

Environmental Case Study

The Snail Darter versus Tellico Dam

In the 1970s, a paperclip-sized fish in Tennessee made national headlines and helped establish national environmental policy. The controversy arose because construction of the Tellico Dam on the Little Tennessee River threatened to eradicate the only known population of the snail darter (*Percina tanasi*), a tiny member of the perch family (fig. 24.1). The dam, which was being built by the Tennessee Valley Authority (TVA), was intended to promote economic development, control floods, and provide recreation. Opponents had fought against this project for years, claiming that the dam wasn't needed, cost too much, offered insufficient benefits, and would destroy forests, wildlife habitat, family farms, Native American archeological sites, and already rare free-flowing sections of river in the area. None of these arguments dissuaded the TVA, however, which had already built more than 65 dams and impounded 4,000 km (2,500 mi) of rivers in the Tennessee and adjacent watersheds.



Figure 24.17 Mediation encourages stakeholders to discuss issues and try to find a workable compromise.

The Tellico Dam was roughly 85 percent complete (at a cost of about \$80 million) in 1973 when an aquatic biologist discovered a new variety of darters living in shallow shoals at Coytee Springs, just upstream from the dam site. As far as biologists knew at the time, the total population of only a few hundred animals confined to the clear, cool, rapidly flowing currents and rocky habitat of this particular stretch of river were the only living examples of their species. Their absence from nearby deeper sections of the river suggested that if the dam were completed, the snail darters probably wouldn't survive in the deep, still reservoir the dam would create.

Shortly before discovery of the snail darter, Congress had passed—and President Nixon had signed—a revision of the Endangered Species Act (ESA) directing that federal agencies “shall insure that actions do not jeopardize the continued existence of endangered species or result in the destruction or modification of habitat . . .” This new version of the ESA also allowed citizen intervention on behalf of endangered species. Anyone can petition the Fish and Wildlife Service to study a species for listing as threatened or endangered. If scientific evidence shows that the species or its habitat are threatened, ESA protection takes effect.

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While the snail darter was being studied for endangered species status, the TVA was ordered to suspend dam construction. In 1975, the snail darter was declared an endangered species. A landmark series of court cases ensued, challenging the legality of halting such an expensive project to protect a fish with “no economic or recreational value.” Howard Baker, the senior senator from Tennessee said, “We didn’t intend this Act to protect cold slimy things, but rather warm fuzzy things like eagles and polar bears.” This case eventually made its way to the U.S. Supreme Court, which ruled in 1978 that the “plain intent” of the law is to save species from extinction “whatever the cost.”

In response, Congress amended the ESA to create a committee known as the “God Squad,” which can exclude species from protection if it deems that economic benefits outweigh species value. To the dismay of its sponsors, this committee agreed with the courts that protection of the snail darter should take precedence over Tellico Dam. The Tennessee congressional delegation responded by slipping a rider into an appropriations bill exempting the Tellico Dam from the ESA. The TVA then completed the dam, destroying all the then-known snail darter habitat.

As it turns out, several other small, isolated populations of snail darters have been discovered elsewhere in the Tennessee River since the dam was finished, and their status was downgraded in 1980 from endangered to threatened. The Tellico Dam is now 25 years old, but most of the economic benefits its promoters claimed have yet to be fulfilled. The “God Squad” has very rarely been called on to exclude a species from ESA protection. Still, this case was an important test of the ESA. It raised questions about whether our policy should be to protect all species or only warm, fuzzy, appealing ones. Do human needs and economic interests take precedence over preservation of biodiversity? How much sacrifice are we willing to make to protect economically insignificant organisms?

The ESA continues to be one of the most contentious environmental policies in the United States. Conservatives complain that it tramples on property rights and impedes businesses. Conservationists regard it as the most powerful tool at their disposal to protect environmental quality. Both sides call for revisions of this important act, but their intents are diametrically opposed. Property rights advocates want to weaken or eliminate the ESA altogether, while conservationists want it to focus on endangered ecosystems and biological communities rather than single species.

This case study illustrates the interactions between the legislative, judicial, and administrative branches of government, and the struggles to form and implement environmental policies in the face of competing interests and values.