed after the personal intervention of Hathaway. The efforts of the Commission resulted in the preparation and passage of land use legislation in the 1975 session of the Wyoming Legislature.

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The 1973 session also saw the enactment of the Stream Preservation Feasibility Study,¹¹ to preserve the scenic and recreational quality of Wyoming rivers and streams. The Study Committee was charged with the duty of making preliminary surveys to define and plan a state scenic and recreational stream preservation system and to submit recommendations to the Legislature.

The study committee, after extensive hearings throughout the state, adopted a program for preservation of the state's scenic and recreational streams and rivers and prepared legislation for submission to the Wyoming Legislature in 1975. Unfortunately, the legislation died in committee after Governor Hathaway completed his final term in office.

The Hathaway Administration also saw the enactment of tougher laws regulating litter. The State's Litter Law¹² imposed criminal penalties upon persons discarding litter and garbage, or abandoning motor vehicles.

Furthering his program to beautify the State, Hathaway saw the enactment of the Abandoned Vehicles Act.¹³ This legislation conferred legal authority upon law enforcement agencies to remove and dispose of abandoned vehicles.

The 1973 session of the Wyoming Legislature also saw the enactment of the Environment Pesticide Control Act.¹⁴ The purpose of this legislation was to provide licensing standards and to control and restrict the use of pesticides.

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Governor Hathaway had a continuing concern for the impact on Wyoming communities by reason of sudden and unanticipated industrial development. Local governments were taxed to the utmost to provide adequate public facilities. The 1974 session of the Wyoming Legislature responded to Governor Hathaway's request to authorize units of local governments to join together to build facilities, law enforcement buildings, streets, sewer lines, school buildings, and other public facilities by enactment of the Joint Power Act. ¹⁵

Because many of the units of local governments feeling the impact of industrial development did not have the financial resources to provide adequate public facilities, the legislation provided that units of local government could borrow necessary capital funds from the state.

The Hathaway administration, in the 1974 session, also enacted legislation to amend its Water Quality Legislation ¹⁶ in order to bring its prior legislation in conformity with standards established by federal law.

In the 1974 session, Governor Hathaway also requested enactment of an Excise Tax on Minerals. ¹⁷ The previous legislation, which was also enacted in the Hathaway administration, imposed a tax of 1% on the value of minerals extracted. The new legislation raised the tax on fossil fuel minerals from 1% to 3% of the value of the gross product extracted.

A companion resolution authorized the submission to the voters of Wyoming a Constitutional amendment creating a permanent Wyoming Mineral Trust Fund, ¹⁸ and further provided that one half of the excise taxes received

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from the extraction of minerals would be transferred to the Fund. The money was to be invested as prescribed by the Legislature, and all income from funds so invested were to be deposited by the State Treasurer in the General Fund annually for appropriation by the Legislature. The Funds therefore, will remain inviolate for the use of future generations of Wyomingites.

In the Spring of 1974, Governor Hathaway's continuing concern for the impact of industrial development of the Powder River Basin resulted in the creation of the Powder River Basin Task Force. The task force was composed of the heads of State agencies, with the Governor as Chairman. The Governor also appointed an Advisory Task Force composed of members of the local governmental units of the four counties in the Powder River Basin. Additional members of the task force represented agriculture, industry, environmentalists, and members of the Legislature. The task force met monthly throughout the Powder River Basin and in the State Capitol. As the result of the extended "rap sessions" held by the task force, a clear picture of the problems created by industrial impact in the Powder River began to emerge. The scope and texture of industrial impact was defined, and the task force then initiated solutions to the problems which were emerging. As the result of the meetings, it was anticipated that future legislatures would be better able to come to grips with the problems created by the impact of industrial development.

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During the Hathaway Administration, a State Recreation Commission¹⁹ was established, and three new State Parks -- Sinke Canyon,²⁰ Curt Gowdy,²¹ and Fort Fred Steele,²² were Created.

In addition, the game and fish laws of the State were completely recodified,²³ in order to improve the State's management of its game and fish resources.

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