

errors, Con Ed, in a press release, put the blame on "legislative, regulatory and environmental opposition" that thwarted its efforts to build generating plants in New York City, a pumped storage plant

along the Hudson River, and new transmission lines that would have provided alternative routes for power after the lightning struck. None of the other investigations, except for a preliminary feder-

al report that was later reversed, accepts that excuse. On the matter of building plants in the city, for example, investigators point out that Con Ed had enough unused generators in the city to meet the

Briefing

Water Projects: President Facing a Defiant Congress

President Carter has run into still more trouble on Capitol Hill over water projects policy reform, and the question arises whether this time he will back up his policies with one or more stiff veto messages to a seemingly defiant Congress. Last year, after first coming on strong with his "hit list" of projects he proposed to stop, the President compromised with congressional leaders and signed a public works money bill that continued a number of the projects which the Administration had found economically and environmentally unsound.

Now it turns out that House and Senate conferees have approved a public works bill that breathes new life into six of the water projects that were struck from last year's bill as part of the President's bargain with the powers-that-be on the appropriations committees. Moreover, these committees, together with those that handle the public works authorization bills, have taken other actions which fly in the face of Carter's proposals for reforming the policies under which water projects are planned and justified.

For instance, short shrift was given the President's proposal that the interagency Water Resources Council chaired by the Secretary of the Interior be assigned a strong role in reviewing project plans of the Corps of Engineers and other construction agencies to make sure they are consistent with established policies and have undergone rigorous and impartial benefit-cost analysis. Under the appropriations bill, funding for the council would be cut off while at the same time money for some 2300 additional employees for the two major construction agencies, the Corps and the Bureau of Reclamation, would be provided.

Also, whereas the President had proposed that the states be made to bear a larger share of project cost as a way of drawing them deeply into the politics of project planning and justification, the authorization bill reported out of the House public works committee would actually waive the nonfederal share of the costs

for a long list of channel dredging projects and for some water supply facilities. In addition, this measure would have Congress simply declare that certain plans (such as open sea disposal of spoil from the Gulfport Harbor project in Mississippi) are cost-effective, however they might show up under formal benefit-cost analysis.

Taking note of all this, Representative Robert W. Edgar, a 35-year-old Democrat from Pennsylvania and a junior member of the public works committee, has referred to the bill as a "symbolic nose-thumbing at the President's proposed water policy." Another young dissident on the committee, Representative David E. Bonior, a freshman Democratic congressman from Michigan, has pointed out that nearly half of the projects in the bill, representing more than a half billion dollars of proposed construction, have not even received the approval of the Chief of Army Engineers, which traditionally has been a prerequisite for congressional approval.

The White House has made it clear that the President will veto the public works money bill this year, and has indicated that he may very well do the same in the case of the authorization bill. But there is a question as to just how tough he will be in setting forth what he will and what he won't accept. In the opinion of some, such as Brent Blackwelder, lobbyist for water policy reform on the staff of the Environmental Policy Center, the public works committees will have played Carter for a fool if he lets them get by with a few token concessions, such as eliminating the six projects which supposedly were killed last year.

Blackwelder puts forward the somewhat paradoxical idea that the deterioration in relations between the President and Congress really began in earnest last year with Carter's decision not to veto the public works money bill. "The message the members got," he observes, "was twofold. First, 'Carter won't stand behind you if you go out front to support his position [as several members did]. He'll cut you off at the knees without even consulting you.' The other message members got was, 'You apply the screws to Carter, and he backs off. He is weak

and not a leader.' So it was doubly damaging." In Blackwelder's view, as in that of many other observers on Capitol Hill, Carter had now best act quickly, in matters of water policy reform as well as in other policy areas, to erase the messages of the past and send out some forceful new ones.

Alaska Lands: Senate Panel Tilts More Toward Development

The Alaska lands bill expected to be reported out of the Senate Committee on Energy and Natural Resources after Congress returns from its Labor Day recess will reflect far less emphasis on wilderness preservation than the measure that has been passed by the House of Representatives. Indeed, the measures will be so far apart that whether an Alaska lands bill can be enacted before Congress adjourns in October is in doubt.

The House bill, which is generally consistent with what the Carter Administration and the environmentalists' Alaska Coalition have proposed, makes some concessions to development interests but would nevertheless preserve several large regional ecosystems intact as undisturbed wilderness. For example, neither mining nor oil and gas development would be allowed in either the proposed Gates of the Arctic Wilderness National Park (to cover an area half again the size of Massachusetts) or the enlarged National Arctic Wildlife Refuge (to cover an area larger than West Virginia). Under the Senate committee bill, on the other hand, substantial parts of these areas would be classified for "multiple use" management, with mining, oil and gas development, and construction of roads a possibility.

Senator Ted Stevens of Alaska has exercised a major influence on the committee during "mark-up" sessions on the bill. Reflecting what seems to be the pro-development attitude of most nonnative Alaskans, Stevens has insisted that the park and refuge boundaries and land use classifications not constrain mining and oil and gas development. To take the

crisis—they simply did not work in time.

The three government reports primarily blame Con Ed, although they emphasize different sins of omission and commission, and some find other culprits as well.

However, all three agree that the blackout could and should have been avoided.

The Federal Energy Regulatory Commission argues that the “single most im-

portant” immediate cause of the blackout was the failure of the system operator to take corrective action by promptly shedding load or increasing generation within the city. It considers the blackout

Briefing

specific example of the Gates of the Arctic Wilderness Park of 8.1 million acres which the House bill would create, Stevens prevailed upon the committee to provide for a park of 4.5 million acres in two separate units, split by a 2.7-million-acre “preserve” to accommodate sports hunting and bordered on the south by “national recreation areas” in which mining and haul roads could be allowed.

Mining companies such as Anaconda and Kennecott have numerous claims scattered over the heavily mineralized belt on the south slope of the Brooks Range, and they do not want their exploration and development activities hemmed in or impeded. Stevens and the committee have been of a mind to give them what they want.

In light of the different philosophies that have been at work in the Senate and House, the outlook is for a lot of hard, difficult bargaining once the legislation goes to conference, if indeed it gets that far this year. Senator Mike Gravel of Alaska, who thinks Senate conferees would yield too much to the House, has vowed to try to block Senate action by filibustering. For its part, the Alaska Coalition would prefer no bill this year to the one which the Senate committee is about to report.

Environmental Lobbyists Quarrel over Endangered Species Act

A fierce but little-noted dispute is now going on within the environmental community in Washington over what posture environmental lobbyists should assume in the face of the clamor in Congress to amend the Endangered Species Act of 1973, which expires this fall. Things have reached such a pass that some environmental leaders are accusing others of having stabbed them in the back.

The Endangered Species Act (ESA), together with the hotly debated issues to which it is giving rise, is in fact such as to make this community a den of quarrelsome lions. As the ESA is now written, and as interpreted by the Supreme Court in its recent ruling in the snail darter case, the act imposes an absolute bar to any federal project that would extinguish any

species of plant or animal listed by the U.S. Fish and Wildlife Service (FWS) as endangered.

Congress, which loves the middle ground, almost certainly would not have enacted the ESA in so absolutist a form had a majority of the members understood what they were doing. And it is now virtually a foregone conclusion that the act will not be extended without change but rather will be amended to allow for at least some exemptions or exceptions.

Indeed, as it stands, the ESA is such strong medicine the FWS has shied away from listing many species that are endangered. Moreover, environmental groups have on at least one occasion chosen not to invoke the ESA in court for fear of intensifying the pressures in Congress to weaken the act. Last winter a group of environmental leaders decided out of political caution not to bring suit to stop the TVA's Columbia Dam project on the Duck River in Tennessee even though this project could extinguish some five species of mussels already listed as endangered.

Environmental lobbyists had been girding themselves to fend off an attack on the ESA when, last spring, Senator John Culver (D-Iowa) and Senator Howard Baker (R-Tenn.) of the Committee on Environment and Public Works put forward a proposal to amend the act. While their proposed amendment would allow some projects to be exempted, its intent was to keep federal construction agencies on their mettle not to threaten rare species if it can possibly be avoided. It would (*Science*, 4 August) set up a Cabinet-level council that could grant requests for exemptions—but only by a “super majority” of at least five of the seven votes on the council and after determining that the construction agency has consulted in good faith with the FWS in an effort to resolve the problem.

Although the environmental groups continued to view the proposed Culver-Baker amendment warily, many of their lobbyists kept in close touch with the senators' staff people and some concluded that this proposal represented the best hope of saving the ESA and maybe even improving on it.

Ann Graham, a lobbyist for the National Audubon Society, decided that the

Culver-Baker amendment deserved a forthright expression of public support. On 17 July, as the Senate was taking up the Culver-Baker amendment, Elvis J. Starr, president of Audubon, wrote Senator Culver praising the amendment and observing that in its present form the ESA is “so rigid” as to make for a “growing timidity” in its use on the part of environmentalists. The amendment was passed 2 days later by 94 to 3 (opinions differ as to whether other changes made on the floor were of much consequence, but Audubon believes they were not). The National Wildlife Federation and the Nature Conservancy has since joined Audubon in endorsing the Culver-Baker approach, but some groups identified with an umbrella environmental organization known as Monitor have assailed Audubon bitterly.

In a letter to Starr, Tom Garrett of the Defenders of Wildlife said that he was “fairly injured” to “divisiveness and backstabbing within the conservation movement.” But, he added, it was absolutely shocking that Starr would have placed in Senator Culver's hands such a letter and thereby undercut proposals to extend the ESA without amendment or, at a minimum, to exclude even the possibility of exemptions for most projects had already well under way. Garrett said that if Audubon persists in “undercutting the rest of the [conservation] movement by promoting the Senate bill in the House, another disaster could be in the offing.”

“If this happens, Elvis,” warned Garrett, “it is predictable that the movement will become embroiled in still another internecine war, probably the biggest and worst so far.”

The oddest thing about this family quarrel is that many environmental lobbyists know that they do not now have, and probably have never had, any politically realistic alternative to the Culver-Baker amendment (either as it stands or perhaps in some modestly improved version). Indeed, despite all the bitter talk, the ESA legislation now emerging in committee in the House is likely to resemble the Senate-passed bill and to have at least the tacit support of most environmental groups when it comes to a floor vote, including at least some if not most of those that belong to Monitor.

Luther J. Carter