

Chapter 1 : Snail Darter Politics | HuffPost

The snail darter controversy involved the delay of the construction of the Tellico Dam on the Little Tennessee River in On August 12, , University of Tennessee biologist and professor David Etnier discovered the snail darter in the Little Tennessee River while doing research related to a lawsuit involving the National Environmental Policy Act (NEPA).

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Chapter 2 : The Snail Darter Case : Kenneth M. Murchison :

The Snail Darter Barclay, www.nxgvision.com Snail Darter Chart. www.nxgvision.com Barclay, L. website. During the construction of the Tellico Dam on the Little Tennessee River, people discovered a fish that would be endangered by this dam.

Table of contents for The Snail Darter case: Bibliographic record and links to related information available from the Library of Congress catalog. Contents data are machine generated based on pre-publication provided by the publisher. Contents may have variations from the printed book or be incomplete or contain other coding. The Supreme Court Decision toc2: New Environmental Protections toc2: The Discovery of the Snail Darter toc2: Battle before the Supreme Court toc2: Completion of the Dam toc2: The Snail Darter and the Tellico Dam: A Complicated Legacy toc4: In , a very small endangered species of fish found itself swimming in a pond filled with very big fish. There were very big fish in the same waters. Set up forty years earlier by the federal government to provide rural electrification, clean water, and flood protection, it had long since become privatized and now looked for new prey--gobbling up farmland and Indian sites to promote recreational facilities for developers. They filed lawsuits to save their homes and ancestral burial places. On the verge of losing, they found a new ally. A zoologist serving as an expert witness for the opponents of the dam went snorkeling in the waters one day and identified in them a new and rare species of perch that he named the snail darter. Environmentalists well schooled in American politics as well as law had pushed the Endangered Species Act through Congress, and with that came hope for all the little fish. The struggle still seemed uneven. The TVA was a giant in the public relations field and had many friends in the business community and in Congress. Local historical groups and individual farmers were swallowed whole by the TVA. A challenge in the courts looked hopeless, given the precedents. The TVA had long since vindicated its power to take by eminent domain from private owners, paying them the market price, whether or not they wanted to move. But the courts and Congress were rethinking the nonmarket values of land, including the impact on the environment of damming rivers and draining marshes. By the s, federal law required environmental impact studies prior to new construction and gave to federal judges the authority to enjoin projects that might lead to the extinction of endangered species. The waters of this pond were becoming cloudier, and the TVA was having trouble seeking out its prey. Kenneth Murchison has told this story far better than we can, with a sensitivity to all its nuances. With clarity and fair-mindedness, he explains how the TVA grew, how the environmental legislation works, and how administrative agencies, courts, and committees of Congress have done their parts. Step by step he translates very technical legal and scientific arguments into easy-to-understand texts and adds anecdotal touches to humanize the account. He lays out the injunctive power of judges and how judges try to balance interests, costs, and anticipated gains in framing their commands to the parties, and how one federal district court judge struggled with the case. He does not neglect the parallel story in Congress, for while the courts heard testimony, Congress was holding hearings of its own. Indeed, the story of the snail darter and the Tellico Dam provides a superb example of the interconnection of legislation and judicial action. There is a hero, too, an academic one, Zygmunt Plater, a law professor whose wisdom and doggedness grace the middle portions of the book. So often law professors seem to be part of the system, teaching tactics in clinical courses or advocacy or dry rules, that one forgets how much a law professor can do to change law. Plater, like Murchison, understood that the litigation was about more than a rare species of fish. It was about how we govern ourselves, about who speaks for the powerless, and what law can do to save us from our own worst instincts. Plater would lose in the district court, win in the circuit court of appeals, and argue the case before the U. He allows us to think along with the members of the Court, seeing the politics behind the law and the way that law spurred political responses outside the courtroom. Fish and Wildlife Service played a key role, placing the new species on the endangered list and reporting that the Little Tennessee was their only habitat. Though members of the High Court would find some wiggle room in the statute, and one justice would find no grounds for injunctive relief at all, the Court gave a temporary reprieve to the tiny perch. But this was not the end of its tale. Again, judicial decisions and

legislative enactments crisscrossed, as the story wound to its close. The result was a combination of administrative, judicial, and legislative oversight--in short, the separation of powers working in characteristic American fashion. In the end, the Indians lost their burial sites, the farmers lost their holdings, the fishermen lost their trout streams, and the TVA never realized the economic gains it promised. Only the upscale developers won. They bought the lakeside properties and resold plots to wealthy buyers. In effect, the TVA had transferred the land from its poor owners to rich buyers. This is a cautionary tale told by a master of its detail and its implications. Library of Congress Subject Headings for this publication: Endangered species -- Law and legislation -- United States -- Cases. Wildlife conservation -- Law and legislation -- United States -- Cases. Endangered species -- Government policy -- United States. Environmental law -- United States. Endangered Species Act of National Environmental Policy Act of

Chapter 3 : The Snail Darter Case: TVA Versus the Endangered Species Act by Kenneth M. Murchison

"I lived the legal saga of the snail darter for six years, and so understand better than most just how effectively Murchison has explored and analyzed that case's remarkably complex and shifting agglomeration of law, politics, institutional history, and environmental consciousness.

And, as predictably as water flows downstream, these politicians are looking for oddly-named and seemingly insignificant creatures to cast as villains. Thus, in a February 5, speech on the floor of the U. House of Representatives, Congressman Devin Nunes R-CA referred to the threatened delta smelt as "the stupid little fish" whose protection is causing Central Valley farms to dry up and wither away. Call it snail darter politics. Remember the snail darter? For that, you will need to turn to a terrific book, *The Snail Darter and the Dam: B Plater* Yale University Press Plater, now a distinguished law professor at Boston College, was the lead attorney in the fight to save the Little Tennessee River, the last undammed river in the Tennessee River basin. The river was, at the time, the only known habitat of the endangered snail darter, a minnow-sized member of the perch family. In addition, the Little Tennessee was part of the sacred homeland of the Cherokee and, later, numerous families farming the rich bottomlands along the river. Despite this, the free-flowing Little Tennessee was marked for extinction by the construction of Tellico Dam. As Plater eloquently describes in his book, Tellico Dam made neither environmental nor economic sense, but that did not deter either TVA or Congress from pouring millions of dollars into the project. Standing up to TVA was a small but determined group of farmers, anglers, scientists, law students, and activists, represented by Plater. Over a few years, this group, with assistance from a few national conservation organizations including, I am proud to say, my organization, American Rivers, learned to navigate the corridors of power in Washington to press their fight to save the Little Tennessee River and the snail darter. Eventually, the case went all the way to the U. Supreme Court which, in a landmark decision in *TVA v. Hill*, held that by enacting the Endangered Species Act, Congress intended endangered species to be given the highest priority, even above completion of a nearly-finished multimillion dollar dam. Thus, it appeared that the snail darter had won and the Little Tennessee River was saved. When the Committee met to consider an exemption for Tellico Dam, it quickly determined that the project was an economic loser, quite apart from its environmental cost, and denied the exemption. The Little Tennessee River was lost and, although the snail darter was transplanted to other streams and found in a few others, the clean, free-flowing river in which it evolved was destroyed. In the nearly four decades since the Little Tennessee River was lost, the real story of the river and its value to the farmers who lived along it, the Cherokee who held it sacred, and the anglers who traveled for miles to cast a fly in its clear, trout-rich waters, has been largely forgotten. In its place, the fight to save the snail darter has been lampooned as the archetype of environmental extremism, putting the needs of a tiny fish over those of people. As global climate change continues, we will see more frequent and more severe droughts, reduced river flows, and greater conflict over leaving sufficient water in rivers to sustain fish and wildlife and the rivers themselves. Whenever there is conflict over a river, and how its water should be used, the ghost of the snail darter looms again. It is convenient for those who favor damming and diverting water from our rivers to paint a picture in which the choice is for either people or fish, particularly if it is just a "stupid little fish" like the snail darter or the delta smelt. As these conflicts deepen, it will be increasingly important to remember that the fight over the snail darter was more than just a fight to save a tiny fish. It was a fight to save a river, one that was itself endangered and crucial to the lives, livelihoods, and heritage of the people who loved it. Thus, the true lesson of the snail darter is that when we fight to save a river, we fight to save part of ourselves.

Chapter 4 : The Snail Darter Case

In , 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.

The Dam would bring jobs to the area and bring needed useful water to the area as opposed to the shallow and fast moving river the residents currently had. The Congressional Purpose of the Act was to protect endangered animal life. The ESA authorizes the Secretary of the Interior to declare an animal species endangered and to identify the critical habitat of the creatures. When an animal is designated endangered, government agencies must do everything it can to protect the animal from extinction. The policy was bold. The language was clear. The US Government would take all steps necessary to ensure the survival of all animal species. Also in , Dr. David Etnier discovered a previously unknown fish, the Snail Darter. Etnier estimated there were only 10, to 15, of the species left in the world. Etnier brought the status of the Snail Darter to the attention of environmentalists. Congress was not at all happy, especially the members of Congress from Tennessee and surrounding areas. The Dam meant jobs, electricity and other improvements in the area. Congress immediately approved funds for completion of the Tellico Dam and passed legislation stating that the ESA does not prohibit construction already in process. The trial Court refused to issue the injunction finding that the project was too far along and Congress could not have intended to cease construction of projects already in process. The Court Of Appeal held that the Court was not in the position to determine the current project status and the status was irrelevant in determining the social and scientific costs of allowing a species to go extinct. The Court held that the construction of the Tellico Dam was a clear violation of section 7 of the ESA because its completion would eradicate an entire species. The Court held that Congress was clear in the ESA that the survival of Endangered Species was of utmost importance and demanded that everything must be done by the Government to ensure the survival of a species. The Court noted that this meant halting construction of the Tellico Dam even though money and resources had already been spent. The Court held that because the value of an endangered species was incalculable the cost to ensure their survival outweighed the costs already expended on the Tellico Dam. Why save the life of a tiny little mud fish nobody knew existed and waste millions of dollars and stop the improvement of the Tennessee valley? The first answer is the Congress of the United States passed legislation stating in clear terms that this should be result. The ESA is clear, the survival of endangered species has the highest priority and government agencies were mandated to take all action to protect these creatures. Since the case of the snail darter the ESA has been amended to add softer language and give the ability to alternative habitats for the creatures. Sure, animals go extinct in the wild every day and humans should intervene when nature selects creatures for extinction. Big Dam; Little Fish. There is the contradiction from Congress itself: There is the contradiction of the science itself. After the case was over it was discovered that there are many different types of snail darters and they are abundant enough to be taken off the Endangered Species list. The only thing that remains constant is human beings need to take a step back and determine what our actions have on nature. The ESA through the NEPA process ensures that we pause to try to realize the consequences of our actions before we learn them the hard way.

Chapter 5 : Table of contents for The Snail Darter case

The Snail Darter Case has 3 ratings and 1 review. Frank said: Though there's a substantial amount of padding, and a wealth of unnecessary or irrelevant d.

Background[edit] History of Endangered Species Act[edit] Passed by Congress a large majority in vote and signed by Present Richard Nixon on December 28, [3] with the purpose of protecting and recovering "imperiled species and the ecosystems upon which they depend," [4] the Endangered Species Act provides the strongest federal protection against species loss. The Endangered Species Act requires federal agencies to evaluate if actions taken or permitted by the federal government may harm listed species or the continued existence of listed species or their critical habitat. Once a species is listed as "endangered" or "threatened," the ESA prohibits the "taking" of listed animals and plants which makes it unlawful "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct. At the time of its creation, its mission was to help strengthen economic development of the Tennessee River basin, a region hit with high unemployment where the per capita income was less than half the national average. TVA argued that the project would provide recreational benefits and allow for real estate development along the reservoir. Hiram Hill, et al. Hiram Hill was spending time with Dr. David Etnier, a biologist and professor, who had discovered the snail darter while scuba diving in the Little Tennessee River. Hill brought the snail darter to the attention of Zygmunt J. Plater , a law professor, and asked if the completion of the Tellico Dam and the potential effect on the fish under the Endangered Species Act would be a suitable topic for an environmental law paper. Taylor of the Eastern District of Tennessee to cease dam construction for 16 months until an environmental impact statement had been written. After the discovery of the snail darter, Hiram Hill, Zygmunt Plater, and local attorney Joseph Congleton [10] submitted a petition to the Fish and Wildlife Service to list the snail darter as endangered. In the Federal Register , the FWS ruled that the species was indeed endangered and designated mile 0. On February 28, Hill et al. Judge Taylor presided over the case and on May 25, he found that the dam would eliminate the fish and its habitat, but he refused to consider balancing the alternate development of the river, and refused to enjoin completion of the Tellico Dam. Issues[edit] It was not disputed by either party that the completion of the dam would eradicate the known population of snail darters. The two issues of the case were as follows: And, if so Whether an injunction is required to halt construction of the dam. Arguments[edit] Arguments against an injunction[edit] On April 18, TVA argued that an exception to the Endangered Species Act should be granted for balancing of equities. TVA argued for an exception to be made in this case since the dam was started prior to the Endangered Species Act being passed and claimed it should be grandfathered in. Arguments for an injunction[edit] Section 7 of the Endangered Species Act offers no exceptions to the jeopardizing of the continued existence of listed endangered species or their habitat. Endangered species should be afforded the highest of priorities no matter the economic costs. Burger affirmed that the Endangered Species Act is very clear in its wording: One would be hard pressed to find a statutory provision whose terms were any plainer than those in 7 of the Endangered Species Act. This language admits of no exception. Based on the wording of the Act, Congress viewed the value of an endangered species as incalculable. Until Congress decided otherwise, the courts should enforce the law, not allowing violations to continue. I view it as the duty of this Court to adopt a permissible construction that accords with some modicum of common sense and the public weal. Powell thought it rationally followed that since the dam construction began before the ESA was passed, the statute did not apply to projects already underway. Here the District Court recognized that Congress, when it enacted the Endangered Species Act, made the preservation of the habitat of the snail darter an important public concern. But it concluded that this interest on one side of the balance was more than outweighed by other equally significant factors. He agreed that TVA was in violation of the Endangered Species Act, but thought there should be a balancing of equities in this case. Just because they could issue an injunction, does not mean they had an absolute duty to do so. Subsequent developments[edit] Congress amends the Endangered Species Act[edit] .

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The Snail Darter Case: TVA versus the Endangered Species Act by Kenneth M. Murchison With the discovery of a tiny fish in a soon-to-be-flooded stretch of the Little Tennessee River, construction on a dam that had already cost taxpayers \$ million came crashing to a halt.

Appropriations committees in both the House and Senate had taken a strong position against the snail darter. A Senate Appropriations Committee report stated: This committee has not viewed the Endangered Species Act as preventing the completion and use of these projects which were well under way at the time the affected species were listed as endangered. The case eventually reached the U. Hill , U. The pointed omission of the type of qualified language previously included in endangered species legislation reveals a conscious congressional design to give endangered species priority over the "primary missions" of federal agencies. When voting on appropriations measures, legislators are entitled to assume that the funds will be devoted to purposes that are lawful and not for any purpose forbidden. A contrary policy would violate the rules of both Houses of Congress, which provide that appropriations measures may not change existing substantive law. Completion of the Tellico Dam project would violate the Act, so the Court of Appeals did not err by ordering the project to be enjoined. Congress has spoken in the plainest words, making it clear that endangered species are to be accorded the highest priorities. Since that legislative power has been exercised, it is up to the executive branch to administer the law and for the Judiciary to enforce it when, as here, enforcement has been sought. According to Burger, this would force the court "to ignore the ordinary meaning of plain language. Congressman John Duncan, Sr. Duncan had been a long-time congressional supporter of the project. On the other hand, Baker was a very late comer to Tellico. As it would turn out, however, he would play a critical role in the future of the Little Tennessee River valley. Howard Baker was a leading sponsor of an amendment to the Endangered Species Act that was passed into law in November The idea was to create a mechanism whereby a specific project could be excluded from the Endangered Species Act. If a controversy arose, the amendment called for the creation of a special committee consisting of various Cabinet level members and at least one member from the affected state where the project in question was located. It came to be known as the "God Committee" because if they exercised their power to exempt a project from the act, they were in effect acting like God and destroying an entire species. There was a fear in Congress that many projects in the country would be affected by litigation as biologists might set out to discover obscure species, including insects or even micro-biotic life forms. The proponents of the "God Committee" amendment saw it as a way of keeping the Endangered Species Act alive. According to the Burger opinion, U. Endangered Species laws at that time "represented the most comprehensive legislation for the preservation of endangered species ever enacted by any nation". Instead of granting Tellico an exemption from the Endangered Species Act, the committee voted unanimously in favor of the snail darter. The reservoir project deserved to be killed on its own merits. Such models require some underlying assumptions. Congress had updated and strengthened the Endangered Species Act in Tellico Dam opponents had successfully sued under the provisions of that law to stop the dam. The Supreme Court had stated that as written, it was clear that Congress intended to protect all species including the snail darter. In Congress amended the law with the case of the snail darter specifically in mind. Baker then drafted an amendment that excluded the Tellico project from the Endangered Species Act, along the lines initially suggested by the federal courts. Duncan got the amendment passed by the House on June 18, , on a voice vote. The vote became infamous among dam opponents. Baker introduced the amendment in the Senate on July 17 and was defeated on a vote of Undeterred, Baker reintroduced the amendment in September. Baker spoke in favor of his amendment on the Senate floor: President, I hope this is the last time around. I hope we can resolve this issue once and for all, and I hope reason will finally prevail. President, the awful beast is back. The Tennessee snail darter, the bane of my existence, the nemesis of my golden years, the bold perverter of the Endangered Species Act is back. In the midst of a national energy crisis, the snail darter demands that we scuttle a project that would produce million kilowatt hours of hydroelectric power and save an estimated 15 million gallons of oil. Although other residences have been

found in which he can thrive serenely, the snail darter stubbornly insists on keeping this particular stretch of the Little Tennessee River as his principal domicile. Let me stress again, Mr. President, that this is fine with me. I have nothing personal against the snail darter. He seems to be quite a nice little fish, as fish go. President, the snail darter has become an unfortunate example of environmental extremism, and this kind of extremism, if rewarded and allowed to persist, will spell the doom to the environmental protection movement in this country more surely and more quickly than anything else. We who voted for the Endangered Species Act with the honest intentions of protecting such glories of nature as the wolf, the eagle, and other treasures have found that extremists with wholly different motives are using this noble act for meanly obstructive ends. Before the closure of the gates of Tellico Dam, numerous snail darters were transplanted into the Hiwassee River in Tennessee. The snail darter was reclassified from endangered to threatened on July 5,

Chapter 7 : Tellico Dam and the Snail Darters

In , an ichthyologist discovered the snail darter in the Little Tennessee, a find that took on great importance four months later when Congress passed the Endangered Species Act of (ESA). 3 In , the Secretary of the Interior declared that the snail darter was an endangered species, the Little Tennessee was its critical habitat, and.

University Press of Kansas, Reviewed by Thomas W. Each step in the complicated legal process, including the arguments made by all sides in court, in legislative and administrative hearings, and in the judicial opinions issued at various points in the litigation, is faithfully summarized. The author also puts this litigation into the broader context of environmental legislation as it developed in the s. The history described in this book is less about Herculean efforts of naturalists to save an endangered fish as it is about the failed efforts of a coalition of sport fishermen, farmers and other landholders, river rafters, and national environmental activists to prevent construction of a dam across one of the last wild stretches of river in the Tennessee Valley. Indeed, the snail darter was a previously unknown species serendipitously discovered in the Little Tennessee River by a biologist looking for an animal to use in ESA litigation to halt dam construction. The story is replete with ironies. The opponents of the dam actually won their battle in the U. As a further irony, it might be said that the snail darter actually emerged a winner from the unsuccessful effort to stop the dam: The fish was thus saved from extinction by TVA. At the end of the day, however, the dam was built, the river tamed, and farmland, fishing streams, and rapids were submerged under the resulting reservoir. And this he does, though in a particularly narrow sense. While there is much useful information to be gleaned from the book, my major complaint is that the story told of these challenges is incomplete or, at the least, limited in perspective. His discussion of each of the major decision points in the rich and convoluted history consists primarily of setting out the competing legal arguments made by all the various participants, how they were subsequently addressed by the relevant court, judge, or administrative agency, and what legal arguments were ultimately made in support of that particular decision. Indeed, there is very little discussion of individuals or organizations at all, at least not as strategic and political actors. As such, I do not think this would be a particularly useful book to assign to undergraduates, because it conveys the impression “ probably inadvertently “ that the key issues in multifaceted environmental disputes are essentially ones of legal doctrine, rather than of policy, politics, and strategy. By the time the ESA litigation began, TVA had expended a very substantial amount of money on design, land acquisition, and construction of the Tellico Dam. The opponents of the dam had failed to dissuade TVA from its plans to build the dam at the outset; subsequent efforts to halt the construction through legal action under the NEPA alleging that the environmental impact statement was inadequate failed; land acquisition, design, and construction had been ongoing for several years prior to passage of the ESA, a statute that provided a final opportunity to block the project. Robert Kagan describes a similar story involving litigation aimed at halting efforts to expand and modernize the Port of Oakland, California, in the s. Unlike the dam “ which Murchison suggests was a costly policy mistake “ the expansion of the Port of Oakland appeared to most observers to be highly beneficial. This is not only because of the high transaction costs and potentially arbitrary results, but also because the associated litigation was not really about the desirability of the overall policy objective, but merely a tactic used to negate a decision reached through political and administrative means. There is little question, for example, that the aim of the plaintiffs in the snail darter litigation was less about preventing the extinction of a newly discovered fish than it was to stop construction of a dam that would flood a scenic river without “ or so the opponents claimed “ offsetting social or economic benefits. Indeed, few environmentalists would regard the Tellico Dam as an environmental success story, despite the continued existence of the snail darter in adjacent streams. The Tellico case is almost a definitional example of this pathology: As such, the case study provides an interesting comparison of policy making through litigation versus legislation, and the interplay of the two processes. A dispassionate effort to compare and assess the processes “ legal, administrative, and political “ which characterized decision making in this case study would further the ongoing discussion of adversary legalism and perhaps provide some broader lessons.

Chapter 8 : Retrospective for the Snail Darter and the Little Tennessee Valley

The Snail Darter is a tiny little fish that is native to the waters of Tennessee. In , the Snail Darter was placed on the newly created Endangered Species List. In , its status was lowered to threatened. Even though the Snail Darter is a tiny little mud fish, it created a giant controversy.

TVA and the Snail Darters: The goals of the project were to create hydroelectric power, promote shoreline development, provide recreational areas and serve as a means for flood control. Once operational, the dam would convert the Little Tennessee River from a shallow, fast-moving stream, to a deep reservoir approximately 30 miles in length. It would also back water up onto 16, acres of previously dry land. The project proved undesirable almost from the beginning. In , then Governor of Tennessee, Windfield Dunn, petitioned TVA to cancel the project because he believed the dam would destroy the recreational value of the Little Tennessee River. Native Americans also wanted the project halted. The dam would flood land that held significant historical value for their culture: Owners of local farms were angry because the project would result in the flooding of their land as well. In spite of these complaints, TVA was going through with the project. Soon, however, TVA was faced with larger objections. A previously unknown species of fish, the Snail Darter *Percina tanasi* had been discovered in the waters upstream of the dam in August of In , the fish received an emergency listing by the Fish and Wildlife service under the newly passed Endangered Species Act. The next year, a citizens group that included local farmers, Native Americans, environmentalists and others brought a case before the District Court. Following the court decision, TVA indicated to Congress that they were attempting to transplant members of the Snail Darter population to similar habitat in the area. Congress apparently liked this idea, and additional funds were made available to TVA to facilitate this process. An additional sixty-one were relocated to the Nolichucky River. Following this decision, Congress continued to appropriate funds to the project and TVA continued efforts to relocate members of the species. The Nolichucky River stocking was halted after additional research found the area to be unsuitable for the species. Biologists began moving darters from the Hiwassee River to parts of the Holston River. On June 15, the Supreme Court released its decision. It was the Supreme Courts belief that the Tellico Dam project, if completed, would violate the Endangered Species Act which stated that a species be protected regardless the cost involved. Chief Justice Warren Burger explained, "One would be hard pressed to find a statutory provision whose terms were any plainer than those in Section 7 of the Endangered Species Act. This language admits of no exceptions. The paradox is not minimized by the fact that Congress continued to appropriate large sums of public money for the project, even after Hill , U. The position of the Supreme Court was clear: It appeared that the battle was finally over and TVA was the losing party. They claimed that completion of the project would result in the flooding of lands considered sacred to Native Americansâ€”a clear violation of the National Historic Preservation Act. The court dismissed the case citing the provision in the Energy and Water Development Appropriation Bill that authorized completion of the project in spite of any other laws which might prohibit it. On November 29, the dam was completed and the gates were closed. Regardless of all the legal maneuvering they had participated in to prevent TVA from proceeding with plans to flood their land, they found themselves the losing party.

Chapter 9 : Law and Politics Book Review: THE SNAIL DARTER CASE: TVA VERSUS THE ENDANGERED

The Snail Darter population of the Little Tennessee River was extinguished. Other populations of the fish have been found in South Chickamauga Creek, Sewee Creek, Sequatchie River, Paint Rock River, and elsewhere.