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## Magic Valley Uprising

by Ray Ring

### How an Idaho citizens' coalition gunned down a dirty power plant - and what it means for the West

BOISE, Idaho - In the elegant lobby of Idaho's capitol, a miner hefts a jackleg drill, like a medieval knight raising a lance at an unseen foe. He's only a statue, molded of metal, but his spirit inhabits this building. Pro-industry lawmaking has long been the tradition here, benefiting not only mining, but also agriculture and nuclear reactors and everything in between.

One morning in late March, Rick Johnson, head of the Idaho Conservation League, the state's biggest environmental group, walks past the statue and up the marble staircases that spiral toward the domed, heavenly ceiling. In a high gallery overlooking the Senate chamber, he takes a seat beside three environmental lobbyists. They've come to observe what Johnson describes as "the biggest environmental vote of the year."

These environmentalists are experts at jumping into the fray. But on this issue, they have had to work quietly in the background. Today, they wait, professionally composed but showing signs of inner tension, as the senators slog through a pile of routine bills that deal with water disputes and the Alfalfa and Seed Clover Commission. Finally, the senators get to the crucial item: House Bill 791.

The bill challenges a multinational corporation's desire to build Idaho's first major coal-fired power plant. Already approved in the House of Representatives, it would stall the proposed plant for two years, and might sink it completely. San Diego-based Sempra Energy has invested millions of dollars in this power-plant scheme; HB 791 could turn that into a waste of money.

Sen. Bob Geddes, the stocky Republican who represents Soda Springs, stands to warn his cohorts that the bill will have "a chilling effect on business coming to Idaho." Normally, Geddes' argument against the bill would have traction, because his party doesn't like regulations, and it holds nearly 80 percent of the Legislature's seats. Indeed, the Republicans' national leader, President George W. Bush, champions fossil fuels, including coal plants.

Democratic Sen. Clint Stennett, who represents ski resort communities, does the most talking in opposition. "Nothing could change the face of Idaho as significantly as coal-fired power plants," Stennett says, rattling off possible impacts such as pollution, including lethal mercury compounds, along with the squandering of water and an eroded quality of life.

So far, it all seems utterly predictable. But the debate takes an unusual turn: Two Republican senators stand to voice their agreement with Stennett. And when the Senate leader calls for a vote, and the senators stand, one by one, to announce their positions, the anti-coal plant bill wins approval by an overwhelming margin: 30-5.

The environmentalists in the gallery break into low-key grins: They've just witnessed the results of a

remarkable grassroots uprising.

Battles are raging around the West against questionable energy development, and finally, here in Idaho, the locals have won one. It's the latest sign that the region is growing up, defying the edicts that come out of corporate boardrooms and Washington, D.C. And it adds to the hope that, even if the West is fated to be an energy colony for the rest of the nation, at least it will be on Westerners' terms.

To Sempra Energy, a company that racked up \$11 billion in revenues on its worldwide operations in 2005, Idaho must have seemed like the perfect date.

Sempra had found a strategic site for a coal plant, on a butte in the Magic Valley, a gentle sweep of land along the rim of the Snake River Canyon, about 120 miles southeast of Boise. The company had no contract to sell power to Idaho customers, who already have plenty of electricity from dams, natural gas plants, a few windmills, and coal plants in every neighboring state. Instead, Sempra proposed a "merchant plant." Such plants are strictly profit-making ventures, selling power to any customers they can reach over interstate transmission lines. The site was conveniently close to lines that could carry the plant's 600 megawatts around the Northwest, and it was also near a railroad line that could haul in 500 railcars of Wyoming coal per week.

But it was Idaho's business-friendly environment, and its scanty regulations, that made the state most attractive to Sempra. With current technologies, coal remains the dirtiest method of generating electricity. Idaho was naive about that. As retired Republican legislator Laird Noh said in the days before the vote, "Sempra feels the folks here have fallen off the turnip truck."

Some states - most notably, California, Oregon and Washington - have passed laws and created agencies to assert "siting authority" over proposals for industrial development. It's relatively simple for those states to turn down power-plant proposals, based on concerns about the full range of socioeconomic and environmental impacts. But Idaho has never established a statewide siting authority.

The Idaho Public Utilities Commission refused to let the Idaho Power Company build a coal plant near Boise in the 1970s, but the PUC has authority only when companies seek Idaho customers. A merchant plant, selling out of state, would escape the PUC's grasp. Sempra would have only needed a few state permits from other agencies, chiefly for its emissions. And the Legislature has gone out of its way to keep the regulatory leash loose: It passed a "stringency law" in 2005, which discouraged Idaho agencies from getting tougher than federal regulations.

Other industries benefited from the law, but in this case it meant that a coal plant's emissions would only have to pass muster with the federal government - not a great burden under the Bush administration, which has rolled back a suite of Clean Air Act regulations ([HCN, 5/2/05: The Winds of Change](#)).

Amazingly, the greatest government hurdle for a merchant coal plant would have been at the local level: the county commissioners who make land-use decisions. That looked easy, too.

The Magic Valley has always been friendly to business; it gained its name from the early white settlers who harnessed the Snake River's water and made the desert magically bloom with crops. It includes portions of eight counties, most of which welcomed another polluting industry in the 1990s - the giant factory dairies that relocated here because of the state's lack of regulations ([HCN, 4/15/02: Raising a Stink](#)). The valley, home to 160,000 people, sent 77 percent of its votes to Bush in the 2004 presidential elections.

Sempra came in confidently, spreading campaign donations to key politicians, and touting the benefits its plant would bring. The proposed site is in rural Jerome County, which lost 700 jobs in 1986 when a

Tupperware factory shut down. Plant construction would bring 1,000 high-paying jobs and \$25 million in sales tax revenues, Sempra promised, and long-term operation would create at least 90 permanent jobs and \$18 million per year in local and state taxes.

The company bought options on farmland around the butte and 7,600 acre-feet of farmers' water to cool its turbines. The three Jerome County commissioners seemed agreeable at first: They let Sempra install an air-quality monitoring station on the butte to establish a baseline for its emissions permit.

"We were asleep at the switch in not recognizing that large coal-fired power plants would come (into Idaho)," says Noh, whose living-room windows look out on the Sempra site. "The public, and the political structure, were totally unaware of this possibility. They didn't have a clue that three county commissioners could (have the authority to) approve something like this."

Everything looked good for Sempra. Or so it seemed.

The campaign against the power plant began with Democrats in the nearby resort towns of Sun Valley and Ketchum in 2005. As usual, the Idaho Democrats got nowhere on their own.

The campaign didn't really take off until mid-February this year, when the Southern Idaho Home and Garden Show opened in the Magic Valley's biggest city, Twin Falls. Vendors hawked shiny new rototillers, fancy windows, and other home-improvement products in a crowded dirt-floor rodeo stadium. Next to a booth selling vinyl fences, Carl Nellis, a 66-year-old retiree with a son on military duty in Afghanistan, ran a display for a fledgling group called Citizens for Resource Protection.

It was nothing flashy, just a few colored balloons hovering over a hand-painted sign that said, "Smog Free Idaho," and a picture of a coal-fired power plant with a red slash across it. "I went low-tech," Nellis says, "to promote the David versus Goliath image."

During the three days of the home and garden show, Nellis and a few other volunteers urged people to sign a petition against the coal plant. The response far surpassed their expectations: Magic Valley residents clogged the aisles around the display, and by the show's end, more than 2,000 had signed the petition. Within a few weeks, more than 8,000 people had signed it.

A tour of Twin Falls, nine miles south of the Sempra site, reveals some of what the company ran into: The small, attractive city prospers through a blend of the Old West and the New. It has a big french-fry plant, a sugar-beet plant, the College of Southern Idaho campus, a new Dell computer service center, shopping centers and hiking trails. New subdivisions along the Snake River Canyon's rims offer breathtaking views.

Out in the countryside, milking machines pump the udders of 300,000 cows; a Scottish cheese company has recently opened three plants. Springs gush from the canyon walls along the river, feeding the nation's biggest collection of trout farms. Retirees snap up small acreages and homes for \$300,000 or more.

There's still that Western sense of open space and opportunity. But the locals have learned that their natural resources have limits. Neighbors have battled each other over water shortages, for example, and over ammonia and nitrate pollution from some of the dairy industry's bad actors.

The prospect of Sempra's coal plant, with its 650-foot-tall smokestack and piles of coal and waste ash, was just too much. No fewer than five grassroots groups sprang up to oppose it. Their members included local Republican politicians, real estate agents, dairymen and trout farmers, along with most of the local

doctors, and two former coal-plant managers who had retired to the valley.

The opponents found plenty of ammo. Sempra, reminiscent of Enron, had recently agreed to pay hundreds of millions of dollars to settle charges that it manipulated the energy market in California. Pollution from its Idaho plant, including a potpourri of heavy metals, would have drifted across southern Idaho as far away as Yellowstone National Park. Rainfall could have washed the pollution into the Eastern Snake River Plain Aquifer, the water supply for the Magic Valley's businesses and homes ([HCN, 6/13/05: Idaho gets smart about water](#)). And the valley already has water problems: Some of its supply is tainted by naturally occurring arsenic. Children and pregnant women have been advised not to eat the fish in local reservoirs, because of mercury pollution believed to drift in from Nevada gold mines ([HCN, 8/8/05: The Great Salt Lake's dirty little secret](#)).

So many people expressed such a range of concerns about the coal plant that influential Republican legislators began to pay heed. "I'm not an environmentalist - I've fought 'em all my life over grazing (on federal land)," says Terry Hall, who runs a small farm and ranch a couple of miles from the Sempra site. "But this coal plant, I just don't think we need it. It's just a money-hungry (company) coming in here that wants to do it."

Although a few professional environmentalists helped in the campaign, they kept discreetly in the background. The man who emerged as the opposition leader, longtime Speaker of the House Bruce Newcomb, a Magic Valley farmer, wanted it that way. "Newcomb's marching orders were, 'Do not let the (environmental) activists own this. You've got to mainstream this,' " says one insider who asked not to be named.

Rep. Newcomb introduced House Bill 791, and a bipartisan effort propelled it through the Legislature. Republican Gov. Dirk Kempthorne signed the bill into law April 7. It imposes a two-year moratorium on any proposals for conventional coal-fired power plants in Idaho.

Many residents hope the state will use this two-year time-out to devise new regulations on coal plants, including a statewide siting authority. There's also hope for more emphasis on renewable energy sources, such as wind power. Another new law, pushed by the coal-plant's opponents, requires Idaho to study energy issues and come up with a comprehensive plan for developing appropriate new sources of power.

Sempra obviously saw which way the wind was blowing. The day the Idaho Senate passed the two-year moratorium, the company abandoned its Magic Valley proposal. Facing opposition to coal plants in other states, and uncertainty about its ability to sell coal power, it has decided to concentrate all of its operations in relatively clean-burning natural gas. The company says it will try to sell its Magic Valley studies and prep work to another energy company. But conventional wisdom says that, although the company invested \$20 million here, there will be no buyers.

Idahoans have rejected the old anti-regulation philosophy, at least temporarily. But the state has not suddenly become Ecotopia.

"Sempra is an easy move for Republicans (in the Legislature) who are anti-regulation," says Rick Foster, a political science professor at Idaho State University. "They can say, 'We're not really trying to regulate business, except where it's really an egregious issue.' "

No doubt, Idaho's Republican Party has selfish motives. Gov. Kempthorne has recently been nominated to be Bush's new Interior secretary, and there's a credible Democratic candidate to replace him: Jerry Brady, whose family runs the *Idaho Falls Post-Register*. Brady won 42 percent of the vote when he ran for the governorship in 2002. This time around, Brady quickly made the merchant coal plant his issue, speaking out against it in Magic Valley venues such as Rotary Club.

The power-plant fight "sparked a tremendous amount of interest in Brady's campaign, even among Republican (voters)," Laird Noh says. "Any candidate running on the Republican ticket, statewide or in local races, would really like to get this (coal plant) issue off the table" before the November elections.

But even selfish motives can lead to progress. And there is convincing evidence that Idaho is going through a fundamental shift. More than 90 percent of Idahoans wanted their governor and Legislature to "deal with energy policy issues in the next year," according to a statewide poll conducted in December by Jim Weatherby, director of Boise State University's Public Policy Center. Sixty-two percent want to take power-plant siting out of the hands of county governments. Idahoans have clear ideas about the most desirable sources of power. The top five, in order, are wind, solar, hydro dams, geothermal, and biomass. Coal-fired power plants rank at the bottom of the list. Sixty-two percent of Idahoans are willing to pay higher electricity rates to encourage development of renewable power generation.

The Magic Valley uprising combines many positive political trends in the West, which surface even amid the disasters of the oil and gas fields and suburban sprawl. More nontraditional allies are tackling issues ranging from sage grouse preservation to mass transit. As Democrats and Republicans become more competitive, many old ideologies are slowly surrendering to pragmatism. In Idaho, as elsewhere, the locals are trying to work things out.

In Colorado last month, real estate agents, homebuilders, developers and environmentalists shared the lead in trying to help landowners deal with oil and gas drillers; they nearly pushed a "split estate" law through the Colorado Legislature, and soon they'll be knocking on that door again. In Arizona, bankers, developers and environmentalists are pushing a ballot initiative that would preserve 700,000 acres of state land as open space. And even off-road vehicle riders have raised their voices to protest plans by the Bush administration and Congress to sell off parcels of federal land ([HCN, 3/6/06: Public Acres for Sale](#)). "They like the idea of public land, where it's owned by the American people," not by private owners who would close off recreation access, says Brian Hawthorne, public-lands director of the BlueRibbon Coalition.

"We are seeing that kind of maturing in many quarters in the West," says Daniel Kemmis, senior fellow at the Center for the Rocky Mountain West in Missoula, Mont. "We should expect a more sophisticated approach to these natural resource issues, as more communities come to understand how strongly their economic prosperity depends on quality-of-life factors."

Blame it on NIMBY, if you wish, the old attitude of "not in my backyard." Kemmis prefers "enlightened self-interest," a term used by French historian Alexis de Tocqueville when he studied the fledgling American democracy 170 years ago. "I doubt in most cases that it's a matter of people saying, 'Oh, I'm tired of fighting other people, let's see if we can get along,'" Kemmis says. "There is some of that, but I think, in most cases, it's a lot more hard-headed calculation."

Much of the West, like the Magic Valley, is now staked out by a variety of well-established local interests. And no matter how fiercely the locals might argue among themselves, when faced with a common threat they can mount a vigorous defense.

Lee Halper, a Magic Valley activist who fights dairy pollution, says, "For 20 years, I've been trying to get people to recognize that this state has limits. Some days, I have to bounce my head off the wall, to keep from choking people." The victory over the coal plant, however temporary it might prove, "has raised the awareness of a lot of people," he says.

"Hopefully, they're going to stay together enough to say, 'This is just one issue we're going to have to

face, if we're going to live in Idaho with clean air and clean water.' And a lot of them are stating that. I look to the future ..."

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