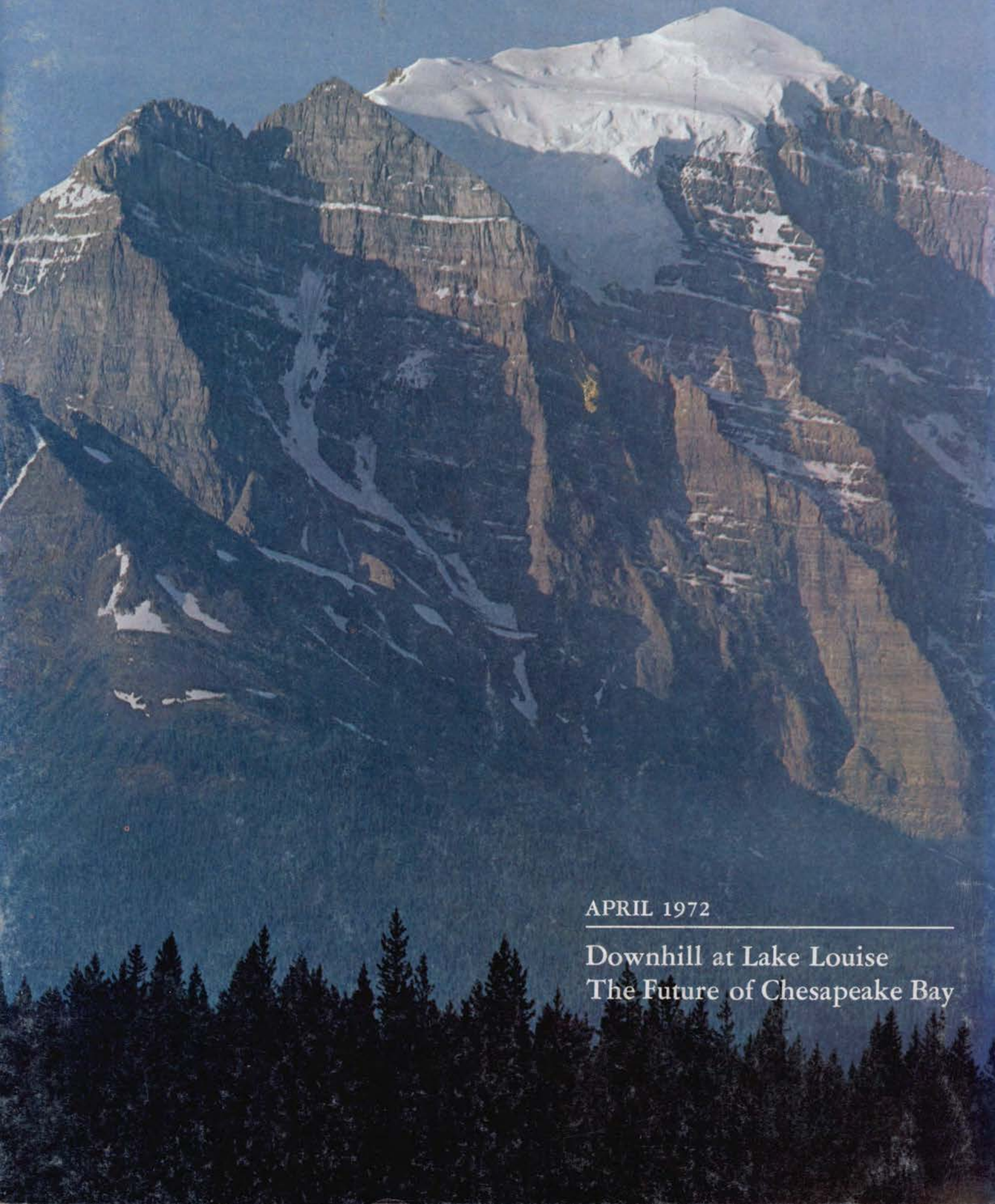
Sierra Club Bulletin



APRIL 1972

Downhill at Lake Louise
The Future of Chesapeake Bay

PHOTO BY ERNIE BRAUN

Trees.
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A quite remarkable little booklet seems to suggest that we're making progress.

It's called, "Trees for a More Livable Environment", and it concerns itself with the selection and maintenance of trees for the urban landscape. It looks at trees and their many functions from a community level. What it says in effect is, "Don't just choose a tree, choose a sensible tree for the intended purpose."

We'd like Sierra Club members to have this booklet with our compliments. Just send your name and address on a postcard to Tree Booklet, Ortho Division, Chevron Chemical Company, 200 Bush Street, San Francisco, CA 94120.

Sierra Club Bulletin

VOLUME 57 / NUMBER 4 / APRIL 1972

Contents

Cover: ***Mt. Temple, one of scores of stunning peaks in Canada's Banff National Park. In "Downhill at Lake Louise," beginning on page 22 of this issue, our authors tell the story of an incredible $30 million urban development proposed for the park. (Photograph by Ed Cooper.)***

Credits

Pages 4, 6 top, 7, 10: Tom Wisner; Page 6 bottom: John Wilson; cover, 22, 26 center: Ed Cooper; Page 26 top: Stephen Herrero. (Wisner and Wilson photos courtesy of the Chesapeake Biological Laboratory.) Maps on pages 8 and 26 by John Beyer and Dan Gridley.

Founded in 1892, the Sierra Club works in the United States and other countries to restore the quality of the natural environment and to maintain the integrity of ecosystems. Educating the public to understand and support these objectives is a basic part of the club's program. All are invited to participate in its activities, which include programs to "...study, explore, and enjoy wildlands."

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The Future of Chesapeake Bay

WILLIAM E. SHANDS and RUTH MATHES

AN EARLY English visitor to the Chesapeake Bay region called it "the most pleasant and healthful place in all this country." Bay Country, from the Washington, D.C., metropolis to the west, to Baltimore's sprawl, through fertile southern Maryland and the flat and peaceful Eastern Shore, is known locally today as "the land of pleasant living."

But Chesapeake Bay—one of the best sailing waters in the East, home of the blue crab and the Chesapeake Bay oyster, the principal spawning ground for the Atlantic rockfish—is in trouble. Within a few years, if strong action is not taken soon, it could become an industrial basin, a sterile sink for pollutants and a monumental eyesore.

"...probably the most valuable and vulnerable large estuary in the world."

Considered by some scientists to be the greatest estuarine system in the world, Chesapeake Bay, a turn of the helm away from busy Baltimore Harbor, is a water wilderness. Yet the bay is changing. New industrial assaults threaten its shoreline; a nuclear power plant is under construction in a hole scooped out of ancient sedimentary cliffs on the western shore; its rich fishery is threatened by pollution. Citizens wring their hands helplessly while government officials speak glibly about saving the bay, then, in legislative committee rooms and executive councils, crassly permit its despoliation.

Dr. L. Eugene Cronin, director of the University of Maryland's Chesapeake Biological Laboratory, an active and articulate defender of the bay, says it is "probably the most valuable and vulnerable large estuary in the world." He warns that while "it serves a wide variety of human uses extremely well, some of its uses and abuses are expanding so rapidly without planning or effective control that its useful qualities are threatened."

The name Chesapeake is derived from its original Indian name, and while literal interpretations vary from "Great Waters" to "Mother of Waters," all refer to its immense size. From its northernmost beginning at the mouth of the Susquehanna River near the Maryland-Pennsylvania border, its waters fill shoreline coves and crannies 165 miles southward to Virginia's southeastern tip, where it flows into the Atlantic Ocean. More than 50 rivers contribute fresh water to the Chesapeake, flowing from headwaters in New York, Pennsylvania, West Virginia, Delaware, Maryland and Virginia. These rivers drain approximately 74,000 square miles, an area larger than all of New

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The wake of an historic skipjack viewed through the rigging on Chesapeake Bay.

England. The bay has 4,500 miles of shoreline, more than five times the length of California's coast; its surface area covers more than 2.8 million acres, and it holds 18 billion gallons. But despite its size, the bay is shallow. Its mean depth is only 25 feet and dredges must constantly work to maintain a shipping channel 35 feet deep to Baltimore Harbor.

The area is rich in history. For more than a century after the first English settlers established Jamestown in 1607, the Chesapeake region contained much of the New World's population. In addition to Jamestown, other historic cities include St. Mary's City, the first European settlement in Maryland, Williamsburg, the capital of Colonial Virginia, and Maryland's capital, Annapolis.

Many of those who settled around the bay depended upon it not only for transportation, but for their livelihoods. Generations of Maryland and Virginia watermen have hauled bountiful catches of crab, oysters, shrimp, and varieties of finfish from the Chesapeake. Though they now number less than 40, the historic skipjacks—the only working sailing vessels still in use in North America—put out in early morning darkness from small fishing villages that look much as they did when the bay was the principal path of trade and communication between the Central Atlantic region and the rest of the world. The watermen of southern Maryland share with their counterparts of the Eastern Shore a deep and fundamental religious faith, as well as a proud independence and aloofness from other citizens and from the governments of both Maryland and Virginia. They vigorously resist state regulation and outside intervention in their local affairs. Many are unaware of the threat to their cherished way of life posed by powerful forces for growth radiating from nearby metropolitan areas.

Change is coming to Chesapeake Country. The ferry boat has given way to the bridge; the train to the superhighway. City dwellers seek refuge in vacation homes on the Eastern Shore or in cabin cruisers and sailboats on the bay. Construction of a second

While man's work is evident around the shores of Chesapeake Bay, the marks remain relatively light so far. But current industrial and urban expansion gravely threaten the remaining natural integrity of the bay. Bottom left, sea gulls at rest in the early morning light; left, Drum Point Light, Calvert Cliffs beyond; below, oyster bins in the Patuxent River at sunset; right, undisturbed marsh near Franklin City, Maryland.

bridge across the bay at Annapolis is already escalating land values on the Eastern Shore. Businessmen see rural farmland as a prime target for new plants and the land developers are busy staking out new industrial parks, particularly where new deep-port facilities are possible. And it is there, where man's developments meet the bay waters, that scientists find the most imminent threat to the bay's ecosystem.

An estuarine system is a combination of delicately balanced systems supporting a rich variety of life forms in every square foot of water and mud. Chesapeake Bay is not an unstructured, homogeneous body of water, but rather its waters are layered, with surface, fresher portions flowing downstream, deeper, more saline waters flowing upstream. This stratification is strongly defined in summer, less strongly developed in winter, with vertical mixing spring and fall. Marine life depends on these currents for survival.

Wetlands are also of vital importance to fish and birds and to man himself. The Chesapeake's 500,000 acres of marshes, swamps, bogs, and mud flats are the spawning and nursery grounds for a multitude of species of shellfish and finfish and nesting places for ducks, geese, whistling swans and other birdlife. Sediment, organic matter and nutrients washed down from the land, are converted in the wetlands into the basic stuff of the food chain.

Wetlands also play many other important roles: they filter out pollutants and sediment, moderate the local climate, and help to control flooding and erosion.

But despite their importance, man has willfully pillaged the wetlands, often for his own short-term economic gain. A 1968 Maryland study found that over a 20-year period more than 22,000 acres of wetlands had been destroyed through stream channelization, housing development, farming, port channel dredging, and industrial and marina development. It should be noted that both Maryland and Virginia have come lately to recognize the danger posed by unregulated development on wetlands. A Maryland law enacted in 1970 regulates the dredg-

ing and filling of tidal wetlands that lie below mean high tide. When fully implemented, it will also provide for control of alteration of wetlands affected by all tidal action. In March, 1972, the Virginia General Assembly enacted similar wetlands regulatory legislation. However, neither law bans wetlands destruction outright; they both depend for meaningful control upon the prevailing political climate and economic pressures. And neither law deals with inland fresh wetlands, even though these are intricately linked with the total estuarine system.

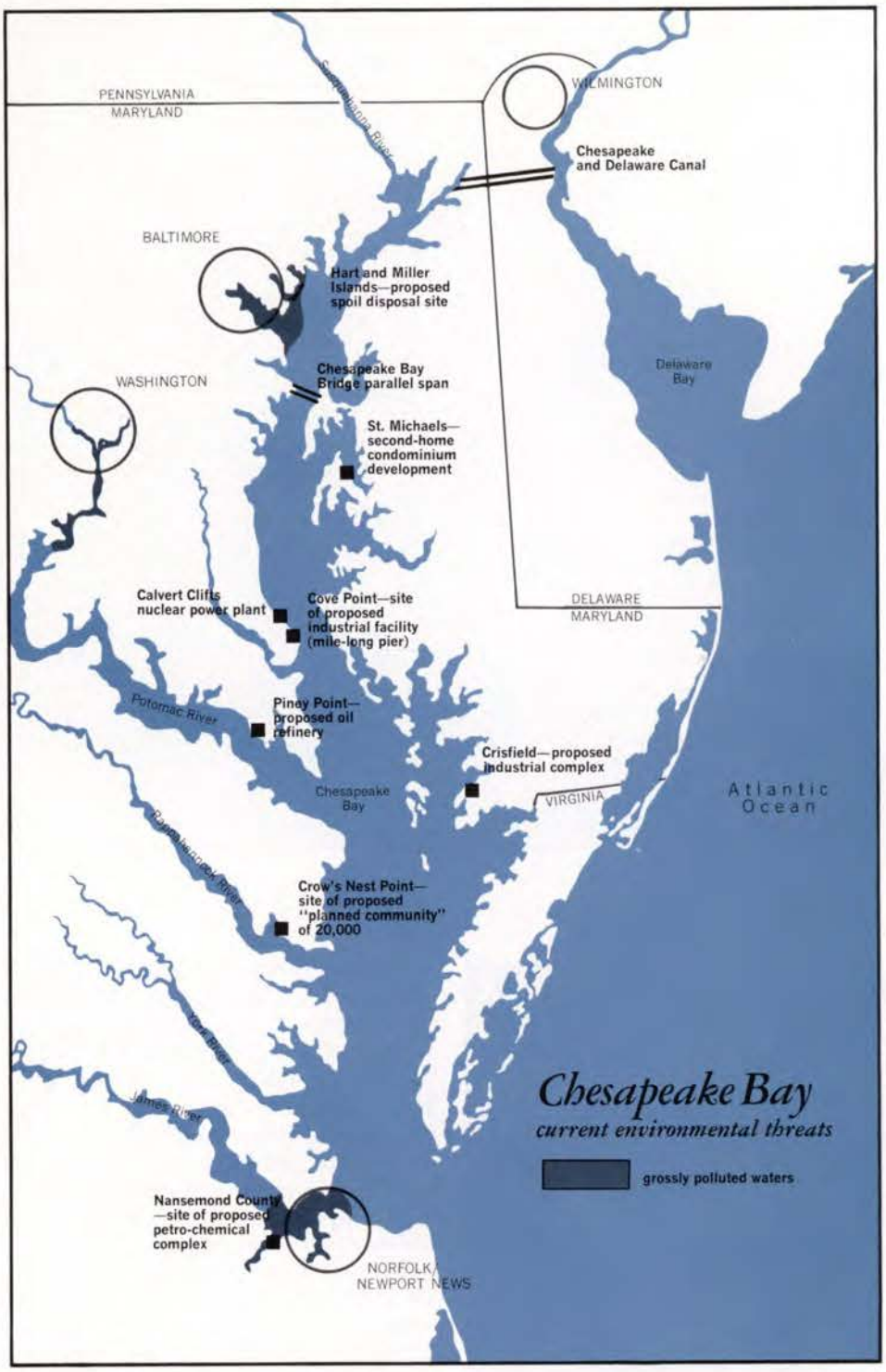
Coincident with destruction of the cleansing wetlands has come an increase in pollution. Sewage is the most serious pollutant, robbing the waters of the tributaries of life-giving oxygen, promoting the growth of undesirable algae. Sediment has increased significantly over the years, clogging the waterways, straining out the sun's rays. In addition, there are chemical fertilizers and pesticides, chemical wastes, oil and waste heat entering the bay from many sources.

Moreover, the bay's hydraulics have been changed in a variety of ways, the ultimate effects of which cannot be accurately predicted. The Chesapeake and Delaware Canal, cut through the Eastern Shore, is now being deepened to 35 feet. This will siphon off an estimated one billion gallons per day of the bay's fresh water. Power plants take bay water and return it, heated. Tributaries are dammed and channeled with little regard for the herring and shad which travel upstream to spawn. All these changes affect the bay's currents, delicate mixing patterns, and migratory routes.

While the closing of an oyster bed due to pollution is dramatic, the gradual diminution of commercial seafood harvests does not make headlines. According to a 1970 Bureau of Sport Fisheries and Wildlife report, a total of 42,255 acres of shellfish grounds in the bay and the tidal waters of its tributaries had been closed due to pollution with an annual loss estimated at $1 million. Still, Chesapeake Bay as a whole remains fairly healthy, but its health is more tenuous than before—and bigger proposals for change are coming.

A list of proposed industrial sites is a catalogue of the bay's scenic and natural areas. An oil refinery has been proposed for Piney Point, where the Potomac River joins the bay. A deep port industrial park has been proposed for a site near Crisfield, Maryland, adjacent to and encroaching upon Janes Island State Park where blue heron and snowy egret find refuge. Recently it was disclosed that the State of Maryland has promoted a deep port industrial facility at Cove Point just north of the Patuxent River on land once designated to be added to Calvert Cliffs State Park. There is constant political agitation for deepening of shipping channels in the bay, which develops demand for cheap soil disposal sites which are usually open water or wetlands. Such intrusions into natural areas alter the bay both esthetically and ecologically.

There is probably no estuary anywhere receiving more intense scientific study than Chesapeake Bay. The University of Maryland, Johns Hopkins University, Virginia Institute of Marine Science, and the Smithsonian Institution all conduct research on the



bay. Within the past few months, these institutions joined in a consortium sponsored by the National Science Foundation. The consortium will establish a single data bank and coordinate research.

While scientific interest in the bay's ecology has intensified, so has citizen concern over its future. There is a growing realization that political action must respect the findings of the scientists, who otherwise are doing nothing more than gathering information for the bay's obituary. Research is not controversial; political action is. Yet political action is essential to the preparation—and implementation—of a public policy for the bay.

Fragmented governmental units continue to pursue a policy that could be described simply as "more is better." More industry, more people, more ships for Baltimore's port, more electrical generating plants to satisfy the insatiable demand for power for the electronic geegaws of an affluent society. But in the case of the Chesapeake, more industry usually means a reduction of the subtle values of the bay. Damaging development continues, no single one being totally destructive of the ecology or esthetic quality of the bay, but together they may ultimately cause the loss of the Chesapeake as a natural resource.

At the present time, each local unit of government can do pretty much as it pleases with its piece of the shoreline. The recent Virginia wetlands law leaves prime regulatory responsibility to local governments, reflecting strong favor for local control and abhorrence of outsiders "telling us what to do with our land." This promotes constant competition for development among the counties and small communities which see new industry as a boon to the tax base, even though development often proves a chimera, with costs for governmental services in excess of revenue.

State and local officials must come to realize that just as ecological changes in one area of the bay affect areas far removed, a political decision affecting the bay by one jurisdiction affects the waters and shoreline of another. Ultimately, as the bay diminishes in value, all will be affected. We cannot, as one official warned, "permit the bay to become the compartmentalized battleground of special interests." The politicians who cherish a tradition of state's rights and local control will wail in protest, but there will ultimately have to be a multijurisdictional agency created to control development and conserve the bay. It will have to have greater power than anything now existing around the Chesapeake. What kind of agency should it be?

Three thousand miles to the west, a unique political institution has been created to guide the conservation and development of another of the nation's great estuaries. The successful San Francisco Bay Conservation and Development Commission (BCDC) could serve as the model for a Chesapeake Bay agency. As an example of intergovernmental action to provide a regional plan for the entire bay, it is worth investigation. It could be the instrument for determining public policy for the bay's use.

In considering the San Francisco experience, and its applicability to the Chesapeake, we should bear in mind the fact that there are significant differences between the two estuaries, their people, and their governments. While the problems associated with the creation of BCDC were monumental, the far greater complexity of political, sociological, and economic forces around the Chesapeake would indicate that even more staggering obstacles can be anticipated.

San Francisco Bay is an urban estuary, with much of the surrounding land intensively developed. The Chesapeake, except for the Baltimore and the Norfolk-Hampton-Newport News metropolitan areas, remains open and free of development. Woods and farmland alternate with sparsely populated villages. Whereas there is a substantial population living within sight and smell of San Francisco Bay, driving daily past the sewage plants and trash heaps at its shore, few of the millions of people in the population centers near the Chesapeake see its shoreline on a regular basis.

While each of the nine counties and 80-odd communities ringing San Francisco Bay had its own plan for its portion of the shoreline, there was, nonetheless, a community of interest focused upon the bay and a cosmopolitan awareness of its value to the Bay Area. The immense size of the Chesapeake inhibits development of such a community of interest. Those who live in the urban centers have little in common with the watermen or the farmers of the Eastern Shore. While suburban residents enjoy its seafood and opportunities for boating and recreation, most take its existence for granted.

Another difference is that San Francisco Bay lies entirely within a single state. Creation of BCDC was a miracle of political accommodation. Consider the task of winning agreement among the two states that border the Chesapeake, the 19 counties on the bay proper and the scores of cities and towns, large and small, along its shore.

Indeed, there would be formidable obstacles to the creation of a two-state commission with the necessary power to plan and regulate use of the bay and the adjacent shoreline. Even though Maryland participates with other states in the Susquehanna River Basin Compact, and Maryland and Virginia have indicated willingness to join in a similiar compact for the Potomac, both states are wary of surrendering rights or sovereignty over their own territory. Within each state the concept of state primacy over local land-use decision making has but a weak hold. The creation of a strong multistate authority would require a quantum leap in governmental thinking.

Despite the apparent lack of current political feasibility, Congress should give serious consideration to the creation of a bi-state agency with the power to frame a public policy for the entire bay, prepare a comprehensive plan for its conservation, control development upon the bay itself, and regulate land use for the wetlands and high ground near the shoreline. In this context, the pattern of the BCDC, with adjustments to take account of constitutional and legal frameworks in each state and political tradition, and with strong representation of the various political jurisdictions, could be applied to the Chesapeake.

At the outset, the commission should be given authority over bay dredging and filling and the construction of structures in wetlands within a specified distance inland from the shoreline. At the time of its creation, BCDC was given veto power (not without strong resistance by local jurisdictions) over development on the bay. This enabled it to block damaging development while preparing a comprehensive plan for the bay.

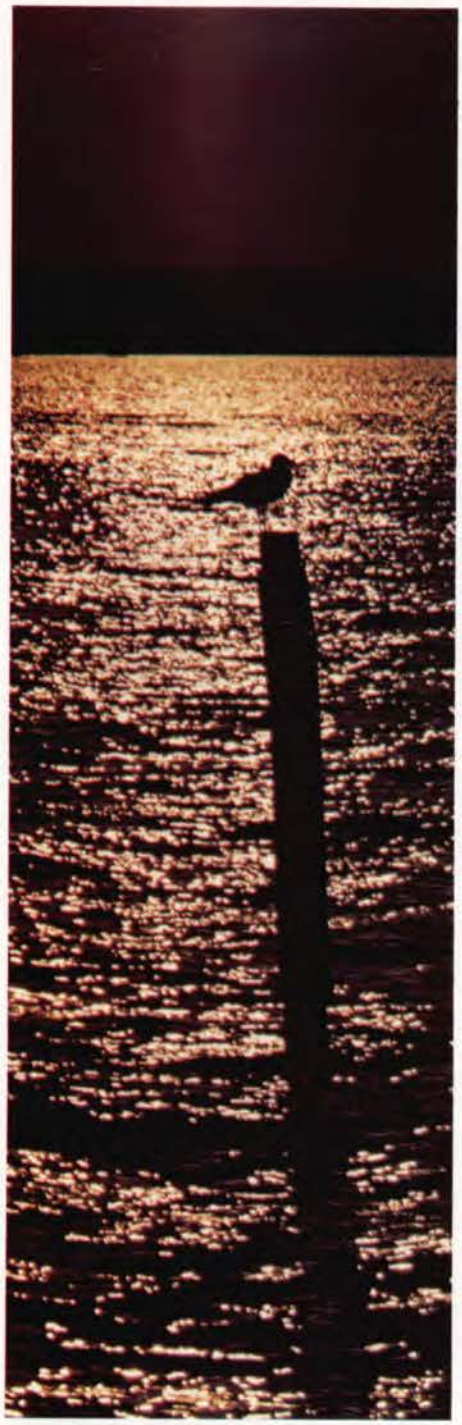
The comprehensive plans for the Chesapeake will have to confront the pressure for industrial development on the bay. Pressure from developers

and their allies on county commissions and town and city councils will be intense. A strong effort should be made to reduce competition among jurisdictions. If the commission's studies show that industry is required to serve the Chesapeake region, it should be properly sited to minimize ecological damage. The Minneapolis-St. Paul metropolitan area has developed a revenue-sharing program by which all jurisdictions receive a portion of tax revenue from industrial development anywhere within the metropolitan region. This is an idea which could be transplanted to many other regions of the country and might well be considered as part of the Bay Conservation Commission legislation.

But creation of a Chesapeake Bay Conservation Commission would not do all that has to be done. The full recreational potential of Bay Country has not been realized. The public's share of the bay shoreline is pitifully meager—there are only three state parks on the water on all of southern Maryland's western shore, and only two of these have swimming beaches. Virginia has done even less to provide public access to the bay. The recreational resources of the bay should be expanded and their use by the public encouraged. Neither state appears to have the resources needed to exploit the region's great recreational potentialities and permanent open space needs.

Legislation is now pending in Congress for the creation of two gateway national recreational areas—the Golden Gate National Recreation Area in San Francisco and the Gateway National Recreation Area in New York City. Why shouldn't Chesapeake Bay, another of the nation's great thresholds, be given the same priority? As a companion agency to the proposed Chesapeake Bay Conservation Commission, it could do for the bay's land side what the other would do for the open waters and wetlands. A Chesapeake Bay National Gateway Recreation Area could tie together state parks in Virginia and Maryland, national and state wildlife refuges on the Eastern Shore, Maryland and Virginia's designated scenic rivers, as well as historic areas such as St. Mary's City, now being restored by the State of Maryland and St. Mary's County Historical Trust.

Land and water conservation fund money could be used to purchase additional public shoreline for a trail system. Such a recreational system could link the best of the Chesapeake region's forests and bays, geological features, beaches and parks and historic towns into one truly magnificent recreational area just a day's drive from the East Coast megapolis. Such a proposal is not unprecedented. Congress is now considering a 650-mile Upper Mississippi National Recreation Area encompassing points between Minneapolis-St. Paul and St. Louis. As a national attraction, the Chesapeake Bay National Recreation Area could provide a new economic base for Maryland and Virginia counties and communities. If there are careful controls over the type of facilities constructed to serve the visitors, it could help preserve something of the life and tradition of Bay Country.



It would be naive to believe that the governments involved will immediately embark upon the programs suggested here. Public officials are accustomed to moving slowly and then only when firmly pushed. Progressive recommendations of past scientific, governmental, and citizen conferences on the future of the Chesapeake have largely been ignored by those with governmental responsibility.

Yet passage of wetlands legislation is evidence of government concern stimulated by the efforts of alarmed citizens. Maryland has taken another step toward a bay policy, establishing a Chesapeake Bay Interagency Planning Committee, which is preparing to issue a report on the bay and its management. Whether the report will contain substantive recommendations, and whether they will be implemented, remains to be seen.

Last year at the University of Maryland a conference of citizens from Maryland and Virginia was convened. Its theme was the preamble of some yet-to-be-written legislative document: "We, the people of the Bay Country, in order to provide for continuing protection of the bay and to promote its longtime use . . ." That conference called for the appointment of a permanent planning committee to "implement and assist in the achievement of a published plan and program for managing the resources of the bay." This effort is now underway.

There is reason to hope that one day, before the bay's wetlands are filled, the beaches taken over by industry, the cliffs carved away, and the commercial and recreational fishery diminished to insignificance, the people of the Bay Country—and the wider national constituency which also has a great interest in the bay—will unite and demand action to save that which remains, recognizing that a single community, county or state cannot do it alone. When that occurs, politicians will attach "Save the Bay" stickers to their political banners and push the necessary legislation through. It won't happen tomorrow. But it will happen sometime. One can only hope that when it does there will be a bay worth saving.

DONALD W. AITKEN

Commoner and Ehrlich: They're Both Right!

BARRY Commoner and Paul Ehrlich, two giants in the environmental movement, are locked in what appears to be mortal intellectual combat.

The controversy was first brought to public attention in a debate held by the American Association for the Advancement of Science during its December, 1970, annual meeting in Chicago. The differences were sharpened by Commoner in his most recent book, *The Closing Circle.* Hope for any further attempt at tactful discussion went aglimmering with the circulation of an article by Ehrlich and John Holdren soon to be published in *Science and Public Affairs.* Commoner is answering Ehrlich's attack with an equally scathing counterattack. The controversy has escalated to the point that each man now challenges the scientific integrity of the other.

Significantly, the two share insights and principles in common. Both have stressed the need to apply scientific knowledge to social decision-making. Both men see society irretrievably mining the biological "capital" of the future and see this undermining the entire life-support system, with particularly grim implications for the underprivileged. Both fear the future public health implications of our present actions, and both assume that the solution lies in treating the causes rather than the symptoms of environmental decay. They recognize that the urgency of the environmental crisis is based on the increasing rate and scope of society's insults to the environment.

They both acknowledge the absurdity of using the Gross National Product as a measure of anything significant for society and both preach eloquently for an ultimately stable relationship between man and the world's resources. Both are critical of scientists who insist on working in intellectual isolation from the needs of society; neither denies the value of pure science, rather, both feel that pure and applied research go hand in hand. Both argue that interests beyond personal, political or corporate gain must control the future technology they agree is needed to correct present ills. They thus define a new kind of technological "progress."

On what, then, do Commoner and Ehrlich disagree? Paradoxically, the primary source of their disagreement is rooted in an area of agreement—that the factors contributing to environmental degradation wreak their havoc through an insidious *multiplication* of effects, rather than through a simple addition of impacts. To understand this is to understand the approaches of both these men, the nature of their dispute and the common starting point of all environmental activism. Commoner's books, *Science and Survival* (1962) and *The Closing Circle* (1971), discuss the impact of modern technology on the environment and the need to consider that impact when making social decisions. Commoner's goal is to develop a "technological conscience" in society capable of evaluating the relative effects of technology on the environment.

Ehrlich has emphasized the problems of rapid population growth and disproportionate affluence in his books, *The Population Bomb* (1968), *Population, Resources, Environment* (co-authored by Anne Ehrlich, 1970) and *How To Be A Survivor* (co-authored by Richard Harriman, 1971). He equates "the total negative impact . . . of a society on the environment" to "the product of the number of people and some measure of the per capita impact." Thus, he always combines arguments for fewer people with arguments for reductions in the standard of living of the "overdeveloped" nations which cause the worst environmental problems. (He often uses "affluence" interchangeably with "individual impact.")

Commoner starts at precisely the same point, but separates "per capita impact" into *two* terms, one a measure of affluence—that is, a specific measure of the quality of life—and the other a measure of the technological cost of that particular component of affluence. He tries to attach numbers to all three factors (population, affluence, technology) which contribute in combination to environmental decay. He can thus evaluate the relative impact of these three linked factors. His conclusions are often startling: he has found that in many instances, technological changes have *more* of an impact on the environment than do either population growth or the standard of living.

So what we find, then, is that the controversy between the two men is basically one of emphasis and approach: Ehrlich emphasizes control of population growth; Commoner stresses control of technological change. Ehrlich, for example, refers to Los Angeles' smog as a symptom of that area's "fatal disease: overpopulation," while Commoner cites smog primarily as the product of technological excess—ridiculously high automotive compression ratios, and all that goes with it. Ehrlich argues that "we must keep the trains and trucks running, if only because trains and trucks transport food and other necessities." Commoner, in contrast, quotes energy statistics to show that trains—*rather* than trucks—should be used for long-distance freight hauling as a way of minimizing the environmental harm while accomplishing the desired goal.

The two disagree on the role that scientists should play in leading the public toward ecologically rational decision making.

Commoner asserts that it is the scientist's responsibility to provide a

continued on page 28

Donald Aitken is chairman of the Department of Environmental Studies at San Jose State College and acting director of the John Muir Institute. His article was written on the basis of ". . . a personal friendship with, and admiration for, both Paul Ehrlich and Barry Commoner."

Will Success Wreck NEPA?

ROBERT GILLETTE

★★★★★★★★★★★★★★★★★

"It is as much the duty of government to render prompt justice against itself, in favor of citizens, as it is to administer the same, between individuals."

ABRAHAM LINCOLN

★★★★★★★★★★★★★★★★★

IT'S A RARE year indeed when a piece of federal legislation bubbles up from the dismal swamp of American politics and rises to the lofty purpose of governmental self-reform and self-regulation that Lincoln implied. One such year was 1970, the law was the National Environmental Policy Act (NEPA) and its objective was nothing less than to goad the whole of the federal government—Congress, the White House, and all the agencies—into adopting a more sympathetic view of a fragile environment.

Now, after two years' experience with the law, it seems that NEPA may be working a bit too well for its own good. The early signs of a potentially crippling backlash against it are evident among the agencies and within the Congress. And conservation leaders in Washington fear that the restiveness they sense toward NEPA, and toward some recent and controversial court interpretations of this law, may blossom into a full-scale movement to emasculate or repeal this historic law sometime after the election is conveniently past.

The sources of antipathy toward NEPA are not difficult to detect. In the two years since its passage, this law has forced virtually every federal agency to undergo a sometimes agonizing reappraisal of the way it conducts its business and the way its business affects the environment. Thousands of man-hours and millions of dollars are being spent that were never spent before to study and anticipate the environmental side effects of pipelines and nuclear power plants, highways, waterways, transmission lines, dams and thousands of other major and minor public works that cost the taxpayers billions of dollars. In short, the builders and diggers in the federal government are being asked to justify and explain the benefits and perils of the projects they have spent their lives pursuing. And introspection is never easy.

NEPA is the law that environmental lawyers, led by James Moorman, now the executive director of the Sierra Club Legal Defense Fund, invoked to block construction of the trans-Alaska pipeline; it was used to stop the Tennessee-Tombigbee waterway. NEPA played a pivotal role in killing the Cross-Florida Barge Canal and it was the tool that the Sierra Club and the Natural Resources Defense Council used in January to force the Interior Department to postpone its plans to sell oil and gas leases on vast tracts of coastal waters in the Gulf of Mexico.

This is also the law that has delayed the operation of half a dozen nuclear power plants and—to the consternation of the White House—let two young Cleveland lawyers throw a monkey wrench in the Nixon administration's elaborate water discharge permit program, the government's main scheme for curbing industrial water pollution.

All of these nettlesome setbacks dealt by NEPA have stemmed from federal district and appeals court rulings in which one or more judges ruled that a federal agency—whether by reason of innocent misunderstanding or bold intransigence—had failed to comply fully with NEPA procedures in analyzing the impact of various projects. Stung by these decisions, several agencies—notably the Atomic Energy Commission—are seeking legislation to circumvent the most troublesome court rulings. None of these efforts so far involves directly changing the wording of NEPA itself; instead, the court rulings would be effectively thrown out by inserting new weakening language into an assortment of other laws and pending bills.

For the present, it would be an exaggeration to depict these legislative end-runs as part of a coherent movement to cripple NEPA. But concern is running high among Washington environmentalists that the aggregate effect of these indirect amendments may be to shield major sectors of the federal government from NEPA's influence, and that direct amendment may be the next logical step.

★★★★★★★★★★★★★★★★

By way of background, NEPA was largely the handiwork of two Democrats—Senator Henry M. Jackson of Washington and Representative John D. Dingell of Michigan. Although as a bill NEPA had wide bipartisan support (and still does), the White House took little interest in it until after its passage through Congress in late 1969. President Nixon then gave it symbolic prominence when he signed the bill as his first official action of the new decade. The President has made extensive use of the three-man Council on Environmental Quality (CEQ), established by NEPA, taking its advice in such issues as predator control and the fate of the Cross-Florida Barge

"To him who in the love of
Nature holds
Communion with her visible forms,
She speaks
A various language". . . William Cullen Bryant

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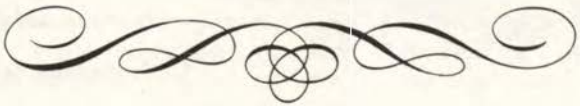

Canal. It is not clear, however, how often the President has rejected its advice, though this certainly happened in the case of his cancelling the order to curtail timber clear-cutting.

As federal legislation goes, NEPA is brief and not very complicated. As its name implies it is mostly a statement of policy, and one couched in rather sweeping terms at that. The first part of the law, section 101, declares, among other things, that it is the government's responsibility to "assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings." Later on, this section holds that "each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment."

NEPA's rather limited complement of teeth is found in the next part, section 102. Here is the language that has triggered the reappraisals, the arduous analyses of public works, and the current fuss.

Very simply, section 102 stipulates that whenever an agency contemplates a "major action" that is likely to have a "significant" impact on the environment, the agency must first prepare a formal description of its action, the probable impact, and the alternatives to the proposed action. (For example, the Interior Department's proposal to grant a right-of-way through federal lands for the trans-Alaska pipeline.) Implementing guidelines drawn up by the CEQ call for making drafts public in advance of the proposed action, soliciting comments from the public and from other agencies, and then issuing a final impact statement to take account of comments on the first.

In short, NEPA demands that before any federal agency takes any major action—be it building a highway or issuing a permit for a pipeline —that agency is supposed to *think* about the consequences and the alternatives. But applied on the scale of the federal government, the straightforward directive to think before acting has engendered a major new occupation in Washington—that of preparing environmental impact statements.

Dozens of agencies, including a few like the Securities and Exchange Commission and the Department of State that have never before thought of themselves as impinging on the environment, have had to make adjustments in their organization and compose guidelines of their own to comply with NEPA. (Still other agencies —like the Export-Import Bank and the Overseas Private Investment Corporation—have yet to fully recognize their responsibilities.)

To produce their own impact statements and review those of others, many agencies have had to hire new people with training in the environmental sciences. Interior Secretary Rogers C. B. Morton, for instance, says his vast department is still training thousands of employees in the fine art of producing acceptable statements, and that Interior plans to hook up a new computer system just to keep track of the paper work.

For its part, the Atomic Energy Commission estimates that 200 of its employees do nothing but write "102 statements" and review those from other agencies. In the coming fiscal year, the AEC and Interior alone will spend a total of $14 million merely to process and prepare these statements and hold public hearings on them.

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In two years, more than 4,000 environmental impact statements have passed through the CEQ's small offices across Lafayette Park from the White House. About half of them are brief, rather perfunctory documents from the Department of Transportation dealing with fragments of highway projects and new airport construction. Another 25 percent concern water resource projects, from small stream channelization works by the Soil Conservation Service to immense pork-barrel undertakings of the Army Corps of Engineers like the Tenn-Tom waterway.

Month by month, all of these statements are listed and summarized in a publication from the CEQ called *102 Monitor.** One recent issue, for example, notes more than 200 new statements ranging in subject from a 48-page dissertation by the Agriculture Department on its fire-ant control program to a 13-page document discussing the benefits and hazards of repaving a 4.4-mile stretch of road in Lafayette County, Wisconsin. Though most statements run no more than 100 pages, there are exceptions: the final impact statement on the trans-Alaska pipeline fills nine fat volumes and weighs 25 pounds. Secretary Morton views this enormous compilation as the most thorough examination of environmental side-effects that "any work of man has ever had." Certainly it is one of the longest, and it is undoubtedly preferable to the previous try, a 200-page document so cursory and slanted that even the Corps of Engineers found itself complaining.

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As much of a paper-shuffling exercise as it is, compliance with NEPA has had some far-reaching and beneficial spinoff. It has opened administrative procedures to public view that formerly were closed. And it has given the government a handle on the difficult and pervasive problem of "technology assessment"—the anticipation of technology's adverse effects. It has also prompted the legislatures of Washington, California, Montana, Delaware and Puerto Rico to adopt similar environmental disclosure laws.

But perhaps most important, some astute observers think that NEPA is having a tangible effect on the way decisions are made in key federal agencies; that, for some at least, the advent of NEPA continues to be a consciousness-expanding experience.

For example, Roger Cramton, a former professor of law at the University of Michigan and now chairman of the Administrative Conference of the United States, notes that under NEPA, "an agency that attempts to grapple meaningfully with environmental issues is forced to recruit a phalanx of professionals with different values and perspectives than its old-line operatives." Initial reaction to NEPA by older, middle-level bureaucrats tends to be one of anger and stubborn resistance, Cramton continues, but once the new employees begin mingling with the old, "new sets of shared attitudes and goals may replace those that have been hardened into the bureaucratic structure."

Similarly, Secretary Morton, who has some strong complaints about court decisions under NEPA, nevertheless thinks that it has resulted in "more informed decision making." In particular, he believes that if the trans-Alaska pipeline is built it will be safer and less detrimental than it would

*Available at $6.50 a year, 60 cents for single copies, from the U.S. Government Printing Office. The *Monitor* lists sources of actual impact statements.

have been in the absence of the studies and public hearings required by NEPA.

For all the law's attributes, however, it's equally important to realize what it is not: it is not an environmental police law; it grants no one veto power over any federal action, regardless of how destructive a project is revealed to be by its impact statement.

"This is an informational statute," says Frank Potter, a staff aide to Representative John Dingell of the House Merchant Marine and Fisheries Committee. "It is built on the supposition that once the facts about a given action are made known, the political process will come to an appropriate decision."

Even without explicit provisions for enforcement, NEPA is no paper tiger, as the tooth marks in half a dozen arms of the executive branch will attest. On the contrary, the federal courts have given the law a substantial bite, one the government cannot conveniently ignore.

In a little more than two years, district and appeals courts have handed down more than 160 decisions under NEPA, with new ones being recorded at a rate of about one a week. (The U.S. Supreme Court has mentioned the law several times but has yet to make an interpretation of it.) This high rate of activity stems partly from conservation groups' quick recognition of NEPA as a versatile tool for calling the government to account for its actions, partly from an apparently strong inclination of the courts to affirm the citizen's standing to sue under the law, and partly from its newness and sweeping language. As U.S. District Judge Friendly has said, NEPA is "a relatively new statute, so broad, yet opaque, that it will take longer than usual to comprehend fully its import."

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Despite the judiciary's enthusiasm for NEPA, Russell E. Train, chairman of the President's Council on Environmental Quality, points out that the role of the courts has hewed closely to "the traditional one of ensuring that governmental process prescribed by statute is working correctly . . ."

Thus, the bulk of the cases have revolved around such questions as which agencies must comply with NEPA (virtually all of them); whether NEPA applies to projects begun before the law was passed (yes, if major decisions are still to be made); what a "major" action is (just about anything with an identifiable effect on the environment); how rigorously impact statements must consider alternatives to the proposed project (very); and whether an agency can pass off someone else's description of a project's effects as its own statement (no).

Simple questions and simple answers? Not really, especially in light of the repercussions. Altogether, only about 15 percent of the 160 decisions have resulted in delays of government actions, but these delays have cost money, embarrassed some smug bureaucrats, and triggered a certain amount of confusion and hysteria about the administration of individual projects and even whole government programs, not the least of which are the AEC's licensing of nuclear power plants and the administration's water discharge permit program. Thus were sown the seeds of backlash.

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Five major court decisions in particular have nurtured this backlash. In each instance, environmental groups —the Sierra Club among them—contested the guidelines that agencies had drawn up for writing impact statements. And in each case the court threw the guidelines out.

The first of these landmark decisions came last July in a suit brought by the Sierra Club and others challenging the Atomic Energy Commission's licensing of a nuclear power plant at Calvert Cliffs, Maryland. The suit charged that the AEC had failed to consider thoroughly the effects of the power plant's hot-water discharge on the ecology of Chesapeake Bay. The AEC countered that it was sufficient to take the Environmental Protection Agency's word that pollution would be controlled within federal limits. A three-judge appeals court—charging that the AEC had made a "mockery" of NEPA—adamantly disagreed, ruling that in every licensing action the AEC must determine for itself the impact of a nuclear plant's pollution and then carefully balance this "cost" against the plant's presumed benefits.

The ruling quickly mired the AEC's already overworked regulatory branch in a bog of paperwork as it sought to draft more rigorous guidelines for impact statements, then perform new studies and write new statements for more than 100 power plants, uranium mills, and other nuclear facilities around the country. To the great distress of the utility industry, which had built or was building the plants, and to that of the Joint Committee on Atomic Energy, licensing activities ground to a near crawl. As of mid-March, the AEC's new chairman, James R. Schlesinger, who took office last fall, was complaining that his agency was still so bound up in knots that it hadn't been able to complete a single licensing action since July.

To make matters worse, the AEC tried to expedite things for nuclear reactors that were ready to go into operation by granting them "interim" licenses for low-power test runs. And the AEC promptly collided with another adverse court ruling.

This time the suit was brought by the Izaak Walton League and Illinois Attorney General William J. Scott, who were concerned over thermal discharges into the Mississippi River. Siding with the plaintiffs, a federal district court forbade the AEC to grant an interim license to two of Commonwealth Edison's Quad Cities plants near Chicago, until an environmental review was complete. (An 11-degree increase in river temperature was threatened by interim operation.)

The court held that plants could not operate on an interim basis without a completed impact statement if significant harm to the environment might occur during that time.

Now, Schlesinger grumbles, "A fully constructed, large-scale generating plant stands idle [even though] the Federal Power Commission has stated that the plant is urgently needed at least in standby readiness. . . ."

Schlesinger is perhaps more environmentally attuned than most senior bureaucrats. He concedes with apparent sincerity that, for the most part, NEPA has encouraged a "healthy reorientation of governmental perspectives and priorities." His complaint is that the law contains not a hint of guidance for handling the special problems that arise in this present "transition period" when the law is still new and many of the public works it affects were already underway when

continued on page 29

Robert Gillette is a reporter for Science *magazine, the weekly journal of the American Association for the Advancement of Science, and former science editor for the* San Francisco Examiner.

Sierra Club COMMENTARY

News View

Cain Report asks drastic changes in predator control

"Guidelines and good intentions will no longer suffice. The federal-state predator control program must be effectively changed." So concludes the Advisory Committee on Predator Control in its 207-page report to the Department of the Interior and the Council on Environmental Quality. The committee offers 15 recommendations for improvements, and demands that future predator control "take full account of the whole spectrum of public interests and values, not only in predators but in all wildlife." It places the onus for implementing changes on the federal government, particularly the Division of Wildlife Services, but recognizes the need for state and local cooperation.

The recommendations include: proposed changes in the predator control machinery, and legislation to implement them; steps which might be taken by individual states to coordinate their efforts with the federally financed program; steps which might be taken by the livestock industry to protect its interests against unusually heavy losses, such as improved husbandry and participation in an insurance program; and a program to provide a better factual basis for whatever predator control is found to be necessary, a statement of areas of research which need to be undertaken by federal and state agencies, including the economics of losses and the control program, the ecology of predator populations, and the agencies' values in the maintenance of ecological systems.

Another development in predator control occurred when the Environmental Protection Agency partially granted a Sierra Club petition to suspend and cancel poisons used in predator control for sale in interstate commerce. In a decision which makes more difficult the use of poisons by private individuals as a substitute for their phase-out in the federal program, the EPA canceled and suspended all uses of 1080, and predator-control uses of cyanide, strychnine and thallium.

Coupled with President Nixon's executive order banning the use of poisons for predator control on public lands, the Cain Report and the EPA ruling should have a substantial influence on changing current practices. However, sheep and cattle interests are hard at work in Washington, pressuring the President to rescind his order. They contend a dangerous increase in predators will be the result of Nixon's order, thus causing substantial losses to the livestock industry. ■

Butz admits killing clearcut order

Secretary of Agriculture Earl L. Butz admitted in testimony before Senator Gale McGee's Agriculture Appropriations Subcommittee that he was the prime force in squashing the administration's executive order placing restrictions on clearcutting. The order, prepared by the Council on Environmental Quality, would "not permit clearcutting on public timber lands" except under a set of

described conditions, and would have abolished clearcutting in "areas of outstanding scenic beauty."

Under timber industry pressure, the order was dropped. Butz said he was convinced the abuses of clearcutting were limited to the past, and that its problems are minimal. The effect of the order would have "served no useful purpose" in his view, and would have impeded the harvesting of timber necessary to build millions of homes.

In a fiery exchange with Senator McGee, Butz admitted he had several meetings on the executive order with key White House people, and at his invitation, timber industry leaders from around the country came to Washington to meet with him and explain its effect on the industry. McGee labeled those negotiations "a lopsided, one-sided type of consultation," and added, "These are the public lands of the United States. These are not industry's private timber lands. They belong to all the people."

In late March, the Senate Public Lands Subcommittee issued a 13-page report entitled, "Clearcutting on Federal Timberlands," which included a definite set of guidelines regulating the practice of clearcutting in national forests. The report is a result of Interior Committee hearings a year ago on the abuses of the controversial practice. ■

House passes Marine Mammal Protection Bill

The House has passed the Marine Mammal Protection Act by a vote of 372 to 10, after accepting an amendment by Representatives Morris Udall of Arizona and David Pryor of Arkansas to impose a five-year moratorium on the killing of whales, seals, sea otters, polar bears and manatees. However, an amendment which would have banned the "inadvertent" killing of porpoises and dolphins by tuna fishermen was defeated.

A partial ban on importation of the mammals is included, although certain pelts may come in for processing before re-export. Similar legislation is pending before the Senate Commerce Committee, where conservationists will seek protection for porpoises and dolphins and ask for Interior Department jurisdiction over the enforcement of the law. ■

Club moves to keep USFS on its toes

The Sierra Club has filed three appeals with the Forest Service and one lawsuit against it in actions designed to preserve the integrity of the national forests. First, in an effort to reverse the timber management plan for the Six Rivers National Forest in California, the club filed an appeal with the chief of the Forest Service, contending the plan provides for logging at three times the rate the forest can sustain. Farther north, the club has asked for a halt to two timber sales planned for the Gifford Pinchot National Forest in southwest Washington, alleging that the sales violate the National Environmental Policy Act and the Multiple Use Act.

Third, the club and 17 other conservation groups have asked the eastern regional forester to designate the Joyce Kilmer Memorial Forest and the adjacent watershed of Slickrock Creek in North Carolina as a wilderness study area, and to restrain road construction and logging. Finally, a suit has been filed against the Forest Service for issuing permits to Kirkwood Meadows, Inc., to build a huge ski resort in the Eldorado National Forest in California. Construction of the resort would be unlawful, the action contends, since no environmental impact statement has been prepared and because the permits are in excess of the 80-acre limit imposed by Congress on private recreational developments on national forest lands.

At the root of each action is the Sierra Club's fear that the national forests are being abused, primarily for economic reasons. Whether income is generated by logging, recreation or mining, esthetic and environmental degradation are the inevitable result, unless these activities are designed to be environmentally compatible. ■

Washington Report

EXPANSION of national parks and recreation areas is again being thwarted by budgetary restrictions.

Two years ago, conservationists were heartened by the bi-partisan victory in Congress which brought a $100 million increase in the Land and Water Conservation Fund, boosting its annual level to $300 million. They foresaw the additional money as a means to reduce the backlog of authorized but unacquired parklands, an opportunity to go after many new areas needing protection.

However, despite the 50 percent increase, the federal share of the Land and Water Conservation Fund will be less in fiscal 1973 than in 1971. In 1971, Congress appropriated $167.8 million to the National Park Service, Forest Service, Bureau of Sport Fisheries and Wildlife and Bureau of Land Management—the federal agencies which acquire land for fund purposes. In 1972, $101.7 million went to these agencies. For fiscal 1973, President Nixon's budget recommended a further reduction to $97.9 million.

The Land and Water Conservation Fund finances both federal and state programs. What has happened is that the state allocation has increased from 52 percent of the total in 1971 to 65.7 percent in 1973. Thus, the administration budget this year programmed $197.1 million for assistance to the states for planning, acquisition and development, and $97.9 million to the federal agencies. (The balance of $5 million goes to the Bureau of Outdoor Recreation for administration.)

The allocations from the fund to the states must be matched on a 50–50 basis. Money is available for both land purchase and development of recreation facilities. The federal portion can only be used for land acquisition. Unfortunately, the original Land and Water Fund statute did not specify a percentage division between the state and federal functions. When first established, there

Parker case reaches final victory

A three-year court battle ended in a significant victory for conservationists and the Wilderness Act when the Supreme Court denied certiorari to the defendants in the Parker case, thereby rendering final a lower court decision that ultimate determination of boundaries of a wilderness area rests with the President and Congress. An injunction against logging in the East Meadow Creek Area of Colorado's White River National Forest also stands until the wilderness review is completed.

"It has been made clear by the federal courts that the intent of the Wilderness Act is to preserve wilderness qualifying lands contiguous to Forest Service primitive

W. Lloyd Tupling

was a 50–50 split of available money. No one knows exactly how states have become major recipients. At Congressional hearings on expansion of the fund in 1970, documents projecting future division of the money reflected an expected continuation of the 50–50 principle. Pressure has mounted for urban park and open-space land programs, and the great need for such effort is beyond dispute. However, the Department of Housing and Urban Development has had direct appropriation for these purposes in years past, and there is no reason why this route cannot be pursued. The Land and Water Fund is not large enough to rely upon for full funding for both federal and state programs.

The present imbalance may yet be corrected through revenue-sharing legislation moving through Congress. The Senate recently passed new housing and urban development legislation with provision for open-space land acquisition as part of the Community Development package.

Hopefully, these new sources of money for state and local governments will reduce pressure on the Land and Water Conservation Fund. Otherwise, it is likely that amendments will be introduced to fix by law a 50–50 formula.

The cutback in available federal funds has had a definite impact on authorization of new national park units. Action on two vitally needed units—Gateway National Recreation Area in New York and New Jersey and Golden Gate National Recreation Area in California—has been slowed as needed funding retreats farther into the future. Meanwhile, land speculation affects newly authorized units like Sleeping Bear Dunes, Buffalo National River, and Voyageurs National Park.

The backlog of authorized parkland diminishes but little examples are too numerous to delineate. But here's a for instance: Mesa Verde National Park was authorized in 1906 and private inholdings remain within its boundaries.

areas until such lands receive a fair hearing and Presidential and Congressional deliberation," stated Anthony Ruckel, the Sierra Club's attorney in the case. "No irretrievable acts disqualifying such areas from wilderness consideration will be countenanced. This is the law," Ruckel concluded, "and we look forward to working with the Forest Service in carrying it out."

The Sierra Club and local residents had filed suit in 1969 against former Secretary of Agriculture Clifford Hardin, the Forest Service and four others when the service agreed to a timber sale in the East Meadow Creek drainage. The club contended the area, contiguous to the Gore Range-Eagles Nest Primitive Area, is worthy of wilderness consideration, and that logging would destroy its wilderness character. A U.S. District Court in Denver and the Tenth Circuit Court of Appeals agreed, and ruled that the Forest Service must include the area in its wilderness study report. The government argued in its petition to the Supreme Court that Congress did not intend to have any areas outside the boundaries of primitive areas reviewed for wilderness possibilities. ■

Ohio withholds state support of federal flood control projects

In what may be an unprecedented action, the Ohio Department of Natural Resources has declared a moratorium on 31 flood-control projects totalling more than $250 million in federal support. In announcing the decision, Natural Resources Director William B. Nye said the projects could not receive the support of his department because the local communities that would benefit from them do not have adequate floodplain zoning regulations. He stressed the state's concern that "a never-ending cycle" has developed, with the new projects being justified in terms of protecting investments that were made possible by older projects. "The objectives of flood-control projects can only be achieved in the long run," said Nye, "if improper encroachment into unprotected areas is prevented."

The new policy was prompted by the February 26th flood at Buffalo Creek, West Virginia. Commenting on the tragedy, Ohio Governor John J. Gilligan said, "Seeing the utter destruction caused by this flood should move every local official in Ohio to use restrictive floodplain zoning." State environmental groups have given Governor Gilligan and Director Nye their overwhelming support in this action. ■

Volpe urges broader use of Highway Trust Fund

Somewhat surprisingly, although quite courageously, Secretary of Transportation John Volpe has requested Congress to approve an administration proposal for a special urban fund which would permit up to $1.85 billion to go to urban areas for transportation expenditures of all types, without being earmarked for highways. The recommendation was contained in the department's 1972 Highway Needs Report, which also called for a general realignment of the Federal Aid Highway System. After fiscal year 1974, all money spent on transportation, except for airports, will come from the Highway Trust Fund, which until now has been used exclusively for highway projects. As a result, opposition has been mounting in the past few years from those who want to see part of the fund's annual $5.5 billion budget go toward more efficient public transportation programs. ■

Regional Rep's Reports

ALASKA

Describing his action as "an historic moment," Secretary of the Interior Rogers C. B. Morton set aside 227 million acres of public lands in Alaska March 15th under the authority granted him by the Alaska Native Claims Settlement Act of 1972. The withdrawals include:

- 80 million acres of "national interest" land for possible inclusion in the national park, wildlife refuge, wild and scenic rivers, and forest systems;
- 45 million acres of "public interest" lands for classification and reclassification;
- 99 million acres from which native villages and regional groups will select a total of 40 million acres;
- 1.8 million acres for replacement of wildlife refuges which could be selected by the Alaska natives;
- 1.2 million acres for a gas and oil pipeline corridor.

In addition, Morton allowed the state to retain 35 million of the 77 million acres it filed for in January under the Alaska Statehood Act. Fifteen million additional acres not selected by the state in January were made available for state selection priority for 90 days (until June 18th), when they will be open to appropriation under public land laws.

Of the four largest potential national park areas, the lands around Mt. McKinley and the area around Iliamna Lake were completely withdrawn for study and referral to Congress. In the Central Brooks Range, site of the proposed Gates of the Arctic National Park, Morton allowed the state to retain large portions of its January selection covering the John River Valley and a bloc in the Chandalar Lake country. However, most of the rest of the Brooks Range was protected. A major disappointment was the secretary's "public interest" withdrawal of the area proposed for a Wrangell Mountains National Park. His action could result in the area's being managed for multiple use including wilderness, but with the wilderness portion confined primarily to the higher country.

As expected, Egan Administration reaction was extreme, and two weeks after the secretary's action, the state continued to threaten filing suit against the Interior Department. Alaskans are wondering whether it will do so, thereby reinstituting the land freeze, or whether it will attempt to resolve conflicts with the secretary through the working of the Joint State-Federal Land Use Planning Commission and the land exchange provision of the Native Claims Settlement Act. Native spokesmen were also initially outraged, but have refrained from further denouncements pending their detailed study of the withdrawals.

Meanwhile, conservationists, who commended Morton when he made the withdrawals, will be urging him to follow through with specific recommendations on his national interest area withdrawals, the first of which are due June 18th. They will also be urging him to adjust boundaries between some of his withdrawals, particularly in the Wrangell Mountains and in the Central Brooks Range. By September 17th, he must confirm the boundaries of the 80 million acres which he has withdrawn in order to develop specific proposals for the four national systems. After that time, he has just two years in which to finalize his proposals and submit them to Congress.

Taken as a whole, Secretary Morton's action of March 17th amounts to a breakthrough in public land disposition in Alaska. His move is nicely summed up in the telegram sent by the Sierra Club, Trout Unlimited, National Audubon Society and the Wilderness Society:

"Now comes the harder task of arriving at final decisions on land use, boundaries and administration, and seeing these decisions implemented with the full weight of the law. To these processes, we offer our full assistance and cooperation. . . . If the withdrawals made today show the people of this nation the full dimension of the decisions yet to come, we feel certain that future generations of Americans will be in your debt."

Jack Hession

MIDWEST

The problems of off-road vehicles on our public lands, particularly on our national forests, is increasing in visibility in the Midwest. The recent attention is largely due to two factors: snowmobile enthusiasm is beginning to decline in the northern rural areas, and the use of other off-road vehicles (ORVs) is beginning to boom throughout the region. Coupled with these factors is the President's executive order of February 8th, which calls for scrutiny of the entire problem.

It would be premature to suggest that the snowmobile fad is over: the forests of northern Michigan, Wisconsin and Minnesota echo with the roar of the treaded locusts more than ever before, but there are some interesting developments. It appears that at least some manufacturers are finding that they have overestimated market demand and are caught with huge inventories of unsold machines at the end of a season less bullish than anticipated. At the same time, political pressure for controls on the machines is rising—often from the same rural areas that expressed no reservations a year or two ago—leading to passage of restrictive legislation by both the Wisconsin and Michigan legislatures this year. Also, manufacturers and user associations appear somewhat less apoplectic when the subject of controls arises, perhaps another sign that intelligent management of these recreational machines is becoming feasible at last.

A lack of snow has saved the southern part of the Midwest from the public nuisance of uncontrolled snowmobile use, but there are ominous signs that trail bike use is about to explode just as snowmobile activity did in the north a few years ago. The Forest Service in these areas has recognized the problem and is

Editorial

IN SPEAKING of the Sierra Club's financial condition, it has been pointed out that the club has substantial unstated assets in real estate and in the excess of market value over the cost of its investments; that the membership growth curve is once again turning upward, and that publications results are really better than they appear since that program carries a good deal of Mills Tower overhead, perhaps an inordinate amount at the present level of publication activity. Not only are all of these things true but the first of them is reassuring, the second is encouraging and the third makes a case for some type of reorganized publishing effort.

We cannot overlook the fact, however, that a sudden and precipitous drop in the *rate* of growth in membership last year, coupled with extremely disappointing book sales in the fourth quarter of 1971, has brought the club to a precarious cash position and an alarming deterioration in net worth. The entire situation has been further compounded by inordinate delays in obtaining accounting information because of data processing problems. As a result of these delays, corrective action was not taken in a timely fashion.

The Sierra Club has enjoyed spectacular growth through recent years. Projections of continued growth, based on past statistics, have been a key factor in the preparation of each year's budget. Obviously that budget must be adjusted if the growth rate declines. The tight cash position was further aggravated when book sales over the Christmas season did not materialize in anything like the volume of past years. This is especially true with respect to sales of the backlist.

Actions taken by the board at the special February meeting were designed to make major expenditure reductions between then and the end of the fiscal year in September. Further actions along the same line may be necessary at the May meeting, and certainly it will be necessary to determine at that time the appropriate form and level of activity for the publishing program in the future. By mid-summer we will again be entering the period of declining cash resources. How well we cope with this will be determined by the successful implementation of action already taken by the board and continuing effective action by that body and by the rest of the volunteer and staff leadership.

Certainly economy in our operations must be maintained. The employment of our new administrative director is already achieving efficiencies and cost savings in these operations. But perhaps the most encouraging thing to come out of the trials of the past months has been the increased attention focused on club priorities by the leadership. We cannot do all of the things we would like to do and perhaps not all of the things we should do, but we must assure that our resources are expended for the things most important to achieve our priority objectives. The Sierra Club will not be diminished as a dynamic force if we manage our affairs in this fashion.

Charles Heustis, *Treasurer*

taking steps to avoid the chaos that would come with a lack of planning. A truly courageous action was taken by the Hoosier National Forest in Indiana, which last fall ordered a temporary complete closure until next June, so that trail vehicles use could be intelligently planned. Environmental groups, including the Sierra Club, have strongly supported the Forest Service, which has held public hearings and is currently devising plans to take effect at the expiration of the period of closure.

The President's executive order adds weight to these efforts and makes the planning process mandatory for all land-managing agencies. In addition, it appears to shift the burden of proof: the language of the order emphasizes that protection of the environmental resource shall be the principal criterion for off-road vehicle zoning and management, and seems to relieve environmentalists from the burden of asserting that ORVs should be prohibited from an area because of the area's extraordinary sensitivity.

Jonathan Ela

NORTHWEST

Recently I have hammered away at the theme of the Northwest wilderness and of the assault of our industries—particularly the timber industry—upon it.

This is not the only issue we face, but in the Northwest the wilderness-forest management issue currently dominates all others. Vast areas of land are involved and critical decisions are being made about them right now. The great wilderness forests of the Northwest are perhaps the one thing unique to this area and only what we save now will remain for any of us to enjoy in the future.

But how many people know what is happening right now? For the past month, and continuing for another 30 days or so, the Forest Service has been holding public meetings and requesting public comments about the remaining *de facto* (unprotected) wilderness on its lands. These "meetings" have so far turned into bitter tests of strength between Northwest conservationists and the timber industry, with strong help for the latter from snowmobile, motorbike and four-wheel drive associations. Nearly every meeting has been characterized by massive turnouts of loggers, timber industry executives, millworkers and motorcycle clubs, railing against any more "wilderness lockups" and castigating groups like the Sierra Club who think that wilderness is important and that the national forests belong

to all the people, not just to the industries which exploit them.

One pro-wilderness witness was physically assaulted and severely beaten after a particularly bitter hearing in Grants Pass, Oregon. How do you like that? I think people should know what is happening to us and to our hopes for any more wilderness. I don't know how we can stem this flood tide of anti-wilderness bitterness that is raging right now; it is the worst I've seen in five years.

No one knows what the final result of all this will be, since it is the Forest Service which makes the final decision. But there is an apparent tendency to accept the expression of the local industry people as representative of "the public." For example, in Ketchikan, Alaska, a self-appointed "South Tongass Land Review Committee" was created, ostensibly to represent the public and to make recommendations to the Forest Service for management of the vast and beautiful Southeast Aosaks National Forest. But the "committee," composed entirely of commercial interests, of course voted against any wilderness in the South Tongass. At a recent public meeting of this committee, the local forest supervisor stated that it seemed to be the "will of the public" that there should be no more wilderness there.

The forests are important to the whole country, not just to the Northwest's timber interests. The wilderness hearings do not signal the end of the battle, and they offer an immediate opportunity for citizen participation in the decision-making process. Conservationists can off-set industry's impact on the hearings by writing to the Forest Service's regional headquarters (809 N.E. Sixth Avenue, Portland, Ore. 97212; 507-25th Street, Ogden, Utah 84401; and Federal Building, Missoula, Montana 59801). Ask the Forest Service to protect the Northwest forests from logging and other abuses while there is still time.

Brock Evans

Announcements

Bulletin Changes

With this issue of the *Bulletin*, we have put into effect the policy of accepting national advertising adopted by the board of directors in its February meeting. The policy was adopted to allow the club to enjoy an income potential that had not been exploited before. Advertising revenues will go into the club's general fund, although at some point part of the net income may be earmarked for expansion of the *Bulletin* itself.

Contrary to a few published reports, it is not our policy to take ads only from "environmentally acceptable" firms. Our working policy is to consider advertising submissions as they come in. We won't accept ads that compromise Sierra Club goals or policies, but we will not arbitrarily bar any advertiser just because we don't like some of its activities. Initial response to the program has been encouraging and we expect to meet and perhaps exceed income goals set by the board.

Under the art direction of John Beyer, we have changed the magazine's general design in a number of ways—all aimed at making it more attractive and readable and more economical in the use of available page space. We are also making more use of color photography. Some club members have objected in the past to the use of color on the presumed ground of excessive cost. While the cost of color is indeed somewhat higher than black and white, the differential is very minor in relation to over-all *Bulletin* costs. One new factor is that our revenue-producing advertising program makes more four-color pages available. But more important is the fact that good black and white photography on any specific subject generally has to be shot on assignment at considerable cost, whereas color has proved to be easily available and more often than not at no cost to the club. Ed.

Campus Program

Because of the Sierra Club's current financial problems, the board of directors terminated the Campus Program on February 13th. However precipitous this action may seem it should not be viewed as a move away from student participation by the Sierra Club.

The Campus Program was established in the fall of 1969 as an effort to assist the growing number of student conservation activists. A few months before Earth Day, 1970, we launched a coordinated effort to strengthen working contacts between students and the Sierra Club by directly involving students in our conservation projects, generating greater awareness of environmental issues, and providing students with examples of successful environmental information and ecotactics.

It is important that the Sierra Club had the foresight to establish this program to reach out to students, offer assistance, and say "join in," when much of the rest of society wanted little part of the young. Now, with the 26th Amendment to the Constitution giving 18 to 20 year olds the right to vote, it is no longer an academic exercise on the part of the club to involve students, but rather of direct political advantage to the conservation movement.

Although the Campus Program's staff is leaving, this is not a signal for its programs and aspirations to cease. The club must continue to reach out and actively involve students and maintain its chapter and group liaison efforts. We, as an organization and as part of a movement that seeks to protect the earth in all its splendor for future generations, cannot afford to abandon our effort to inform and involve the students who are that future. We can and must re-establish in students and in ourselves a sense of our potency and worth, a sense that we can create a world that is better for all.

Peacefully,
Ronald Eber and Shelley McIntyre

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(Mr.)(Mrs.)(Miss)_____

Address_____

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Membership Number_____

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- ☐ Wills
- ☐ Trusts, Uni-Trusts
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- ☐ The Sierra Club Foundation in general
- ☐ Other (Please specify)_____

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THOMAS BRADLEY

Minorities and Conservation

TWO OF THE nation's most fundamental problems demanding solution today are environmental disruption—pollution and destruction of natural resources—and the continuing inequities which degrade the daily lives and expectations of millions of minority citizens. Both problems are urgent, and they are related. Yet in practice, we find supporters of one cause frequently at odds with supporters of the other. Although minorities and conservationists share many goals in common and ought to be working together, too often—as one observer put it—they "squabble over pieces of a shrinking pie." Should this divisiveness continue unchecked, the dangers for all are manifest.

It is surely clear to most of us that ecological problems are inseparable from the other ills of society. The social pollution which minorities suffer spreads its toxins to every element of our society, and no one can escape environmental pollution. Today, 70 percent of our population lives in the midst of traffic tangles, suffocating smog, poisoned water, deafening noise and terrorizing crime. These problems are real, not illusory. Nevertheless, to many of our nation's 20 million blacks, the conservation movement has about as much appeal as a segregated bus.

Why?

The reasons are not hard to find. Blacks generally regard ecology as irrelevant to their most pressing needs —jobs, housing, health care, education. Worse, they fear that concern with environmental problems diverts attention from the problems of poverty and racism. As Richard G. Hatcher, mayor of Gary, Indiana, expressed it, "The nation's concern with environment has done what George Wallace was unable to do: distract the nation from the problems of black and brown Americans."

Basically, of course, the problem is not a conflict between ethnic minorities and white Americans. It is an economic problem. It results from the schism between poverty and affluence.

Poor whites, as well as blacks and Latin Americans, have always lived in polluted environments. Air pollution is thicker and more persistent in the slums than in the suburbs. The steelworkers of Pennsylvania and Indiana haven't breathed fresh air in all their lives—nor did their fathers before them.

Contemporary planners design freeways to go through low-income areas, just as their forerunners sent elevated trains racketing past the tenement windows of the poor. And migrant workers continue to accumulate dangerous concentrations of pesticides in their blood.

Perhaps what the poor minorities resent most of all is that our nation has always been able to mobilize massive resources to meet almost any challenge it really wants to. We funded the rehabilitation of the entire Western world after World War II. We put men on the moon. We spend billions subsidizing agricultural enterprises and hundreds of billions for military adventures. If all this is possible, they ask, why then is the nation unable to mount a similar attack on the related problems of poverty and racism? Their answer: because the United States has not committed itself to solve these problems.

The minorities are aware that widespread concern over social pollutants is generated when they affect the lives of middle- and upper-income citizens. High unemployment rates were acceptable until aircraft workers and aerospace scientists and engineers lost their jobs. Affluent white Americans turned their backs on the problem of drug abuse as long as the drug user was a shadowy figure in the ghetto: It is a central issue now that the victim is often the suburbanite's own child. Pushers, enforcers, extortionists and muggers have always roamed the streets of the ghettos. But law and order became the number one crisis when crime spilled over into "better class" communities. Unsatisfactory schools were ignored until it was discovered that Johnny couldn't read anywhere!

And now, the poor minorities see that everyone is in an uproar because pollution is no longer confined to the slums. Everyone is up in arms because affluent neighborhoods are also full of traffic, dirt, smog and airplane noise. So it is no wonder that many among the minorities view ecological woes as symptoms of the deeper ills infecting society. Indeed, they feel they are double victims. They suffer from pollution as much as anyone, but they are not the beneficiaries of the affluence which produced the pollution.

The people of the minority communities want ecological pollution eradicated as much as those of the white communities do. But they want social pollution eliminated at the same time. They will not be satisfied by cleaner ghettos if they are still denied access to suburbia. They will not be content with a ban on DDT if exploitation of migrant laborers continues. They will not be appeased by a company that cleans up its shop if it still excludes blacks from its executive suite.

But it is not enough to understand why the ethnic minorities and the poor are wary about the conservation movement. It is important that we realize that the battle against environmental pollution and the battle against pov-

continued on page 28

Thomas Bradley is Los Angeles city councilman for the 10th District, a former Los Angeles city police lieutenant, and a member of the California Bar. Councilman Bradley was narrowly defeated by Sam Yorty in the 1969 Los Angeles mayoralty race. This article was adapted from a speech he prepared for, but was unable to deliver at, the Sierra Club's recent Conservation Education Conference at Asilomar. While his views are not necessarily the club's, we feel they merit wide readership.

DOWNHILL AT LAKE LOUISE

ROGER OLMSTED, STEPHEN HERRERO
and RICHARD P. PHARIS

IF THE CANADIAN National Parks Branch and Imperial Oil Ltd. (short for Standard Oil of New Jersey) have their way, it is only a matter of time before you will see ads like the one shown here. For at this moment the National and Historic Parks Branch of the Department of Indian Affairs and Northern Development is considering a proposal (which it solicited) to convert the heart of Banff National Park into a huge recreational resort.

Village Lake Louise, as this year-round activity center is to be called, will be a $30-million city in the middle of one of the great national park complexes of the world. Banff National Park, together with contiguous Jasper, Kootenay, and Yoho National Parks, is a 7,814 square-mile domain (over twice the size of Yellowstone) comprising some of the most justly celebrated mountain scenery of the continent. Lake Louise—"Jewel of the Canadian Rockies" in the Canadian Pacific Railroad literature of fond memory—lies at the strategic junction of the north-south highway through the chain of parks and the transcontinental route. Here, in the days when the Canadian Rockies seemed almost as remote as the Antipodes and a railroad trip to Banff and Lake Louise was an adventure for the well-heeled tourist, the internationally famous Chateau Lake Louise was built overlooking the lake and in the shadow of the glaciers and 10,000-foot peaks of the Continental Divide. Times have changed; the chateau is a romantic anachronism; a new generation of park entrepreneurs will not be satisfied with less than a Disney-type development that mocks Canadian, North American and world standards for national park use.

Village Lake Louise is a planned town complete with six- to 12-story apartment buildings (with sod roofs!) and all of the urban resort-type services and conveniences that one would associate with Aspen or Disney World. Village Lake Louise would create in a national park a city housing at least 3,700 staff (including families) and 4,500 visitors. It would contain health spas, supermarkets, ski shops, boutiques, and just about anything else the promoters can think of that might appeal to potential investors or business operators.

How is it possible that such a promoter's dream child could receive the backing of the Canadian National Parks system? The townsites at Banff and Jasper are acknowledged to be anomalies within the park system, the results of inexperienced judgment and lack of fore-

Roger Olmsted is the former editor of The American West *and author of numerous articles on conservation and historic subjects; Stephen Herrero is a trustee of the National and Provincial Parks Association of Canada; Richard P. Pharis is vice-president of the Alberta Wilderness Association. Professor Herrero, who is a Canadian landed immigrant, and Professor Pharis, a Canadian citizen, are on the faculty of the University of Calgary.*

Victoria Glacier, one of the spectacular sources of the waters of Lake Louise.

sight when the parks were in their infancy. Yet in 1970 the National Parks Branch signed a letter of intent with Village Lake Louise Ltd. for the construction of an "incorporated all-season mountain village . . ." It seems that Mr. J. I. Nicol, director of Canada's National and Historic Parks Branch, temporarily suspended the Canadian National Parks Act.

The sorry truth is that Village Lake Louise is a Rube Goldberg plan based on mistakes that have already been made. The existing Lake Louise village is a poorly planned little community sandwiched between the Trans-Canada Highway and the Canadian Pacific tracks. In the 1960's this site was selected to be the first visitor services center in the Canadian Park system. As early as 1968 one observer at an international parks conference asked, "Will not Lake Louise eventually develop into another Banff? When does a 'service center' cease to function as such and instead become another 'townsite'?" The present answer to this good question seems to be to "redevelop" the site on a much larger scale.

The idea that a visitor services center, with extensive motel accommodations, shops, and the like, was needed only 35 miles from Banff sprang from the construction of ski lifts, beginning in 1959. In an unsuccessful bid for the 1968 Winter Olympics, three huge parking lots were created. It is on these grossly overbuilt lots that the proposed Upper Village development will be built. Thus, Village Lake Louise Ltd. will cover up some earlier mistakes.

Supposed needs that have nothing to do with national park purposes have tended to suggest new requirements. Wonderfully strange logical chains run through the National and Historic Parks Branch "Departmental Statement: Lake Louise Planning Area": the first visitor services center is needed because visitor pressure on the park is increasing; but visitor pressure would be reduced by a concentrated village development; but obviously the village has to be big to attract enough people to make it pay; to make it pay, it has to attract new users in the present winter off-season. This circle of need is finally rendered into such gobbledygook as "An important objective for the visitor services center at Lake Louise is to make possible consistent standards based on year-round operations that will enhance the enjoyment of the park visitor." Translated, this means that there has to be a giant ski resort to keep the beds warm all year.

The need for a ski resort to provide year-round occupancy gives rise to more exotic needs from the national parks standpoint. Skiers are looking for more than a bunk and a slope. As Village Lake Louise Ltd. put it in its report: "The predominant age group is 18 to 29 and most are from the larger urban centers. They are usually attracted to a winter resort by the promise of good skiing and an active social life." Therefore, it now becomes necessary for a national park to provide an "active social life" (as the company delicately phrases it).

But do not imagine that national park needs stop at providing a lonely hearts club. All these people in search of social life are going to clog up the roads, generating new needs. In the words of the park branch, "It is intended that these needs, as and when they arise, will be met by public transportation systems of various kinds. Such systems, unless heavily subsidized, depend upon the availability of a sufficient number of potential users concentrated at a particular point of origin. Plans for the Village Lake Louise area will satisfy this requirement." In other words, if they can pack enough people in, they will then be able to relieve the pressure of all those people packed in.

> "The sorry truth is that Village Lake Louise is a Rube Goldberg plan based on mistakes that have already been made."

Highway pressure will be relieved by making the road a divided freeway. No doubt freeway pressure could be relieved by increasing the size of the village to the point that an airport would be needed. If you think this sounds silly, consider the needs of garbage. At present they bury it and the bears dig it up; but the government points out that with a lot more garbage it would be economical to build a high-temperature incinerator.

Finally, the need to finance this monster development generates the need for Canadians to invest in their own little piece of the park. For a price that few Canadians can afford, some Canadians (presumably skiing-age brain surgeons with an inadequate social life) can invest in the scheme, thereby gaining vacation occupancy rights to a plush pad which Village Lake Louise Ltd. will rent for them during the rest of the year.

At each step obvious and logical needs have gotten farther and farther away from the original need for establishing a national park. National parks have the clear and overriding purpose of preserving our environmental heritage. National parks meet the increasingly important public need for places of great natural wonder where people can temporarily remove themselves from an increasingly urbanized and contrived social environment. Let's face it: downhill skiing is a thoroughly contrived mass recreation, a mechanized sport involving a technology and a set of folkways peculiar to itself. The downhill skier is temporarily a part of a little institutionalized system, not much different in many ways from the system of the trailbike scrambler or the golfer. A national park is an ideal place to *break out* of systems and subsystems into the one great system of nature. We have no business importing our mechanized fads into ourselves.

This interpretation of the purpose of national parks is not uniquely our own. Indeed, the Canadian Government's National Parks Policy Statement of 1964 specifically spells out the details of the objections to the Village Lake Louise development:

- Whereas the statement says, "the provision of urban type recreational facilities is not part of the basic purpose of national parks," Village Lake Louise is to provide 257,800 square feet for shopping, dining, entertainment, resort-oriented recreation, services, and other commercial facilities. This dainty "Canadian Alpine Village" (as the promoters describe it) is every bit the urban type recreational facility that is projected for Disney's Mineral King development. At least the folks from Disney are not planning to locate their amusement center actually within the boundaries of a national park—it's only within a game refuge.
- Whereas the statement says that, "Artificial recreation in the individual parks should not be introduced to attract visitors who would otherwise not visit the park," both the promoters

and the park system clearly state that vastly increased use outside of the peak summer months is the goal of Village Lake Louise. The completed project could easily pack ten to 15 thousand people at a time into the area (including day-use visitors and campground users) on a more or less regular basis.

• Whereas the statement says that townsites within parks are "intrusions" and that they "should not provide extra entertainments and services common to urban living throughout Canada" and that "delicatessens, too numerous curio stores, specialized clothing or dry good stores, are examples of services considered to be over and above minimum requirements," Village Lake Louise proposes facilities often far beyond those available in the towns outside of the park. But then Village Lake Louise is not a "townsite" within the park—it is merely a model of the first modest visitor services center in the Canadian National Parks System.

• Whereas the statement says that "overnight accommodations involving such major facilities as motels, hotels, stores, and related services should be encouraged in areas *outside* park boundaries," the grand resort at Village Lake Louise would obviously discourage suitable development in existing townsites immediately outside the park.

While Village Lake Louise violates Canada's own ground rules of national park use, the same old shopworn arguments familiar in the fight to preserve the integrity of United States parks are dragged out and puffed about as though they were fresh insights: it is only here and just this once; the area has already been sort of spoiled; there is a great and growing popular need and demand which must be met.

> ". . . it now becomes necessary for a national park to provide an 'active social life' (as the company delicately phrases it.)"

It is an important goal of national parks to resist demands that are antithetical to the purpose of parks, but we should not be surprised when we hear that some type of public recreation—such as skiing—needs the use of park lands. The "public demand" thesis should not be allowed to influence policy and it should not be necessary to argue about the importance of demands that should be satisfied somewhere *outside* of the national parks. In fact, Mr. Donald Irwin of Calgary submitted to the national parks hearing a quite detailed proof that the need for a downhill skiing resort at Lake Louise is mostly in the eye of the promoter. His investigations show that family participation in present downhill skiing areas like Lake Louise is mostly confined to those with an income of over $10,000. This group represents about ten to 15 percent of the population of Calgary, the closest city. Only about two percent of the population actually engages in downhill skiing—hardly a number large enough to suggest compromising a national park. For all of the flossy promotional printing produced in the name of the Lake Louise development, it remains a fact that solid economic and environmental impact studies have not been done.

Instead, the kind of studies one finds in the Village Lake Louise development plan book are such things as analyses of traffic flow and drawings of view corridors from apartment windows. The plan for the facilities is compared to models of eight international ski resorts—none of them in national parks. Obviously it would have been most embarrassing to have included the plans for a resort-type facility expansion in Italy's Abruzzi National Park, which was suspended in mid-construction on the grounds that it was incompatible with Italian national park principles, or the major downhill skiing facility in Vanois, France which was forbidden at the last moment as violating French national park principles.

As the Italians and the French realized, there is plenty of room outside national parks for downhill ski resorts. While the National and Provincial Parks Association of Canada itself recognizes the legitimate needs of downhill skiing in our recreational matrix, it points out that national parks are dedicated to *other* cultural needs and interests. Village Lake Louise Ltd. may be an excellent plan for a "destination" resort and its planners seem to have given serious and constructive thought to the location of facilities and to the comfort and needs of staff and visitors—but it is a case of having the right plan for the wrong place.

As argument moves farther from the reality of the national park idea, the question tracks deeper and deeper into the wilderness of the current socio-economic mechanism. If this mass recreation scheme is far removed from national park purposes, consider the investment scheme for Village Lake Louise Ltd. We quote from the position paper of the National and Provincial Parks Association:

> "Let's face it: downhill skiing is a thoroughly contrived mass recreation, a mechanized sport involving a technology and a set of folkways peculiar to itself."

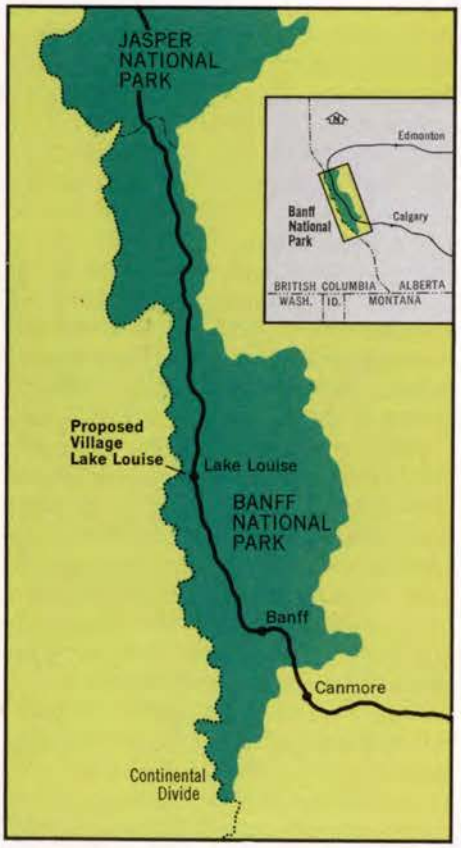
"We must comment on the desirability of involving private enterprise in this or future visitor services centers in the national parks. Entrepreneurs attempt to protect and enhance and promote their investments. This is natural, but inside a national park this can bring strong pressures for development to bear. . . . Village Lake Louise Ltd. has an active and full-time staff vigorously promoting [its] development. Are we to allow these sorts of pressures to shape the future of Canada's national treasures?

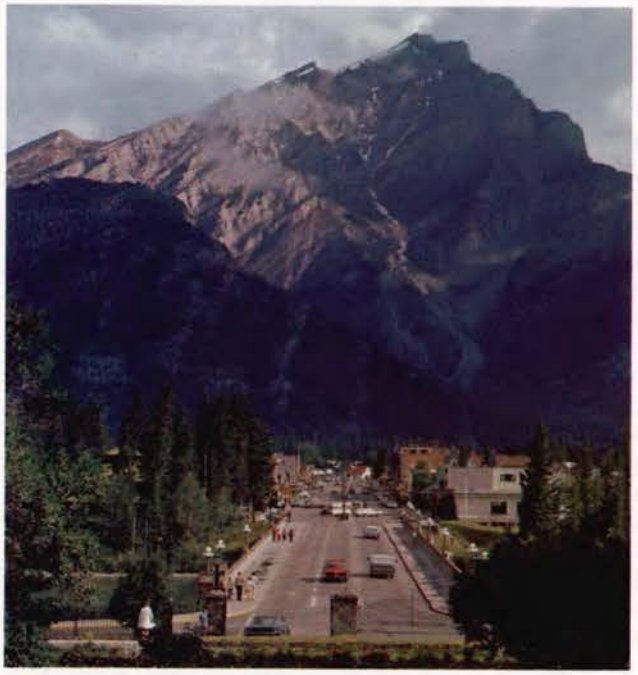
"Who will be able to invest in Village Lake Louise? With studio accommodation units *beginning* at about $15,000 each, and three-bedroom units going as high as $43,000, these units would certainly not be financially available to the average Canadian. We do not believe that Canadian national parks should be places for private investment in individual resort units. Further we question whether Imperial Oil, which is a 50 percent shareholder of the project and is itself 69 percent owned by United States interests, is an appropriate entrepreneur in a Canadian national park. Village Lake Louise would become a virtual monopoly with a direction and purpose dictated by its own corporate entity."

This "investment proposal" is what the national parks system particularly stresses as "an opportunity for Canadians." While the final rules regarding the investor-leased "managed units"

await detailed determination, the preliminary idea is that the Canadian who seizes the opportunity to invest in his park will gain the right to a 42-year sublease on his unit, with the stipulation that he can occupy it personally for no more than 45 days of the year. What the investor is purchasing is really more than some private rights in a specialized condominium. Because the vacation apartment is located in a national park, and because park planning limits the number of units, he is buying in effect special use privileges of the park. (For as the government report indicates, the time is coming when public use may have to be limited.) It is true that the special rights purchased are partly intangible by our present system of commercial values—but if you doubt that they are real, just try to buy a house occupying a good frontage on an attractive urban park and you will see that public investment in space can be quite easily translated into private dollars.

Village Lake Louise Ltd., as a corporation, and hundreds of private use-buyers could be the beneficiaries of our public neglect of the ideal of open spaces for *all* of the people. This is so close to plain *stealing* that on this ground *alone* a two-year cooling off and detailed study period should be allowed for detail study of the purpose a visitors' center should serve in a Canadian national park. But what would seem to be the final insult to the national park ideal is not all of it, and herein lies the peculiar significance of the Village Lake Louise proposal.



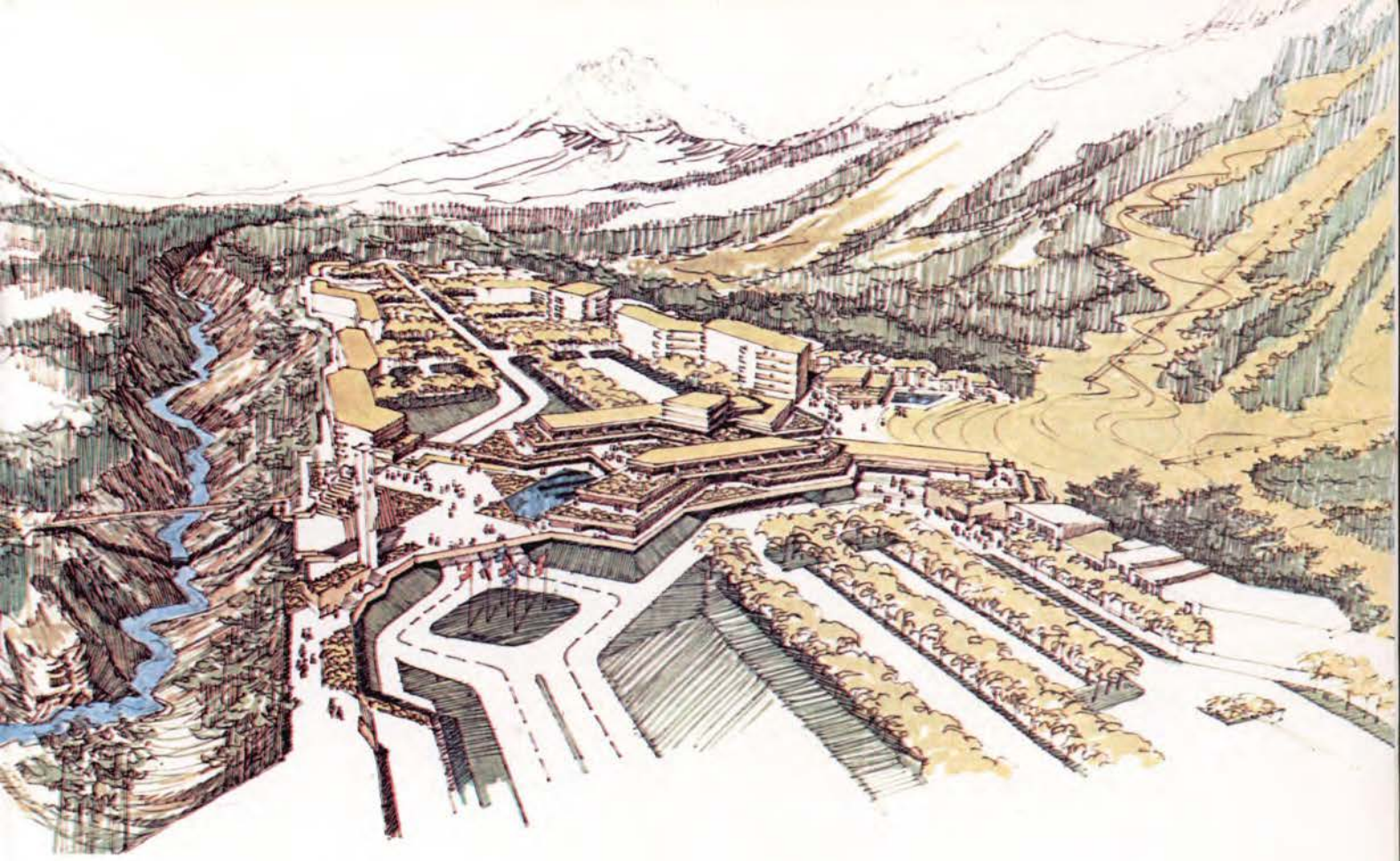


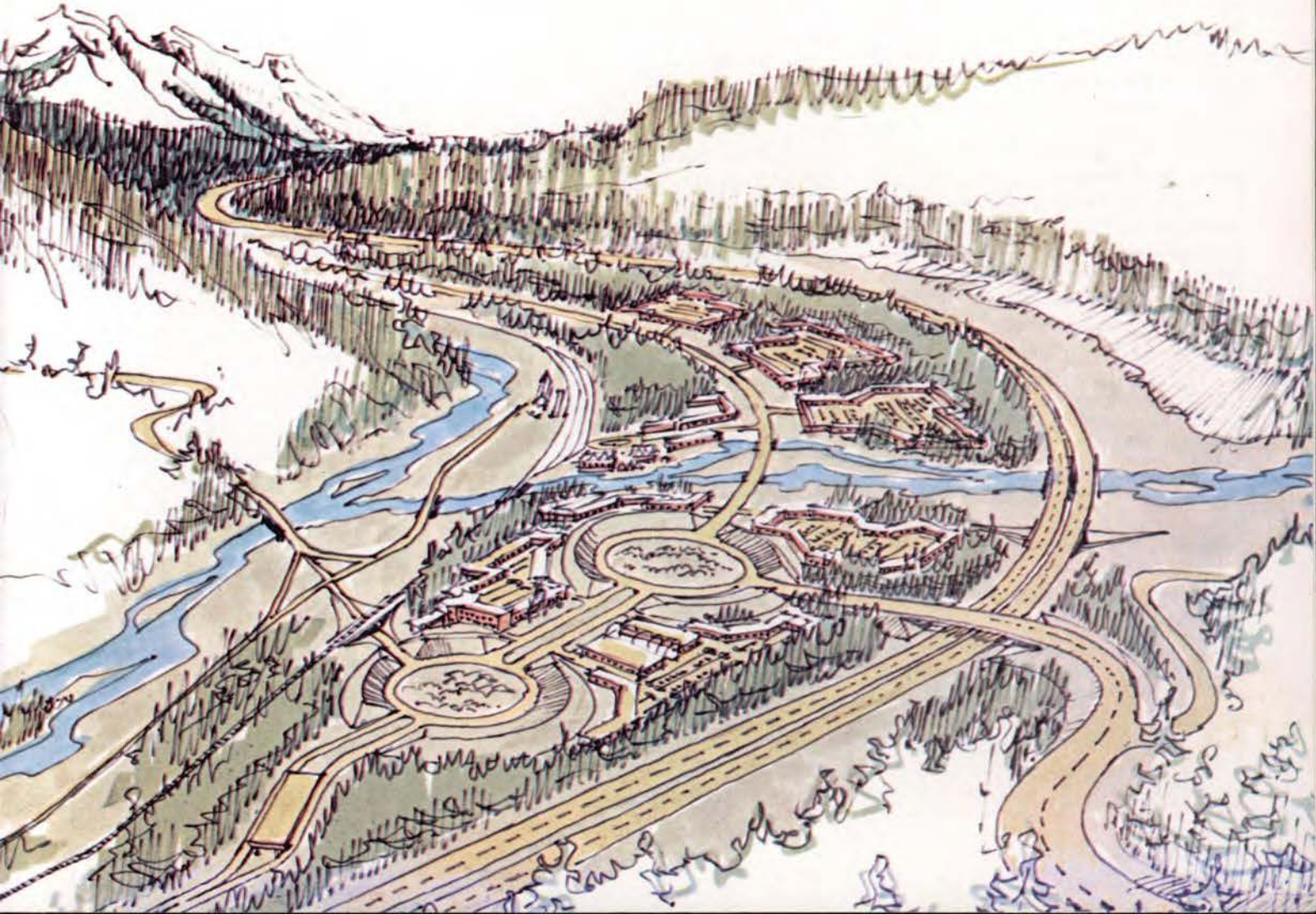
Both of these cities—Jasper, above, and Banff, left—lie within the boundaries of Canadian national parks. They may be excused, perhaps, as the ". . . results of inexperienced judgment and lack of foresight when the parks were in their infancy." But there is no excuse by any rationale to further defile Banff National Park as the $30 million Village Lake Louise development would. Even the artist's "concept drawings" done by the promoters fail to hide the immense adverse impact the project would create.

Village Lake Louise Ltd. is a bellwether for even more imaginative raids on national parks everywhere. The parks system of Canada says, "Only this once, honest." The government of Newfoundland looks hungrily at the income generated by Banff National Park and says, "Why shouldn't our new park have at least all of this?"

Canada is one of the member nations in the International Union for the Conservation of Nature and Natural Resources subscribing to the guideline that governments should not designate as national parks areas where recreation takes priority over the conservation of ecosystems. This and other resolutions attempt to maintain a very high quality for the outstanding natural environment found in national parks. Canada is one of the member nations in the International Union that serves as a model for other countries. Dare we ask Uganda or Peru or Burma to look to Canada for guidance in national parks policy?

Or is Canada a country so underdeveloped in its understanding of national park needs that it can serve as model for those who think they know how to turn a big buck in "outdoor show biz?" Oh, Canada! If Standard Oil of New Jersey can pull this primitive deal on you, think what someone can do next time around with a more sophisticated plan.





Commoner (continued)

factual basis for public action, but not to try to coerce the public into specific ways of responding. It is his conviction that when people have the facts they will choose to move and, armed with the facts, that they can form the most efficient response to complex problems. He presents a multitude of statistics to support his case.

Ehrlich believes that scientists must also move people: his writing style consequently comes on as strong as do his speeches. And he fills his books with specific proposals for public response, organizational details and "how-to-do-its" for effective community action.

Commoner: "Whatever his personal aims, values, and prejudices, when a scientist speaks and publishes openly —presenting facts, interpretations, and conclusions—he has done service to the truth. . . . But none of us—singly or sitting in committee—can possibly blueprint a specific 'plan' for resolving the environmental crisis. . . . That we must act now is clear. The question we face is how."

Ehrlich tries to blueprint a plan for action: "In many areas . . . we have gone beyond the boundaries of our formal training to try and seek solutions to human problems. We see no other course than for scientists in all fields to do the same—even at the risk of being wrong."

Ehrlich's plans for bringing environmental damage under control are based on population control and on limitation of "development." He sees all attempts at social and environmental betterment seriously impeded, if not altogether prevented, by vastly different living standards and rapidly growing populations. He consequently places first priority on population control and "dedevelopment" in order to make social progress possible. "A change for the worse in the technology of production is more serious environmentally if it occurs in a populous, affluent society than if it occurs in small, poor ones."

Commoner, because he feels that technological changes have an increasingly larger impact on the environment than population growth has, believes that society should concentrate its immediate actions on gaining control of such changes. With such control, he predicts that population growth may in part take care of itself; he is a firm believer in the "demographic transition," *i.e.*, the inverse relationship between population growth and affluence.

In *The Closing Circle*, Commoner "closed the circle" in the spectrum of ways of responding to the environmental crisis by listing three fronts on which the counterattack should be mounted. At the same time, he laid to rest another apparent controversy, between those who would use the words from *Pogo*: "We have met the enemy and he is us!" as the rallying cry for environmental activism, and those who would argue that the greatest damage is caused by our collective, rather than individual, decisions and actions. Both are right. Man has considerable control over his individual decisions regarding family size and personal consumption and waste, but he must also press for changes that will lead to the establishment of an ecologically sound technology.

In other words, those who seek to reduce population size and wasteful affluence will be aided immeasurably by those who are primarily concerned with accomplishing a reduction in the impact of irresponsible technology. Their combined efforts will *multiply* the resultant improvements in the quality of life.

The Ehrlich-Commoner debate over the *relative* emphasis to be given to population or technological control therefore can be resolved: action must be taken on *both* fronts, a conclusion which both of them explicitly acknowledge.

It should be clear that the environmental movement is in no way diminished by this disagreement; a dispute over absolute causes of environmental deterioration would indeed divide the movement, but a dispute over the relative importance of commonly accepted causes of the total crisis sharpens the issues and helps clarify the choices for public action.

Minorities (continued)

erty and racial discrimination are not mutually exclusive. Far from it: both involve a concern for preserving and bettering the opportunities for every human being to fulfill himself. America ought to be able to lick social pollution *and* environmental pollution. Perhaps only by doing both can we achieve either. And that suggests the need for a broad-based coalition of both conservationists and minorities to fight simultaneously for mutual objectives.

The nation's major metropolitan areas are turning into urban dinosaurs and face the same threat of extinction. This points up the paradox of contemporary America: we are able to place men on the moon, but we can't make our cities livable for them. And the challenges grow bigger every day.

Our nation is undergoing a most complicated urban revolution, comparable in scope to the industrial revolution of the last century. Can we continue to allow this demand for change to threaten our very existence? Or will we guide these energies into productive channels which may lead to a happier and more humane environment?

The decade of the '70s will be the period in which we will find, if we have the vision, the strength of purpose and the courage to deal with the future. The coming few years will probably shape the identity and character of America for the remainder of the century and beyond.

The answer is to mobilize all of our resources in effective and innovative ways. We must show what a community working together can do. The potential is there.

That's why organizations, like the Sierra Club, which encourage open debate and responsible action about social priorities are so important. If we are to solve our problems, the public must both understand them and really care about making necessary changes. Passing laws is not enough. Obviously, I am not opposed to passing laws. I do that for a living. But now, as never before, if laws are to be effective, there must be support and response from all communities. That's what I mean when I call for a broad-based coalition. That's what I mean when I call for a new commitment to meet the challenges of our crises head on.

If we are to be effective participants in the struggle to make this a better world, we must have a sincere concern for every issue that involves human beings. We must realize that the problems of man and his environment are inextricably interrelated. As environmentalists we must recognize that a movement dedicated to the survival of man and his habitat is itself ecologically unsound if it remains irrelevant to the needs of so many people living in squalor.

NEPA (continued)

the law was passed. Schlesinger thinks the courts have failed to consider these transitional problems—that they have paid too much attention to fine details of procedure and too little attention to actual issues.

He may have a point, but what now worries environmentalists is the way the AEC—at the urging of the Joint Committee on Atomic Energy—is trying to resolve these difficulties: namely, by pushing two pieces of legislation that would indirectly amend NEPA and excuse the AEC from the Calvert Cliffs and Quad Cities rulings.

One of these judicial short-circuits emanates from Senator Howard H. Baker, a member of both the Joint Committee and Senator Edmund Muskie's air and water pollution subcommittee. Baker's amendment, which Muskie has apparently approved, is tacked on to Muskie's otherwise highly commended water quality bill, S.2770, which passed the Senate by a vote of 86–0 last year.

As environmental lawyers tend to read it, Baker's amendment would simply toss out the Calvert Cliffs decision and allow the AEC once again to avoid a case-by-case balancing of pollution costs against benefits that the court found so important; moreover, the amendment could make it much harder to bring up matters of water pollution in AEC licensing hearings. Predictably, the AEC and Baker say that environmentalists are reading too much between the lines.

In a second end-run around the courts, the Joint Committee is pushing two amendments to the Atomic Energy Act of 1947 that would allow the AEC to issue its interim licenses after all and thereby abrogate the Quad Cities ruling. In a desperate effort to head off this ploy, Dingell has introduced a bill of his own to amend NEPA to allow for these licenses, but only for limited power under "emergency" circumstances. Dingell's amendment would expire in July, 1973, and thus constitutes what Frank Potter calls a "self-healing loophole, much preferable to having the wolves gnawing chunks out of the law."

Still another great thorn in the government's side is an appeals court order handed down in January in a suit brought by the Natural Resources Defense Council, the Sierra Club, and Friends of the Earth. Finding that the impact statement from the Interior Department failed to set forth a broad range of alternatives, the court forced a delay of at least six months in the government's plan to sell oil and gas leases on 376,000 acres off the Louisiana coast. Revenues from the sale were to have brought $400 million into the federal treasury to help offset the fiscal 1972 budget deficit. Now the government will have to wait till fiscal 1973 for the money, and maybe even longer.

In February, Secretary Morton told a petroleum industry meeting that he was "deeply—bitterly—disappointed" at this turn of events, but he stopped short of suggesting that it be rectified by altering NEPA. For the moment, Interior and the Federal Power Commission—which recently had its own rules for writing impact statements thrown out by a court—seem to be counting on the Supreme Court to bail them out. In the meantime, FPC Chairman John N. Nassikas is predicting somberly that judicial "excesses" under NEPA may lead to power shortages in the East and Midwest this summer, and that if the Supreme Court does not help, "legislative relief" of some kind may be in order.

Beyond all of this, however, the court ruling that has stirred the widest controversy was one handed down in December in a suit brought by two Cleveland, Ohio, lawyers, Jerome S. Kalur (the chairman of the Sierra Club's legal committee there) and Donald W. Large, against the administration's discharge permit program. Among other holdings, U.S. District Judge Aubrey E. Robinson left the clear impression that every single one of the 25,000 permits now pending before the Army Corps of Engineers and the Environmental Protection Agency (which share responsibility for the program) would have to be accompanied by a "102" statement. The thought of all this paperwork has paralyzed the two agencies since December, and the permit program remains in limbo while the Nixon Administration tries to puzzle its way out of a very difficult can of legal worms.

Significantly, conservation groups stayed clear of this particular case because of its potential for disrupting the permit program. And in fact, environmentalists, and such congressmen as Henry S. Reuss (D-Wisc.), who is credited with resurrecting the 1899 Refuse Act on which the permit program is based, have offered a great deal of advice to the government on

ways to alleviate the problems of the Kalur decision.

Reuss and others insist that the paperwork problem needn't be all that bad if—as the government contends—the vast bulk of pollution comes from a small minority of polluters: the government could probably get away with composing impact studies on the dirty few. Or perhaps the work could be consolidated into one statement per major watershed.

In a related case (Sierra Club v. Sargent), the club has argued, with apparent success, that impact statements are only required where the discharge is great enough to be characterized as a major federal action.

The White House, however, seems to be spurning administrative solutions like these and is apparently taking the more extreme view that only a legislative remedy can help. In a private and highly controversial memo (which is now about as private as the Pentagon Papers), Russell Train suggested yet another end-run around NEPA, this time in the form of an amendment to the pending House version of the water pollution bill. Train's suggestion, which he has since declared was only a tentative idea, would exempt "specified environmentally protective regulatory agencies" from the burden of writing impact statements. (The CEQ would do the specifying.)

Train's suggestion had a certain force of logic to it. After all, it would do no more than put into the statute a provision that was already part of the CEQ's model guidelines and which Judge Robinson chose to ignore. What's more, casting this language in legislative concrete might serve to prevent industries from turning NEPA against itself and tying pollution control programs up in knots as tightly as environmentalists have bound up dams and pipelines.

The fear that NEPA could hoist itself by its own petard may be a bit paranoid but it's not entirely imaginary. Perhaps by coincidence, the U.S. Chamber of Commerce has let it be known that it is thinking about setting up a "public interest" law firm of its own to pursue "broader public interest questions regarding the environment." Whether a federal judge can be convinced that industry's view of the public interest coincides with that of NEPA's authors is another question.

And anyway, as Frederick R. Anderson of the Environmental Law Institute suggests, having to articulate and justify the reasoning behind pollution control programs might be a useful exercise for the EPA and other "environmentally protective" agencies.

These several attempts to evade NEPA have touched some tender nerves not only among conservationists but among the law's congressional parents and guardians as well. Partly it's a matter of territorial rights being violated. The Joint Committee on Atomic Energy and the House and Senate Public Works committees (which produced the new water bills) are trampling on the turf of the Senate Interior and House Merchant Marine committees, which husbanded NEPA. But much more than that, as staff aides on the two committees point out, a growing number of exceptions and exemptions to NEPA may simply have the combined effect of walling the law off from reality, of rendering it as so much fine but inapplicable sentiment.

And if a wall can't be built to the satisfaction of big business, what then? Noises emanating from the Federal Power Commission and the utility industry suggest to the Sierra Club's Washington representative, Lloyd Tupling, that the government "may try to pin power shortages on us" and use that accusation as a springboard from which to launch a repeal movement against NEPA. In fact, there is plenty of evidence to show that a great deal of the utility industry's difficulty with new generating plants derives directly from its own—and the AEC's own—bumbling hesitation to comply with NEPA in the first place. But such caveats have a way of getting lost in the heat of summer.

Perhaps such fears are premature. Maybe they're just the reflexive flinching of those who know they have an instrument at their disposal that is almost too good to be true.

Here, after all, is a law that places a new restraint on executive secrecy and arrogance. Here is a law whereby ordinary citizens can hold the federal establishment more accountable for its actions.

NEPA, according to Timothy B. Atkeson, the general counsel of the CEQ, "is neither a sheep in wolf's clothing, Holy Writ, nor a Constitutional provision. But it is one of the most interesting and exciting experiments in governmental self-reform going." The next few months may tell how much longer it will keep going.

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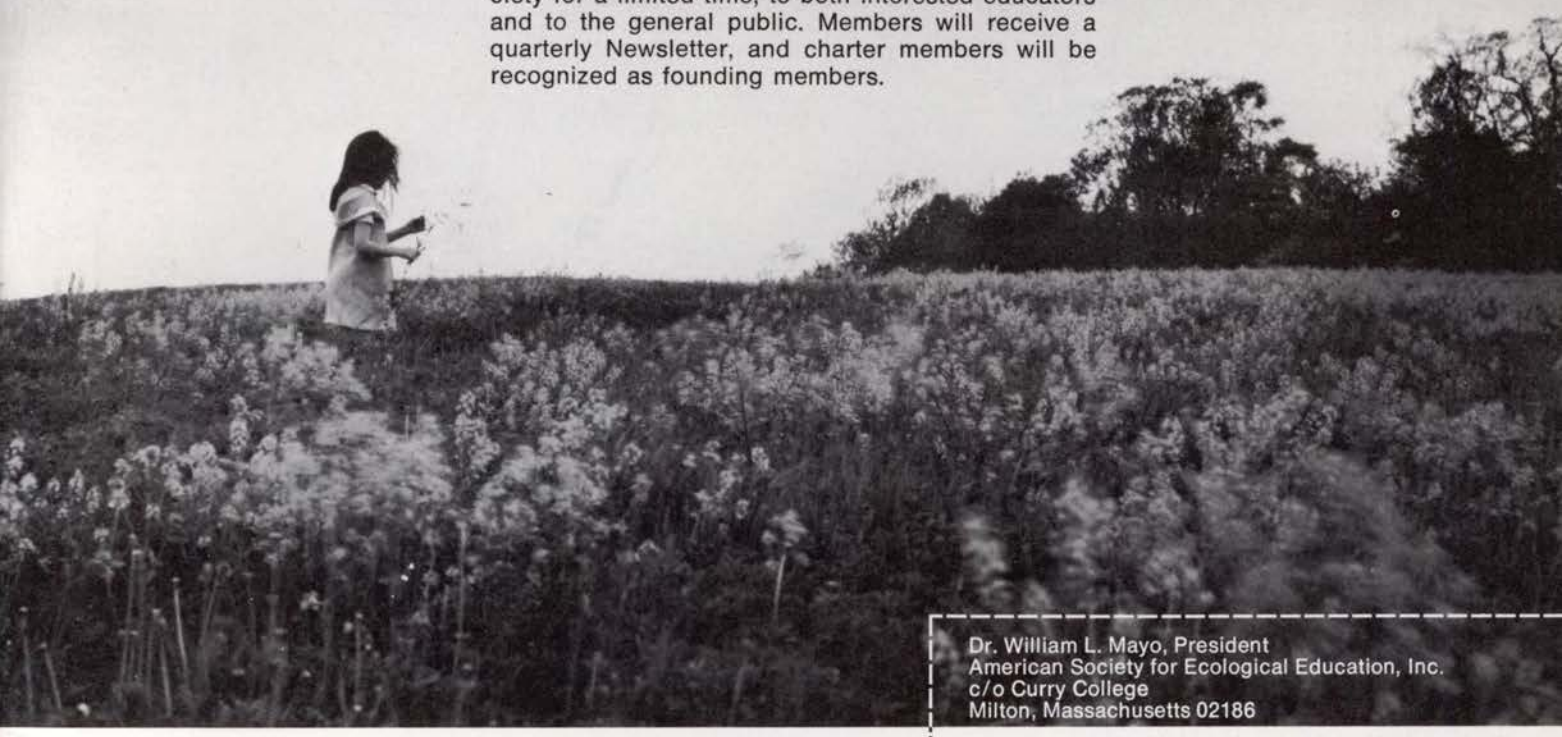

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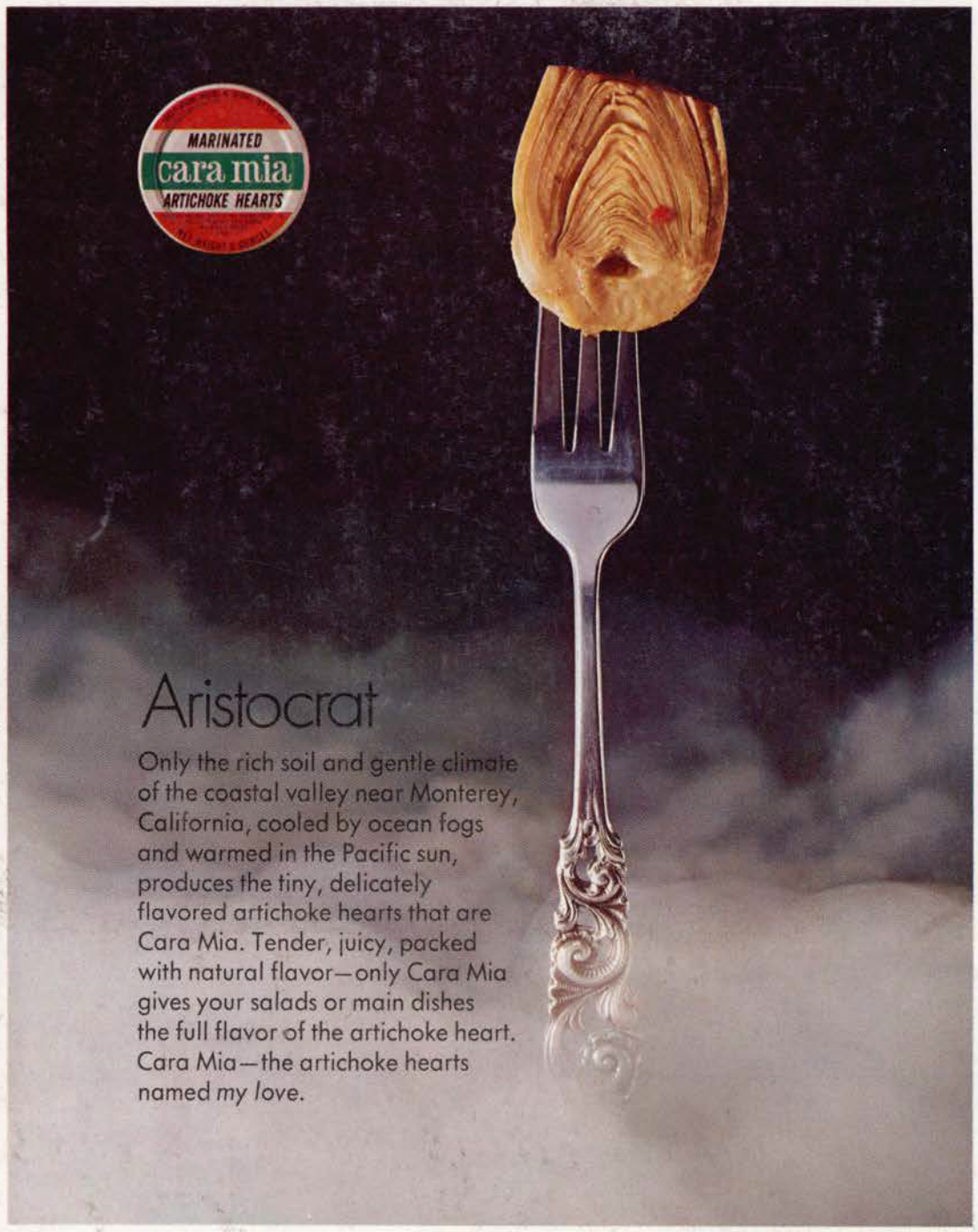

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