



2ND QUARTER 2008

Volume 2, Issue 2

Inside this issue:

- Meet New Staff Attorney Nicole Shalla* 2
- Tar Sands Pipeline, Refinery Challenges* 2
- Iowa Energy Efficiency Dockets* 3
- North Dakota Coal Plant Defeated!* 3
- Clean Energy Ambassador Update* 4
- Interface Inc. Donates Carpet for CR Office* 4

## *Plains Justice Wins KEEN Advocacy Award*

In April 2008, Plains Justice was the recipient of a \$5000 grant from KEEN Footwear for our advocacy work. KEEN is a Portland, Oregon shoe company that recently made grant awards to activists from around the country who stand up, out and for their beliefs. Plains Justice will be featured at a July 12 “Stand for Sustainability” festival in downtown Portland and in KEEN promotional materials.

Entries were evaluated based on originality, actual impact in

improving the environment, demonstrated personal involvement, and connection with the contest themes of sustainability, positive environmental change, and/or raising

environmental awareness. Plains Justice made this statement in the contest application: “Currently in a desperate fight to stop the next wave of

coal plants, we focus on creating empowered local activists who will be prepared for the next fight with a better understanding of their rights and capacities. We are activist lawyers, agents of change.”

To learn more about KEEN’s “STAND” contest and to see Plains Justice featured, go to:



We are all thrilled about this recognition of a lot of hard work and enthusiastic support!

[http://www.keenfootwear.com/stand/for\\_winners.aspx](http://www.keenfootwear.com/stand/for_winners.aspx)

## *Cedar Rapids Office Evacuated; Cornell College Saves the Day*

On June 11, our office at 100 First Street Southwest in Cedar Rapids, Iowa, was evacuated as tens of thousands of Iowans fled their homes and offices ahead of rising flood waters. When the Cedar River crested in Cedar Rapids, it was 12 feet above the previous record set in 1929. Our second story space stayed dry, but as

this newsletter goes out we’re working in donated office space at Cornell College. Cornell has graciously opened its doors to displaced local residents and businesses, as well as Red Cross and other volunteers

Sadly, increased rainfall characterized by intense downpours was one of the Iowa climate change impacts described in

testimony by Ezra Hausmann to the Iowa Utilities Board earlier this year, in opposition to the proposed Marshalltown coal plant. Coal supporters say we have to have coal-fired electricity to protect the economy, yet estimated damages approach \$1 billion in Cedar Rapids alone for this single extreme weather event.

To everyone who has been in touch with words of concern and offers of help, thank you so much. Your friendship and support mean a great deal to us as we try to get back to normal. Let’s plan on a big party when we’re back in the Cedar Rapids office!

**Tar Sands:  
The Most Destructive  
Project on Earth**

**-Oil sands mining is licensed to use twice the amount of fresh water that the entire city of Calgary uses in a year.**

**-At least 90% of the fresh water used in the oil sands ends up in ponds so toxic that propane cannons are used to keep ducks from landing.**

**-Processing the oil sands uses enough natural gas in a day to heat 3 million homes.**

**-The toxic tailing ponds are considered one of the largest human-made structures in the world.**

**-The ponds span 50 square kilometers and can be seen from space.**

**-Producing a barrel of oil from the oil sands produces three times more greenhouse gas emissions than a barrel of conventional oil.**

[http://www.environmentaldefence.ca/reports/pdf/TarSands\\_TheReport.pdf](http://www.environmentaldefence.ca/reports/pdf/TarSands_TheReport.pdf)

## *Meet New Staff Attorney Nicole Shalla*

In May Plains Justice welcomed its newest full-time employee, staff attorney Nicole Shalla. A native of Iowa City, Nicole is an environmental science graduate of Iowa State University. She earned her law degree from the University of South Dakota and is about to complete a masters in environmental law from Vermont Law School, one of the nation's best programs. Nicole is working in our Cedar Rapids office on issues affecting Iowa, Nebraska and the Dakotas.

Nicole joins us to take on the challenge of Clean Air Act enforcement across our region.

Working with a talented group of attorneys who are fighting nationwide to prevent construction of major new greenhouse gas sources, Nicole had a desk full of work from day one. With the assistance of engineering experts, she is drafting comments on Clean Air Act permits for major new sources and challenging bad permits. She has also undertaken review of compliance records for existing sources to determine where the greatest potential lies to cut back emissions.

To track the status of projects of urgent concern, Nicole

communicates regularly with state and federal agencies and files Freedom of Information Act requests. She communicates the concerns of our constituents at a technical level. Her expertise will be valuable as state agencies review a wave of new coal plant and oil refinery proposals.

When she's not fighting to clean up mercury, soot and greenhouse gas-belching monsters, Nicole is an avid kayaker and hiker who loves our lakes, forests and prairies. We are delighted to have her working with us.

## *Plains Justice Represents Tribes, Landowners, and Dakota Resource Council in Tar Sands Pipeline, Refinery Challenges*

Over the last year, Plains Justice has been advocating on behalf of landowners, non-profit organizations, and tribes for better review of the proposed Keystone pipeline across the Dakotas and Nebraska. The pipeline would carry "syncrude" oil from the controversial Alberta tar sands to refineries in the U.S. Midwest. A massive new refinery at Elk Point, SD is proposed along the pipeline route, threatening air quality in SD and Iowa.

Tar sands oil is three times as greenhouse gas intensive as ordinary gasoline by the time it's extracted, shipped, refined, and burned for fuel. The proposed Keystone pipeline would carry thick "bitumen" thinned with diesel fuel and heated to

140 degrees Fahrenheit to improve its flow. The pipe will be thinner and under greater pressure than the pipe that recently broke in northern Minnesota, creating a local contamination disaster.

Plains Justice challenged the ND siting permit on behalf of affected local landowners and Dakota Resource Council of Dickinson, ND. That action is currently on appeal in the ND courts. We are currently preparing a challenge of the Department of State's actions in preparing the Environmental Impact Statement.

A number of federally recognized tribes whose ancestral homelands are affected were not consulted as required under

federal law. The necessary full survey of historic, cultural and sacred sites along the proposed route still has not been conducted, although the final Environmental Impact Statement and Presidential Permit (for the pipeline border crossing) have been issued.

Even as allies from the Dakotas and around the country fight the Keystone pipeline and Elk Point refinery, many more proposals are popping up. A "Keystone XL" pipeline is proposed from Alberta through eastern Montana into South Dakota. Plains Justice is working for post-oil energy solutions, and fighting to protect lands sacred to us all from the devastating exploitation proposed in the last days of oil.

## *Iowa Energy Efficiency Docket Interventions*

On behalf of Iowa Farmers Union, Community Energy Solutions and Physicians for Social Responsibility, Plains Justice has intervened in two dockets before the Iowa Utilities Board that will determine what energy efficiency programs MidAmerican Energy and Interstate Power and Light (Alliant) are required to implement. Working with the Carney & Appleby firm of Des Moines, Plains Justice is submitting expert analysis of the utilities' plans and proposing cost-effective ways to achieve

even greater efficiency and conservation statewide. Expanded distributed generation and farm-based energy, for example, can minimize line loss, increase efficiency, and boost the rural economy.

We are also bringing testimony about how an independent, or third party, administrated program might work to the advantage of all Iowans. Utilities have a built-in disincentive to maximize efficiency. Efficiency, after all, reduces demand for the product electric utilities sell. Other states have

dealt with this conflict by creating independent administration for efficiency programs, such as Efficiency Vermont or Wisconsin Energy Conservation Corporation.

The IUB and the Legislature should look seriously at what program or set of programs will maximize cost-effective energy efficiency investment in all sectors of Iowa's economy. Now is the time for bold leadership, and Plains Justice is helping to draw the road map.

## *North Dakota Coal Plant Defeated!*

On May 20, Westmoreland Power withdrew its proposal for a 500 megawatt coal plant at Gascoyne, ND, less than 50 miles from Theodore Roosevelt National Park. Citing uncertainty about future carbon regulations, the company returned to the state a \$562,500 incentive package.

With Dakota Resource Council, Environmental Defense,

Sierra Club, the National Parks Conservation Association and others, Plains Justice has been fighting this plant for over a year, filing extensive comments twice with the North Dakota Department of Health to emphasize the flaws in this dirty coal proposal for a circulating fluidized bed lignite coal boiler.

Earlier in 2008 we received a 280 GB hard drive from the

National Park Service in response to a Freedom of Information Act request. NPS had issued a determination of adverse impact, finding that the plant would harm air quality in the national park. With the assistance of an expert engineering witness, opponents crunched the data and argued that creating this precedent would compromise protections for all national parks.

## *New Appeal Filed Against Waterloo Proposal*

Elk Run Energy Associates, the LS Power subsidiary attempting to build a 750 megawatt dirty coal plant in Waterloo, Iowa, has filed air quality permit applications with the Iowa Department of Natural Resources. Local opponents worked hard to educate planning and zoning and city council

members about the damage this plant would do and the many superior alternatives, but the Waterloo City Council approved annexation and rezoning in May.

On behalf of Community Energy Solutions and local landowners, Plains Justice has filed

suit in Black Hawk County District Court to challenge a number of due process violations committed in the Council's rush to approve the coal plant proposal.

We've been in this fight for over two years now, and it's not over yet. Hang in there.

### Summer 2008 Staff

J. Edward Brown, Esq.  
Water Quality Consultant

Glenn Cannon  
Clean Energy Ambassador

Emily Droll  
Summer Legal Intern

Rachel Hedlund  
Summer Legal Intern

Carrie La Seur, Ph.D., J.D.  
President and Founder

Jana Linderman, Esq.  
Staff Attorney

Sue Patton  
Office Administrator

Nicole Shalla, Esq.  
Staff Attorney

Judith Whetstine, Esq.  
Development Director and  
Litigation Counsel

**“Westmoreland Power withdrew its proposal for a 500 megawatt coal plant ... less than 50 miles from Theodore Roosevelt National Park.”**

## *Clean Energy Ambassador Gets Rave Reviews*

Starting in May, our Clean Energy Ambassador, former Waverly Light & Power General Manager Glenn Cannon, has been educating municipal utilities and rural electric cooperatives around the region on the "Business and Ethical Case for Energy Efficiency." Glenn's persuasive presentation is based on his own bottom-line success at Waverly, where innovative efficiency programs lowered customer bills and cut greenhouse gas emissions.

An initial presentation to the Resale Power Group of eastern Iowa earned glowing reviews. One municipal utility association executive director called it "AMAZING — one of the best demand side management/renewable energy presentations I've ever seen." To book Glenn for a presentation to your local utility at no charge or to ask for more information, email [info@plainsjustice.org](mailto:info@plainsjustice.org) or call our office at 319-362-2120.

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*Thank you 2nd Quarter 2008 Donors.*

*Your support is changing the world!*

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Physicians for Social Responsibility  
Cynthia Quast • Rockefeller Family Fund**

## *Interface Inc. Donates Carpet for Cedar Rapids Office*

Atlanta modular carpet company Interface Inc. made a major donation to Plains Justice this May in the form of new carpet to cover our concrete floor. Interface operates according to what it calls Mission Zero: a promise to eliminate any negative effect the company may have on the environment by 2020. Interface's commitment includes generous support of environmental advocates like Plains Justice. The best news of all: the flooding stayed below the second floor of our building, so the brand new carpet stayed dry!

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# <http://www.plainsjustice.org>

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*So that every voice is heard when decisions are made about our air, our water, our land, and our lives.*



100 First Street Southwest, Second Floor  
Cedar Rapids, Iowa 52404  
USA

Phone: 319-362-2120

Fax: 866-484-2373

E-mail: [info@plainsjustice.org](mailto:info@plainsjustice.org)