

depletion effects at the bottom of the foodchain, they may be threatened by direct DUV damage to the offspring of important species.

Meanwhile, far above the ocean surface, ozone depletion may be creating unnatural temperature changes at various levels of the earth's atmosphere. These changes may cause shifts in air circulation patterns which, in turn, could cause changes in weather and climate.

Climatologists are not yet able to predict what changes might mean globally or regionally. A special committee of the National Academy of Sciences refers to this information gap as "a current inability to give proper representation to the complexities of the atmosphere and the earth's geography in a computer-manageable model."

Adding to the uncertainties is the fact that the instruments needed to detect ozone depletion and gauge its impact are only now being developed. Current projections are based on computer manipulations of a theory involving over 100 chemical reactions. It will probably be at least a decade before man-made perturbations are documented and understood.

It's only three inches long, this tiny member of the perch family that feeds on snails in the clean, clear shallows of the Little Tennessee River. But the snail darter possesses a power far out of proportion to its size or numbers. It's almost a curse.

The snail darter has the Tennessee Valley Authority (TVA) stopped cold, has the Interior and Justice Departments feuding, and has the Senate contemplating changes in the 1973 Endangered Species Act. Beyond that, the events surrounding the little fish and its habitat have become object lessons in how the media can miss a story by focusing on the dramatic and failing to look beneath the surface.

The latest example of the curse of the snail darter finds Attorney General Griffin Bell in jeopardy of violating the law he argued against in the Supreme Court at the end of April. Judge Bell held

Kennedy P. Maize is a frequent contributor to *Environmental Action*.

When Congress passed amendments to the Clean Air Act in 1977, an EPA-chaired interagency committee was set up to plan and coordinate ozone-depletion research. The group has met only once.

EPA, however, has taken at least one unusual step in its campaign to end unnecessary CFC use.

According to testimony presented before EPA public hearings, U.S. production of CFCs for "non-aerosol" purposes in 1973 led to atmospheric CFC releases totalling approximately a quarter of a million tons. That's a lot of chemicals, and a lot of economic clout. So EPA came up with the rather novel idea of "auctioning off" what it calls "marketable permits" to produce, use, or emit non-aerosol ozone-depleting chemicals. The scheme, EPA says, "would allow the marketplace, not the government, to decide which uses should continue and which should be curtailed."

The auction concept (similar to one already in use within EPA's air pollution division—companies are allowed to sell agreements to reduce emissions to other companies wanting to increase their emission levels) has caught environmen-

talists by surprise. Suede Gibbons, who works with the Natural Resources Defense Council, says that there should be a way to assure that industry "truly reflecting consumer demand" when it bids for permits. Foremost in her mind is the size of the ozone depletion pie which EPA may be dividing. The government reports that within the next three decades, ozone depletion could soar to 16 percent, even if releases of the most hazardous chemicals were to stop today. So marketing permits aside, it will be some time before NRDC's goal of only 1 percent ozone depletion is achieved.

There are two particularly disturbing aspects to the situation, Gibbons says. One is that there is no incentive for industry to search for substitutes, and another is that most of the world's nations refuse to budge on even the superfluous aerosol uses. They say they're waiting for more evidence.

What does it all mean? Hold onto your hats, folks. Grab those "efficacious sun-screens" and get your anchovies while they last. Ozone depletion is coming and it doesn't look—right now at least—like we're going to do anything soon to try to stop it.

COMMENT

*On how the press got
snookered by the snail darter*

Kennedy P. Maize

up a glass vial containing a dead snail darter during the oral argument on whether the Tellico Dam project should be stopped by the Endangered Species Act. He drew a burst of laughter from the chamber.

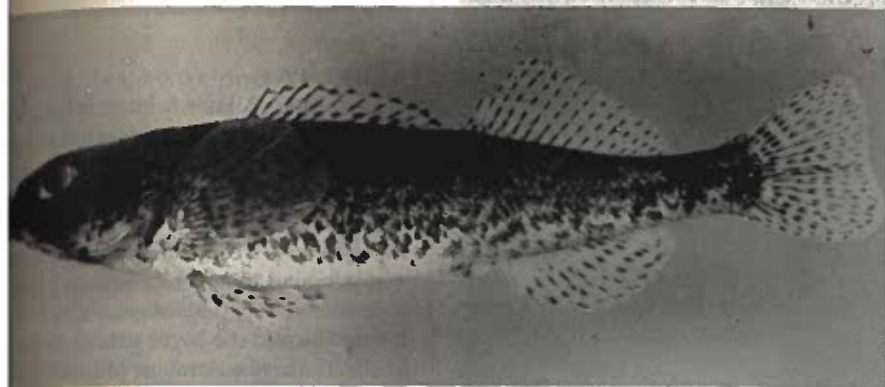
But it's illegal to possess an endangered species, dead or alive, without the proper permit issued by the Interior Department. A legal eagle—not the endangered kind—suspected that Bell did not have such a permit. Upon checking,

it turned out he didn't. Of course, Interior won't press charges. But it's an embarrassment, nonetheless.

The entire Tellico Dam case ought to be an embarrassment—to TVA, to the Carter Administration and to the press. There has been more misinformation, more bureaucratic arrogance and more sheer pigheadedness displayed in this case than in any other environmental dispute I can recall.

The average, well informed American probably has an idea of the conflict over the Tellico Dam. Most people probably understand the story as the case of a small, insignificant minnow that is tying up a \$100 million hydroelectric project. It is just another case of selfish environmentalists who care more about fish than people. So they endanger jobs, deny power and increase the risk of flood for the people of Tennessee. That's the way you'd understand it if you watch network news or read *The New York Times*.

But, to creatively paraphrase Walter Cronkite, that isn't the way it is. It's



Snail darter

me to get it on the record, as clearly as possible, what Tellico Dam is really about. In doing so, we can take another look at the alleged threat that the Endangered Species Act poses to progress, justice and, underneath it all, profits.

Tellico Dam is a land speculation scheme. That's all. Pure and simple. Here are the facts. Beginning in 1966, TVA began buying up land around the Little Tennessee River. Using its condemnation powers, the federal power agency purchased 38,000 acres, forcing some 200 farm families out of their ancestral homes, many of them on prime agricultural land. The idea was to build a concrete and earth dam that would create a 6,000-acre recreational lake. The remaining 22,000 acres would be resold at substantial profit for industrial, commercial and residential sites. The lake would increase the value of the land, though it would also flood 14 historically and archeologically valuable Cherokee Indian village sites. The Boeing Corporation, using congressional subsidies, would develop a new town for TVA, to be called Timberlake—40,000 estimated population. Boeing withdrew in 1975 when Congress refused to subsidize the project any further, but land sales are still what TVA has in mind for the land.

The electrical power aspect comes in because TVA has used it to obscure the land speculation. TVA has told the press that the project would generate "200 million kilowatt hours" of electricity. Let's examine that. First, there will be absolutely no electric generators in the dam. There will be a 100-foot wide canal between the Tellico impoundment and the nearby Ft. Loudon dam, which does have generators. The flow from the Little Tennessee would increase the power

generated by the Ft. Loudon dam by about 200 million kilowatt hours. How much is 200 million kilowatt hours? Not much at all, a mere drop in the lake. It represents less than two-tenths of 1 percent of what TVA generated last year (and sold for a profit, we should note). No matter how you cut it, Tellico Dam isn't a power project.

Knowing the real dimensions of the Tellico Dam project, we can properly consider whether it is worth the elimination of the snail darter from the face of the earth. It's a perfectly legitimate question. There may well be cases when public need requires extinguishing a species. The purpose of the Endangered Species Act of 1973 is to raise those issues, and get them resolved in a public fashion by the representatives of the public—the Congress. Making that hard decision requires that all the partners in the discussion understand the facts and base the decision on reality. But in the Tellico Dam case, TVA propaganda has thus far set the terms of the debate. It's a whole lot easier to defend a power project than it is to defend land speculation, the flooding of prime agricultural land, the destruction of important archeological and historic sites and the elimination of a unique form of life.

The entire episode reflects nothing but discredit on TVA, once the example of government truly serving the people but now a rogue agency running wild. The law requires a federal agency to consult with the Interior Department on alternatives when it discovers that one of its projects will endanger a species. TVA officials have refused to do that at every turn. They have tried to equivocate, evade, mislead and stonewall. My sources in the Interior Department indicate that TVA's compliance with

the law can only be described as "bad faith."

How, then, does the Attorney General find himself before the U.S. Supreme Court arguing TVA's case? The question is particularly important because the Interior Department filed a brief opposing TVA. When he found out that Interior opposed TVA, Bell felt he had made an earlier commitment he had to honor. Bell personally argued the case because Solicitor General Wade McCree, who would normally deliver the argument, was one of the judges who ruled against TVA in the case that was being appealed from the 6th U.S. Circuit in Detroit.

Justice Department observers reported that some folks are beginning to refer to the Attorney General as "Bad Judgment Bell."

Among the more egregious nonsense that is being written and broadcast about Tellico Dam is that it may be the first of a wave of cases using the Endangered Species Act to stop important public works projects. That is not going to happen. Most projects don't threaten animals and plants listed on the Interior Department's index of endangered species. Projects that do pose such a threat can usually be altered. Even the famous case of the furbish housewort, which is usually cited as the companion case to the snail darter, probably won't be used to stop the Dickey-Lincoln project. That monstrosity is on the verge of falling on its own merits—or lack thereof.

All of the misinformation about Tellico Dam and the snail darter has resulted in a major threat to the Endangered Species Act. Some in Congress want to amend the act so that bureaucrats would make the life-and-death decision about endangered species. Such legislation would represent a clear statement that Congress no longer values life as highly as it did in 1973. It's not unusual for Congress to preempt the easy and popular decisions, leaving the hard ones to the bureaucrats. But doing that with endangered species would be a mistake, if for no other reason than the fact that the 1973 law works just fine. The problem isn't the Endangered Species Act of 1973. The problem isn't the snail darter. The problem is TVA, and if Congress feels a need to pass legislation, they might look in that direction. It would be a fitting memorial to the curse of the snail darter. □