Sierra Club Bulletin

February 1977 / $1.00

1976 Wilderness legislation

Water quality

The Club and the courts

The *Sierra Club Bulletin*, published monthly, with combined issues for July-August and November-December, is the official magazine of the Sierra Club, 530 Bush St., San Francisco, California 94108, (415) 981-8634. Annual dues are $20 of which $3.00 is for subscription to the *Bulletin*. (Nonmember subscriptions: one year $8.00; three years $20; foreign $10; single copy $1.00) Second-class postage paid at San Francisco, California, and additional mailing offices.

Editorial correspondence should be addressed to *Sierra Club Bulletin*, 530 Bush St., San Francisco, CA 94108. Manuscripts must be submitted in duplicate and accompanied by a stamped, self-addressed envelope.

Changes of address should be sent to Sierra Club Member Services, 530 Bush St., San Francisco, CA 94108. Along with your old and new addresses, please include an address label from a recent issue, if possible.

Advertising: (West) Susan Church, Environmedia, 875 30th Ave., San Francisco, CA 94121, (415) 387-2576; (Books only) Erwin H. Baker, 20 Evergreen Place, East Orange, NJ 07018, (201) 673-3950; (East and Midwest) William H. Fields III, 22 Montgomery St., Boston, MA 02116, (617) 262-7532.

Sierra Club Bulletin

FEBRUARY 1977 VOLUME 62/NUMBER 2

Cover: Deception Creek in the new 393,000-acre Alpine Lakes Wilderness in Washington's Cascade Range. Last year, more than 2.2 million acres in our national parks, forests and wildlife refuges were added to the National Wilderness Preservation System. For a closer look at our new wilderness areas, see page four. *Photographer, Ed Cooper.*

1976: A Memorable Wilderness Year

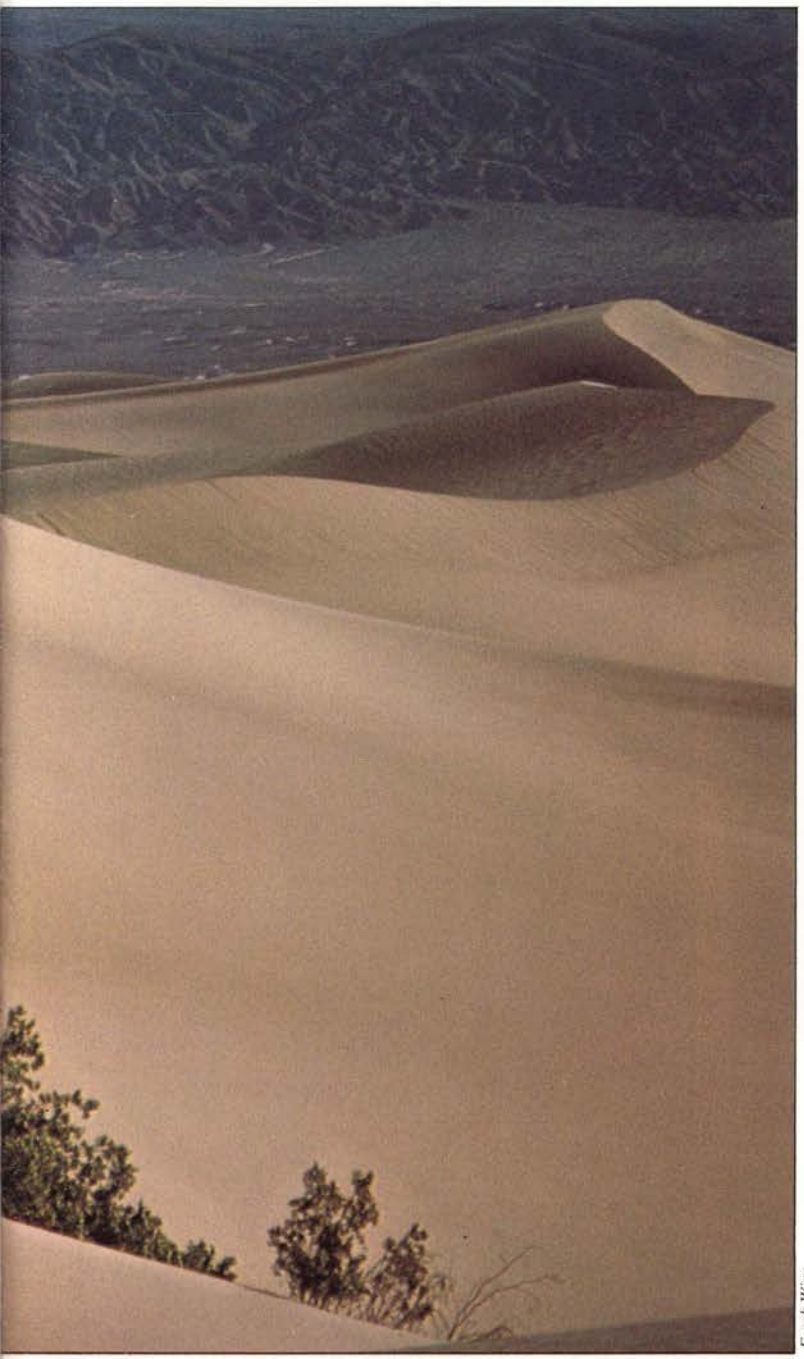
STAFF REPORT

Conservationists, hikers, fishermen, peak baggers, big-wall climbers, cross-country ramblers, canoers, white-water daredevils, backpackers, birdwatchers, naturalists, nature photographers, equipment manufacturers and retailers, and miscellaneous wilderness enthusiasts all have reason to celebrate 1976, which not only brought them the elections, the Olympics, and the surface of Mars, but more acres of new designated wilderness than in any year since the passage of the Wilderness Act in 1964. Thirty-six new wilderness areas, totalling more than 2.2 million acres, were added to the National Wilderness Preservation System. Fifteen other areas in national parks and forests were designated for study and future consideration. In addition, three new units were added to the national park system, several existing parks were expanded, and five rivers (totalling about 500 miles) were preserved as Wild and Scenic Rivers. We here salute the bicentennial year with photographs of some of the new parks and wilderness areas established in 1976. For a complete list, turn to page ten.

New mining claims were banned from Death Valley National Monument, California

Tom Feiger

133,910-acre Eagles Nest Wilderness established in Colorado



Frank Wing

Eliot Porter

Eliot Porter

15,000-acre Congaree National Preserve established in South Carolina

131,880-acre wilderness established in Isle Royale National Park, Michigan

Ed Cooper

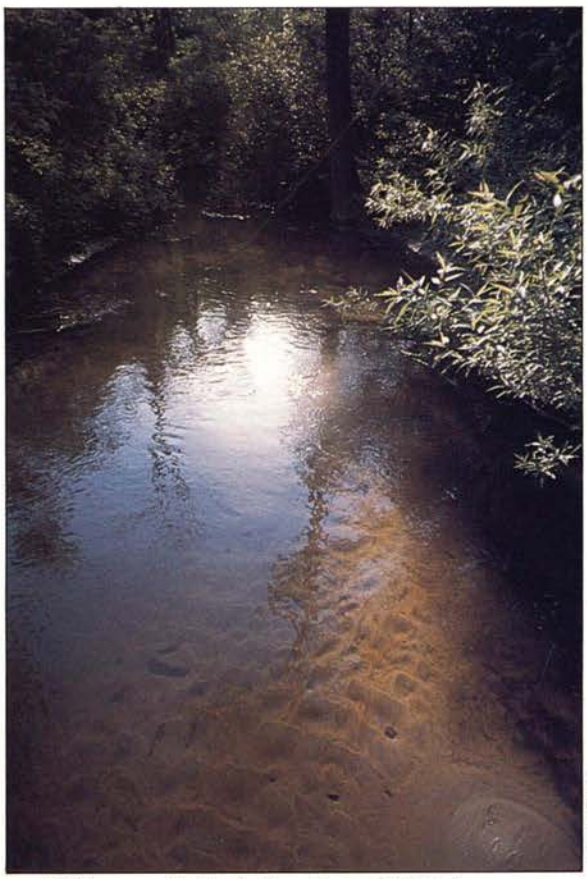
Verne Huser

662,000-acre Hells Canyon National Recreation Area established in Oregon and Idaho; includes 193,910 acres of wilderness

393,000-acre Alpine Lakes Wilderness established in Washington

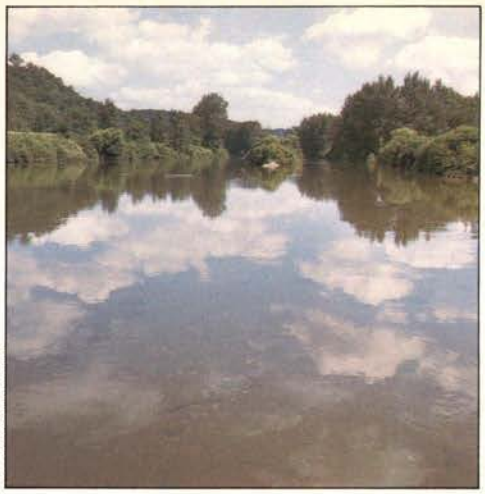
Bob Gunning

Lester Conrad



Wayne Hanna

3,663 acres added to Indiana Dunes National Lakeshore, Indiana



M. Warren Williams

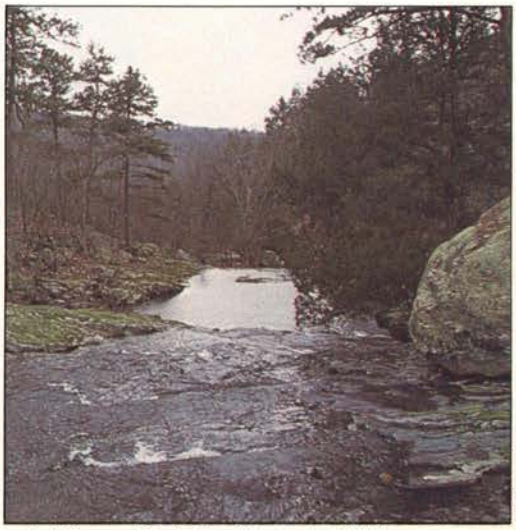
New River, North Carolina; 26.5 miles designated as a Wild and Scenic River

Below: 159 miles of the Missouri River in Montana were designated Wild and Scenic

Brock Evans

Dale A. Burk

393,000-acre Great Bear Wilderness Study Area, Montana



R. Roger Pryor

4,170-acre Rockpile Mountain Wilderness Study Area, Missouri

Verna R. Johnston

Bishop Pine Forest, Point Reyes National Park Wilderness Area

Legislative Scoreboard—the 94th Congress

INTRODUCTION

Now that the hectic last days of the 94th Congress are over, it is possible and desirable to step back and review what environmentalists have accomplished in Congress over the past two years. We here present a summary of some of the more important congressional actions—and failures to act—on environmental bills on which the Sierra Club worked hardest. Overall, we can feel proud that our efforts helped to produce solid achievements in many areas of utmost interest to the Club. Of the twenty-two legislative priorities for the 94th Congress adopted two years ago by the board of directors, our Washington, D.C., staff reports favorable results with most of those on which Congress acted. Our setbacks were primarily failures to persuade Congress to act (e.g. Redwoods National Park expansion, Alaska National Interest Lands, strip-mining controls, Clean Air Act amendments). For the most part, these setbacks can be turned into victories by hard work in the 95th Congress.

Some of the results shown on the next pages capped many years of effort—such as Hells Canyon, the Toxic Substances Control Act, the BLM Organic Act. In other cases, we were able to capitalize on opportunities that weren't apparent even two years ago—the controversy over new mining in Death Valley, for example. As you review this summary, please take satisfaction that your membership and activity in the Sierra Club helped to achieve the favorable results you see.

LEGISLATIVE SCOREBOARD
94th Congress

Legislation	Result
Public Lands	
Federal Land Policy & Management Act "The BLM Organic Act"	Despite some compromises, a basically strong bill passed.
Land & Water Conservation Fund Amendments	Funding to be tripled to $900 million by 1980; important for future park expansion
National Forest Management Act	Achieved potentially useful improvements in forestry law in exchange for inevitable loss of court decision halting clearcutting
Omnibus National Park Wilderness Act	Adds almost a million acres of national-park lands to the wilderness system
Omnibus Forest and Refuge Wilderness Act	Designates almost one million acres of national-forest and wildlife refuge lands as "instant" or "study" wilderness
National Parks Mining Act	Closes six national parks and monuments, including Death Valley and Glacier Bay, to new mining claims; imposes new regulations on existing claims
Game Range Act	Provides new statutory protection for national game ranges
National Park System Additions	Additions to Bandelier, Cuyahoga, Olympic and others
Ski Area Permit Legislation	Troublesome bill to lift 80-acre limitation in national forests failed.
Alaska National Interest Lands	Some hearings, but no action
Alaska Native Claims Settlement Act Amendments	Settlement negotiated to resolve conflicting claims on Admiralty Island, at Cook Inlet, and Aniakchak Caldera; an acceptable compromise
Alaska Gas Pipeline	Acceptable bill passed governing route-selection process
Alaska Petroleum Reserve #4	Bill authorizing exploration in this North Slope reserve contains some protection for surface values
Mineral King	No action by the Congress, but local congressman and senior senator now support national park protection for area
Redwood National Park Expansion	Bill introduced and oversight hearing held
Indiana Dunes Expansion	Achieves some, but not all, of the desired additions
Congaree Swamp National Preserve	15,000 acres of remnant bottomland forest preserved; a signal victory in the Southeast
Tallgrass Prairie National Park	No action, although National Park Service planning progressed
Alpine Lakes Management Act	Establishes 392,000-acre Wilderness Area; a major victory for the Northwest
Hells Canyon National Recreation Area	New NRA includes 193,910 acres of new wilderness; future dams banned
Colorado Wilderness	Two bills establish 235,230-acre Flat Tops Wilderness and 133,910-acre Eagles Nest Wilderness.
Mining Law Reform	Awaits completion of action on strip-mining
New River	North Carolina's New River won a last-minute reprieve from hydroelectric development.
Energy	
Energy Policy and Conservation Act	Establishes mandatory auto fuel-economy standards, appliance labeling, and state energy-conservation programs
Energy Conservation and Production Act	Establishes mandatory building standards for energy conservation and provides funding for retrofitting
Synthetic Fuels and Oil Shale	Loan guarantees for these environmentally damaging technologies narrowly defeated; other subsidies also defeated
Oil Depletion Allowance	Terminated for major producers; tax credits for foreign royalties reduced
Coal Slurry Pipelines	Bills to grant eminent domain were fortunately sidetracked.
Breeder reactor	Efforts failed to limit funding for Clinch River Demonstration Facility.
Price-Anderson Act	This nuclear subsidy was unfortunately renewed.
Nuclear Exports	Weak bill defeated
Financing for Private Nuclear Fuel Enrichment	Bill we opposed narrowly defeated
OCS Lands Act Amendments	Favorable bills passed both houses and conference, but were recommitted at last minute.
Coastal Zone Management Act Amendments	Acceptable measures passed to compensate coastal areas affected by offshore energy development
Strip Mining	Good bills passed but were vetoed.
Coal Leasing	Major overhaul of federal leasing procedures passed over Ford veto
Petroleum Reserve	Petroleum storage system enacted as hedge against another embargo
ERDA Funding	Bill containing substantially increased funding for solar energy failed, but not for this reason
Electric Rate Structure Reform	Bills were introduced, but no action taken
Pollution	
Toxic Substances Control Act	A landmark bill passed to protect public and environmental health.
Clean Air Act Amendments	Favorable bill defining significant deterioration emerged from conference only to be defeated by filibuster
Water Pollution Control Act Amendments	Amendments to weaken the act killed in conference
Oil Spill Liability	Inadequate bill died in the House
Resource Conservation and Recovery Act	A major bill passed requiring hazardous-waste regulations and providing incentives for solid-waste management plans. Credit other groups for this victory.

Legislation	Result
Other Issues	
United Nations Environment Programme	U.S. contribution increased to $10 million
Public Disclosure of Lobbying Act	Conferees failed to resolve differences between troublesome Senate bill and favorable House version
Lock and Dam 26/Waterway User Charges	Waterway-user charges and authorization for expanded lock system deleted from the Water Resources and Development Act
Marine Fisheries Conservation Act	Extends U.S. regulation of fisheries to 200 miles, with acceptable impact on Law of the Sea negotiations
NEPA "defense"	Procedural questions involving delegation of federal NEPA responsibilities to states were satisfactorily resolved.
Pesticides	Most weakening amendments to federal pesticide law failed, but some passed.
Tax Reform Act	Permits conservation groups that take tax deductible contributions to do a certain amount of lobbying
Marine Mammals Protection Act "defense"	Pressure to overturn court decision protecting porpoises was successfully countered
National Land Use Bill	Early casualty of first session
Railroad Revitalization Act	Sets up Conrail and provides $6 billion to assist railroads
Federal Aid to Highways Act	Proposals to end Highway Trust Fund failed

Wilderness and National Park Systems Additions

Area or Unit	Acreage/Mileage
Wild and Scenic Rivers	
1. Flathead (N., Mid., and S. Forks), Montana	219
2. Housatonic, Connecticut (designated a study river)	50
3. Missouri, Montana	159
4. New, North Carolina	26.5
5. Obed, Tennessee	46.2
	500.7 miles
National Forest Wilderness Areas	
1. Alpine Lakes, Washington	393,000
2. Eagles Nest, Colorado	133,910
3. Fitzpatrick (Glacier), Wyoming	191,103
4. Flat Tops, Colorado	235,230
5. Hells Canyon, Idaho-Oregon	193,840
6. Hercules-Glades, Missouri	12,315
7. Kaiser, California	22,500
	1,181,898 acres

Area or Unit	Acreage/Mileage
National Forest Wilderness Study Areas	
1. Bell Mountain, Montana	8,530
2. Elkhorn, Montana	77,346
3. Great Bear, Montana	393,000
4. Paddy Creek, Missouri	6,888
5. Piney Creek, Missouri	8,430
6. Rincon Mountain, Arizona	62,930
7. Rockpile Mountain, Missouri	4,170
8. Sheep Mountain, California	52,000
9. Snow Mountain, California	37,000
	650,294 acres
National Park Wilderness Areas	
1. Badlands, South Dakota	64,250
2. Bandelier, New Mexico	23,267
3. Black Canyon of the Gunnison, Colorado	11,180
4. Chiricahua, Arizona	9,440
5. Great Sand Dunes, Colorado	33,450
6. Haleakala, Hawaii	19,270
7. Isle Royale, Michigan	131,880
8. Joshua, California	429,690
9. Mesa Verde, Colorado	8,100
10. Pinnacles, California	12,952
11. Point Reyes, California	25,370
12. Saguaro, Arizona	71,400
13. Shenandoah, Virginia	79,579
	919,828 acres
Park System Potential Wilderness Areas	
1. Great Sand Dunes, Colorado	670
2. Haleakala, Hawaii	5,500
3. Isle Royale, Michigan	231
4. Joshua Tree, California	37,550
5. Pinnacles, California	990
6. Point Reyes, California	8,003
	52,944 acres
Wildlife Refuge Wilderness Areas	
1. Agassiz, Minnesota	4,000
2. Big Lake, Arkansas	2,600
3. Chassahowitzka, Florida	23,360
4. Crab Orchard, Illinois	4,050
5. Fort Niobrara, Nebraska	4,635
6. J.N. "Ding" Darling, Florida	2,825
7. Lacassine, Louisiana	3,300
8. Lake Woodruff, Florida	1,146
9. Medicine Lake, Montana	11,366
10. Mingo, Missouri	8,000
11. Red Rock Lakes, Montana	32,350
12. San Juan Islands, Washington	355
13. Simeonof, Alaska	25,141
14. Swanquarter, North Carolina	9,000
15. Tamarac, Minnesota	2,138
16. UL Bend, Montana	20,890
	155, 156 acres

The Right to Write

Some Suggestions on Writing to Your Representatives in Congress

MORRIS K. UDALL

We would like to thank Congressman Udall for permission to reprint this article, which first appeared in the January 20, 1967 issue of Congressman's Report, *a newsletter prepared for his constituents. The Editor*

Surprisingly few people ever write to their United States senators or congressional representatives. Perhaps ninety percent of our citizens live and die without ever taking pen in hand and expressing a single opinion to the people who represent them in Congress. This reluctance to communicate results from the typical and understandable feeling that legislators have no time or inclination to read their mail, that a letter probably won't be answered or answered satisfactorily, that one letter won't make any difference anyway. Based on my own experience, and speaking for myself at least, I can state flatly that these notions are wrong.

I read every letter written to me by a constituent. A staff member may process it initially, but it will be answered, and I will insist on reading it and personally signing the reply. On several occasions, a single, thoughtful, factually persuasive letter did change my mind or cause me to initiate a review of a previous judgment. Nearly every day my faith is renewed by one or more informative and helpful letters giving me a better understanding of the thinking of my constituents.

Mail to modern-day members of Congress is more important than ever before. In the days of Clay, Calhoun, Webster and Lincoln, members of Congress lived among their constituents for perhaps nine months of the year. Through daily contacts with constituencies of less than 50,000 people (I represent at least ten times that many), they could feel rather completely informed about their constituents' beliefs and feelings. Today, with the staggering problems of government and increasingly long sessions of Congress, senators and representatives must not only vote on many more issues than early-day members, but rarely get to spend more than sixty days in their districts. Thus, their mailbags are their best "hot lines" to the people back home.

Congressman Morris K. Udall (D-Arizona) is chairman of the House Interior Committee.

Some Fundamentals

• Address it properly: "Hon. ____, House Office Building, Washington, D.C. 20515," or "Senator ____, Senate Office Building, Washington, D.C. 20510." This may seem fundamental, but I once received a letter addressed like this: "Mr. Morris K. Udall, U.S. Senator, Capitol Building, Phoenix, Arizona . . . Dear Congressman Rhodes . . .";

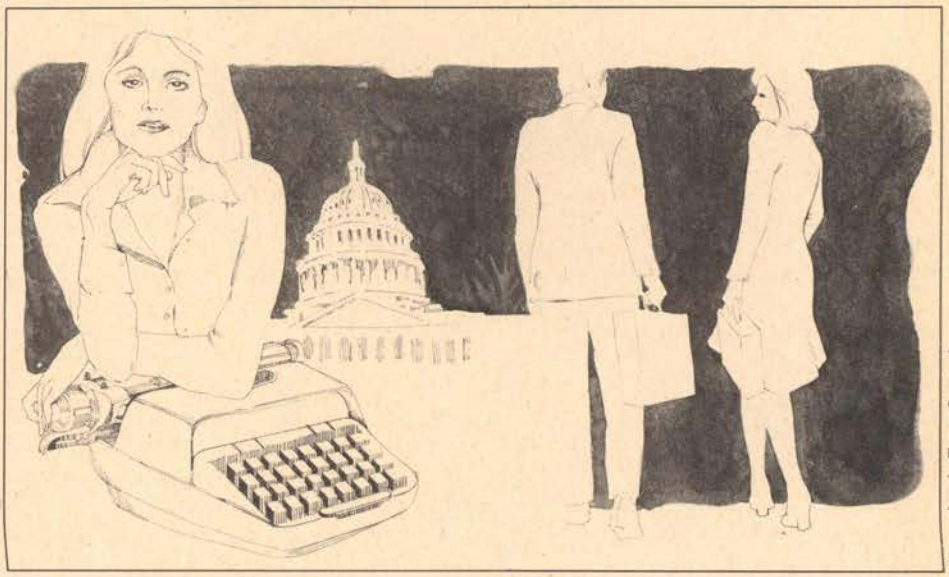
• Identify the bill or issue. About 20,000 bills are introduced in each Congress; it's important to be specific. If you write about a bill, try to give the bill number or describe it by popular title ["BLM Organic Act," "Toxic Substances Bill," etc.];

• The letter should be timely. Sometimes a bill is out of committee, or has passed the House, before a helpful letter arrives. Inform your representative while there is still time for him or her to take effective action;

• Concentrate on your own delegation. The representative of your district and the senators of your state cast *your* votes in the Congress and want to know your views. However, some writers will undertake to contact all 435 members of the House and 100 senators, who cast votes for other districts and other states. If you happen to be acquainted personally with a member from, say, Nebraska, he or she might answer your letter, but there is a "congressional courtesy" procedure which provides that all letters written by residents of my district to other members will simply be referred to me for reply, and vice versa;

• Be reasonably brief. Every working day the mailman leaves some 150 or more pieces of mail at my office. Tomorrow brings another batch. All of this mail must be answered while I am studying legislation, attending committee meetings and participating in debate on the House floor. I recognize that many issues are complex, but your opinions and arguments stand a better chance of being read if they are stated as concisely as the subject matter will permit. It is not necessary that letters be typed—only that they be legible; the form, phraseology and grammar are completely unimportant.

In the course of my years in Congress, I have received every kind of mail imaginable—the tragic, the touching, the rude, the crank; insulting, persuasive, entertaining and all the rest. I enjoy receiving mail, and I look forward to receiving it every morning; in fact, my staff people call me a "mail grabber" because I interfere with the

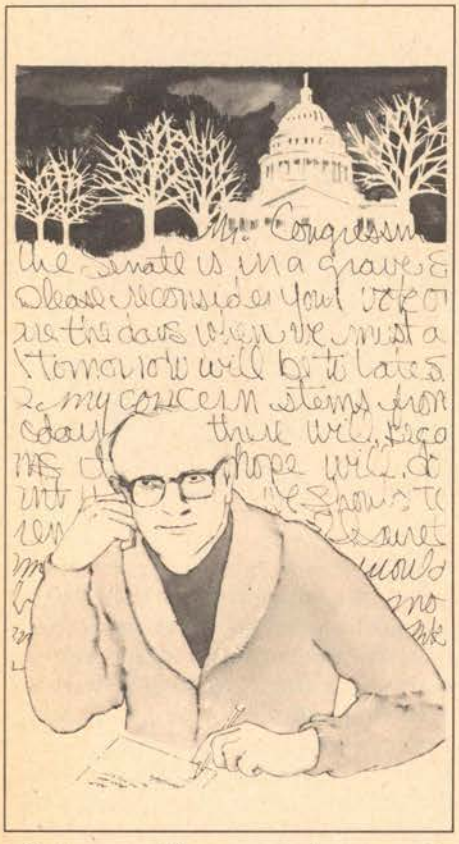


Illustrations by Teresa Camozzi.

orderly mail-opening procedures they have established. Whatever form your letter takes, I will welcome it, but to make it most helpful I would suggest the following "do's" and "don't's":

Do's

• Write your own views—not someone else's. A personal letter is far better than a form letter, or signature on a petition. Many people will sign a petition without reading it just to avoid offending the circulator; form letters are readily recognizable—they usually arrive in batches and usually register the sentiments of the person or lobbying group preparing the form. Form letters often receive form replies. Anyway, I usually know what the major lobbying groups are saying, but I don't often know of *your* experiences and observations, or what the proposed bill



will do to and for you. A sincere, well-thought-out letter from you can help fill this gap;

• Give your reasons for taking a stand. Statements such as "Vote against H.R. 100; I'm bitterly opposed" don't help much, but a letter which says, for example, "I'm a small hardware dealer, and H.R. 100 will put me out of business for the following reasons . . ." tells me a lot more. Maybe I didn't know all the effects of the bill, and your letter will help me understand what it means to an important segment of my constituency;

• Be constructive. If a bill deals with a problem you admit exists, but you believe the bill is the wrong approach, tell me what the *right* approach is;

• If you have expert knowledge, share it with your congressional representatives. Of all the letters pouring into a legislator's office every morning, perhaps one in a hundred comes from a constituent who is a real expert in that subject. The opinions expressed in the others are important, and will be heeded, but this one is a real gold mine for the conscientious member. After all, in the next nine or ten months, I will have to vote on farm bills, defense bills, transportation bills; space, health, education, housing and veterans' bills, and a host of others. I can't possibly be an expert in all these fields. Many of my constituents *are* experts in some of them. I welcome their advice and counsel.

• Say "well done" when it's deserved. Members of Congress are human, too, and they appreciate an occasional "well done" from people who believe they have done the right thing. I know I do. But even if you think I went wrong on an issue, I would welcome a letter telling me you disagree. It may help me on another issue later.

Don't's

• Don't make threats or promises. Members of Congress usually want to do the popular thing, but this is not their *only* motivation; nearly all the members I know want most of all to do what is best for the country. Occasionally a letter will conclude by saying, "If you vote for this monstrous bill, I'll do everything in my power to defeat you in the next election." A writer has the privilege of making such assertions, of course, but they rarely intimidate a conscientious member, and they may generate an adverse reaction. Members of Congress would rather know why you feel so strongly. The reasons may change their minds; the threat probably won't;

• Don't berate your representatives. You can't hope to persuade them of your position by calling them names. If you disagree with them, give reasons for your disagreement. Try to keep the dialogue open;

• Don't pretend to wield vast political influence. Write your senators or representative as an individual, not as a self-appointed spokesperson for your neighborhood, community or industry. Unsupported claims to political influence will only cast doubt upon the views you express;

• Don't become a constant "pen pal." I don't want to discourage letters, but quality, rather than quantity, is what counts. Write again and again if you feel like it, but don't try to instruct your representative on every issue that comes up. And don't nag if his or her votes do not match your precise thinking every time. Remember, a member of Congress has to consider all of his or her constituents and all points of view. Also, keep in mind that one of the pet peeves on Capitol Hill is the "pen pal" who weights the mail down every few days with long tomes on every conceivable subject;

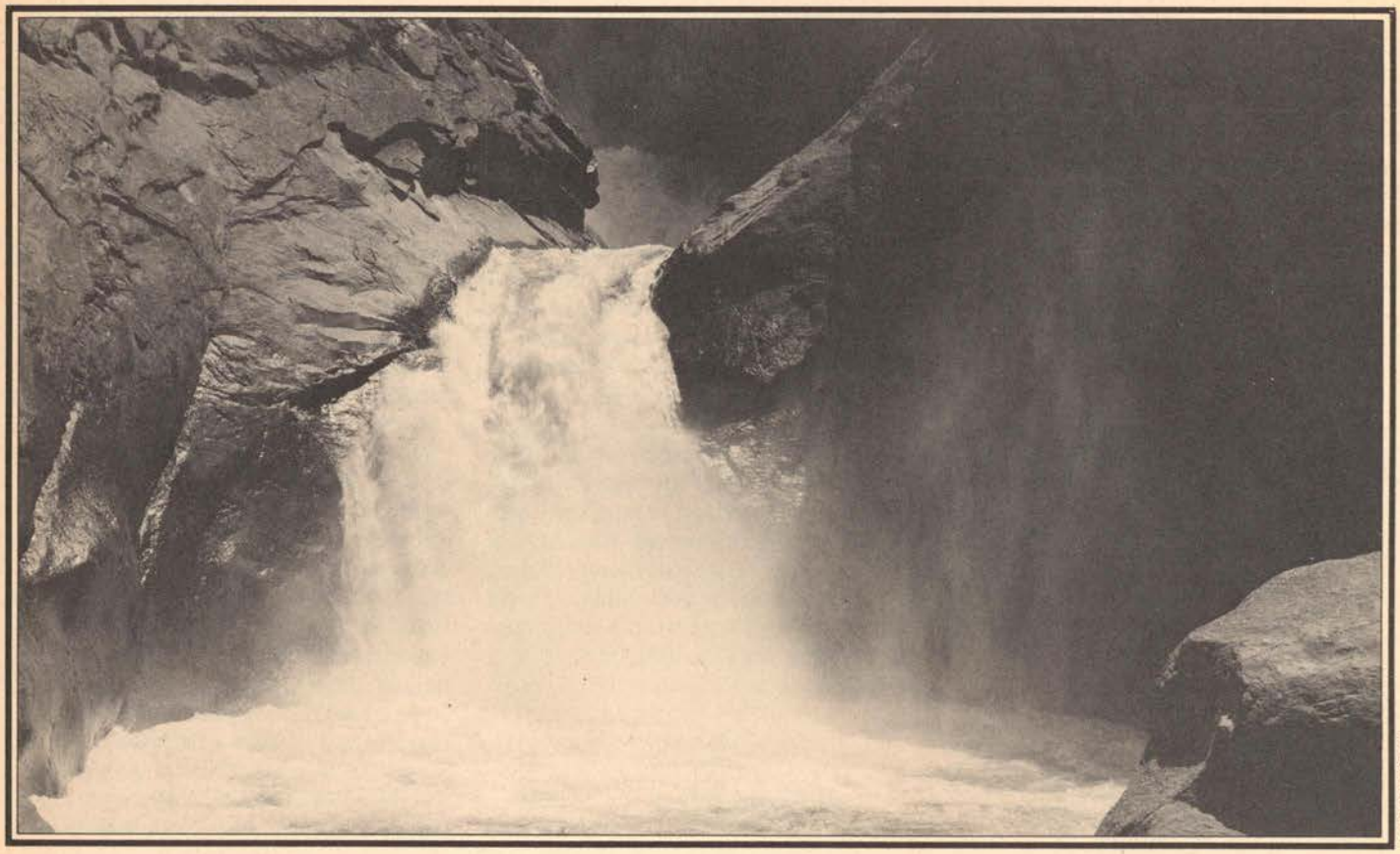
• Don't demand a commitment before the facts are in. If you have written a personal letter and stated your reasons for a particular stand, you have a right to know your representative's present thinking on the question. But writers who "demand to know how you will vote on H.R. 100" should bear certain legislative realities in mind: (1) On major bills there usually are two sides to be considered, and you may have heard only one; (2) The bill may be 100 pages long with twenty provisions in addition to the one you wrote about, and a representative may be forced to vote on the bill as a whole, weighing the good with the bad; (3) It makes little sense to adopt a firm and unyielding position before a single witness has been heard or study made of the bill in question; and (4) A bill rarely becomes law in the same form as introduced; it is possible that the bill you write about you would oppose when it reached the floor. The complexities of the legislative process and the way in which bills change their shapes in committee is revealed by a little story from my own experience. One time several years ago, I introduced a comprehensive bill dealing with a number of matters. I was proud of it, and I had great hopes for solving several perennial problems coming before Congress. However, after major confrontations in committee and numerous amendments, I found myself voting *against* the "Udall Bill."

Your senators and representatives need your help in casting votes. The "ballot box" is not far away: it's painted red, white and blue and it reads "U.S. Mail."

National Water Quality

Assessing the Mid-course Correction

JOHN R. QUARLES



Bruce Barnbaum

This article is adapted from a speech delivered by Mr. Quarles to the Water Pollution Control Federation Government Affairs Seminar in Washington, D.C., on April 6, 1976.

The Federal Water Pollution Control Act Amendments of 1972 established an extremely complicated, highly ambitious program to clean up the nation's waters. The act established strict deadlines, which in some cases have been impossible to meet, and authorized a variety of specific activities, some of which have not yet been successfully implemented. It laid down detailed requirements as to how the programs should be carried out, some of which have impeded progress toward the act's principal goals.

John R. Quarles is Acting Administrator of the Environmental Protection Agency.

The report of the National Commission on Water Quality intensively analyzes what has happened under this law, spotlights a great many problems and makes many recommendations for change.

The 1972 act emphasized industrial and municipal "point sources" of water pollution, directing that regulatory requirements on these sources be sharply tightened, that enforcement be streamlined and that the federal grant program for sewage treatment-plant construction be ambitiously expanded. Long strides toward these goals have been made.

Today, the Environmental Protection Agency (EPA) and state agencies have issued regulatory permits setting strict abatement requirements for over 20,000 industrial plants. These permits have been individually drafted to require each plant to achieve "best-practicable-control" technology and also to comply with water-quality standards, and they require regular monitoring of discharges and public disclosure of these data. Eighty-nine percent of the major industrial dischargers now have final permits, and of these, eighty-three percent are in compliance with their abatement schedules. Permit conditions are being carefully monitored and vigorously enforced. In half our states, legislation has been adopted to strengthen water-pollution control programs. In three and one-half years we have advanced dramatically from an earlier day when the prevailing standard was the vaguely understood catch-phrase, "secondary treatment or its equivalent," when enforcement was lax and when "slippage" was all but universal.

"Construction of pollution-control facilities has created in essence a new industry, providing many more jobs than were lost. . . ."

With respect to the municipal-construction grant program, the 1972 act called for a new three-step procedure for all projects and added many new requirements in the planning and approval of new plants. EPA, state and local officials and others have labored to expand levels of construction while meeting all these new requirements. In fiscal year 1975, EPA obligated $3.6 billion for construction of these facilities. This year we hope to obligate $4.5 billion, far less than the statute called for, but more than twenty times the level provided in 1970.

We are now seeing visible improvements in water quality in many critical waterways. In Lake Erie, the Cuyahoga River, the Buffalo River, the Hudson River, Escambia Bay, San Diego Harbor and many other places, significant progress is evident. Fish are returning, beaches and shellfish beds are being reopened, the foul stench of pollution is disappearing and the water looks cleaner.

This progress has not wreaked havoc in the national economy. Industrial expenditures for water-pollution control have risen markedly, though not to the extent that many experts predicted. Very few plants have been forced to close because of these financial burdens. Construction of pollution-control facilities has created in essence a new industry, providing many more jobs than were lost, or even threatened, by the application of the Water Pollution Control Act.

The act called for many programs in addition to the two I have mentioned. Some have moved forward satisfactorily; others have not. Some changes doubtless are needed, and in the overall effort, certainly, we need now to focus much more aggressively on nonpoint sources and on toxic discharges than we have so far. But we should not lose sight of this basic fact: the 1972 act has achieved its major objective—to get this country moving to control water pollution. We are making progress toward the goals of clean water Congress established, goals that are clearly in the public interest.

As we review the range of program activities called for by the statute, it is clear that the administrative burden on EPA and on state and local governments exceeded their capacity to perform within the statutory deadlines. This does not necessarily mean, however, that such programs won't work. We must ask in each case whether there is a need for change or merely a need for time to complete the work. In many cases we simply need to be more realistic in our expectations as to timing.

I would now like to turn to several of the commission's major recommendations. First, it recommended that the 1977 deadline for industrial and municipal dischargers be relaxed on a case-by-case basis. It also recommended that the 1977 requirements be waived altogether in cases where the adverse environmental impact would be minimal and costs are disproportionate to projected environmental benefits.

Regarding the extension of the 1977 deadline, while there may be a few exceptional cases where such action is warranted, extensions should not be granted as a matter of course. To do so would be tantamount to rewarding those who have intentionally delayed complying with the 1977 requirements. It would be totally unfair to the majority of companies that have made a good-faith effort to meet the deadline. Experience indicates that, in general, the 1977 deadline for industrial dischargers was realistic and can be achieved. Its integrity should be preserved. In some cases flexibility will be necessary, but where extensions are necessary, Congress should consider imposing some form of economic incentive to encourage the discharger to achieve compliance as rapidly as possible. Such an approach is now being actively considered under the Clean Air Act, and it may be useful in the water-pollution program.

Second, and far more serious, the commission recommended that the 1977 requirements be waived altogether in selected cases. A cost/benefit analysis would be undertaken for each discharger who is having difficulty meeting the requirements and if the costs appear to exceed the benefits, the discharger should be exempted. This would open a Pandora's box. Congress specifically rejected such an approach in passing the 1972 amendments. The reason was simple: it is administratively impossible to measure the benefits of specific abatement actions by every individual discharger on every specific waterway. Therefore, Congress adopted a uniform, technology-linked standard for all industrial dischargers.

Moreover, the proposal to exempt certain dischargers is, at this stage, out of the question. Implementation of the 1977 requirements is already far advanced. By the time such a change in requirements could be adopted by Congress and implemented, the July 1, 1977, deadline would be long past. Once again, the relief provided would be a reward to the recalcitrant and a penalty to those who in good faith have complied with the law.

Even the prospect of Congress enacting such a change would create a nightmare for EPA and the states. Such a provision would encourage virtually every discharger to hire economic consultants to prepare studies showing that the cost of meeting the 1977 standards exceeds the benefits for his particular facility. Someone, presumably EPA, would have to evaluate each of these studies. Meanwhile, no action would be taken to achieve compliance with the existing permit. This could become the most powerful engine yet devised for further delay. Once this door is opened, there can be only one result —a wholesale effort to undermine the 1977 requirements.

The commission's most important and troubling recommendations deal with Phase II of the program Congress established in the 1972 act. The commission recommends that the 1983 goal of "fishable, swimmable" water be re-

"The question is not whether we are able to obtain clean water, but whether we want to."

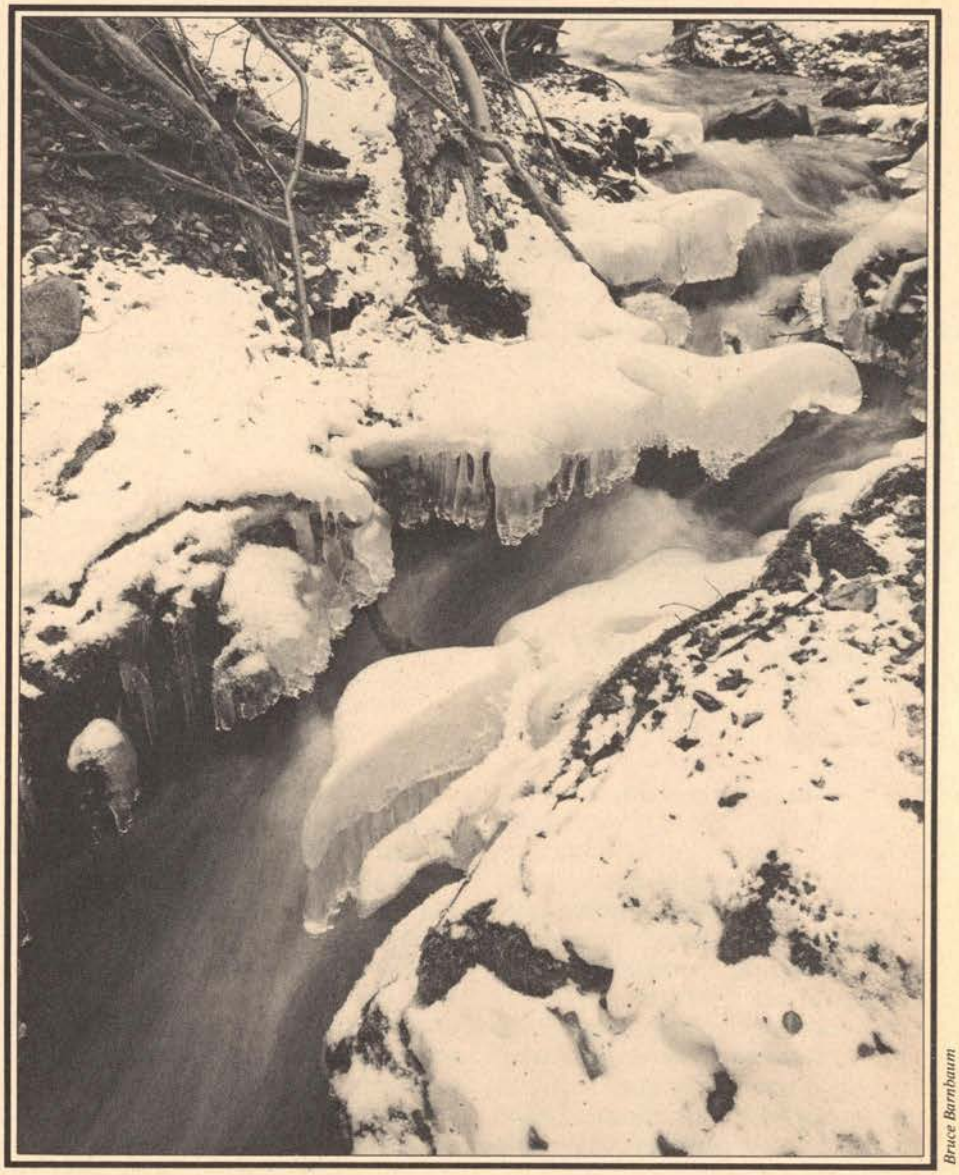
tained, but suggests, in the same breath, that requirements needed to attain the goal be delayed for not less than five nor more than ten years after 1983. At the same time, the commission suggests that controls on toxic pollutants be accelerated and that a new round of abatement requirements on toxics be implemented not later than October 1, 1980. I find these recommendations mutually inconsistent, undesirable and hopelessly impractical.

There is little or no support in the staff report for the commission's proposal that the achievement of fishable, swimmable water and best available treatment be postponed by a decade. It does recommend some delay, but not five or ten years. Had the staff found that the cost of achieving the 1983 requirements was exorbitant, there might be some basis for the commission's recommendation. However, in one of the major findings of the study, the staff found that the cost of complying with the 1983 requirements was actually *lower* than the cost of complying with the 1977 requirements. This suggests there are no insuperable economic or technical barriers to achieving the 1983 requirements.

Having recommended a substantial delay in the attainment date for the 1983 requirements, the commission recommended a number of "interim" steps, which it suggested as conditions for approving the recommended delay. Basically, these amount to a periodic review and upgrading, where possible, of the 1977 requirements, particularly in those areas where they are inadequate to achieve water-quality standards. What this means is that dischargers would be encouraged to fight every effort to tighten the requirements, rather than install better treatment technology. Also, this means that regulatory agencies would be saddled with a heavy burden of proof and forced to cross all the hurdles of cumbersome procedures for each individual case.

We must now take a hard look at the proposals concerning toxics. The commission correctly points out that toxic pollutants pose an especially great hazard and there have been delays in developing effective controls for this class of pollutants. The commission recommends that "effluent limitations based on technology to eliminate the discharge of toxic pollutants in toxic concentrations into the nation's waters [be] implemented as soon as possible, but no later than October 1, 1980."

There is no question that control of toxic pollutants is needed as soon as possible. EPA has struggled with this problem with scant success ever since the passage of the 1972 amendments. The chief problem is the existing statutory framework. This is one place in the act where a major overhaul is needed, and the commission apparently has recognized the problems in the existing statutory provision, Section 307(a). Under current law, EPA must set national toxic-effluent standards based partially on the existing quality of the waters receiving the pollutants. Because of the tremendous differences



Bruce Barnbaum

"There is little or no support for the proposal that the achievement of fishable, swimmable water . . . be postponed by a decade."

between "receiving waters" and the impact of toxics in the different waterways, it has been virtually impossible to do so. As the commission has recognized, we need technology-based standards for this class of pollutants.

This is not, however, the only problem with Section 307(a). The current provision requires that any toxic-effluent standard promulgated by the agency take effect within one year after it is published. In many cases, this is an impossible deadline for industry to meet. In addition, the current provision requires the administrator to hold a formal adjudicatory hearing with full rights of cross-examination prior to the promulgation of any effluent standard. These hearings drag on for months, further delaying the process. For all these reasons, Section 307(a) must be amended if EPA is to effectively control toxic pollutants.

Control of toxic pollutants cannot be disconnected from the general program to control industrial pollution. Industries must be able to plan and carry out abatement programs in a predictable and orderly fashion. Nearly all major industries now have permits issued during 1974 and 1975 setting forth their pollution-control obligations. Those permits will generally expire in 1978 and 1979. As those permits are renewed, they will spell out the second round of tighter control that the law requires to be completed by 1983. EPA is now preparing to emphasize toxic control in that second round. We are beginning an ambitious effort to develop best-available-treatment standards to control toxic pollutants, industry by industry. These standards will be completed at various times from 1977 through 1979. On the basis of our experience in setting effluent guidelines for the traditional, better-understood pollutants, and in view of the extreme complexity of dealing with huge numbers of toxic pollutants, schedules for completing effluent guidelines for toxics cannot be shortened. The process of translating national standards or guidelines into thousands of permits for individual plants, allowing time for public hearings, administrative appeals and judicial review will also inevitably require one to two years at best.

As permits are reissued throughout the 1978-79 period, they will in many cases embody the new effluent-guideline requirements for toxics. Where those standards have not been completed, toxic controls can be individually drafted for specific plants to apply the statutory objective. In either situation, the stricter requirements will be imposed in an intelligent, orderly manner, affording industry the fairness of a predictable schedule for control and moving forward effectively toward the goals of clean water that Congress has established.

Any effort to jump ahead on the control of toxic pollutants will disrupt this orderly process. The regulatory agencies are not ready to move ahead that fast, and even if they were it would throw a monkey wrench into the existing abatement programs. On the other side, any delay in the 1983 standards would also be extremely disruptive. Achievement of tighter control over toxic pollutants is heavily dependent on imposition of the best-available-technology standards. Any thought that we could accelerate the former while delaying the latter is bound to be disastrous.

Backward steps

There is one other major weakness in the commission's proposals: they would return the national water-pollution program to the days of the "moving target." As long as I have been in the government, critics have always complained that environmental standards kept getting changed. Congress finally answered that criticism by establishing an orderly, two-phase, ten-year program. Now some of the same critics want to bring back the moving targets. It just doesn't make sense.

I generally support the commission's recommendation that control of the water-pollution program be further decentralized as long as the states have adequate resources and the necessary commitment to get the job done. I also agree that Congress should reexamine the rationale and actual performance of the user charge, industrial cost recovery and pretreatment provisions of the act. Our experience has shown that these are good ideas on paper, but have been difficult to implement in practice. The commission has also raised several important questions concerning the entire program for municipal sewage treatment-plant construction.

If Congress were to adopt the most far-reaching proposals by the National Commission on Water Quality to knock several loopholes through the 1977 requirements and to postpone the 1983 objectives by as much as ten years, it would undermine the entire national effort to control water pollution. The psychological impact of such changes would blunt the momentum of everything we are doing today to restore clean water to the American people. I believe that this type of backward step is unnecessary from a financial viewpoint, destructive from an environmental viewpoint, and in terms of the overall public interest just plain wrong.

We have been working in this country for several decades to achieve an effective water-pollution control effort. Now we are in the middle of a comprehensive program that seems to be achieving success. We can see visible progress, but we know we have a long way to go. Many of our waterways continue to be dreadfully polluted. We must also worry about future economic growth offsetting the gains we have made. We know that far greater control can be within our grasp without disruptive economic or social effects and that many severe pollution problems still urgently demand attention. Now, more clearly than ever before, the question is not whether we are able to obtain clean water, but whether we want to. If we truly want to restore the fresh, sparkling vitality of our nation's waters, surely now is *not* the time to start to walk off the job. **SCB**

Commentary

The Coming Clean Water Campaign

RHEA COHEN

Since passage of the 1972 Federal Water Pollution Control Act Amendments (PL 92-500, commonly known as the "Clean Water Act"), implementation has been half-hearted. Though some progress has been made, pollution is still increasing in many waterways across the nation.

- Thousands of industrial dischargers are contesting permit limitations and are continuing to dump wastes into the nation's waterways;
- Sewage treatment facilities of most cities and many federal installations are still violating federal water pollution control requirements;
- Surface runoff, carrying silt, fertilizers, pesticides, petroleum products and other materials from urban and agricultural areas, contaminates water resources, yet control programs are barely under way.

The primary objective of the Clean Water Act is "to restore and maintain the chemical, physical and biological integrity of the nation's waters." To this end, it provides a comprehensive program for eliminating discharge of pollutants into the nation's waters by 1985, and sets an interim 1983 goal for achieving fishable, swimmable waters wherever attainable. The Act (1) prohibits the discharge of toxic pollutants in dangerous amounts; (2) requires state and local governments to prepare and implement areawide waste treatment management plans for control of all pollution sources; (3) authorizes federal construction grants for publicly owned waste treatment facilities and for research to eliminate discharge of pollutants; (4) establishes uniform standards with deadlines for compliance; and (5) creates programs to regulate the discharge of pollutants both from discrete ("point") sources and generalized ("non-point") sources, including that of dredged and fill materials into wetlands. The Act also directs that public participation in the decision-making process "shall be provided for, encouraged, and assisted." Further, any citizen may sue for apparent violation of any effluent standard, limitation, or order, or when the EPA fails to perform a nondiscretionary duty under the Act. Additionally, there is opportunity for public comment on environmental impact reviews under the National Environmental Policy Act (NEPA), which applies to the issuance of construction grants and new discharge permits.

This year, the public's role will be especially important because special interests will lobby heavily to weaken the Clean Water Act—to limit its goals, undermine standards, extend compliance deadlines, create loopholes, and curtail vital programs under the guise of "decentralization." Aiding this attempt will be the National Water Quality Commission's 1976 report to Congress, which recommends the following "mid-course corrections": (1) extend the July 1, 1977, compliance date for industry and publicly owned treatment facilities; (2) postpone for five to ten years the 1983 deadline for applying best available technologies; (3) decentralize control efforts by turning over the construction grant program to the states; (4) assure a steady flow of construction funds for a fixed number of years; (5) abandon the Act's 1985 goal of eliminating pollutant discharges; and (6) allow variances and exemptions for irrigated agriculture.

In response to the report, and also because construction funds have run out for some localities, the House and Senate public works committees will hold hearings early this year to consider amending the Act. Before any substantive amendments are considered, however, the Clean Water Act should be given a chance to operate under an administration expected to be sympathetic to its goals. There is ample authority in the Act for a highly effective program, which the new administration should be urged to initiate early in its first year. Among the administrative actions that could be taken at once under various sections of the Act (indicated in parentheses) are the following:

(1) In dispensing *construction grants* (Section 201) for publicly owned waste treatment facilities, the EPA should promote innovative sewage recycling methods. So far, the agency has spent 99.1 percent of its construction funds on conventional technologies, which are energy and capital intensive. By contrast, recycling systems are labor intensive, conserve both energy and capital, and often generate income to offset operating costs while eliminating discharge of pollutants to waterways. Although these grants should be reserved for cleaning up existing pollution, the EPA has allowed municipalities to build facilities larger than they need, thereby subsidizing land speculation and unplanned growth, which in turn create new pollution.

(2) To assure effective implementation of areawide waste treatment management plans (Section 208), upon which the Act's major programs ultimately depend, the EPA should make future construction grants conditional upon compliance with the plans. Also, the EPA should require state and local planning agencies to use ten percent of the planning grant for public participation; to protect drinking water supplies; to consider recycling technologies; and to require strict management practices to control pollution from urban stormwater discharges and from agricultural, forestry, mining and construction activities.

(3) To reduce the menacing flow of *toxic pollutants* (Section 307) into the nation's waters, one of the new administration's first priorities should be to issue final toxic-substance standards, which have been due since

Rhea Cohen is a Sierra Club Washington representative and Clean Water Coalition coordinator.

October 1974. A June 1976 court order requires EPA to promulgate long-overdue final standards for a minimum of sixty-five toxic pollutants in twenty-one industrial categories. The EPA should go beyond that directive and develop standards for additional toxics without further delay.

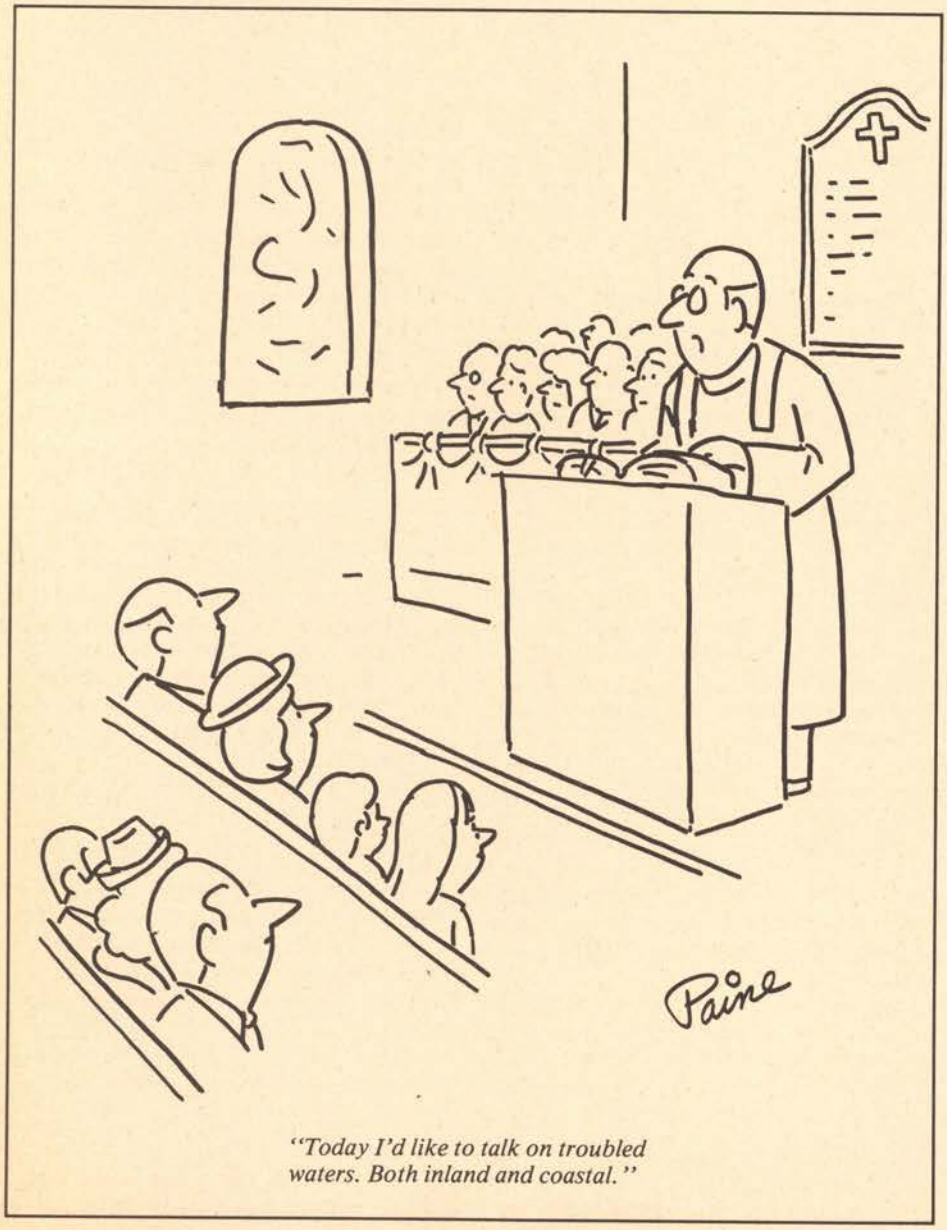
(4) The *wetlands protection* provision (Section 404), under which the Army Corps of Engineers issues permits for the discharge of dredged and fill materials into the nation's rivers, streams, lakes, wetlands and coastal areas, should be allowed to operate for at least a year after taking full effect this July before any substantive amendments are considered. This program is strongly opposed by coastal developers, forest road builders, state highway officials, gravel miners, barge haulers and others, all of whom would prefer to cut back Section 404 jurisdiction and delegate authority for a weakened permit program to the states.

Many industries and some states have been urging that both the wetlands-permit and construction-grant programs be turned over to the states. They point to inept federal administration and duplication of review requirements, but in many cases such arguments merely mask hostility to the concept of federal regulation. Decentralization would quickly wipe out hard-won provisions for environmental review, public participation and citizen suits, which now apply to these programs. Few states, even those that support the intent of the Act, have workable counterparts of all these measures.

One of the most important and controversial sections of the Act requires dischargers to meet effluent limitations based on "the best practicable control technology" (BPT) by July 1, 1977, and on "the *best available technology* economically achievable" (BAT—Section 301) by 1983. Industry wants a ten-year delay of BAT, contending that BPT requirements are adequate. In fact, however, they would not reduce toxic discharges enough to protect drinking water supplies, fish and wildlife.

Contrary to industry claims, there is no economic justification for postponing the 1983 deadline. The National Commission on Water Quality estimated the additional costs of meeting BAT requirements to be less than two-thirds that of meeting the BPT requirements. The commission also estimated that for the years 1975 through 1984, jobs created to satisfy the requirements of the Clean Water Act would exceed jobs lost by a net average of 759,000 a year!

To defend the Act and ultimately to promote improving amendments, more than thirty national conservation, consumer, labor, professional and recreational groups are now forming an ad-hoc Clean Water Coalition. While developing position papers and contacts in Washington, D.C., the coalition seeks grassroot support. Readers are encouraged to engage their local groups in vigorous campaigns to preserve the Clean Water Act. Those interested in receiving further information, including legislative updates, should write to: Clean Water Task Force, Sierra Club Conservation Department, 530 Bush St., San Francisco, CA 94108.



"Today I'd like to talk on troubled waters. Both inland and coastal."

The writer wishes to thank Khris Hall and Judy Campbell Bird (National Resources Defense Council); Al Slap (Public Interest Law Center of Philadelphia); David Zwick (Clean Water Action Project); Lee Daneker (National Wildlife Federation); and Blake Early (Environmental Action)—all of whom greatly assisted in the preparation of this article.

Commentary

Editorials

Are Compromises Bad?

Michael McCloskey

"The bill was watered down." "Some of the teeth were taken out of it." "They gave us only half a loaf." Have we been the victim of another compromise in Congress?

As one Congress ends and another begins, it is well to ask whether we and other groups like us are solely the victims of compromise. Might we not more properly be viewed as beneficiaries as well, and really, as time goes by, more beneficiaries than victims?

Obviously, we would rather not compromise. It usually leaves a bitter taste, because we set our sights high and represent no selfish interest. We are thinking of the long run and the interests of all living things. But in facing compromise, we are not usually dealing with principle, we are merely having to accept limited gains toward desirable goals. When judging the final result, we must remember too that we are not the only legitimate interest in society, and we are not alone in thinking of the common good. We may not have thought through to the best melding of all interests, nor can we always accurately perceive how environmental interests are best served. To put it simply, we are not infallible. So, under the best of circumstances, the outcome may properly be other than we initially sought.

Even under the worst circumstances, the real question is: "What is the alternative?" Critics of compromise must believe there is some better solution—that whole victories could be achieved if different stratagems were employed. They are rarely specific, except to suggest that we hold out longer. It is true, one should be wary about premature compromise; the debate needs to be held and public support sought diligently before compromise is considered, and then one should strive to hold losses to the minimum.

But advice to hold out suggests analogies with battles and lawsuits that might not be apt. Soldiers may not want to lay down their arms before satisfactory peace terms are drawn, but their ability to fight on gives them bargaining strength. So also, those pressing a lawsuit can hold out in negotiations with the threat of continuing to press their suit. But those pushing for new laws do not have automatic leverage on a situation equivalent to arms or suits. Their only leverage is public support and good will, elusive at best, that cannot be easily turned into pressure on legislators to hold out. Most important, we are not actual parties to the bargaining session. The real participants—members of Congress—may not want to hold out. They can go ahead without us.

The time comes when someone must decide whether "this is the best we can get for now." Once the judgment is made that the political outlook is not going to get better, the test becomes whether or not the compromise represents an advance over the status quo. When we seek a new program or to improve an existing one, "half a loaf" still represents a fifty percent gain. Incremental progress is about the only way we achieve forward movement in the world of public policy. Dreams of sweeping "ideal" victories by which we get everything we want are usually just that—"dreams."

However, we can return after a period of waiting. Over the course of twelve years, we have come back four times on the Land and Water Conservation Fund to get funding increased to more adequate levels. One compromise did not throw away all future opportunities to get more. In fact, sometimes a strong measure can only be achieved by stages. Experience at each stage shows why another is needed.

Of course, compromise will not result in any forward progress if we are defending a value or place that is threatened by bad legislation. In a defensive campaign, we often need to be unyielding—unless it would result in an even worse setback. If we are trying to keep a poorly conceived dam, canal, or pipeline out of a fragile area, there may be no room for compromise—one compromise after another can lead to total loss of the resource.

But these cases need to be distinguished

Alert for Alaska! The Coming Struggle

Edgar Wayburn

With the introduction of HR. 39 (Congressman Morris Udall, D-Arizona) on the first day of the Ninety-fifth Congress, the crucial stage of the battle for Alaska's National Interest Lands has been entered. The Sierra Club, already deep in this battle, now faces the most significant opportunity and challenge in its history. The fate of more than 110 million acres of Alaskan land—the nation's greatest remaining unprotected natural heritage—will be decided in the next two years by Congress. What it decides will be a measure of our strength and our commitment.

Until Alaska became a state in 1959, its land was almost entirely in federal ownership. At that time, 104 million acres of Alaska's 375 million acres were granted to the new state by Congress, along with an additional 40 million acres of tidelands. In December 1971, Congress passed the Alaska Native Claims Settlement Act (ANCSA), which initiated the final classification and disposition of all remaining federal lands in the state. It allotted 44 million acres to Alaska's native peoples as their private property under corporate ownership. It also directed in Section 17-d-2 that up to 80 million acres of unreserved public land be set aside for study as potential "National Interest Lands," to be administered by federal conservation agencies. (The rest were classified under Section 17-d-1 as "Public Interest Lands.") The act specified that the final disposition of these critical lands, which belong to all Americans, be settled by the Congress by December 1978. Thus, the Ninety-fifth Congress will make the crucial decisions.

Since the passage of ANCSA, the Sierra Club has been actively involved with concerned Alaskans, with federal agencies, and with other national conservation organizations in investigating and studying the potential of the National Interest Lands. We believe that the more than 110 million acres specified in HR. 39 must be protected as National Parks, National Wildlife Refuges and Wild and Scenic Rivers. This acreage contains magnificent landscapes and unique ecosystems—the habitats of the last great wide-roaming wildlife populations in the United States and of migratory species that travel to Alaska from every corner of the earth. And it makes possible the continuation of the Alaska Natives' traditional ways of life, which is now threatened as never before.

As of February 1, HR. 39 had seventy-five cosponsors in the House, and a companion bill is being introduced in the Senate by Senator Lee Metcalf (D-Montana). Our efforts to gain their passage will require every ounce of our strength and all the resources we can possibly muster. Opposition to the mythical "lock-up" of land for protection is strong among Alaskan and non-Alaskan developers of the old school. Vested interests are campaigning actively against any sizable withdrawals. Indeed, there are global pressures to exploit virtually every acre of Alaska. You can be sure that Congress will hear from those with economic interests in Alaska. Congress must hear from us as well. We need

Edgar Wayburn is a member of the Sierra Club Board of Directors and chairs its Alaska Task Force.

from affirmative campaigns to bring new systems of protection to environmental values. In such cases, environmentalists bear the burden of sustaining the forward momentum of the campaign and clearing all obstacles. To succeed here, we need allies and supporters, and they cannot be attracted by too rigid and unyielding a cast of mind. The job of putting together a coalition behind a positive reform program and moving it along usually involves one set of compromises after another.

Viewed in this sense, compromise is the key to progress. It can spell the difference between having an ideal program on paper and adopting a real program. It was just this difference that allowed us to have a Wilderness Act, a Toxic Substances Act, and strong air and water pollution control laws. Without compromise, those measures would never have become law.

Compromise is the key because it is the means by which legitimate interests in a democracy come to understand that they are being given fair consideration. Accommodations among contending interests build confidence that our institutions are listening. If we want these considerations for ourselves, we must accord them to others. **SCB**

every member of the Sierra Club—and many more Americans—to be involved. Please become informed about the enormous environmental stakes in Alaska. Learn what the National Interest Lands are, and what they can mean to you. Previous *Sierra Club Bulletins* and other Club publications contain important facts about Alaska, and more will be coming. Meantime, the Club's Alaska Task Force will be glad to answer your questions, and invites you to join it, and to take an active part in the Club's effort.

It may rightly be said that the Alaskan campaign is the one for which the Sierra Club has been building since its founding. In 1889, John Muir visited Alaska and was so overwhelmed by its beauty that he declared he had never before "been embosomed in scenery so hopelessly beyond description." Were John Muir alive, he would be in the front rank of our current battle. Surely there would be no greater tribute to his memory than to win it. And, surely, there could be no greater conservation contribution to today's and tomorrow's world. **SCB**

Regional Reports

New York: Wilderness and the Winter Olympics

Thomas H. Friedman

The 1980 Winter Olympic games have been scheduled for Lake Placid in the heart of Adirondack Park in upstate New York. These games will again focus world attention on this resort town, which hosted the Third Olympiad in 1932. The Sierra Club and the entire wilderness movement in the East have in the past several years spent much time trying to ensure that the park's wilderness flavor is preserved, and they are now deeply involved in trying to prevent further erosion of the "forever wild" provisions in the state constitution that have helped to protect the area since the nineteenth century.

The Club's objectives regarding the Olympics are not to see the games moved to another locale, but to ensure that they do not adversely affect the Adirondack's park and wilderness character. Its three major goals are (1) to prevent any increase in the capacities of Adirondack highways, (2) to develop management schemes for the state-owned lands so that the increased crowds attracted by the games will not further exacerbate the problems of overuse, and (3) to relocate the ninety-meter ski-jump, which has been called the "visual equivalent of putting an illuminated twenty-six-story apartment building in the mountains."

The 1980 games will be paid for mainly by a federal grant funneled through the Economic Development Administration of the U.S. Department of Commerce. The use of federal funds necessitates full environmental disclosure under the National Environmental Policy Act. In addition, all projects on state lands require a state impact review. Because of its height, the proposed ninety-meter ski-jump requires a permit under the Adirondack Private Land Use Plan.

In November 1976, the Department of Commerce held hearings on the draft environmental impact statement (dEIS) in both Lake Placid and Albany to gather material for evaluating the environmental impact of this project. The Sierra Club delegation at Lake Placid consisted of Sam Sage, northeast regional vice president; Jim Dumont, chairperson of the Olympics Task Force of the Atlantic Chapter; and F. Menz of the National Economics Committee. The Club reminded both Congress and the Lake Placid Olympic Organizing Committee not to forget their pledges to prevent environmental nightmares from coming true in the Central Adirondacks.

Dumont told a packed room at the Lake Placid Olympic Arena, "Our analysis of the dEIS prepared by the U.S. Commerce Department reveals that the beauty and isolated atmosphere of the High Peak area of the Adirondack Park may be forever lost if present Olympic plans go unchecked. There will be an illuminated ski-jump tower protruding 266 feet above the top of a hill which would be visible from New York's most treasured wilderness—the High Peak area. Passing lanes will be added to what are now park-like roads. There will be an additional ten to twenty thousand summer visitors each year to this wilderness already threatened by overuse."

Frederick Menz warned residents of the Adirondacks against misleading predictions of windfall profits from the Olympics. Menz's own detailed analysis of the dEIS has led him to conclude that local housing shortages, inflation and tax increases are as likely to result as economic benefits.

Since its establishment, the Sierra Club in New York State has focused on the six-million-acre Adirondack Park—a region the size of Vermont and almost a million acres larger than Yellowstone, Yosemite, Grand Canyon, Glacier and Olympic national parks combined. The Club devoted much time to helping develop controls for further use of the public and private lands that make up this vast area, efforts that culminated in 1971 with the establishment of the Adirondack Park Agency to administer the far-reaching Adirondack Park State Land Master Plan. All state land within the park is guaranteed "forever wild" by the New York State Constitution. The State Department of Environmental Conservation administers this land according to a plan approved by the governor.

Although the dEIS hearing gained national attention for the Sierra Club as an Olympic spoiler, the Club's main concern was to ensure that the final statement is the "full disclosure" device required by law. Many problems are adequately addressed in the dEIS, yet there unfortunately remain several that need discussion and adequate attention.

The most important gap in the statement is the absence of a discussion of "objectives" of the Adirondack Park State Land Master Plan and the Adirondack Private Land Use and Development Plan. Since the statement does not mention the land-use objectives of these plans, it is not known whether Olympic development plans conflict with long-range planning for the Adirondacks.

The effects of Olympic-induced growth on the High Peaks region was glossed over in the statement. Most visitors to this wilderness believe its trails, mountains and canoe routes are already overused. Will the Lake Placid Olympics attract large numbers of people who might exacerbate this problem?

Transportation plans for the Olympic period are inadequately specified in the dEIS, an omission discussed in the Albany hearings by Phil Hansen, former chairperson of the Atlantic Chapter, who noted in particular that it would be nice to know exactly where highway curves may be realigned, where shoulders will be strengthened to allow short passing lanes, where parking lots will be located and how much bus service is anticipated.

The Club gained admittance as a full party to the evidentiary hearing before the Adirondack Park Agency on the proposed ninety-meter ski-jump at Intervale, hoping to get the jump moved to a less conspicuous site where other environmental impacts (wildlife, noise, water, etc.) would also be lessened. The agency's hearings took place in December. Its decision, issued in January, that the ski-jump should be built at the Intervale site, was awaited before issuance of the final EIS.

The current timetable envisions release of the final EIS sometime in January 1977, with CEQ acceptance toward the end of February, followed by release of federal funds and construction to start in March. The Sierra Club has specific objectives—not to defeat, but to modify certain parts of the overall plan—and if the necessary groundwork has not been done, this timetable might be extended. At this writing, the International Olympic Committee is rumored to be considering relocation of the Olympics outside the United States. Further developments are expected before plans are completed. The Club intends to monitor all proceedings and to remind constantly the Lake Placid community and the country as a whole that the Adirondack environment should not be sacrificed to the thirteenth Winter Olympic games.

This goal will require a major effort on the part of the entire Sierra Club. Interested readers can obtain a detailed fact sheet by writing to Sierra Club, 50 West 40th St., N.Y., NY 10018. Contributions are needed and will be deductible if the check is made to the Sierra Club Foundation.

Thomas H. Friedman is studying journalism at Syracuse University.

Southeast: It's Time to Stop the "Tenn-Tom" Waterway

Sherrill M. Clemmer

Down South, the quiet Tombigbee River flows from northern Mississippi to the Gulf of Mexico at Mobile, Alabama. An example of an old or mature river, the Tombigbee makes up for its lack of rapids with an abundance of fauna, approximately 115 species of fishes and fifty-two species of mussels, the second richest concentration of riverine fauna in North America. Such diversity is hard to come by in this day of so-called "stream improvement," a practice that has depleted most other rivers in the Southeast, leaving the Tombigbee as one of the largest unimpounded, unchannelized rivers in the region.

A resource of this size and quality is never safe from the eye of the developer, and river engineers have been fondly gazing at the Tombigbee since the eighteenth century. Helped along by long-tenured southern politicians since 1972, the U.S. Army Corps of Engineers has been building the "Tenn-Tom Waterway," its last great project. The 253-mile watercourse which will link the Tennessee and Tombigbee rivers to carry toll-free traffic, consists of a twenty-seven mile divide-cut section, a forty-five mile "chain of lakes," and 168 miles of canalization and riverbed straightening, all serviced by ten locks and dams. In the divide-cut the Corps must dig to a depth of 175 feet and dispose of 250 million cubic yards of dirt, an amount substantially greater than that removed from the divide-cut of the Panama Canal.

The cost, like the project, is substantial —$1.8 billion in 1976, up $580 million from just last year. The continually dropping benefit-cost ratio has settled at 1.08 to 1.00, down from its all-time high of 1.6 to 1.00 in 1971. Still less than ten percent complete, a projection of the economic trends to the planned 1986 completion date assures a multibillion-dollar construction cost and a benefit-cost ratio that will be only marginal at best, even given the clearly inflated "benefit" figures used by the Corps. In an attempt to boost the benefit-cost ratio, the Corps has now proposed the need for additional work at the southern end of the project, including bend widenings, cutoffs and replacement of two locks and dams in Alabama. This unauthorized extension of the financially dubious project would increase the waterway's tonnage capacity, which the Corps seems to believe will make the project economically more attractive. Reminiscent of the "rehabilitation" the Corps has proposed for Locks and Dam 26 on the Mississippi River, the extension is just one of many changes it has made in the Tenn-Tom project since its inception.

Jim Williams

Tombigbee River near West Columbus, Missouri

The unauthorized changes are the basis for companion lawsuits filed by environmentalists and the railroads in late November. Charging the Corps with violation of nine federal statutes, the plaintiffs assert that the project now under way differs radically from that authorized by Congress in 1946. The lack of congressional authorization has not stopped the Corps from including a number of dams and locks not envisioned in the original proposal, nor from converting a forty-five-mile section planned as a perched canal into a "chain of lakes" requiring twice as much acreage. None of the changes was addressed in the 1971 environmental impact statement. Congress approved a kitten but is getting a hungry lion.

The project now would require 75,393 acres of land, of which 58,093 is in timber and 17,300 in agricultural use. The impact statement refers to the acquisition of only 40,000 acres. Moreover, the statement totally ignores the matter of deposition of the dirt extracted from the divide-cut area. Present plans call for filling fifty-one valleys at the northern end of the project with the spoil, promising a host of siltation and revegetation problems.

In addition to the project's appetite for land, the construction and operation of the waterway would result in a large energy loss through reduction of the power-generating capacity in the Tennessee system and through tremendous use of petroleum products in building and maintenance of the waterway. Although the Tombigbee dams have no power-generating capacity themselves, a net loss would occur because of diversion of water from the Tennessee River to the Tombigbee system. Secondly, the project itself will consume approximately 160 million gallons of gasoline just in construction, not to mention the ongoing maintenance needs of the canal over its fifty-year life.

While consuming enormous amounts of money, land and energy, the waterway will supply a surfeit of one commodity—floodwaters. The project contains no provision for flood protection; its dams are designed only for low-water levels. Both the extensive tributary channelization associated with the project and the inevitable encouragement to build close to the canal lend credence to the Corps' own prediction that "the increased rate of runoff resulting from the replacement of woods by urban developments and agricultural land-use not designed in accordance with good conservation procedures, will induce more rapid accumulation of waters and higher crests in times of flood."

The many economic and environmental problems associated with the Tenn-Tom, the largest public-works project in the country, remain unresolved. Plaintiffs now hope the lawsuit will force a halt to construction until Congress can re-evaluate the project.

Sherrill Clemmer is an active Mississippi environmentalist.

Commentary

Southwest: No Wilderness In Utah

John McComb

Utah is alone among the eleven Western states in having not a single acre of wilderness designated under the Wilderness Act. It is a fact: the state that contains the Escalante canyons, the High Uintas, Canyonlands, etc., has no protected wilderness. Protection for the abundant wilderness resources of Utah is a prime Sierra Club goal. The purpose of this report is to outline the status of those efforts.

Politically, Utah is less sympathetic than most states to the concept of wilderness. The reasons are familiar: misinformation and misunderstanding of what wilderness is and what the Wilderness Act requires are prime factors behind the strong opposition to wilderness that exists in many areas of Utah. A few examples follow.

In 1973, the National Park Service encountered massive opposition to its wilderness proposal for Zion National Park. More than 1,000 people responded with letters, testimony and petitions opposing any wilderness for the park. Typical of the misinformation disseminated about wilderness was the Utah Travel Council's statement that "The development of water resources, grazing, timber, and mineral rights, recreational potential and right-of-way access to private lands would be 'locked up' under the wilderness concept." In fact, wilderness designation in Zion National Park would do none of these things, with the sole exception of placing restrictions on additional recreational development. Probably the most accurate comment on the proposal came from State Representative Sidney Atkin, who opposed wilderness for several reasons, one of which was "There seems to be a lot of confusion. . . ."

In October, 1976, the Forest Service contributed to this confusion when it released a draft environmental impact statement (dEIS) on a land-use plan for the Markagunt Plateau Planning Unit in the Dixie National Forest. Although there are several areas on the Markagunt Plateau that deserve wilderness status, most of the rest of the planning unit is not suitable and no responsible conservationist is suggesting otherwise. Unfortunately, the Forest Service has labelled alternative "A," which would virtually shut down the entire planning unit, as the "wilderness" alternative. Under this alternative, logging would nearly cease, most roads would be closed, and no new developments of any kind would be allowed. There was no alternative presented that would seek to protect wilderness values only on qualifying lands. No wonder the local people are sometimes confused about and opposed to wilderness.

John McComb is the Sierra Club's Southwest representative.

Philip Hyde

View from just below the top of the Kaiparowits Plateau.

When this kind of misinformation is added to the strong development bias of many Utahans, along with the state's traditional hostility to the federal government, the result is a tough uphill battle to save some wilderness. Just where are we in that battle?

In the late 1960s, the Forest Service held hearings and then transmitted to Congress a recommendation for a 322,998-acre High Uintas Wilderness. Starting with the roadless-area-review process in 1972, the Forest Service and conservation groups all realized that substantial acreages adjacent to the proposed High Uintas Wilderness were not considered in the original study. As a result, the Forest Service has designated three new wilderness study areas adjacent to the existing High Uintas proposal, and conservation groups are revising their own recommendations. The end result could be as much as six to seven hundred thousand acres of High Uintas wilderness.

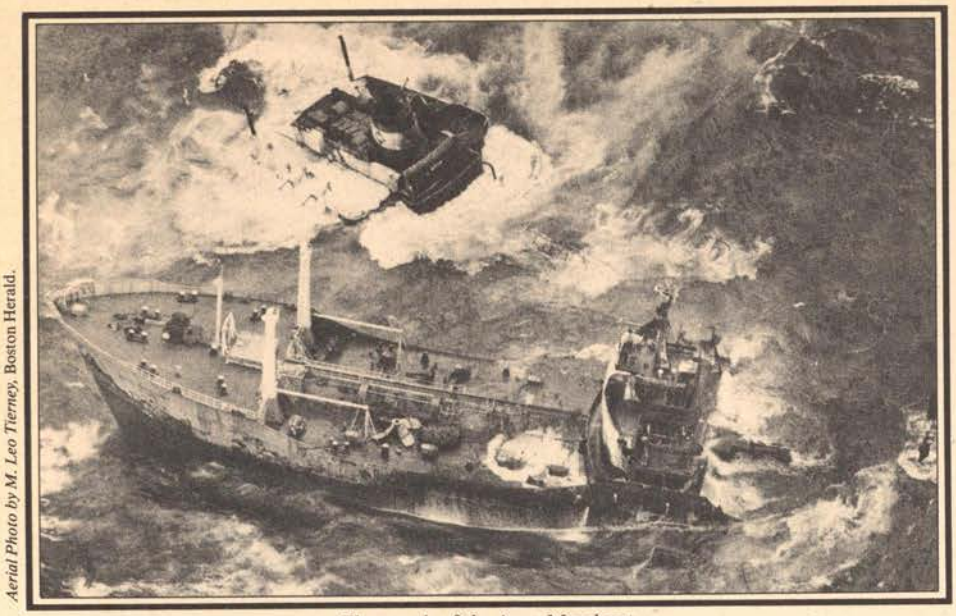
When most people think of wilderness in Utah, they think of the Escalante canyons. This fascinating remnant of Glen Canyon contains perhaps 700,000 acres of wilderness, much of it within Glen Canyon National Recreation Area. The legislation establishing this area included a requirement that a wilderness study be completed by October, 1974. Because of the problems in planning for this large new unit of the park system, the National Park Service missed that deadline, but indicated it would complete the study by October, 1975. It also missed this deadline. We hope some sort of wilderness recommendation for Glen Canyon and the Escalante will be transmitted to Congress this year. The Bureau of Land Management Organic Act mandates wilderness study for roadless areas on BLM lands. This should begin the process of providing wilderness designation for that large portion of the Escalante canyon country that lies outside Glen Canyon National Recreation Area.

Wilderness recommendations for Arches, Capitol Reef and Canyonlands national parks were also due by the end of 1974, but as of this writing, they are still waiting for the President to send them to Congress. The wilderness proposals for Bryce Canyon and Zion national parks, along with Cedar Breaks and Dinosaur national monuments, have been transmitted to Congress, but there has been no action on any of them yet—not even hearings.

Lastly, the Forest Service just recently completed the recommendation for the Lone Peak area near Salt Lake City. This is the first area in the United States listed by the chief of the Forest Service as new wilderness study areas, yet the service has recommended that no wilderness be established in the Lone Peak area because of a supposed need for primitive sanitary facilities and because the area is too close to the sights and sounds of Salt Lake City. Conservation groups reject both arguments and continue to seek wilderness designation for Lone Peak.

This tale of hostility and delay may sound pessimistic, but there is hope. The governor and half the congressional delegation have changed. While outright support for wilderness may not be forthcoming from them, at least there is opportunity for a fresh start, free from the legacy of antagonism and confusion that has existed heretofore. More important, there is growing support within Utah for wilderness, especially as Utahans become more aware of their priceless wilderness heritage, and the many real threats to it. Still, our work is cut out for us.

New England: Offshore Drilling and the *Argo Merchant*



Aerial Photo by M. Leo Tierney, Boston Herald.

The wreck of the Argo Merchant

Tom Arnold

One hundred miles offshore from New England in the North Atlantic lies Georges Bank, one of the largest and most productive fishing areas in the world. The bank produces one-eighth of the world's offshore fish catch and is a major spawning ground for eleven species. Historically, New England has depended on Georges Bank for food and livelihood. In recent years, however, the Bank has become overfished, and many species have been depleted by foreign fleets. In 1976, Congress enacted the Fishery Conservation and Management Act, which restricts foreign fishing in U.S. coastal waters within 200 miles of the shore. It was hoped this restriction would allow regeneration of depleted species of fish. Now, a new and equally serious threat to Georges Bank is materializing. Pursuant to an accelerated program for leasing the Outer Continental Shelf (OCS), the Bureau of Land Management (BLM) is planning to hold the North Atlantic lease sale in the summer of 1977. BLM would sell leases for tracts of land on Georges Bank to oil companies interested in exploration and development.

Last December environmentalists, fishermen and other interested citizens voiced concern about the proposed lease sale to the BLM when public hearings were held on its four-volume draft Environmental Impact Statement (dEIS). Environmentalists focused on the failure of the dEIS to describe adequately the environmental consequences of anticipated oil spills, as well as the weak and ineffective federal regulations governing oil-company activities. The governors of Massachusetts, Connecticut and Rhode Island, although basically in favor of controlled oil exploration, were critical of the dEIS. They felt it inadequately addressed the potential environmental effects on specific areas along the coast and apparently used little of the information previously sent to BLM by New England state officials. John McGlennon, head of the Environmental Protection Agency's regional office and an outstanding advocate of responsible governmental protection of the environment, pointed out several weaknesses in the dEIS. He favored reducing the area to be leased by twenty-three percent, deleting tracts potentially most damaging to commercial fisheries, resort beaches and bird-nesting areas. Industry spokesmen and some government officials supported OCS development and assured the public that oil development would be compatible with the fishing and tourist industries if it were conducted in accordance with tough environmental controls. One week later, on December 15, 1976, it became clear that such controls were totally inadequate or nonexistent.

On the morning of Wednesday, December 15th, the *Argo Merchant*, a 691-foot tanker of Liberian registry bound for Salem, Massachusetts, with a cargo of 7.5 million gallons of number-six fuel oil, went aground on Nantucket Shoals. Despite the efforts of the Coast Guard, the ship broke in half and released its entire cargo into the North Atlantic. (The dEIS had predicted total spills of 4,368,000 gallons from tanker casualties over a twenty-year period.) Northwest winds pushed the oil out to sea and spread it across Georges Bank. Oil-containment booms and other equipment designed for the Gulf of Mexico were totally inadequate to cope with the fifteen-foot winter seas experienced twenty-five miles off Nantucket. December temperatures made the oil so thick it could not be pumped from the *Argo Merchant* without first being heated. A coalition of the Sierra Club and other Massachusetts environmental groups called on Governor Dukakis and the New England congressional delegation to seek a delay of the North Atlantic lease sale until more stringent safeguards and preventive controls are provided. Specifically, the coalition demanded tougher navigational controls, the use of pipelines instead of tankers to bring OCS oil ashore, and the swift passage of oil-spill liability legislation. Environmentalists planned to meet with fishermen, tourist-industry businessmen and other interested groups to plan a political strategy for 1977. Yet even as such planning went forward, it was becoming clear that the further the oil drifted away from the New England coast, the more difficult it would be to obtain such new safeguards and controls.

For more information, contact Tom Arnold, chairman, New England Chapter OCS/CZM Task Force, 3 Joy Street, Boston, MA 02108.

Tom Arnold chairs the New England Chapter of the Sierra Club.

Sierra Club Financial Report

Sierra Club Financial Report

To the Members of the Sierra Club:

The fiscal year ended September 30, 1976, showed a loss in the Club's operations. Operating results of $6,473,418 in revenues (105.9% of budget) and $6,548,579 in expenses (112.9% of budget) produced a deficit of $75,161, reducing fund balances to $416,831.

Contributions from trusts and foundations in fiscal year 1976 fell $302,100 short of budget and $189,000 short of the fiscal year 1975 level. Heavy inflationary increases in the costs of paper, postage and travel and unanticipated overruns in program costs of major conservation campaigns, *Bulletin*, and general services contributed to expenses in excess of budget on an overall basis. While the Club was able to partially correct for the impact of these factors, we still fell $317,700 short of our budgeted operating goal for capital fund restoration in the year.

Membership dues and admissions were 2.5% over budget and 9.6% higher than the previous year. Membership increased during the year by 7.0% to a new high of 163,661. The Board of Directors has adopted an aggressive membership development plan to further this growth.

The Club's cash flow position was tightened over the year with the deficit, and current liabilities at year end were up $210,884 from the prior year end.

Fiscal year 1976 saw the Club lose some of the progress made in fiscal year 1975 in moving further toward financial strength. Tight budgets and fiscal restraint will continue to be necessary to achieve our financial goals as a sound base for our program goals.

During fiscal year 1976, the Club achieved a new level of financial stability in the books program, set new goals for fund raising and membership development, and for fiscal year 1977 established more realistic budgets for existing program.

Lowell Smith, Treasurer
Allen E. Smith, Controller

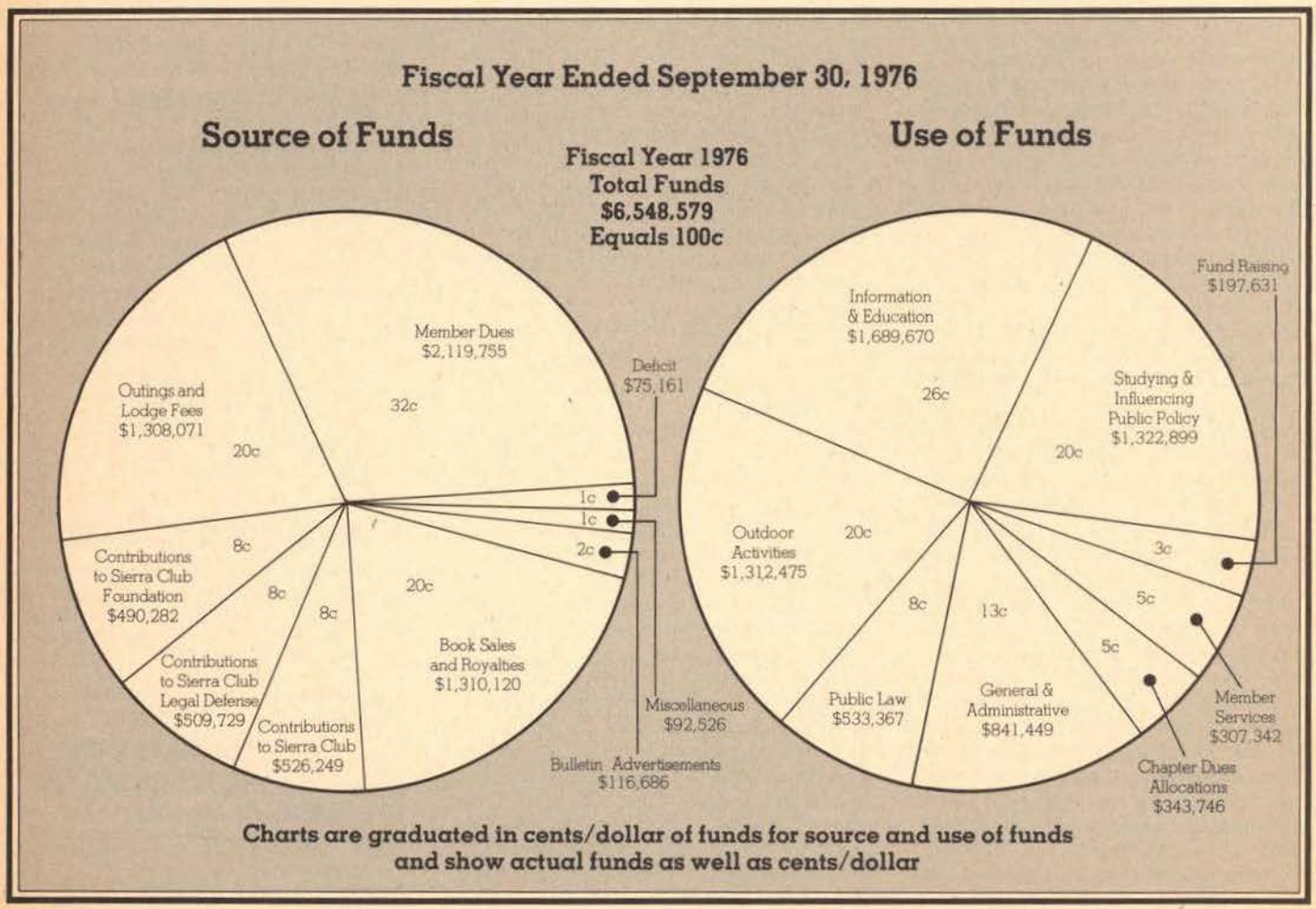
Report of Independent Accountants

November 24, 1976

To the Board of Directors and
Members of the Sierra Club

In our opinion, the accompanying balance sheets and the related statements of revenues and expenses and changes in fund balances and of functional expenses present fairly the financial position of the Sierra Club at September 30, 1976 and 1975, and the results of its operations and the changes in its fund balances for the years then ended, in conformity with generally accepted accounting principles consistently applied. Our examinations of these statements were made in accordance with generally accepted auditing standards and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

Price Waterhouse & Co.
San Francisco, Calif.



Sierra Club Financial Statements September 30, 1976

Balance Sheet

	September 30 1976	September 30 1975
ASSETS		
Current assets:		
Cash	$ 116,650	$ 38,569
Accounts receivable—publications	370,620	322,998
Other receivables, less allowance for doubtful accounts of $4,976 in 1976 and $8,496 in 1975	47,120	71,467
Inventories—principally publications, at the lower of cost (first-in, first-out) or market	301,228	389,046
Marketable securities, pledged as security for note payable to bank (Note 2)	601,109	571,552
Royalty advances (less allowance of $37,929 in 1976 and $30,479 in 1975) and prepaid expenses	202,904	157,068
Total current assets	1,639,631	1,550,700
Property and equipment, less accumulated depreciation (Note 3)	189,219	52,107
	$1,828,850	$1,602,807
LIABILITIES AND FUND BALANCES		
Current liabilities:		
Note payable to bank (Note 4)	$ 400,000	$ 218,609
Other note payable (Note 4)	100,000	100,000
Obligations under capitalized leases (Note 7)	18,858	
Accounts payable	426,178	391,279
Accrued salaries and other expenses	215,694	182,531
Advance travel reservations, royalties, publication sales and other deferred revenues	160,969	218,396
Total current liabilities	1,321,699	1,110,815
Long-term obligations under capitalized leases (Note 7)	90,320	
Fund balances:		
Unrestricted (Note 9)	377,633	425,841
Restricted	39,198	66,151
	416,831	491,992
	$1,828,850	$1,602,807

See accompanying notes to financial statements.

Statement of Revenues and Expenses and Changes in Fund Balances

Year ended September 30, 1976 with comparative totals for 1975

	Unrestricted	Restricted	Total 1976	Total 1975
Revenues:				
Member dues and admission fees	$2,119,755		$2,119,755	$1,928,427
Contributions (Note 8)	1,002,431	523,829	1,526,260	1,680,226
Outings and lodge reservations and fees	1,308,071		1,308,071	1,208,150
Sales, principally of publications	966,078		966,078	809,774
Royalties on publications	344,042		344,042	306,390
Advertising, investment and other income	208,412	800	209,212	95,528
	5,948,789	524,629	6,473,418	6,028,495
Expenses:				
Program services:				
Studying and influencing public policy	985,263	337,636	1,322,899	1,081,671
Information and education	1,521,156	168,514	1,689,670	1,580,382
Outdoor activities	1,308,940	3,535	1,312,475	1,201,181
Public law	509,729	23,638	533,367	553,159
	4,325,088	533,323	4,858,411	4,416,393
Support services:				
General and administrative	825,795	15,654	841,449	660,109
Membership	646,896	4,192	651,088	612,795
Fund raising	197,631		197,631	119,509
	1,670,322	19,846	1,690,168	1,392,413
	5,995,410	553,169	6,548,579	5,808,806
Excess (deficiency) of revenues over expenses	(46,621)	(28,540)	(75,161)	219,689
Transfer of funds	(1,587)	1,587		
Fund balances, beginning of year	425,841	66,151	491,992	272,303
Fund balances, end of year	$ 377,633	$ 39,198	$ 416,831	$ 491,992

See accompanying notes to financial statements.

Statement of Functional Expenses

Year ended September 30, 1976 with comparative totals for 1975

	Program services				Support services			Total	
	Studying and influencing public policy	Information and education	Outdoor activities	Public law	General and administrative	Membership	Fund raising	1976	1975
Salaries and employee benefits	$ 533,915	$ 192,486	$ 136,396	$ 16,594	$373,407	$141,728	$ 40,533	$1,435,059	$1,253,289
Outside contract services	148,537	275,703	17,231	3,138	122,444	52,686	11,963	631,702	593,247
Legal services provided by Sierra Club Legal Defense Fund (Note 8)				509,729				509,729	527,644
Lodge and outings field expense			901,262					901,262	799,983
Cost of sales, principally of publications		398,491	4,267		2,421			405,179	437,644
Copying and printing expenses	92,624	12,022	9,248	64	9,916	18,650	17,734	160,258	110,598
Bulletin production expense		212,542						212,542	152,059
Office supplies and mailing	113,679	159,096	35,558	2	91,850	43,005	103,094	546,284	376,751
Travel and meetings	222,577	40,532	54,700	420	82,545	55	7,430	408,259	430,852
Royalties on publications		168,652						168,652	136,031
Rent and office expenses	46,583	39,024	15,752	942	68,547	23,399	4,772	199,019	123,361
Advertising and promotion	5,974	156,380	47,315		2,966	26,747	23	239,405	229,501
Chapter dues allocations						343,746		343,746	341,720
Telephone	85,604	8,285	1,407	1,937	34,350	783	2,631	134,997	113,239
Insurance	570	4,718	53,665		13,580		69	72,602	47,860
Interest		10,116			19,957			30,073	25,031
Other expenses	72,836	11,623	35,674	541	19,466	289	9,382	149,811	109,996
	$1,322,899	$1,689,670	$1,312,475	$533,367	$841,449	$651,088	$197,631	$6,548,579	$5,808,806

Sierra Club
Notes to Financial Statements
September 30, 1976 and 1975

NOTE 1—*Accounting and reporting policies:*

Basis of accounting

The financial statements of the Club do not include the financial activities of the Club's various self-directed chapter and group organizations.

A number of members of the Club have donated significant amounts of time to both the Club and its chapters, groups and committees in furthering the Club's programs and objectives. No amounts have been reflected in the financial statements for donated member or volunteer services to the Club inasmuch as no objective basis is available to measure the value of such services.

Summary of significant accounting policies

The financial statements of the Club are prepared on the accrual basis of accounting.

Property and equipment is recorded at historical cost or market value at date of bequest, as appropriate. Depreciation expense is determined using the straight-line method over the estimated useful lives (10 to 30 years) of the related assets.

Marketable securities are recorded at cost or fair market value at date of bequest, as appropriate. Such recorded value reflects, where appropriate, provision for unrealized losses resulting from permanent impairment in market value.

Payments made on behalf of the Club by The Sierra Club Foundation and legal services performed on behalf of the Club by Sierra Club Legal Defense Fund are recorded as contributions revenue with like amounts charged to appropriate expense accounts. All contributions are considered to be available for unrestricted use unless specifically restricted by the donor.

NOTE 2—*Marketable securities:*

	Recorded value	Market value
September 30, 1976:		
U.S. Government bonds	$550,545	$564,219
Corporate bonds	50,563	46,625
Common stock	1	
	$601,109	$610,844
September 30, 1975:		
U.S. Government bonds	$496,227	$496,395
Corporate bonds	73,188	56,375
Common stock	2,137	2,509
	$571,552	$555,279

During fiscal 1976, the Club realized a net loss on the sale of marketable securities of $10,596. During fiscal 1975, the Club realized a net loss on the sale of marketable securities of $14,617 and recognized an unrealized loss of $25,000 representing what was deemed to be permanent impairment in market value of certain corporate bonds.

NOTE 3—*Property and equipment:*

	September 30	
	1976	1975
Land	$ 3,300	$ 3,300
Buildings and leasehold improvements	18,863	12,000
Furniture and equipment	67,352	42,850
Leased equipment under capitalized leases (Note 7)	119,632	
	209,147	58,150
Less-Accumulated depreciation and amortization	19,928	6,043
	$189,219	$52,107

Depreciation and amortization included in expenses amounted to $14,254 in 1976 and $6,043 in 1975.

NOTE 4—*Notes payable:*

At September 30, 1976 and 1975, the Club had a revolving line of credit of $450,000 with a bank at the bank's prime interest rate. Borrowings are secured by the Club's marketable securities.

The other note payable is unsecured and bears an interest rate of 5% and 4½% at September 30, 1976 and 1975 respectively.

NOTE 5—*Tax status:*

The Club has been granted tax-exempt status under Section 501(c)(4) of the Internal Revenue Code as a civic organization operated exclusively for the promotion of social welfare and Section 23701d of the California Revenue and Taxation Code, whereby only unrelated business income, as defined by the Codes, is subject to income tax. For the years ending September 30, 1976 and 1975, the Club's unrelated business activities did not produce taxable income and, accordingly, the financial statements include no provisions for federal or state income taxes. Contributions to the Club are not deductible for tax purposes by the donor.

NOTE 6—*Pension plan:*

Prior to January 1, 1975, the Club had an insured pension plan covering certain employees who had been engaged for more than one year and were at least 30 years of age. In addition to contributions by the Club, participating employees contributed a portion of their salaries to the plan.

Effective January 1, 1975, the plan was revised with the insurance company trustee to comply with the provisions of the Employee Retirement Income Security Act of 1974. All employees who have been engaged for more than six months providing they work at least 1,000 hours per year for the Club and are between 24½ and 62 years of age at the time of joining are covered by the plan. While not required, employees may contribute a portion of their salaries in return for increased retirement benefits.

Pension expense, representing the Club's annual contribution to the plan, was $34,797 in 1976 and $22,936 in 1975. Such expense includes the amortization of prior service cost over a 30-year period. The Club funds pension costs as accrued.

At September 30, 1976 and 1975, the assets of the plan exceeded the present value of vested benefits.

NOTE 7—*Lease commitments:*

The Club's San Francisco and Washington, D.C. office facilities and certain equipment are leased under various agreements expiring between 1977 and 1985. Other field offices are leased for periods of one year or less and such leases are renewed or replaced in the normal course of business.

The initial term of the lease for the Club's San Francisco office facilities is ten years and expires in November 1985. The terms of the lease provide for renewal options for two five-year terms after renegotiation of rental terms, and for an option to purchase, at fair market value, the office building and the underlying land after the fifteenth year of the lease. The initial term of the lease for the Washington, D.C. office is seven years, commencing in December 1976. The terms of the lease provide for a renewal option for another seven-year term.

Excluding the capitalized leases discussed below, at September 30, 1976 minimum annual rental commitments for office facilities and equipment for the next ten fiscal years were as follows: 1977 - $172,734; 1978 - $164,384; 1979 - $165,381; 1980 - $168,099; 1981 - $168,099; 1982-1986 - $694,567.

During fiscal 1976, the Club entered into two equipment leases which have been accounted for as capitalized leases. At September 30, 1976, lease commitment information relative to these leases was as follows:

Annual lease payments (fiscal years):	
1977	$ 33,429
1978	33,429
1979	33,429
1980	33,429
1981	14,989
Total annual lease payments	148,705
Less-Amount representing future interest cost	39,527
Present value of lease payments	$109,178

The above amount is reflected in the balance sheet as current and long-term obligations under capitalized leases of $18,858 and $90,320, respectively.

NOTE 8—*Contributions from The Sierra Club Foundation and Sierra Club Legal Defense Fund:*

Contributions for the years ended September 30, 1976 and 1975 included $490,282 and $565,203, respectively, from The Sierra Club Foundation, and $509,729 and $527,644, respectively, from Sierra Club Legal Defense Fund. Contributions from The Sierra Club Foundation represent direct reimbursements to the Club and payments on behalf of the Club in support of programs that are nonlegislative in nature. Contributions from Sierra Club Legal Defense Fund represent legal services performed on behalf of the Club.

NOTE 9—*Unrestricted fund:*

Revenues from life memberships are designated by the bylaws of the Club for separate investment as a permanent fund, only the income of which may be expended for general operations. In addition, the Board of Directors has designated a portion of the unrestricted fund to provide for funds in addition to insurance coverage to rebuild Clair Tappaan Lodge in the event of fire. A similar portion designated to provide for unanticipated adverse results of operations or catastrophic expenses relating to Club trips and outings was discontinued in 1976 by the Board of Directors as no longer necessary. The following is a summary of the unrestricted fund balance:

	September 30	
	1976	1975
Fund designated by Club bylaws for permanent investment	$571,022	$527,700
Designated by Board of Directors for:		
Clair Tappaan Lodge reserve	82,500	82,500
Outings reserve		70,000
Investment in property and equipment	80,041	52,107
	733,563	732,307
Accumulated deficit from general operations	(355,930)	(306,466)
Unrestricted fund balance	$377,633	$425,841

NOTE 10—*Dismissal of pending litigation:*

In fiscal 1975, the Sierra Club, the County of Sacramento and others were defendants in a case in the Sacramento Superior Court in which they had been charged by the Consumnes River Protective Association and others with certain acts of disruption and trespass at the Consumnes River. On June 10, 1976, a judgment of dismissal was entered in the favor of the Club by the Sacramento Superior Court.

Sierra Club of Ontario Receives $25,000 Grant

The Province of Ontario has granted the Sierra Club of Ontario $25,000 to finance its participation in hearings to determine future policies for meeting electricity demands from 1983 to 1993. The hearings are being conducted by the Royal Commission on Electric Power Planning for the Province of Ontario, which was established partly in response to a petition drive by the chapter. In 1975, the chapter submitted its recommendations to the new commission.

"We argued strongly that the success of the commission depended on diversity of input and some reasonable balance in strength," said chapter chairman Ric Symmes. "Ontario Hydro would overwhelm the hearings unless intervenors were given some support in preparing and submitting their cases." The commission agreed, and the provincial government provided it with funds for the grants. Inasmuch as Ontario Hydro, the province's utility company, is owned by the people and government of Ontario, this may be the first time utility owners have ever paid an environmental group to argue against them.

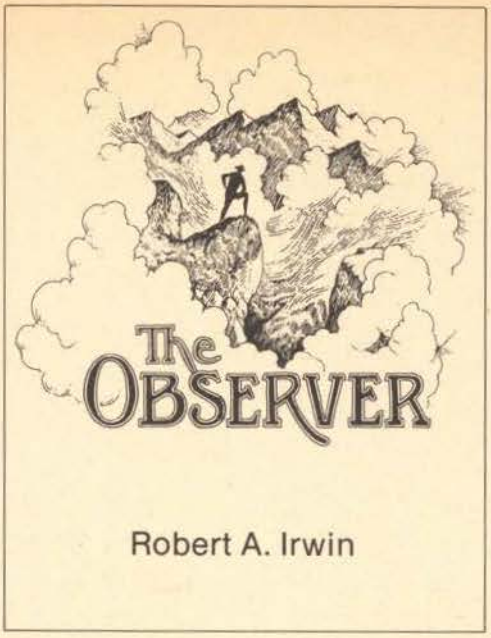
In the brief time since its organization in 1971, the Ontario Chapter (officially "The Sierra Club of Ontario") has been one of the most visible and effective spokesmen in the province for the conservation of energy and the efficient use of electrical power. The $25,000 grant, which it received this past spring, was the largest given to any of the half-dozen public-interest groups participating in the hearings.

The hearing process consists of four phases:

1. Establishment of issues;
2. Some forty public-information hearings to present "the facts"—no debate, but responses to questions permitted for clarification;
3. The preparation of alternative scenarios for electric power development; and, finally in early 1977,
4. The "great debate," in which all participants will submit evidence and arguments in an attempt to arrive at the best plan for the province, based on the alternatives.

As Phase 2 was nearing completion, the chapter had used only $8,000 of its grant. About half went for preparing briefs and sorting out the "volumes and volumes" of submissions by others. The other half went for a study of ways to reduce the need for expanding generating facilities. Work by Ronald K. Doctor of the Club's National Energy Committee was of great help, according to Symmes. The chapter's next big task is to develop power-conservation measures, with emphasis on the most appropriate energy-saving uses of electricity. The rest of the grant will be held in reserve for the crucial "great debate," which will get under way early in 1977 and continue for about three months.

Besides Symmes, other principal activists on the chapter's "power committee" include Vice Chairman Jalynn Bennett; Conservation Chairman Susan Gibson; Dr. Don Dewees, a policy analysis specialist; Legal Chairman Gregory Cooper; Terry Bisset, staff consultant; Chapter Secretary Tim Stewart; and Brian Armstrong, director of the Sierra Club of Ontario Foundation. "We have lots of horsepower," Symmes observes, but adds that finding time to appear at all the hearings is the big problem.



Introducing John Muir

To a new generation of members, most of whom joined the Sierra Club out of a concern for the environment and/or a yen for outdoor activity, John Muir remains a remote semi-deity—venerated but unread. The Peninsula Group of the Loma Prieta Chapter has begun to rectify this neglect through its sale of *The Wilderness World of John Muir*, a quality, 332-page paperback of selections of Muir's best writings edited by Edwin Way Teale.

The book has been a successful money-raiser, but even more important, according to the group's book-sales committee chairman, Al Schmidt, it is introducing Muir to people who will be inspired to be "more conscious and more protective of the world we live in" and also to become more active and highly motivated members of the Sierra Club. For example, Fran Pogue, a member from Crescent City, California, late in 1976 dashed off the following note to Schmidt:

> In the past few months I have become addicted to Muir's love for nature and to his writings—now I'd like *another* of the same book to give a friend as a Christmas gift! Thanks!

By year's end, the Peninsula Group had sold more than 750 copies and netted a profit of over $650. Sales, which started in May, 1976, slowly built momentum, and then really took off after an ad appeared in the October *Bulletin*. Additional sales have resulted from ads placed in chapter and group newsletters on a space-available basis, for which the Peninsula Group pays a commission of 50c on each resulting order. Camera-ready ads 3½" wide by 4¼" deep are provided by the group.

The Wilderness World of John Muir can be ordered direct at $5 a copy postpaid (plus 30c sales tax in California only) from Sierra Club, Peninsula Group, P.O. Box 111, San Carlos, CA 94070. Special quantity rates are available to chapters and groups.

Volunteers, Ballots and the Computer

Everyone knows the Sierra Club depends heavily on its volunteers. At the grass-roots level, it could not function without them. But few realize how important volunteers are to operations at the national level. Indeed, some are indispensable, especially the "judges of election" in the annual voting for members of the board of directors. (Of course, the directors themselves are nonpaid volunteers.)

As one of the thirteen judges in the 1976 election observes, the age of mechanization and computers may be here, but only the human hand and eye can extract a ballot from an envelope and judge it for its computer acceptability. Ruth Bradley, longtime Club activist and a founding member of the Sierra Club Council, tells how she and the other twelve volunteers put in a total of 285 hours "extracting" the 46,315 ballots in the 1976 voting. It is largely a routine and boring task, she says, but one that requires a sharp eye to set aside any ballot known not to be acceptable to the computer. (An unacceptable ballot would jam and stop the computer, and "downtime" costs money!) All write-in names —even such frivolous ones as "Mickey Mouse" and "Nobody"—must be listed, also by human hand. There were 236 valid write-in votes last year.

The computer cannot handle a ballot with:

- Candidates' names merely crossed off;
- Glue, jam, tape, or creases in it;
- Xs instead of punched-out holes; or
- Hand-punched or extra keypunch holes.

With the mechanically acceptable ballots fed into it, here is what the computer can do:

- Count and tabulate the votes;
- Reject ballots with more than five votes;
- Set aside the write-in ballots that have no more than five votes;

• Print out complete results, including the rejections and write-ins, as well as total the number of ballots cast.

Alaskan members proved themselves the most competent voters. All of their 195 envelopes contained "perfect" ballots from the computer's point of view. Of the rest of those who voted—29.7 percent of the Club membership—only a relatively few disenfranchised themselves: 520 with late ballots, 276 by voting for more than five candidates, 150 by using a hand punch, and twenty-nine by returning unvoted ballots.

Volunteer Bradley's major complaint is the difficulty in getting more help, especially during the hectic ten days in April when the ballots must be processed. There were only thirteen volunteers last year out of about 35,000 members in the San Francisco Bay Area! Her final plea is: "VOTE—but please be considerate of the workload of the volunteers."

Notes and Briefs

The Member Services Department, as a first step toward determining the Club's strength in geographical areas with critical environmental problems, has analyzed membership by major population regions. When all the data are compiled, the Conservation Department will be able to pinpoint its efforts and alert all Sierra Club members in any critical congressional or legislative district. The data also will indicate areas in which to focus membership-development efforts.

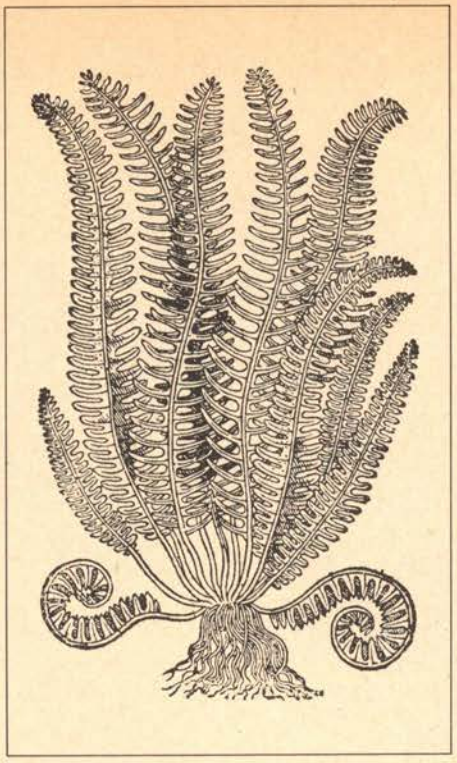
As might be expected, the study shows the Pacific region (including Alaska and Hawaii) to have the highest (32.9) number of members per 10,000 population. The Mountain states are next with 9.7, followed by New England (6.3) and the Mid-Atlantic states (4.5). But in terms of density of membership, the Mid-Atlantic region leads with 16.2 members per 100 square miles; New England follows with 11.2, and the Pacific states with 9.8.

• • •

Two recent additions to the list of special Sierra Club publications are now available from San Francisco headquarters:

• *Alaska Report*, a newsletter on Alaskan conservation issues put out by the Club's Alaska Task Force. If you want to receive the report, ask Ceil Giudici at the San Francisco office to put you on the mailing list.

• *Forestry Notes*, published by Sierra Club Research, provides helpful technical and philosophical information in support of ecologically sound multiple-use forestry. The newsletter, which will come out at least twelve times a year, will enable members to participate more effectively in the public-participation phases of national-forest planning. Subscription orders, at $10 a year, should be sent to Sierra Club Research at San Francisco headquarters.



• • •

If you are a member of a federal advisory committee at any level—national, regional, or local—or if you know of any Sierra Club member who is, the Club's Conservation Department would like to be informed. In this way, not only will hidden talent be uncovered, but coordination of Club conservation efforts will be improved. Please send your data to the Conservation Department in San Francisco.

• • •

An opportunity to watch the annual grey-whale migration along the Pacific Coast is being offered by the Sespe Group of the Los Padres Chapter in Ventura, California. These magnificent mammals have already completed the long southward journey from the northern Pacific to their "maternity ward" in Mexico, but in March they will be returning north. Boat trips from the Ventura Marina to Anacapa Island, one of the better vantage points, are scheduled for March 12, 13, 19 and 26. The forty-eight-passenger boat will cruise past some of the whales, but not close enough to disturb them. Departure time will be 8 A.M.; return, 5 P.M. Cost: $15 for adults, $12 for children. For reservations send a check payable to Sierra Club, 2600 Miramar Place, Oxnard, CA 93030.

• • •

Talchako Lodge managers Gary and Dawn Miltenberger, looking ahead to their 1977 season, report that for the first time since the lodge was donated to the Club in 1969 it will be paying its own way. Last summer, as more Sierra Club members became aware of the wilderness retreat in northern British Columbia, occupancy rates improved. In August, cabin reservations were requested in such numbers that some people had to be turned away.

Volunteer help will be needed at the lodge again this year during June, July and August. Anyone interested in low-key responsibilities in exchange for jovial company, great food and some of the world's most spectacular scenery should apply to the Miltenbergers at Talchako Lodge, Bella Coola, British Columbia, Canada V0T 1C0.

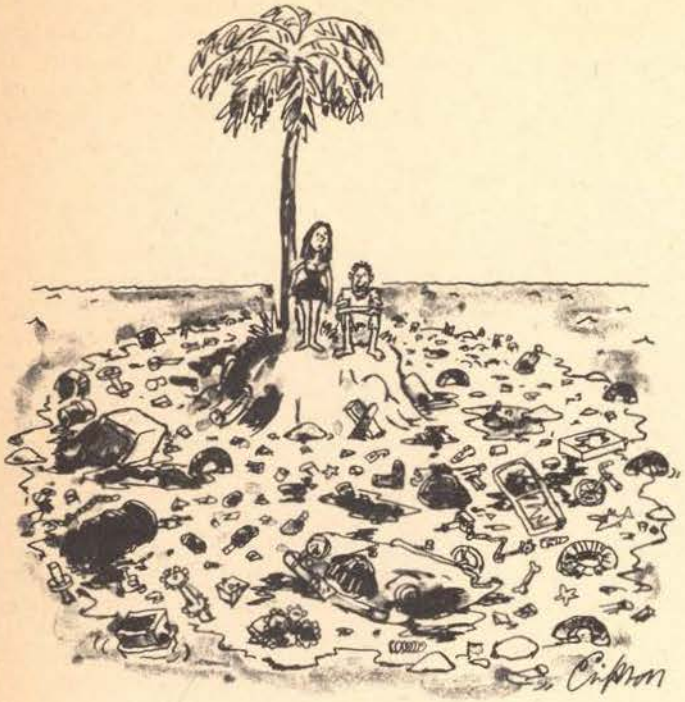
Ending Phone Frustration

Trying to telephone a chapter or group often can be an exercise in frustration, unless the call is to one of the few that can afford a regular, full-time office. Automatic answering devices are helpful, but can be expensive (especially when it is necessary to return long-distance calls), and they are absolutely useless when someone needs an immediate response. In two chapters, ways have been found to end such communications breakdowns.

The Rocky Mountain Chapter, which has a Denver office, uses a service that is available in a number of major metropolitan areas. The system, known as "call forwarding service," automatically transfers incoming calls to any other designated telephone in the area whenever there is no one on duty in the chapter office. The monthly charge is nominal—less than for an answering service or recording device. Each volunteer willing to take such transferred calls sets a time period to be on hand to answer the phone (either at home or in the office). When the period is up, the volunteer merely dials a code number to plug in the phone of the next answerer.

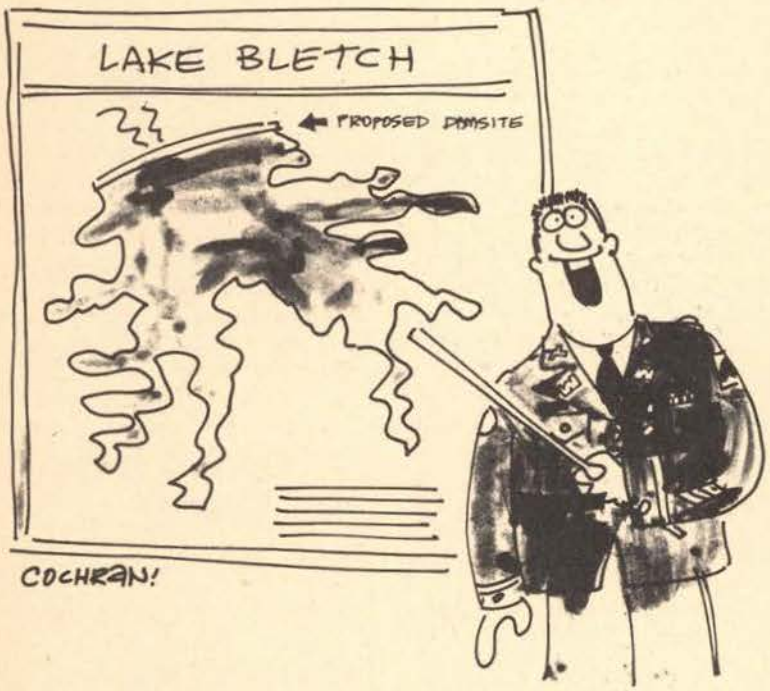
The Joseph Le Conte Chapter's Central Piedmont Group reports another system, one that costs a mere $1.25 a month. The group is listed in the Charlotte (North Carolina) directory using the same number as the office of one of its members. Such a hookup is possible, however, only if the business firm has two or more telephone numbers. This service may not be universally available. Check with your local telephone company.

You Think We're Joking?



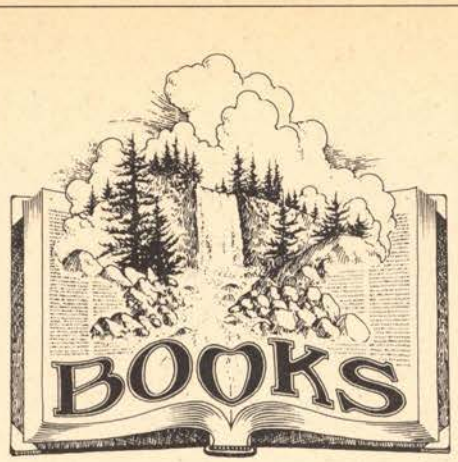
"Low tide."

"It's amazing the way you've captured the oil sheen on the water and the ribbons of sulphur winding past the cliffs."



"By flooding 70,000 acres of farmland upstream, we save 30,000 acres of farmland from flooding downstream! What could be more logical?"

Woodland Ecology: Environmental Forestry for the Small Owner by Leon Minckler. Syracuse University Press, Syracuse, N.Y., 1975. Cloth, $9.50.



New Directions in Forest Management

Samuel P. Hays

The debate over how to manage the national forests is one of the more enduring among the many engaging conservationists. The recently passed National Forest Timber Management Reform Act reforms certain practices to which conservationists have long objected, but few would claim it settles the debate once and for all. Rarely have professional foresters, who seem to join together in a tight and often monolithic front against change, joined conservationists in their calls for reform of forest practices. Few have been willing to challenge the powers-that-be in the profession by setting forth alternative goals and directions. A refreshing exception is Leon Minckler, whose book, *Woodland Ecology: Environmental Forestry for the Small Owner*, is an excellent statement by a professional forester of what forest management should be.

On the surface, the book seems to have been written primarily to assist the woodland owner in managing property for a variety of forest values, but its real significance is far greater. It develops a series of ideas about "integrated forestry" in such a clear and common-sense way that it is perhaps the best single account so far of what modern environmental and ecological forestry are all about.

In spelling this out, Minckler is able to bring to bear on forest management a long store of professional experience. For many years, he worked in research at U.S. Forest Service experiment stations, where his best-known studies have been on the role of sunlight in tree regeneration, and on the wood yield from selection cutting. Since leaving the Forest Service, he has taught at a variety of universities and currently is at the College of Environmental Science and Forestry at the State University of New York, Syracuse. He continues to be a prolific writer in professional forestry journals, his most current article being a review of the history of forest research. He also continues to vigorously advocate the wisdom of individual- and group-selection cutting—rather than clearcutting—in forest management.

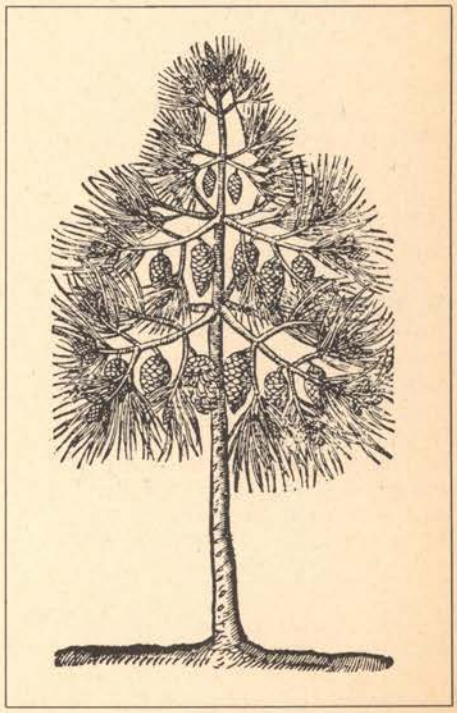
The woodland owners east of the Great Plains, especially those whose lands are given over to mixed hardwoods, will find much of practical value in Minckler's book, though the various chapters do not so much prescribe details of management as set forth possibilities. There are separate chapters on wood, fish and wildlife, recreation and aesthetics, and watershed, but Minckler also emphasizes the "integration" of these values and discusses management techniques for doing so. Central to his argument, in terms of current management controversy, is that selection cutting—the selection of individual trees or groups of trees—is the most appropriate harvesting method for integrated forestry.

An important chapter on woodland ecology conveys the need to adapt management goals and techniques to the characteristics of each woodland site and to the mix of tree species and ages typical of eastern mixed-hardwood stands. A chapter on forest economics discusses the limited but important role of wood production in relation to a variety of other values the woodlot owner usually considers more important than wood products. Much useful information on "how to go about it" is provided in the appendices, including a model timber-harvest contract that the author urges as an example of what owners should require of loggers.

But in the book's concern for integrating various forest values, it becomes far more than a practical handbook, for Minckler articulates the approach to forestry that conservationists have long been advocating for the national forests. His concept of "integrated forestry" offers a way of reconciling the goal of "commodity forestry," the traditional approach emphasizing the physical products of the forest —wood, water and game—with that of "environmental forestry," which views the forest as a total environment with a wide range of values and uses. Underlying Minckler's integrated approach is "ecological forestry," which recognizes that maintaining forest ecosystems is essential to achieving both long-range productivity and a desirable forest environment. Thus, *Woodland Ecology*, though intended ostensibly for the small-woodlot owner, becomes an avenue by which to approach the entire range of issues pertaining to the management of forests, whether public or private, large or small.

The current debate over forest policy can be traced to a major shift in perception and social values. Once viewed largely as sources of commodities, forests are increasingly appreciated for a wide range of other social and environmental values—recreation, scenery, habitat, wilderness, wildlife, air, and water. The old and new points of view have collided mainly over the issue of clearcutting, a practice that focuses the debate because it destroys environmental values by drastically altering the forest itself. Individual- and group-selection cutting, however, maintain both commodity production and environmental values.

Selection cutting recognizes the constraints imposed by underlying ecological realities and thus is central to the idea of "ecological forestry," which seeks to maintain forest ecosystems. Ecological forestry, according to Minckler, depends on three factors: (1) the physical characteristics of aspect, slope, temperature and rainfall, which together determine the parameters of tolerance or stress for species development; (2) the variety of species, both plant and animal, and of age classes among forest trees, along with the interrelationship of these elements; and (3) the patterns of natural succession characteristic of various forest types. Human manipulation of the forest, so the argument goes, must be carried out within the context of these underlying factors, a view that pervades Minckler's discussion throughout. It makes no sense, he says, to attempt to grow trees on sites to which they are not adapted and which, therefore, require constant controls in order to reduce competition from naturally occurring species or to diminish the



Samuel P. Hays is chairman of the Pennsylvania Chapter's conservation committee.

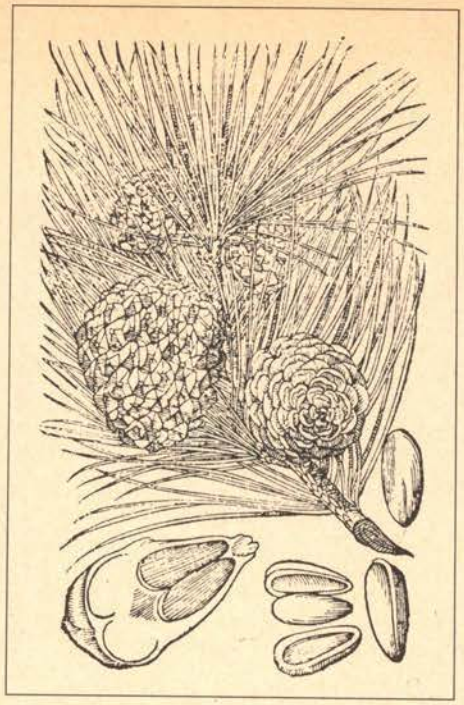
adverse impact of other environmental factors. It makes no sense to destroy the variety of age classes over large areas by clearcutting. This establishes an "even-age" forest and thereby destroys the ecological layers characteristic of mature forests, layers that provide a diversity of niches for the organisms comprising the complex forest ecosystem.

The concepts of environmental, integrated, and ecological forestry provide a framework, a useful new language, on which an emerging philosophy of forest management can be built. They can and should replace the outworn concept of "multiple use," which provides no guidance to the most appropriate uses or to the balance among them that should prevail from place to place. For the most part, the term has served merely to justify accepting virtually all uses, regardless of propriety. But demands are growing beyond resource capacity, and new concepts are necessary, with greater potential for establishing priorities for and limitations on various uses. The terms "environmental forestry," "ecological forestry" and "integrated forestry" have this potential and deserve to move to the forefront of the debate over forest policy.

So long as the environmental values and the underlying ecological conditions Minckler describes apply, then the practice of integrated forestry through selection cutting is the preferred approach—as, for example, in the mixed-hardwood forests of the East. In forests that in the course of natural succession tend to be dominated by a single species, large-scale even-age management *might* be acceptable—*if* the species is useful only for wood production and if other values are not thereby destroyed. But in any case, the size and scale of the opening—the crucial element in the entire forest-policy debate—should be governed not by commercial factors, but by environmental objectives and local ecological conditions. These are sound principles through which we can tackle the tough issues of large-scale as well as woodlot forestry.

One thing remains to be noted: the intensely human and refreshingly humble quality of Minckler's book. *Woodland Ecology* reveals a professional forester deeply and personally involved with the forest. Absent is the modern managerial frame of mind wherein forest resources are manipulated by bureaucrats in distant offices reading computer printouts on the statistical calculations of uniform-area management. The rapidly emerging environmental approach to forestry involves a distinctive kind of humane quality, an affective relationship between the forest and the people who use it either directly or indirectly. Leon Minckler radiates this quality.

He also displays a humility frequently missing in the writings of professional foresters, who so often cavalierly assume that the processes of nature can be readily replaced with simplistic, "economical" procedures developed by modern forest science and technology. Professional foresters for whom the supreme goal is the maximum production of wood as a crop often display an overwhelming confidence in the manipulation of natural forces and control of ecological "feedbacks" that too often arise, such as the spread of disease and pests that comes with species monoculture. Environmental foresters such as Minckler are less confident about such manipulation and display more humility in the face of the "laws of nature." Much of the emotionally charged conflict between environmentalists and forest professionals has arisen because of these differing attitudes. There is a substantial gap between the older concept of "commodity forestry," which still dominates the industry, the Forest Service and the profession, and those of "environmental" and "ecological forestry." Conservationists have an opportunity and an obligation to close this gap, to reform the practice of forestry in America in response to new social goals and newly understood realities. *Woodland Ecology* is an important tool for doing so.



Brief Reports

Land Use

Land Use, by Kenneth P. Davis. 324 pp. New York: McGraw-Hill, 1976. $14.95.
An introductory textbook written largely for college classrooms, but also useful to the general reader as a primer on land-use concepts and problems; includes both theoretical discussion and case histories; conservationists will find much with which both to agree and disagree.

Land Use and the States, by Robert G. Healy. 233 pp. Baltimore: Johns Hopkins University Press (Published for Resources for the Future), 1976. $10.00 cloth, $2.95 paper.
A thorough examination of the role individual states have played in the institution of land-use planning programs and legislation; the author argues that the states have taken the lead in the absence of federal initiative in land-use legislation; includes case histories of the Vermont Land Use Plan, California Coastal Plan, and the Florida Environmental Land and Water Management Act.

Land Use Controls in the United States, by the National Resources Defense Council (Elaine Moss, ed.). 358 pp. New York: Dial Press, 1976. $15.95 cloth, $7.95 paper.
A sequel to NRDC's *Land Use Controls in New York State* (1975); a handbook for individuals and public-interest groups describing how federal laws affect land-use decisions and what citizens can do to promote sound environmental planning; also discusses the roles of state, regional and local land-use control.

The People's Land, A Reader on Land Reform in the United States, Peter Barnes (ed.). 260 pp. Rodale Press: Emmaus, Pennsylvania, 1975. $9.95.
A collection of essays on the history and problems of land ownership in the United States; in the classic American tradition of agrarian populism; focuses on patterns of ownership and land use in rural America; a sourcebook for activists who favor family farms to corporate agribusiness.

Public Grazing Lands, Use and Misuse by Industry and Government, by William Voigt, Jr. 359 pp. Rutgers University Press: New Brunswick, New Jersey, 1976. $19.95.
An account of the appropriation and exploitation of millions of acres of the public domain by private agricultural and industrial interests in the West; a chronicle of collusion, cupidity, stupidity and raw political power; the author formerly worked for the Izaak Walton League.

Promised Lands, V. I: *Subdivisions in Deserts and Mountains*, by Leslie Allan, Beryl Kuder, and Sarah L. Oakes. 562 pp. Inform, Inc.: New York, 1976. $20.
An exhaustive examination of the land subdivision industry's operations in the mountain and desert regions of the West. Ten planned-community and rural-land development enterprises are discussed in detail, with special emphasis on their records in the areas of environmental and consumer protection. Most performed poorly on both counts.

Nebraska Refuge

To the Editor:

We recently read in the November/December 1976 issue of your magazine an article by Ted E. Hoffman entitled "Nebraska: The Mid-state Controversy." In this article we were told by the author that the governor of Nebraska, J. James Exon, had vetoed a Platte River Refuge, and having once been residents of Nebraska, we at once wrote to the governor telling him of our concern over his veto of such a program. We received a letter dated December 8, 1976, from Governor Exon, in which he states, "I have not vetoed the proposed Platte River Refuge. We are still studying the matter; and, in fact, just last Friday had a meeting in Denver with the Fish and Wildlife Service on it."

Needless to say, we were surprised to hear that we had been misinformed by your magazine, which we receive on a regular basis. We are members of the Sierra Club and had assumed that the organization would not publish articles before it had checked out all the facts beforehand. We are disappointed in the statements you printed in the *Bulletin* and would suggest you reprint a piece about this issue that clearly states the matter, and not encourage the reader to write letters when in so doing he or she would be writing a letter from a less-than-complete-and-truthful background of data. An organization that expects its members to respond to environmental alerts by letter writing should be absolutely sure of its facts before setting down these words in print.

We are hoping to hear from you on this matter very soon and merely wanted to let you know our feelings on this topic.

Dick and Mary Hope Dinneen
Portland, Oregon

Ted E. Hoffman responds:

Regarding Governor Exon's veto of the Platte River Wildlife Refuge, I would like to assure Mr. and Mrs. Dinneen that they were not misinformed. In Governor Exon's letter to the Dinneens he says, "I have not vetoed the proposed Platte River Refuge, we are still studying the matter." The *third* refuge proposal is currently being studied, and it is true that Governor Exon has not vetoed it. This was explained in the article.

It is, however, a matter of record that Governor Exon did approve the original 15,000-acre refuge in 1974, then withdrew his approval when pressure from landowners and Mid-state interests surfaced. The details were reported in the March 28, 1974, *Omaha World-Herald*. Governor Exon's stated reason was: "I will not be a party to throwing farmers off their land against their will." Accordingly, with the concurrence of the governor, the Fish and Wildlife Service (FWS) proceeded to study the feasibility of establishing a refuge on a willing-buyer, willing-seller and voluntary-easement basis. The study resulted in the proposal for the segmented refuge described in the article. The governor withheld his approval, and the second refuge died before it was born.

I did not say that Governor Exon was opposed to the refuge, but meant to imply that intense political pressure prevented him from approving it. Water-development interests are very strong in Nebraska, and they have the backing of many of our state agencies and of elements in the university. Opinion differs on whether the FWS did an adequate job of planning for the second refuge. The developers say they didn't; the environmentalists believe they did.

It is my belief that Governor Exon is not personally opposed to the refuge and would welcome strong public support for it.

According to the Association of Natural Resources Districts' *Newsletter*, a bill will be introduced in the upcoming session of the state legislature to place approval of refuges in the hands of the legislature instead of the governor. Environmentalists are opposed to this change. Legislation dealing with a refuge could be effectively bottled up forever in committee.

Avoiding Whalehide Shoes

To the Editor:

In nationwide magazine advertisements, Kinney Shoes features a shoe made in Brazil of whalehide. . . .

R. J. Cleaveland

Inquiries by this office indicate that Mr. Cleaveland's charge is correct. The Kinney Shoe Corporation, based at 233 Broadway, New York, NY 10007, does indeed sell a shoe made out of whalehide. The Editor

Sierra Club Election

Each year, the annual national election of the Club is held on the second Saturday of April as prescribed by the bylaws. On April 9, 1977, five directorships and a number of proposed bylaw amendments will be at issue. A ballot, information brochure, and return envelope (not postpaid) will be mailed by February 25 to each eligible member. Packets for members living within the contiguous 48 states will be sent by 3rd class mail; for members living in Alaska, Hawaii, Canada and Mexico, packets will be sent 1st class; and for all other members, packets will be sent airmail. With the exception of junior members (under 15 years), all those listed in the Club records as members in good standing as of January 31 (about 170,000) will be eligible to vote.

The nine candidates for directors are, in order of appearance on the ballot: Theodore A. Snyder, Jr., Lowell Smith, Helen King Burke, Samuel H. Sage, Richard A. Cellarius, Joseph B. Fontaine, David E. Bedan, Marvin W. Baker, Jr., Paul G. Salisbury. Members should not vote for more than five candidates.

The information brochure will contain a statement from each candidate regarding pertinent background and his or her views as to the direction the Club should take, together with a picture. It will also contain the text and arguments regarding the proposed amendments to the current Club bylaws.

If you do not receive a ballot by mid-March, or you mismark it, do this: Write a note of explanation to the following, and enclose the voided or mutilated ballot if you have it: CHAIRMAN, JUDGES OF ELECTION, Sierra Club, *Department E*, 530 Bush Street, San Francisco, CA 94108. If addressed any other way, it will get delayed attention. After appropriate checking, an attempt will be made to send you a replacement ballot in time for it to be returned by the date of the election. This procedure is under the control of the Judges of Election. Ballots are to be mailed back to Elections Committee, Sierra Club, Post Office Box 2178, Oakland, CA 94621. They will not be opened until the time for counting.

Lewis F. Clark
Chairman, Judges of Election

News

High hopes for the Carter Administration

President Carter's election promises to make the heretofore uphill struggle of environmentalists a little easier for the next few years. Club leaders were generally encouraged by Carter's win and equally enthusiastic about Vice President Walter Mondale, who has consistently received high ratings from the League of Conservation Voters. President Carter's views were reported last September in a precedent-setting and widely quoted analysis of the records and opinions of both presidential candidates published in the *Sierra Club Bulletin* under guidelines set down by the Club's new Committee on Political Education (SCCOPE).

Carter's initial appointments to sensitive environmental posts tended to justify environmentalists' early enthusiasm, particularly his appointment of former Idaho governor Cecil Andrus as Secretary of the Interior, a job of crucial importance to environmental concerns. Andrus was originally elected governor of Idaho largely on the strength of his opposition to a molybdenum mine in the scenic White Cloud Mountains. In 1976, he testified before the Idaho Public Utilities Commission against construction of a new 1,000-megawatt, coal-fired power plant near Boise. Andrus is also credited with taking an enlightened stance on the nondegradation of clean air.

Other appointments of special interest to environmentalists include:

- Burton Lance, director of the Office of Management and Budget; Lance is a trustee of the Georgia Conservancy;
- Brock Adams, secretary of transportation; Adams has a fairly good overall environmental record and has voted with environmentalists on most transportation issues, the notable exception being the SST, which was to have been built in his home state of Washington;
- Robert Berglund, secretary of agriculture; Berglund's environmental record has varied, but he is regarded as a strong potential ally by people who have worked on some environmental issues; his position on pesticides, however, has in the past generally opposed that of environmentalists;
- James Schlesinger, assistant to the president on national energy problems; as head of the old Atomic Energy Commission, Schlesinger spoke in support of the breeder reactor; more recently he said that "nuclear energy should be used only as a last resort after conservation initiatives have been taken."

Other appointments are also important to environmentalists, especially the crucial second- and third-level posts in the departments of the Interior, Agriculture and Commerce and in the energy agencies. Only the first few months of the Carter administration will show the actual extent of the progress and redirection that now seems possible.

Club effort to protect cranes

The Sierra Club and the National Audubon Society have petitioned the Fish and Wildlife Service (FWS) to protect the migration habitat of the long-endangered whooping crane. The birds, which now number less than 100, migrate each year from the Gulf Coast to Canada through the Great Plains, and need feeding, resting and weather-protection areas about every 200 miles during their trek. While FWS has protected some of the habitat or "stepping stone" areas against harm by federal projects, it has not set aside any of the Northern Plains as part of the birds' "critical habitat." The extension of the critical habitat corridor through the Northern Plains is made more urgent by the threat of three proposed Bureau of Reclamation projects in the region.

Assistant Alaska rep wins ecology award

Ted Whitesell, the Club's assistant Alaska representative, has won the Bicentennial Junior Tylor Ecology Award for work "which has had an important impact in grass roots, state, and national environmental policy." The $10,000 prize is part of the large annual Tyler Ecology Award which is offered internationally to the person judged to be doing the most outstanding work in ecology. Whitesell won the award for his work on management problems in the Tongass National Forest in southeast Alaska. He is twenty-five years old and has an environmental engineering degree from the University of Colorado.

Club testifies on coal leasing program

The Federal Coal Leasing Act Amendments of 1975, which became law on August 4, change the Department of Interior's coal leasing authority by requiring it to issue coal leases competitively and establish a comprehensive set of procedures instructing on how to do so. Two months before the passage of the act, the Interior Department adopted what it considered to be a competitive coal-leasing system called Energy Minerals Activity Recommendation System (EMARS) and claimed that with some modifications it could be made compatible with the act. Sierra Club spokesmen disagree, charging that the act nullified the department's EMARS program by requiring the secretary to take a different, more discriminating approach to future coal leasing, including the cataloging and evaluation of coal and the development of a comprehensive land-use plan. Testifying before a Senate subcommittee on mines on behalf of the Club, William H. Haring of the Sierra Club Legal Defense Fund said the EMARS modifications "reflect neither the ability nor the inclination of the department to at last take bold and creative steps necessary to achieve a good start in formulating an environmentally sound and meaningful coal leasing program. . . . If one transcending issue could be stated, it is whether the Interior Department is willing to maintain the timid role of a meek distributor of our nation's nonrenewable resources or whether an abrupt but necessary change is possible whereby creative, aggressive and jealous management of those resources will pave the way not only to their wisest use where appropriate, but also for that degree of preservation which could deserve commendation."

News

Environmental leaders meet with Carter

Six environmental leaders met with then President-elect Jimmy Carter in Plains, Georgia on December 16 to discuss environmental appointments in his administration. The talks particularly concerned the post of Secretary of the Interior, to which Carter appointed Idaho governor Cecil Andrus two days later. Sierra Club Executive Director Michael McCloskey told Carter: "No person in the United States can do more to affect the American landscape than the Secretary of the Interior. He determines whether millions of acres are leased for oil, coal, oil shale and geothermal development and whether the environment is protected in the process." Carter agreed that the post was environmentally sensitive and told the environmentalists that "the days of rejection and exclusion for you folks are over." When someone suggested appointing a conservationist to serve in the White House as an advisor, Carter replied, "Why do you need another? You've already got one in the Oval Office."

November congressional results

Ten of the sixteen candidates supported by the League of Conservation Voters were elected to Congress, while three of Environmental Action's "Dirty Dozen" were defeated. These three were: Representatives Sam Steiger of Arizona, who lost his bid for the Senate; Burt Talcott of California, who lost to Leon Panetta, who was supported by the League; and Albert Johnson, who was defeated by Joseph Ammerman, who had actively supported environmental issues during his tenure in the Pennsylvania legislature.

Changes in House leadership are also of interest to environmentalists. Speaker Thomas P. O'Neill, Jr.'s LCV rating on environmental issues has varied from forty-five to eighty-seven (out of a possible perfect one hundred) since 1972. The new majority leader, Jim Wright of Texas, has had fairly low LCV ratings. His election to the post left open the chairmanship of the Public Works Committee, which has gone to Representative Harold T. Johnson of California. As a result, the chairmanship of the Interior Committee went to Morris Udall, whom environmentalists welcome in this important post.

State ballot initiatives—atoms, bottles, boondoggles and parks

Last November's election saw a variety of environmental initiatives on the ballots of several states. As might be expected, the results were mixed, with several encouraging victories and a number of disappointments. Bottle bills passed overwhelmingly in two states—Michigan and Maine—but lost in two others—Massachusetts and Colorado. In Texas, voters defeated a $400 million water bond boondoggle; in Oregon, a proposition to abolish the state's Land Conservation, Planning and Development Commission was voted down; Missouri voters approved funding for a Department of Conservation; and park bonds passed in Nevada and California. Environmentalists were disappointed, however, at the defeat of nuclear initiatives in Oregon, Washington, Colorado, Ohio, Montana and Arizona.

Darién Gap road halted again

The U.S. District Court in Washington, D.C., ruling on a Sierra Club suit, has extended the injunction imposed last year against further construction of the Darién Gap Highway in Panama and Colombia. Judge William Bryant rules that the latest "final" environmental impact statement prepared by the Department of Transportation (DOT), which is funding two-thirds of the project, still does not meet the requirements of the National Environmental Policy Act (NEPA). The court charged DOT with taking a "minimalistic approach" to NEPA by failing to fully analyze such major problems as (1) controlling the spread of hoof-and-mouth disease, and (2) the impact of the highway, along with subsequent exploitation and settlement, on the primitive Choco and Cuna Indian tribes inhabiting the region. Nicholas Robinson, chairman of the Sierra Club's International Committee, called Bryant's latest ruling "an excellent decision, which further emphasizes the duty of federal agencies carrying out projects overseas to ensure that environmental considerations are taken." Largely through the Club's efforts, appropriations for the highway were cut off by Congress this summer and are likely to remain so until the injunction is lifted. The injunction will probably remain in effect until an adequate impact statement is prepared, if the new administration still wants to build the highway.

Club opposes two proposed OCS lease sales

The Sierra Club recently testified against two proposed Outer Continental Shelf (OCS) lease sales. The Club's Alaska Chapter charged that the draft environmental impact statement prepared for the Lower Cook Inlet on the Gulf of Alaska lease sale does not sufficiently describe the onshore impacts of the proposal, including such natural areas as Kachemak Bay State Park and Katmai National Monument. "It deals only with the currently proposed lease sale and ignores the fact that the proposed action will likely be just the beginning of oil and gas development in Lower Cook Inlet," a Club spokesman said. Milton Oliver, representing the Club's New England Chapter, testified at a Bureau of Land Management hearing in Boston on a proposed lease sale on the offshore Georges Bank, an area that produces about 12.5 percent of the world's offshore fish catch. Oliver said that because so little is known about marine ecological processes, "drilling on the Georges Bank at this time amounts to playing Russian roulette with our fishing resources." Oliver described the quality of data on oil spills and the proposed clean-up contingency plan in the impact statement as "totally inadequate," and called for a better coastal-zone-management program combined with improved federal energy planning as an alternative to the proposed oil lease sale.

Giving for Earth's Future

Those who believe "what a magnificent gesture is the natural world" may perpetuate their love beyond their lifetimes. Deferred gifts are the second largest source of nourishment for those worthwhile Sierra Club programs which mean so much to you while you are living and helping.

One method of accomplishing this is through a carefully drawn will. If you have already prepared one, you may still include the Club, Foundation or Legal Defense Fund as a beneficiary through a legally executed codicil.

Bequests to the Foundation or the Legal Defense Fund are tax deductible. Gifts to the Sierra Club do not offer this advantage. This may or may not be a relevant factor in your estate planning, depending on the size of the estate, its disposition and other factors. You should always consult with your own lawyer in preparing a will or codicil in order to make sure that your wishes are carried out in the most advantageous manner. The Club, Foundation and the Legal Defense Fund would be glad to consult with you and your advisors on how your gift can be of greatest benefit.

You can also make a significant gift to the Sierra Club Foundation or the Sierra Club Legal Defense Fund and retain the annual income which the donated assets would otherwise earn. Depending upon the amount of the donation, this can be done through the Pooled Income Fund of the Foundation or through individual trusts. The benefits of these programs include annual income, a deduction on the federal income tax return, and if you use appreciated long term securities, there is no capital gains tax on the transfer. Thus, a person who owns low cost securities producing a low rate of return can convert these securities into a higher yielding investment.

All of these methods of deferred giving either under your will, or as a lifetime gift, will help ensure that the Club can continue its good work in preserving the environment as well as provide tax benefits to you. Gifts by life insurance can also provide benefits to both you and the organizations you name, without their being a part of your estate.

We welcome and solicit your inquiries. One of our organizations will respond promptly and in confidence, either by telephone, letter or personal visit.

Brant Calkin, President

Guest Opinion

From time to time in this space we present "Guest Opinions"—messages from prominent individuals who are not primarily involved on a daily basis with environmental concerns, but whose voices should be heard by those of us who are. Their viewpoints on various conservation issues, while inherently interesting and important to us, do not necessarily reflect or represent Sierra Club policy.
The Editor

President Carter, Here's Your Problem

Some Reflections on the Energy Mess

Gladwin Hill

If all the debate of the last three years about nuclear power, offshore oil, imported oil, shale oil, solar energy and "exotic" power sources has seemed consummately confusing, no one should doubt his or her senses. President Carter wasn't exaggerating a bit when he kept saying during the campaign that we have no energy policy. In the absence of a policy, talk and actions regarding energy inevitably have resembled the Mad Hatter's Tea Party. Project Independence, launched with such fanfare as a purported energy policy, was as fraudulent as a good many of President Nixon's gestures and as bemused as a lot of President Ford's thinking.

Project Independence had a lot of impressive charts and numbers, but it was an equation with nothing in it but variables. Any mathematician will tell you that an equation like that can't be solved. It was a bundle of options: *if* we do thus-and-so, such-and-such may be the result—like a map showing twenty-three ways to get to Pittsburgh, but without any judgment of which was the best way to take. Floated nominally as a design for lessening our dependence on imported oil, the so-called plan after nearly three years has us, as everybody knows, importing more foreign oil than ever—and with disappointingly little progress in developing other sources of energy.

Representative Jim Wright of Texas, head of a House energy task force, said a few days before Congress adjourned: "We have dabbled with oil and gas pricing. We have made more money available for long-range research, for things like solar energy, that may help us thirty to forty years from now. But as far as doing anything practical to increase the supply of energy and reduce our dependence upon foreign sources in the foreseeable future, we have done nothing."

How did this come about? The answer is very simple. No decision-making entity in government had the insight or the courage to make and enunciate a firm judgment about our real energy needs, our resources and, as a corollary, our priorities. If you're going to have a picnic, somebody has to decide who's going to bring the sandwiches and salad, who's going to make the punch and who will organize the car-pool. Until these decisions are made, you can't have a picnic. In regard to our energy supply, nobody made such decisions.

Instead, the White House—implicitly supported by Congress and the energy agencies—engaged in a historic demonstration of Doublespeak: on the one hand repeatedly proclaiming a virtual national emergency, on the other tacitly declaring that it could be resolved by business-as-usual, by the operation of the market-price system. If someone had declared that from here on we would import only X million barrels of oil a month and would tailor the rest of our energy cloth to fit; or that we were capable of conserving Y amount of energy and would start methodically doing so; or that petrochemical companies could no longer consume quantities of oil to make plastic swizzle-sticks and dollhouse potties—any of these or myriad other possible categorical policy decisions could have provided a firm point of departure from which priorities and actions would logically flow.

Instead, an immense amount of talk and extravagant money-throwing at various parts of the energy structure have served primarily to camouflage the fact that the cause really being served was business-as-usual—business geared to an oil price set by far-away men in burnooses, but fulfilling the requisite of keeping oil-company profits flowing at record rates.

Oil-shale development foundered, not because of any intrinsic fault, but because the price structures couldn't match that being quoted by the sheiks. Solar-energy development has lagged because the current cost structure doesn't match that of an alternative power source that in twenty-five years will be a vanishing species. Coal extraction has not expanded commensurately with predictable needs because coal prices in the main are not competitive with oil prices—of the moment.

Technically, every offshore-oil project, every nuclear-power-plant project, indeed any energy project at all launched in the last three years, has been illegal. The National Environmental Policy Act says that before you embark on one of these projects you have to make a reasoned examination of alternatives. But environmental impact statements on recent alternative energy projects have simply cited the amorphous, unanchored pros and cons limned in Project Independence.

Gladwin Hill is the New York Times *national environmental correspondent.*

The frenzied efforts to exploit Alaska oil were not dovetailed into any coherent program of energy supply and demand. The offshore-oil leasing program was never justified by proof that it would be better to consume the oil than husband it. Nuclear power projects were not validated as demonstrably preferable to generation by coal, oil, gas, wood or peanut shells. There was no rationale for any of these activities because no one had constructed a framework of the readjustments the nation was prepared to make in light of the fact that oil available before is not available now. We pretended to face the future, but it was always with our fingers crossed. We said: "We'll prepare for the future—as long as we don't have to do anything different from what we're doing now."

We can't have it both ways. We can't live, in respect to energy, as if there were no tomorrow and still expect to be in good shape when tomorrow suddenly appears. Living high off the hog means mortgaging the future. Safeguarding the future means mortgaging the present in some degree. The feasible degree is what has to be determined. Manifestly it can't be determined solely by the indicators of a market economy geared to this week's exigencies.

Market competition works fine in an economy of abundance, to which we are habituated: rival entrepreneurs vie to supply consumers with commodities at the lowest possible cost. But market competition is intrinsically an impossible, not to say foolhardy, way of continuing to provide people with a vital commodity that is in short supply. Competition may serve to some extent to amplify supply (although the prospects are certainly dim in the case of a resource whose global exhaustion is in sight). But in the case of an essential commodity such as energy, competitive marketing is the antithesis of what is called for: by definition it allocates supplies to the highest bidders, leaving others equally needful literally out in the cold.

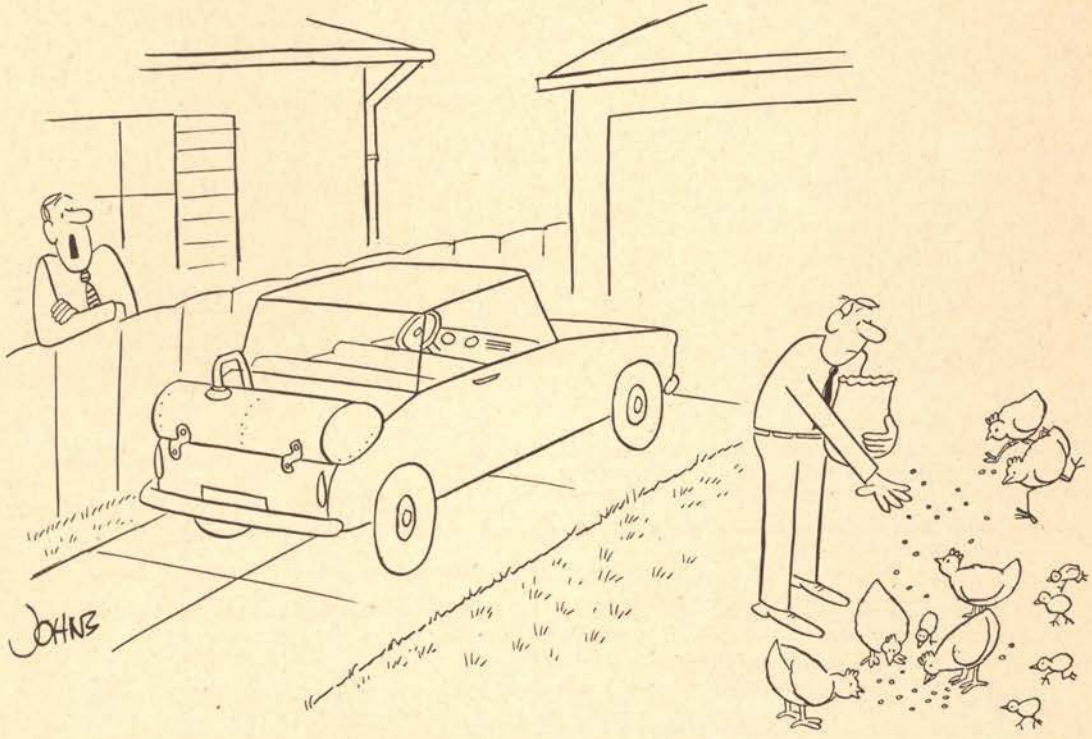
A last-ditch effort

This brings us to a crucial fact of the current situation that many people have not discerned and that some have striven desperately to conceal; namely, that the energy crisis, the sudden advent of an economy of scarcity in oil, has changed for all time the nature of the oil industry. Historically, the industry has been essentially a *merchandising* operation: companies pumped oil out of the ground, processed it, and sold it, in competition with other forms of energy. It was so cheap and available that it became the backbone of our energy economy. Then, overnight, the supply changed from unlimited to uncomfortably limited. Suddenly oil was no longer an implicitly optional item of commerce: it had become an essential of our pattern of life, like water, gas and electricity. In other words, circumstances have transformed the oil industry, willy-nilly, from a merchandising operation to a *public utility*. This, some observers suspect, is what the no-energy-policy, business-as-usual argle-bargle has been all about: a desperate, last-ditch effort by the oil industry to levitate the myth that competition-will-make-you-free, to escape the regulation that even American free enterprise inevitably imposes on a public utility.

This mythology goes a long way, if not all the way, toward explaining the anomalies, paradoxes and nonsensicalities we have been witnessing: the battle to deregulate natural gas prices; the ever-increasing oil imports in the face of our stated resolve to reduce them; the mad stampede to exhaust the offshore oil deposits that actually are our last ace-in-the-hole; the blind alleys that alternative energy forms, however plausible, keep running into. All serve, albeit suicidally, to keep the market volume of oil at near-normal levels, lulling the nation into the false notion that nothing else really needs to be done.

Manifestly, the critical task facing President Carter, with all the uncomfortable and contentious ramifications it will involve, is to dismantle this myth.

What this may mean in terms of regulation, readjustments and sacrifices will have to be threshed out in the arena of politics, "the art of the possible." There will be lamentation, compromising and carping. But hopefully, out of it will come commitments to some basic assumptions and clear-cut courses of action—the first and essential steps toward fashioning a real national energy policy.



"It runs on **what?***"*

SIERRA CLUB BOOKS
Box 7959, Rincon Annex
San Francisco, CA 94120

Please send me the titles I've indicated below. I enclose my check or money order payable to Sierra Club. (Do not send cash.) Prices indicated are to members only and include a 10% discount on regular retail price. (Sierra Club pays for postage and handling.) PLEASE PRINT

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

FOR OFFICE USE ONLY

SP IN:

MAIL ORDER FORM
TOS:2

Important Notice to Members:

This order form replaces all previous order forms. To facilitate order processing, it is imperative that members discontinue using all order forms issued prior to this one.

2/77

QUANTITY		NEW PUBLICATIONS	AMOUNT
_____	189-1	**Ascent (1975/1976)** (paper), $8.95	_____
_____	148-4	**The Electric War: The Fight Over Nuclear Power** (cloth), $11.25	_____
_____	181-6	**Forests of the Sea: Life and Death on the Continental Shelf** (cloth), $8.95	_____
_____	184-0	**In the Throne Room of the Mountain Gods** (cloth) (available in June), $15.75	_____
_____	182-4	**A Place to Begin: The New England Experience** (cloth), $13.45	_____
_____	192-1	**Windsinger** (cloth), $7.15	_____

QUANTITY		TOTEBOOKS®	AMOUNT
_____	099-2	**Best About Backpacking,** $6.25	_____
_____	147-6	**Climber's Guide to the High Sierra,** $7.15	_____
_____	048-8	**Climber's Guide to Yosemite Valley,** $7.15	_____
_____	066-6	**Cooking for Camp and Trail,** $3.55	_____
_____	085-2	**Fieldbook of Nature Photography,** $6.25	_____
_____	049-6	**Food for Knapsackers,** $3.55	_____
_____	102-6	**Foot-loose in the Swiss Alps,** $7.15	_____
_____	068-2	**Hiker's Guide to the Smokies,** $7.15	_____
_____	095-X	**Smokies Map replacement** (paper), $1.75	_____
_____	095-Y	**Smokies Map replacement** (with plastic envelope), $2.65	_____
_____	127-1	**Hiking the Bigfoot Country,** $7.15	_____
_____	092-5	**Hiking the Teton Backcountry,** $4.45	_____
_____	078-X	**Hiking the Yellowstone Backcountry,** $5.35	_____
_____	081-X	**Hut Hopping in the Austrian Alps,** $4.45	_____
_____	100-X	**Huts and Hikes in the Dolomites,** $4.45	_____
_____	103-4	**Reading the Rocks,** $7.15	_____
_____	172-7	**Starr's Guide to the John Muir Trail,** $3.55	_____
_____	125-5	**To Walk With a Quiet Mind: Hikes in the Woodlands, Parks & Beaches of San Francisco Bay Area,** $5.35	_____
_____	069-0	**Wilderness Skiing,** $6.25	_____

QUANTITY		NATURALIST'S GUIDE SERIES	AMOUNT
_____	186-7	**A Sierra Club Naturalist's Guide to the Deserts of the Southwest** (cloth) (available in May), $8.05	_____
_____	187-5	**A Sierra Club Naturalist's Guide to the Deserts of the Southwest** (paper) (available in May), $4.45	_____
_____	190-5	**A Sierra Club Naturalist's Guide to the Lowlands of New England** (cloth) (available in May), $8.05	_____
_____	183-2	**A Sierra Club Naturalist's Guide to the Lowlands of New England** (paper) (available in May), $4.45	_____

QUANTITY		PAPERBACKS	AMOUNT
_____	062-3	**Action for Wilderness,** $2.05	_____
_____	113-X	**Alaska: The Great Land,** $7.15	_____
_____	233-3	**Ecotactics,** $ .85	_____
_____	142-5	**The Grass Roots Primer,** $7.15	_____
_____	096-8	**Island in Time: The Point Reyes Peninsula,** $4.45	_____
_____	174-3	**Mind in the Waters,** $6.25	_____
_____	141-7	**Other Homes and Garbage,** $8.95	_____
_____	146-8	**Simple Foods for the Pack,** $4.45	_____
_____	097-6	**Slickrock: Endangered Canyons of the Southwest,** $4.45	_____
_____	144-1	**Thoreau Country,** $8.95	_____
_____	191-3	**Walking Softly in the Wilderness** (available in June), $5.35	_____

QUANTITY		SPECIAL PUBLICATIONS	AMOUNT
_____	555-3	**Ascent (1973),** $6.00	_____
_____	555-4	**Ascent (1974),** $6.00	_____

QUANTITY		HARDCOVER TITLES	AMOUNT
_____	016-X	**Almost Ancestors: The First Californians,** $13.50	_____
_____	143-3	**A Closer Look,** $13.45	_____
_____	045-3	**Everglades,** $24.75	_____
_____	006-2	**Gentle Wilderness: The Sierra Nevada,** $27.00	_____
_____	000-3	**In Wilderness is the Preservation of the World,** $29.25	_____
_____	130-1	**The Lands No One Knows,** $8.95	_____
_____	170-0	**Mind in the Waters,** $13.45	_____
_____	007-0	**Not Man Apart: Photographs of the Big Sur Coast,** $29.25	_____
_____	018-6	**On the Loose,** $7.15	_____
_____	051-8	**Slickrock: Endangered Canyons of the Southwest,** $24.75	_____
_____	140-9	**Thoreau Country,** $29.25	_____
_____	002-X	**Words of the Earth,** $13.50	_____

_____ Total Quantity ordered Total Amount of order $ _____

\+ Sales Tax (if any) $ _____

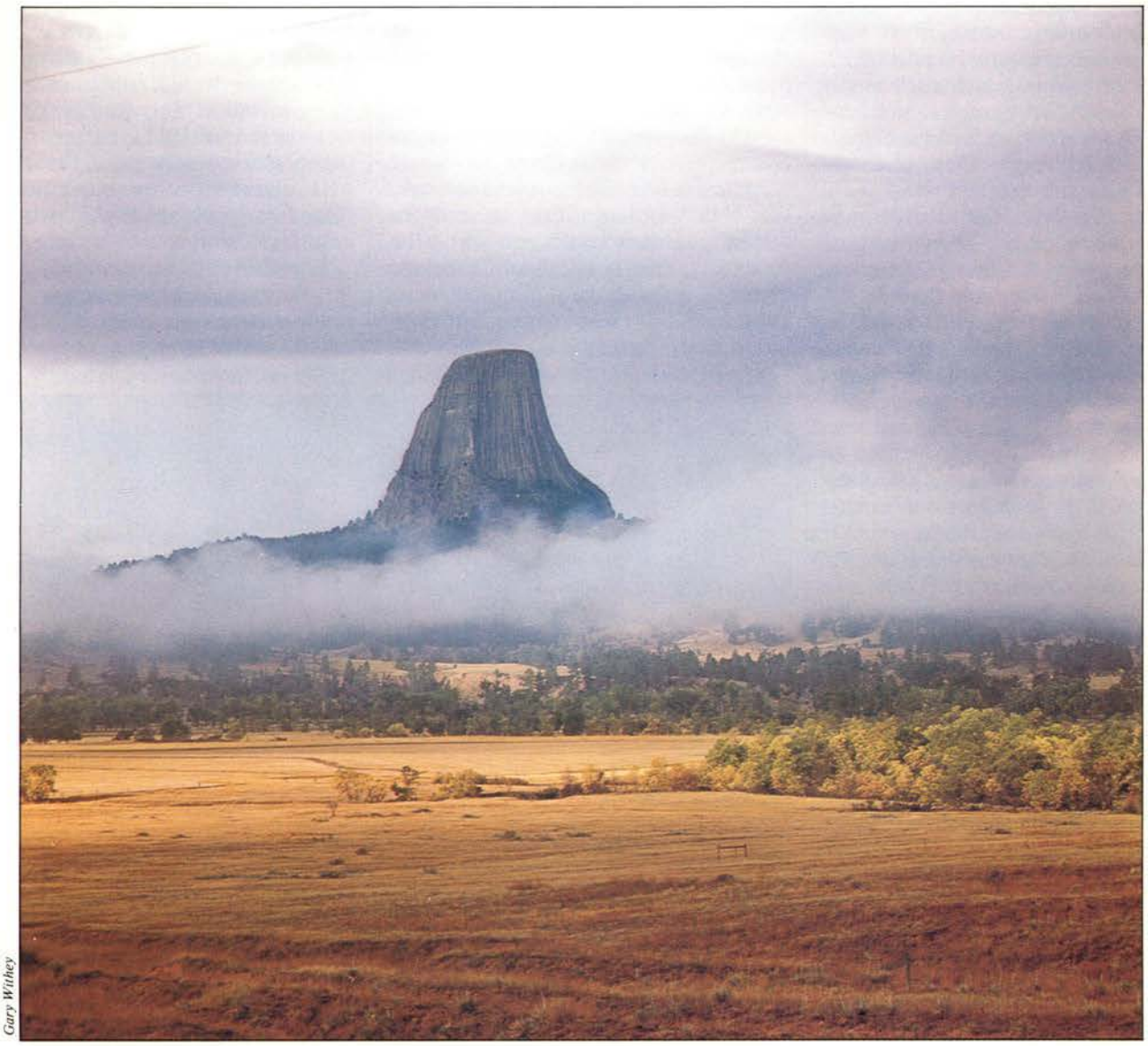
Total Amount enclosed $ _____

Sales tax rates for deliveries to the following areas: California—add 6% (Alameda, Contra Costa, & San Francisco Counties—add 6½%). New Jersey—add 5% (No New Jersey tax on ASCENT).

The Club, the Cause and the Courts

Environmental Law in 1976

JOHN D. HOFFMAN



Gary Withey

A morning storm at Devil's Tower, Wyoming

In 1976, the Sierra Club Legal Defense Fund (SCLDF) completed its fifth year of operation as the Club's arm for environmental law. A review of some of last year's key battles can tell us something about the nature of environmental law and the Club's role as a major force in its development during the first half of the seventies. We can also gain some insights into what the next several years may hold in store.

The year 1976 was one of striking contrasts for SCLDF. Its most important battle—Kaiparowits—was won almost before a legal shot was fired in anger, but another important initiative, this one over Northern Plains coal development, was rejected by a unanimous Supreme Court after three years of litigation. The battle for nondeterioration of air quality in clean air regions was seemingly won for the second time, yet judging from past experience any claim of final victory would be premature. In southeast Alaska's Tongass National Forest, the infamous Juneau Unit Timber Sale is dead and buried largely because of a determined and unflagging legal assault by SCLDF and the Club—but here, new threats loom on the horizon.

These four cases well illustrate the

John D. Hoffman is executive director of the Sierra Club Legal Defense Fund.

intricate mosaic that environmental law has become. Attorneys at SCLDF and in similar offices fashion their cases both from recent federal statutes, such as the National Environmental Policy Act (NEPA) and the Clean Air Act, and from older laws, such as the 1960 Multiple Use/Sustained Yield Act, the 1916 law establishing the National Park System, and others dating back to the last century. Often, such congressional acts are blended with elements of common law, such as the "public trust" theory of resource protection, in an effort to find the combination that will persuade a generally cautious judiciary to intervene.

Geographically, a legal struggle may focus on some of our finest national parklands, as in the case of Kaiparowits, or on important wild lands in the huge national forest system, as in the Tongass example. But in other cases, large regions such as the Northern Plains may be involved, or even the entire nation, as is the case where nondeterioration is concerned. Finally, an issue may transcend national boundaries, as SCLDF litigation over exports of nuclear fuel and technology and over the Darién Gap Highway has done.

The battleground ranges from the United States Supreme Court down through the federal court system to the complex of federal administrative and regulatory agencies, and laterally into their counterparts throughout the fifty states, often shifting back and forth among these entities as a particular controversy unfolds. Nondeterioration, for example, has taken SCLDF before the EPA and all levels of the federal judicial system. The ultimate resolution of this issue may yet take place before the courts and agencies of several key states.

By taking a closer look at the four cases mentioned above, we can see how these various factors have operated in some specific instances of great importance to Club members and other conservationists.

Kaiparowits

The proposed 3,000-megawatt Kaiparowits plant was an outlaw—a Jesse James among power plants. Environmentalists accustomed to challenging such projects in proceedings for a federal license and/or a state certificate of public convenience and necessity were startled to learn that Kaiparowits might not need either of these and that its sponsors had no plans to obtain them. Although power was to be generated in Utah, transmitted across Nevada, and used in Arizona and California, the Federal Power Commission did not have licensing jurisdiction over Kaiparowits. (SCLDF had no need to test this somewhat surprising legal proposition, having learned it first-hand from the U.S. Supreme Court in litigation over the Four Corners Plants.) The Utah Public Service Commission was the next logical candidate since the plant would be constructed within that state, but only Utah's environment—neither its power companies nor its consumers—was involved. (Even if jurisdiction technically existed in Utah, that state's enthusiasm as an environmental guardian could reasonably be doubted.) This left California, where the great bulk of the power was to be consumed, but except for transmission lines, there was to be no construction within that state's borders. It is arguable that California's environment would even benefit from Kaiparowits, at least insofar as other coal-burning or nuclear projects within the state would be postponed or perhaps cancelled if Kaiparowits went forward.

Ultimately, a petition was filed on the Sierra Club's behalf with the California Public Utilities Commission (PUC) asking it to exercise full licensing jurisdiction over Kaiparowits, which would entail public hearings, official findings as to the need for the plant, environmental review under California's equivalent of NEPA, and no construction until completion of the proceedings and PUC certification.

When the PUC hearings on the petition opened last April, a full-scale battle over jurisdiction was expected. Rumors were rife that Interior Secretary Kleppe would announce any day his approval of Kaiparowits' construction on federal lands, but as the hearings began in Los Angeles, the sponsors of Kaiparowits rose and announced they were dropping the plant from their construction schedules.

The utilities gave several reasons for this decision, including increased costs, reduced rate of growth in power demand, and the strong opposition to Kaiparowits' construction on environmental grounds. Also mentioned prominently by the utilities, however, was the rising interest of the PUC and the California State Energy Commission in supervising out-of-state power-plant construction. Inasmuch as the PUC staff had recommended to the full commission that it take jurisdiction over Kaiparowits, the utilities may

Philip Hyde

Kaiparowits Plateau, Utah

have anticipated an adverse decision from the commission. In any event, a dramatic victory was won. Kaiparowits had waived extradition and surrendered.

Northern Plains Coal

The Northern Plains litigation was an attempt to simplify and rationalize the legal/environmental situation arising from development of federally owned coal in that region. NEPA was to be the vehicle for this effort. SCLDF reasoned that individual environmental analyses dealing only with relatively small pieces of this development process would not come to grips with the basic policy issues involving reclamation, mining and transport methods, water use, and so forth. Lawsuits challenging such narrowly focused analyses would probably be feckless also, whether they were won or lost.

SCLDF therefore filed suit in 1973, advancing the novel but not implausible theory that NEPA required the Department of the Interior to proceed on the basis of a region-wide environmental assessment to exercise its manifold supervisory responsibilities over coal development and related activity in the Northern Plains region. After an initial setback in the U.S. District Court (not an uncommon occurrence when sailing uncharted legal waters), an appeal was taken to the U.S. Court of Appeals in Washington, D.C., which divided sharply on the issue, both when it issued a preliminary injunction against Interior's approval of four key mining plans in Wyoming and later in its final decision. The court majority upheld the substance of SCLDF's position in formulating a legal test for determining the required scope of environmental analysis in such situations, one that emphasized the substance of the actions being taken by the government and discounted the bureaucratic verbiage by which these actions were officially described. Concluding that a region-wide environmental analysis for coal development *was* needed in the Northern Plains, the court of appeals then ordered the district court to determine whether the time for the analysis was ripe.

The elation of SCLDF over this achievement was brief, for the U.S. Supreme Court short-circuited the process by taking the case up for immediate review on petitions by the government, several utilities and other development interests who had intervened. It rejected SCLDF's legal theory, laying down some interpretations of NEPA that may sharply limit its usefulness as a legal and governmental instrument for getting at the most intransigent environmental problems—those that cut across geographical boundaries, that involve several projects or that otherwise defy the neat compartments in which we try to capture reality. The Supreme Court did affirm that so-called programmatic impact statements are a necessary and appropriate tool for examining the combined impacts of related development proposals, but at the same time, it appeared to concede to federal agencies such a broad discretion in determining the scope and timing of these statements that their actual effect on the decision-making process may be quite small.

In contrast to a first-strike victory such as Kaiparowits, litigation like the Northern Plains case must be seen as a capital investment, teaching us that some very important environmental issues may be beyond the effective reach of the law as currently interpreted and administered. Whether conservationists and their counterparts in government can convert this bit of wisdom into the needed institutional reforms is for the future to tell.

Nondeterioration

SCLDF's nondeterioration litigation introduces a not uncommon variation of environmental law in the mid-1970s —the *encore*. It began in 1972 when the Environmental Protection Agency (EPA) sought to abandon its previous policy of protecting areas of relatively clean air from significant deterioration. SCLDF filed suit, and in less than one year the case progressed from the bottom rung of the federal court system to the top, with the Supreme Court affirming by tie vote the lower-court judgment in SCLDF's favor.

More than three years later, the matter is still in the courts, making its way up the ladder for a second time, but with two important differences. The lightning pace of the first trip has been reduced to the customary crawl, and what started out as a legal face-off between the Club and EPA has now become something of a courtroom donnybrook, with the participants numbering about fifty.

Although greatly burdened by procedural and other complexities, the litigation is still faring reasonably well. The court of appeals in Washington has strongly reaffirmed, over a vigorous counterattack by industry, that a policy of nondeterioration is mandated by the 1970 Clean Air Act. This means that the Supreme Court has truly become the "court of last resort" for our opponents. In upholding the regulations that EPA had finally adopted in response to the first round of court decisions, the court of appeals did reject SCLDF's contention that all six major pollutants, not just sulfur dioxide and particulates, must be covered. The court also allowed EPA to retain its class III category, which gives individual states the option to permit deterioration to the national secondary air-quality standards in designated areas for economic and social reasons. These points are significant and will be pursued if there should be further litigation before the Supreme Court, but they do not gainsay the importance of establishing that nondeterioration must be national policy.

Congress this year was on the brink of adding specific nondeterioration standards to the Clean Air Act until the effort perished by filibuster. Even if further litigation and developments are favorable, it may still require such legislative intervention to make nondeterioration effective in practice. The EPA regulations have now been "law" in a sense for over two years, but their actual impact thus far has been insignificant. This does not mean that the immense litigation effort on nondeterioration has not been worthwhile. Without the Club's long legal battle and the public attention it has focused on this issue, the quiet burial the Nixon administration was prepared to give the nondeterioration policy in 1972 might now be a *fait accompli.*

Tongass National Forest

SCLDF's Tongass National Forest litigation resembles Kaiparowits in that it ended by a private decision rather than a court ruling, but here the resemblance ceases. The Tongass case began in early 1970, before SCLDF was even founded, and did not end until 1976. The suit was designed to force at least a major reconsideration of the fifty-year, 8.75-billion-board-foot Admiralty Island/Juneau Unit timber sale, largest in the history of the U.S. Forest Service. It achieved even more—an agreed cancellation of the contract by the Forest Service and Champion International, the contract holder. How this all came

about is a fascinating story that has been told elsewhere (*SCLDF Environmental News*, Spring 1976). The legal record, however, shows two major trials—one lost and one that remained undecided for well over a year after final evidence was submitted—plus an intervening appeal that was never decided because of newly discovered evidence that resulted in the second trial. In retrospect, it was this new evidence—a devastating critique of the sale's effect on wildlife habitat issued after the first court decision by consultants for Champion itself—that turned the case around and led to its eventual conclusion.

But though the "Tongass case" has ended, the controversy continues, and SCLDF is already involved in fresh litigation over Admiralty Island that in some ways is more complex than the original. Various native groups have asserted conflicting claims to key areas of the island, including many formerly covered by the Juneau Unit sale. These competing groups have strongly differing views concerning the nature and intensity of the uses to which they would put these lands; the aims of some are highly compatible with the Club's environmental goals, but others envision major timber-harvesting operations not unlike those once planned by Champion. Although not quite so immediately threatened as they once were by the Juneau sale, vital conservation interests are again at stake, and SCLDF is in the middle of the battle.

A full review of SCLDF's scoresheet for the past year would require a good bit more space. There have been important gains, especially in the areas of wetlands protection, nuclear energy and the application of NEPA to export activities and projects outside the U.S. But there also have been disappointments in litigation involving Meremec Dam, the Boundary Waters Canoe Area and the Six Rivers National Forest, though none of these is yet a lost cause. Rather than survey the field at length, it would be more useful to identify a few key attributes of environmental law as it stands today and as SCLDF expects to practice it over the next several years.

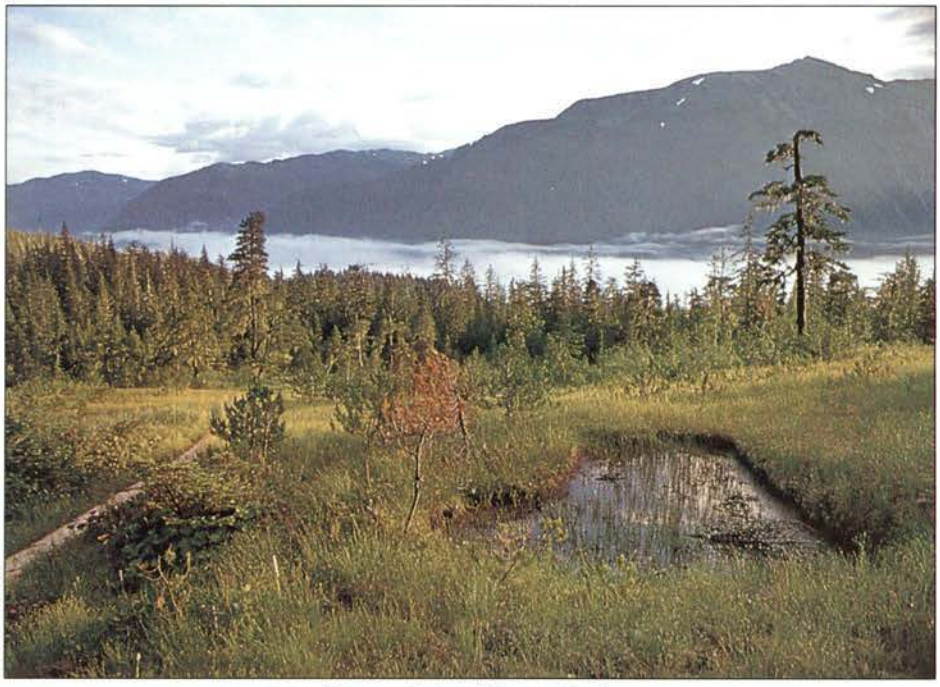
• The Supreme Court is beginning to exercise a major influence on the development of environmental law and will no doubt continue to do so. For almost three years after its mid-1972

decision in the Mineral King case, the court issued no decision of comparable interest to environmentalists. In the past two years, however, it has been issuing such decisions regularly on matters as diverse as attorneys' fees, NEPA and the Clean Air Act. What is more, almost all the decisions have been adverse, except for a few in which environmental groups were not directly involved and in which the court upheld the government's regulatory position *vis-à-vis* private industry. Some of the latter, though, may prove very helpful to the Club in its future environmental battles.

So far as the Supreme Court is concerned, then, the appropriate axiom for environmental lawyers in the next few years may be "he who litigates least litigates best." Unfortunately, one does not always have a choice in these matters. But the message is clear that environmental lawyers must do everything in their power to see that only well-conceived cases are taken to the nation's highest court, and that the cases that do reach the judicial summit are presented with the highest degree of skill and professionalism.

• Pollution-control laws and other statutes that place definite limits on the conduct of government and private parties are likely to dominate environmental litigation in the late seventies, as opposed to laws, such as NEPA, that primarily regulate the manner in which environmental decisions are made. This should be true even in the case of land-use conflicts, which until now have been fought on broader and more diffuse legal grounds. The Kaiparowits case and SCLDF's current litigation involving the proposed Dow petrochemical complex in Solano County, California, are both good examples of this trend.

The ascendancy of pollution-control laws can be traced to several causes. It has taken time, as well as considerable litigation effort, to get a basic regulatory framework established under the Clean Air Act and the federal Water Pollution Control Act, but this process is now well advanced, even if not completed. These laws now mean something, and increasingly they present major roadblocks in the path of projects that conservationists find objectionable on these as well as broader environmental grounds.



Tim Thompson

Tongass National Forest, Alaska

NEPA, on the other hand, has undergone a transformation, at least from the lawyer's standpoint. Its role is not unlike that of the erstwhile star player who can still perform brilliantly in a back-up role, but no longer can carry the team. A few years ago, a sort of consensus began to form in the appellate courts regarding the outer limits of NEPA. In general, the courts concluded they would not second-guess government agencies' substantive decisions on proceeding with their projects and would not require them to refute conflicting expert opinion in their environmental impact statements, only to report it. Once this judicial consensus became apparent, it was only a matter of time before NEPA yielded its stellar position. Now NEPA's main value to environmental lawyers lies in the information impact statements disclose, however murkily, and in the safeguards the EIS process erects against environmental ambush.

• The growing importance of "pollution-control" cases will have several significant corollaries. For one, the three-ring circus in which industry, government and conservationist each urges a sharply divergent interpretation of a statute upon the same court (the nondeterioration suit and several other SCLDF cases) will have numerous performances. Common sense and case law to date both suggest government will win more of these frays than either of the other participants, which means the real battle may not be in court, but long before, when EPA or whatever agency is involved arrives at its administrative position. Thus environmental lawyers may increasingly find themselves arguing their cases in conference rooms rather than courtrooms.

• The shift in emphasis to interpretation and enforcement of regulatory statutes in environmental law means that larger national groups such as SCLDF and the Sierra Club have an increased responsibility to the rest of the environmental movement. Such groups are in the best position to identify key administrative rulings that may be decisive in later applications of a statute to specific controversies, and to marshal the scientific and technical resources that may be needed to challenge effectively an erroneous official position. The success of local citizen groups in environmental litigation will decline if the results of their cases are foreordained by prior adverse administrative interpretations, or if their efforts turn on having access to a high degree of scientific expertise not readily available to them. Even more than in the past, then, SCLDF must continue to perform these and other tasks in order to play the role of vigilant pioneer in environmental law. **SCB**

Fill out this coupon and save a child

Just by completing this simple questionnaire, you can befriend a needy child through Save the Children Federation. For only fifty-two cents a day, your money, combined with that of other sponsors, can breathe new life into an impoverished village... help hard-working people in their fight for dignity... turn despair into hope for a child who has known only disaster. Fifty-two cents may not buy much where you live. But for the poorest of the poor where the need is so desperate, it can work miracles.

SCB 2/7

My Name is: _____

Address _____

City _____ State _____ Zip _____

Tell us how you want to help, by answering these questions:

1. What geographical area are you interested in?

Urgent need exists in all the areas listed below. Select an area, or let us assign a child where the need is greatest.

- ☐ **Where the need is greatest**
- ☐ Appalachia (U.S.)
- ☐ Bangladesh
- ☐ Chicano (U.S.)
- ☐ Colombia
- ☐ Dominican Republic
- ☐ Honduras
- ☐ Indian (Latin America)
- ☐ Indian (U.S.)
- ☐ Indonesia
- ☐ Inner Cities (U.S.)
- ☐ Israel
- ☐ Korea
- ☐ Lebanon
- ☐ Mexico
- ☐ Rural South (U.S.)

2. Any sex or age preference?

If so, our personnel who are familiar with conditions in the area you have chosen will select a child in accordance with your wishes.

☐ Boy ☐ Girl ☐ No preference

Age ☐ 4 to 7 ☐ 8 to 12 ☐ No preference

3. Would you like a picture of your sponsored child?

Shortly after assignment is made, we can send you a photograph and brief personal history, if you desire.

☐ Yes ☐ No

4. Would you like to correspond with your sponsored child?

If desired, correspondence can help build a meaningful one-to-one relationship. Translations, where necessary, are supplied by Save the Children Federation.

☐ Yes ☐ No

5. Would you like information about the child's community?

Several times a year you can receive detailed reports on the activities and projects being undertaken in the community to benefit your sponsored child. Would you like to receive such information?

☐ Yes ☐ No

6. How do you wish to send your payment?

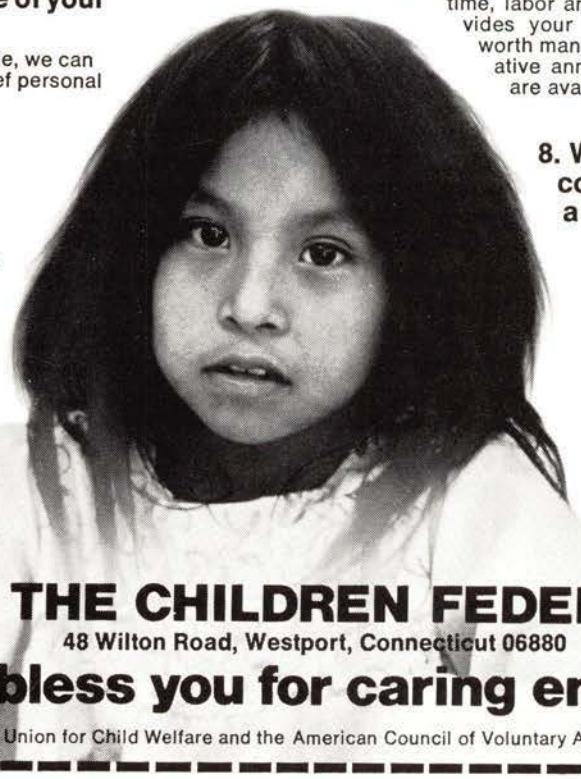
- ☐ Monthly, $16
- ☐ Quarterly, $48
- ☐ Semi-annually, $96
- ☐ Annually, $192

Enclosed is my first payment: $_____.

7. Do you wish verification of Save the Children Federation credentials?

Save the Children is indeed proud of the handling of its funds. An exceptionally large percentage (82.8%) of each tax deductible dollar you donate is used for direct aid and supporting program services. Due to volunteered time, labor and materials, your donation provides your sponsored child with benefits worth many times your total gift. An informative annual report and audit statement are available upon request.

☐ Yes ☐ No



8. Would you rather make a contribution than become a sponsor of an individual child at this time?

- ☐ Yes, enclosed is my contribution of $_____.
- ☐ Check here for general information about our unique programs for aiding impoverished children.

YOUR SPONSORSHIP PAYMENTS AND CONTRIBUTIONS ARE INCOME TAX DEDUCTIBLE.

Mail to:

SAVE THE CHILDREN FEDERATION®

48 Wilton Road, Westport, Connecticut 06880

God bless you for caring enough!

Member of the International Union for Child Welfare and the American Council of Voluntary Agencies for Foreign Service.

Snow Lion

THUNDER BAY PARKA

When you're gonna get wet and you can't get cold.

This tough, carefree parka is *designed to take abuse.* With a 65/35 polyester-cotton outer shell and two offset layers of quilted **PolarGuard**® insulation, Snow Lion's Thunder Bay is made for people who demand a parka that won't yield to the rough, wet and cold.

Its rugged, windproof shell is water repellent yet breathes to allow **PolarGuard**'s natural "wicking" action to keep your body warm and dry. Special features include: two outside **PolarGuard**-filled cargo/handwarmer pockets with Velcro® closures, "extended fabric snap system" for attaching the optional hood, and precise hand cutting of each garment section to assure a perfect fit. All seam edges are overlock stitched to choke off internal fraying, a technique developed by Snow Lion.

By combining the long-lasting continuous filament **PolarGuard** with an enthusiastic and innovative approach to design and production, Snow Lion has revolutionized modern-day thinking about lightweight insulating systems for wilderness travel. In fact, over 40 expeditions have chosen Snow Lion **PolarGuard** products this year! For more about Snow Lion and **PolarGuard**, write for a free catalog and the name of your nearest dealer.

Snow Lion

P.O. Box 9056 Dept. SCB
Berkeley, CA 94701

PolarGuard® is a trademark of Fiber Industries, Inc.