

EXEMPTION APPLICATION

(To be made only by a principal officer of the organization claiming exemption)

To be filed in duplicate with the District Director for your District.

For use of organizations applying for exemption under section 501(a) and described in section 501(c)(3) of the Internal Revenue Code, which are organized and operated (or will operate) exclusively for one or more of the following purposes (check purpose(s)):

- Religious
- Educational
- Charitable
- For the prevention of cruelty to children or animals
- Scientific
- Literary
- Testing for Public Safety

Every organization that claims to be exempt must furnish the information and data specified in duplicate. If any organization fails to submit the information and data required, this application will not be considered on its merits and the organization will be notified accordingly.

This application shall be open to public inspection in accordance with section 6104(a)(1) of the Internal Revenue Code. See separate instructions for Form 1023 to properly answer the questions below.

1a. Full name of organization
SIERRA CLUB LEGAL DEFENSE FUND, INC.

b. Employer identification number
SS-4 attached

2. Complete address (number, street, city or town, State and Postal ZIP code)
c/o Lillick, McHose, Wheat, Adams & Charles, 311 California St., San Francisco, California 94104

3a. Is the organization incorporated?
 Yes No

b. If "Yes," in which State and under which law (General corporation, not for profit, membership, educational, eleemosynary, etc.)? Cite statutory provisions.
Not Applicable

4a. If not incorporated, what is form of organization?
Not Applicable

b. Date incorporated or organized
March 13, 1970

c. Month and day on which the annual accounting period ends
December 31

5a. Has organization filed Federal income tax return(s)? Yes No

b. If "Yes," form number of return filed and Internal Revenue District where filed.
Not Applicable -

c. Year(s) filed
Not Applicable

6. After July 1, 1950, did the creator of your organization (if a trust), or a contributor to your organization, or a brother or sister (whole or half blood), spouse, ancestor, or lineal descendant of such creator or contributor, or a corporation controlled directly or indirectly by such creator or contributor, enter into any of the transactions (or activities) enumerated below? NOTE: If you have any knowledge or contemplate that you will be a party to any of the transactions (or activities) enumerated in 6a through 6f, check "planned" in the applicable block(s) and see instructions.

| | Yes | No | Planned | | Yes | No | Planned |
|--|-----|-------------------------------------|-------------------------------------|---|-----|-------------------------------------|---------|
| a. Borrow any part of your income or corpus? | | <input checked="" type="checkbox"/> | | d. Purchase any securities or other property from you? | | <input checked="" type="checkbox"/> | |
| b. Receive any compensation from you? | | <input checked="" type="checkbox"/> | | e. Sell any securities or other property to you? | | <input checked="" type="checkbox"/> | |
| c. Have any part of your services made available to him? | | | <input checked="" type="checkbox"/> | f. Receive any of your income or corpus in any other transaction? | | <input checked="" type="checkbox"/> | |

| | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 7. Have you issued or do you plan to issue membership, stock, or other certificates evidencing voting power in the organization? | | <input checked="" type="checkbox"/> |
| 8a. Are you the outgrowth or continuation of any form of predecessor(s)? | | <input checked="" type="checkbox"/> |
| b. Do you have capital stock issued and outstanding? | | <input checked="" type="checkbox"/> |
| c. Have you made or do you plan to make any distribution of your property to shareholders or members? | | <input checked="" type="checkbox"/> |
| d. Did you receive or do you expect to receive 10 percent or more of your assets from any organization, group of affiliated organizations (affiliated through stockholding, common ownership, or otherwise), any individual, or members of a family group (brother or sister whether whole or half blood, spouse, ancestor, or lineal descendant)? | <input checked="" type="checkbox"/> | |
| e. Does any part or will any part of your receipts represent payment for services of any character rendered or to be rendered by you? | <input checked="" type="checkbox"/> | |
| f. Are you now, have you ever been, or do you plan to be engaged in carrying on propoganda, or otherwise advocating or opposing pending or proposed legislation? | | <input checked="" type="checkbox"/> |
| g. Do you participate or plan to participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of or in opposition to any candidate for public office? | | <input checked="" type="checkbox"/> |
| h. Have you made or do you plan to make any payments to members or shareholders for services rendered or to be rendered? | | <input checked="" type="checkbox"/> |
| i. Does any part or do you plan to have any part of your net income inure to the benefit of any private shareholder or individual? | | <input checked="" type="checkbox"/> |
| j. Are you now or are you planning to be affiliated in any manner with any organization(s)? | <input checked="" type="checkbox"/> | |
| k. Do you hold or plan to hold 10 percent or more of any class of stock or 10 percent or more of the total combined voting power of stock in any corporation? | | <input checked="" type="checkbox"/> |

9. Has any State or any court (including a Court of Probate, Surrogate's Court, etc.) ever declared whether you were or were not organized and operated for charitable, etc., purposes? Yes No. If "Yes," attach copies in duplicate of pertinent administrative or judicial decisions.

10. You must attach copies in duplicate of the following:

a. If incorporated, a copy of your articles of incorporation, or if not incorporated, a copy of your constitution, articles of association, declaration of trust, or other document whereby you were created, setting forth your aims and purposes, a copy of all amendments thereto, and any changes presently proposed. **Attached**

Attached

b. A copy of your bylaws or other similar code of regulations, all amendments thereto, and any changes presently proposed.

None

c. A complete statement of assets and liabilities as of the end of each annual accounting period (or as of the date of the filing of this application, if you were in existence for less than a year).

Proposed Budget Attached

d. A statement of receipts and expenditures for each annual accounting period of operation (or for the period for which you were in existence, if less than a year).

Omitted - Articles provide

e. A statement which clearly indicates what State statutes or court decisions govern the distribution of assets upon dissolution. (This statement may be omitted if your charter, certificate, or other instrument of organization makes provision for such distribution.)

Attached

f. A brief statement of the specific purposes for which you were formed. (Do not quote from or make reference to your articles of incorporation, constitution, articles of association, declaration of trust, or other document whereby you were created for this question.)

None

g. A statement explaining in detail each fund-raising activity and each business enterprise you have engaged in or plan to engage in, accompanied by copies of all agreements, if any, with other parties for the conduct of each fund-raising activity or business enterprise.

Attached

h. A statement which describes in detail the nature of each of your activities which you have checked on page 1, activities which you sponsor, and proposed activities.

None

i. A statement which explains fully any specific activities that you have engaged in or sponsored and which have been discontinued. Give dates of commencement and termination and the reasons for discontinuance.

Attached

j. A statement which describes the purposes, other than in payment for services rendered or supplies furnished, for which your funds are expended or will be expended.

k. A schedule indicating the name and position of each officer, director, trustee, etc., of the organization and the relationship, if any, by blood, marriage, adoption, or employment, of each such person to the creator of the organization (if a trust), to any person who has made a substantial contribution to the organization, or to a corporation controlled (by ownership of 50 percent or more of voting stock or 50 percent or more of value of all stock), directly or indirectly, by such creator or contributor. The schedule shall also indicate the time devoted to position and compensation (including salary and expense account allowance), if any, of each officer, director, trustee, etc., of the organization.

None

l. A copy of each lease, if any, in which you are the lessee or lessor of property (real, personal, gas, oil, or mineral) or in which you own an interest under such lease, together with copies of all agreements with other parties for development of the property.

SIGNATURE AND VERIFICATION

Under penalties of perjury, I declare that I have examined this application, including accompanying statements, and to the best of my knowledge and belief it is true, correct, and complete.

3/27/60
Date

J. William Foster
Signature of officer

President
Title

**EXEMPTION APPLICATION
INTERNAL REVENUE SERVICE FORM 1023
SIERRA CLUB LEGAL DEFENSE FUND, INC.**

Attachment to Item 6.c.

6c. Applicant may, on behalf of the Sierra Club or other contributors, institute proceedings falling within its charitable purposes.

EXEMPTION APPLICATION
INTERNAL REVENUE SERVICE FORM 1023
SIERRA CLUB LEGAL DEFENSE FUND, INC.

Attachment to Item 8

- 8d. From the Sierra Club and other foundations.
- 8e. Applicant may attempt to recover from organizations using applicant's services the cost of the services rendered. For example, should various conservation organizations join in an attempt to enforce air pollution regulations, applicant's costs might be prorated among the organizations.
- 8j. Applicant's members are the Board of Directors of the Sierra Club, a California corporation.

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INTERNAL REVENUE SERVICE FORM 1023
SIERRA CLUB LEGAL DEFENSE FUND, INC.**

Attachment to Item 10

- 10d. Proposed Budget
- 10f. The corporation was formed solely for charitable, literary and educational purposes and for the purpose of instigating and co-ordinating law suits and administrative actions to protect the environment of the United States.
- 10j. Funds will be expended solely for the purposes outlined in answer to paragraph 10f.
- 10k. Most of the original trustees are members of the Sierra Club. Officers and permanent trustees are likely to have close connections with the Sierra Club. Officers and trustees will be unpaid, except for expenses necessarily incurred in the exercise of their duties.

Restriction of right
to amend articles

Yes

19

RECORDED

593910
FILED

In the office of the Secretary of State
of the State of California

MAR 13 1970

FRANK M. JORDAN, Secretary of State

By Bill Hoeben
Deputy

ARTICLES OF INCORPORATION

OF

SIERRA CLUB LEGAL DEFENSE FUND, INC.

I

The name of this corporation is SIERRA CLUB LEGAL
DEFENSE FUND, INC.

II

The purposes for which this corporation is formed
are:

(a) The specific and primary purpose is to form an
environmental law office and nationwide legal program
to use existing legal remedies to protect the natural
environment of the United States; and to develop a
realistic and enforceable body of environmental law
through the enforcement of existing statutes, regulations
and common law principles, all of these purposes to be
limited to charitable, scientific, literary and educa-
tional purposes.

(b) To solicit, collect, receive, acquire, hold and
invest money and property, both real and personal, received

by gift, contribution, bequest, devise or otherwise; to sell and convert property, both real and personal, into cash; and to use the funds of this corporation and the proceeds, income, rents, issues and profits derived from any property of this corporation, in furtherance of the specific and primary purposes set forth above.

(c) To purchase or otherwise acquire, own, hold, sell, assign, transfer or otherwise dispose of, mortgage, pledge or otherwise hypothecate or encumber shares, bonds, notes, debentures or other securities or evidences of indebtedness to any person, firm, corporation or association and, while the owner or holder thereof, to exercise all rights, powers and privileges of ownership.

(d) To purchase or otherwise acquire, own, hold, use, sell, exchange, assign, convey, lease or otherwise dispose of, mortgage or otherwise hypothecate or encumber real and personal property, in furtherance of the specific and primary purposes set forth above.

(e) To borrow money, incur indebtedness and to secure the repayment of the same by mortgage, pledge, deed of trust or other hypothecation of property, both real and personal, in furtherance of the specific and primary purposes set forth above.

(f) To enter into, make, perform and carry out contracts for any lawful purpose with any person, firm, association or corporation, municipality, county, state, government or other municipal or governmental subdivision in furtherance of the specific and primary purposes set forth above.

(g) The foregoing statement of purposes shall be construed as a statement of both purposes and powers, and the purposes and powers stated in each clause, except where otherwise expressed, shall in no way be limited or restricted by reference to or inference from the terms or provisions of any other clause, but shall be regarded as independent purposes and powers.

(h) This corporation is created and shall be operated exclusively for charitable, scientific, literary or educational purposes, within the United States or any of its possessions. No part of the corporate assets shall inure to the benefit of any private shareholder or individual, and no part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting, to influence legislation, or participating in, or intervening in (including the publication or distribution of

statements), any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these Articles this corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the specific and primary purposes of this corporation.

III

The corporation is organized under the General Non-profit Corporation Law of the State of California.

IV

The county in this State where the principal office for the transaction of business of this corporation is to be located is the City and County of San Francisco.

V

The names and addresses of the persons who are to act in the capacity of trustees until the election of their successors are:

| <u>Name</u> | <u>Address</u> |
|-----------------------|---|
| H. Donald Harris, Jr. | 311, California Street San Francisco, California |

| | |
|-------------------------|--|
| R. Frederic Fisher | 311 California Street San Francisco, California |
| Richard E. Gutting, Jr. | 311 California Street San Francisco, California |
| Harry B. Endsley III | 311 California Street San Francisco, California |
| Stephen C. Johnson | 311 California Street San Francisco, California |
| Anthony N. Cary | 311 California Street San Francisco, California |
| David Strain | 311 California Street San Francisco, California |

The number of trustees may be fixed or changed from time to time by amendment of the Articles of Incorporation of this corporation, or by amendment of the Bylaws of this corporation adopted by the vote or written assent of the members of the corporation entitled to exercise a majority of the voting power, or the vote of a majority of a quorum at a meeting of members called pursuant to the Bylaws.

VI

The authorized number and qualification of members of the corporation, the different classes of membership, if any, and the voting, and other rights and privileges of members shall be as set forth in the Bylaws; provided, however, that the members of this corporation shall have

no liability for dues or assessments.

VII

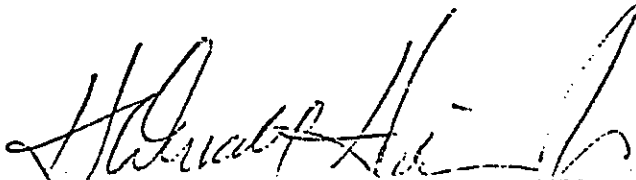
This corporation is not organized, nor shall it be operated, for pecuniary gain or profit, and it does not contemplate the distribution of gains, profits or dividends to its members and is organized solely for nonprofit purposes. The property, assets, profits and net income of this corporation are irrevocably dedicated to charitable, scientific, literary and educational purposes, and no part of the profits or net income of this corporation shall ever inure to the benefit of any trustee, officer, or member or to the benefit of any private shareholder or individual. On the dissolution or winding up of this corporation, its assets remaining after payment of, or provision for payment of, all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation, or corporation that is organized and operated exclusively for religious, charitable, scientific, literary or educational purposes or for the prevention of cruelty to children or animals, and that has established its tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, and Section 23701d of the California Revenue & Taxation Code.

If this corporation holds any assets in trust, they shall be disposed of in such a manner as may be directed by judgment of the Superior Court of the county in which the corporation's principal office is located, on petition by the Attorney General or by any person concerned in the liquidation.


VIII

Any action by the trustees may be taken without a meeting if all trustees shall individually or collectively consent in writing to such action. Such written consent or consents shall be filed with the Minutes of the proceedings of the trustees.

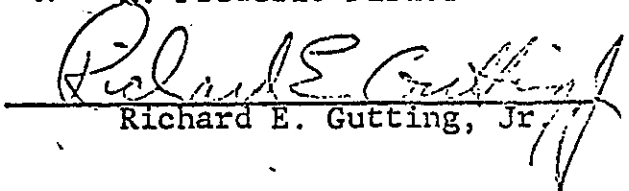
IN WITNESS WHEREOF, we, the undersigned, being the persons named above as the first trustees, have executed these Articles of Incorporation this 9th day of March, 1970.



H. Donald Harris, Jr.



R. Frederic Fisher



Richard E. Gutting, Jr.

Harry B. Endsley III

Harry B. Endsley III

Stephen C. Johnson

Stephen C. Johnson

Anthony N. Cary

Anthony N. Cary

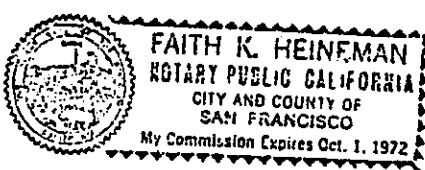
David Strain

David Strain

STATE OF CALIFORNIA)
)
COUNTY OF SAN FRANCISCO)

On this 9th day of March, 1970 before me, Faith K. Heineman, a Notary Public for said State, residing therein, duly commissioned and sworn, personally appeared H. Donald Harris, R. Frederic Fisher, Richard E. Gutting, Jr., Harry B. Endsley III, Stephen C. Johnson, Anthony N. Cary and David Strain, known to me to be the persons whose names are subscribed to the foregoing Articles of Incorporation, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.



Faith K. Heineman

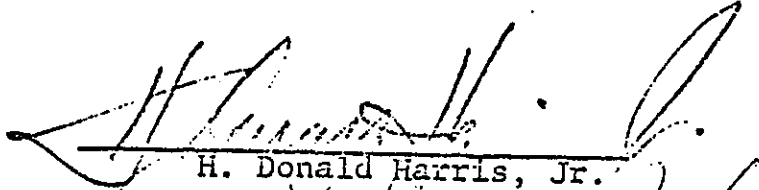
FAITH K. HEINEMAN

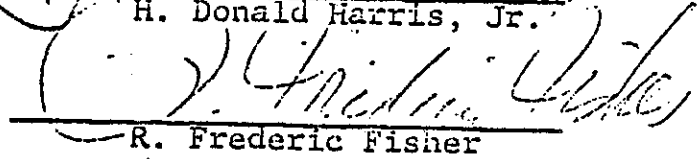
Notary Public, In and for the City and County of San Francisco, State of California.

My commission expires:

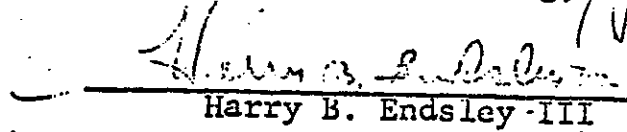
3. No members of this nonstock corporation other than the incorporators have been admitted.

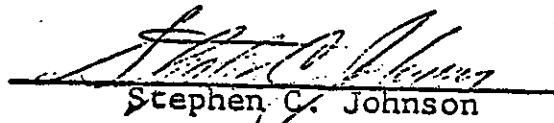
DATED: This 31st day of March, 1970.

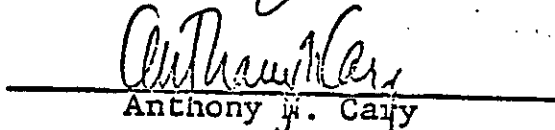

H. Donald Harris, Jr.

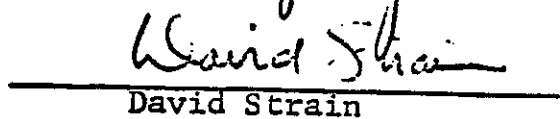

R. Frederic Fisher


Richard E. Gutting, Jr.


Harry B. Endsley III

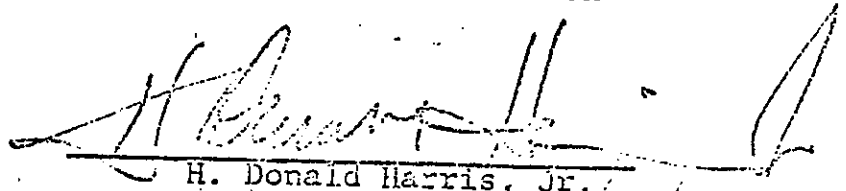

Stephen C. Johnson


Anthony J. Cary

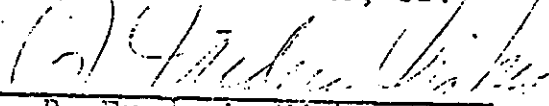

David Strain

Each of the undersigned declares under penalty of perjury that the matters set forth in the foregoing Certificate are true and correct.

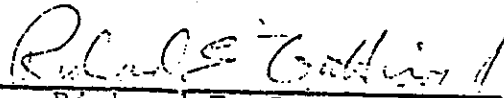
Executed at San Francisco, California on March 31, 1970.



H. Donald Harris, Jr.



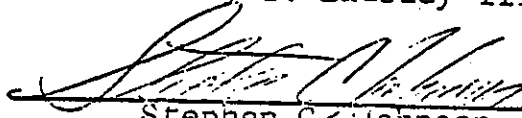
R. Frederic Fisher



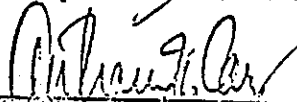
Richard E. Gutting, Jr.



Harry B. Endsley III



Stephen C. Johnson



Anthony R. Cary



David Strain

BYLAWS
OF
SIERRA CLUB LEGAL DEFENSE FUND, INC.

ARTICLE I
Principal Office

The principal office for the transaction of business of the corporation is fixed and located at 311 California Street, in the City and County of San Francisco, California. The board of trustees may at any time or from time to time change the location of the principal office so long as the location is to another place in this county.

ARTICLE II
Membership

Section 1. Numbers. There shall be one class of members of this corporation who shall be voting members.

Section 2. Qualification of Voting Members. The voting members of this corporation shall be the persons who from time to time are the members of the Board of Directors of the Sierra Club. Death, resignation, or removal of any

director as provided in the Articles and Bylaws of the Sierra Club automatically terminates the director's membership as a voting member of this corporation. Election of a successor director as provided in the Articles and Bylaws of the Sierra Club shall operate to elect that director to voting membership of this corporation.

Section 3. Annual Meeting. The annual meeting of the members of this corporation shall be held following the annual meeting of the board of directors of the Sierra Club, or at any other time and at any other place determined by a resolution of the board of trustees of this corporation. No notice of any such annual meeting need be given if it is held following the annual meeting of the board of directors of the Sierra Club at the place appointed for said annual meeting; otherwise written notice of the time and place of the annual meeting shall be delivered personally to each voting member or sent to each voting member by mail or other form of written communication, charges prepaid, addressed to him at his address as it is shown on the records of the corporation. Any notice shall be mailed or delivered at least five days before the date of the meeting.

Section 4. Special Meetings. Special meetings of the members of the corporation for any purpose or purposes

may be called at any time by the president of the corporation, or by any four trustees.

Written notice of the time and place of special meetings of the members shall be given in the same manner as for annual meetings of the members.

The transaction of any meetings of the members of this corporation, however called and noticed, shall be as valid as though had at a meeting held after regular call and notice if the forum is present, and if, either before or after the meeting, each of the voting members not present signs a written waiver of notice, or a consent to holding this meeting, or an approval of the minutes of the meeting. All the waivers, consents, or approvals shall be filed with the corporate records or made a part of the minutes of the meeting.

Section 5. Quorum. A quorum for any meeting of members shall be three voting members.

Section 6. Liabilities of Members. No person who now, or who later becomes, a member of this corporation shall be personally liable to its creditors for any indebtedness or liability, and any and all creditors of this corporation shall look only to the assets of this corporation for payment.

ARTICLE III

Board of Trustees

Section 1. Number of Trustees. The board of trustees shall consist of seven (7) trustees until the number of trustees is changed by amendment of the Bylaws.

Section 2. Quorum. Four members of the board of trustees shall constitute a quorum for the transaction of business.

Section 3. Powers of Trustees. Subject to limitations of the Articles of Incorporation, other sections of the Bylaws, and of California law, all corporate powers of the corporation shall be exercised by or under the authority of, and the business and affairs of the corporation shall be controlled by, the board of trustees. Without limiting the general powers, the board of trustees shall have the following powers.

(a) To select and remove all the other officers, agents, and employees of the corporation, prescribe such powers and duties for them as may not be inconsistent with law, the Articles of Incorporation, or the Bylaws, fix their compensation, and require from them security for faithful service.

(b) To conduct, manage, and control the affairs and

business of the corporation, and to make rules and regulations not inconsistent with law, the Articles of Incorporation, or the Bylaws.

(c) To borrow money and incur indebtedness for the purposes of the corporation, and for that purpose to cause to be executed and delivered, in the corporate name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecations, or other evidence of debt and securities.

Section 4. Qualification, Election and Term of Office. Except as provided below, the term of office of each trustee of this corporation shall be two years or until his successor is elected. Successors for trustees whose terms of office are then expired shall be elected by the members at their annual meeting in the year such terms expire. A trustee may succeed himself in office.

The members shall classify the trustees appointed to succeed the original incorporators into two groups. The first group shall consist of four trustees whose initial term of office shall be three years. The second group shall consist of three trustees whose initial term of office shall be two years.

Trustees shall be elected, by the members or the remaining trustees as the case may be, so that at all times

five of the trustees shall be lawyers, each admitted to the bar for five years and in good standing in the community in which he practices.

Section 5. Vacancies. Vacancies in the board of trustees shall be filled by a majority of the remaining trustees then in office even though less than a quorum, or by the sole remaining trustee. A successor trustee so elected shall serve for the unexpired term of his predecessor.

Section 6. Place of Meeting. Regular meetings of the board of trustees shall be held at any place, within or without the state, that has been designated from time to time by resolution of the board or by written consent of all trustees of the board. In the absence of this designation regular meetings shall be held at the principal office of the corporation. Special meetings of the board may be held either at a place designated or at the principal office.

Section 7. Organizational Meeting. Immediately following each annual meeting of members, the board of trustees shall hold a regular meeting for the purposes of organization, election of officers and the transaction of other business. No notice of such organizational meetings need be given.

Section 8. Other Meetings. Other meetings of the board of trustees for any purpose or purposes may be called at any time by the president or by any three trustees.

Written notice of the time and place of these meetings shall be delivered personally to each trustee, or sent to each trustee by mail or by other form of written communication, charges prepaid, addressed to him at his address as it is shown on the records of the corporation, or if it is not so shown on the records or is not readily ascertainable, at the place at which the meetings of the trustees are regularly held. The notice shall be mailed at least seventy-two (72) hours before the time of the holding of the meeting.

Transactions of any meeting of the board of trustees, however called and noticed and wherever held shall be as valid as though had at a meeting held after regular call and notice, if a quorum is present and if either before or after the meeting each of the trustees not present signs a written waiver of notice or a consent to hold the meeting or an approval of the minutes. All such waivers, consents or approvals shall be filed with the corporate records or made a part of the minutes of the meeting.

Section 9. Action Without a Meeting. Any action by the board of trustees may be taken without a meeting if all

members of the board individually or collectively consent in writing to this action. Such written consent or consents shall be filed with the minutes of the proceedings of the board.

Section 10. Removal. A trustee may be removed from office, for cause, by the vote of a majority of the trustees.

Section 11. Compensation. Trustees shall receive no compensation for their services as trustees, but may, at the discretion of the board, be compensated for expenses incurred as trustees.

ARTICLE IV

Officers

Section 1. Officers. The officers of this corporation shall be a President, Vice President, Secretary and Treasurer, and such other officers as the board of trustees may appoint. One person may hold two or more offices except the offices of President and Secretary. Officers need not be members of the board of trustees.

Section 2. Election. The board of trustees shall elect all officers of the corporation for terms of one year, or until their successors are elected and qualify.

Section 3. Vacancies. A vacancy in any office because of death, resignation, removal, disqualification or otherwise shall be filled by the board of trustees.

Section 4. President. Subject to the control of the board of trustees, the president shall have general supervision, direction, and control of the business and affairs of the corporation. He shall preside at all meetings of the members and trustees, and shall have such other powers and duties as may be prescribed from time to time by the board of trustees.

Section 5. Vice President. In the absence or disability of the president, the vice president shall perform all the duties of the president and in so acting shall have all the powers of the president. The vice president shall have such other powers and perform such other duties as may be prescribed from time to time by the board of trustees.

Section 6. Secretary. The secretary shall keep a full and complete record of the proceedings of the board of trustees, shall keep the seal of the corporation and affix it to such papers and instruments as may be required in the regular course of business, shall make service of such notices as may be necessary or proper, shall supervise the keeping of the records of the corporation and shall discharge such other duties of the office as prescribed by the board of trustees.

Section 7. Treasurer. The treasurer shall receive and safely keep all funds of the corporation and deposit

them in the bank or banks that may be designated by the board of trustees. Those funds shall be paid out only on checks of the corporation signed by the president, vice president, treasurer or secretary or by such officers or other persons as may be designated by the board of trustees as authorized to sign them. The treasurer shall have such other powers and perform such other duties as may be prescribed from time to time by the board of trustees.

ARTICLE V

Committees

Section 1. Executive Committee. The trustees may appoint an executive committee which shall consist of at least two but no more than five of the trustees and the trustees may delegate to such executive committee such powers as the trustees may deem advisable, including the power to do and authorize all acts which the trustees themselves might or could do, or authorize and including any power given to the trustees by any of the provisions of these Bylaws except the power to adopt, amend or repeal the Articles of Incorporation or these Bylaws.

Section 2. Quorum and Manner of Acting. The board of trustees shall have the power to prescribe the manner in which proceedings of the executive committee and other committees shall be conducted. Unless the board of trustees shall otherwise provide: regular meetings of the

executive committee, notice of which is hereby dispensed with, shall be held at such times as are determined by the board of trustees, or by the committee appointed; special meetings of the executive committee shall be held at the principal office of the corporation, or at any place which has been designated from time to time by resolution of the executive committee or by written consent of all members thereof, and may be called by the president of the corporation, or any two members of the committee upon written notice to the members of the executive committee of the time and place of such special meeting given in the manner provided for the giving of written notice to members of the board of trustees of the time and place of special meetings of the board of trustees; minutes shall be kept of each meeting of the executive committee; vacancies in the membership of the executive committee may be filled by the board of trustees; a majority of the authorized number of members of the executive committee shall constitute a quorum for the transaction of business; and transactions of any meeting of the executive committee, however called and noticed or wherever held, shall be as valid as though had at a meeting duly held after regular call and notice, if a quorum is present and if, either before or after the meeting, each

of the members not present signs a written waiver of notice or a consent to holding such meeting or an approval of the minutes thereof. All such waivers, consents or approvals shall be filed with the corporate records or made a part of the minutes of the meeting.

Section 3. Election and Term of Service. Each member of the executive committee shall be appointed at a meeting of the board of trustees and shall hold office until his successor is appointed unless the committee shall be sooner terminated or unless such member be removed from such committee. Any member of the committee may be removed by the trustees whenever in their sole judgment the best interests of the corporation shall be served by such removal.

Section 4. Other Committees. The trustees may appoint such other committees from time to time and delegate such powers and duties to them as the trustees may deem advisable.

ARTICLE VI

Amendment

Section 1. Bylaws. These Bylaws may be amended or repealed and new Bylaws adopted by the vote of a majority of the trustees present at any trustees' meeting except that a Bylaw fixing or changing the number of directors may be adopted, amended or repealed only by the vote or written

consent of a majority of the members of the corporation.

Section 2. Articles of Incorporation. The Articles of Incorporation of this corporation shall not be amended except by the vote or written consent of two-thirds of the members of the corporation.

Grant Request and Budget, First Year

| | |
|--------------------------------------|-----------|
| Total Expenditures | \$274,438 |
| Less Non-Grant Receipts ¹ | - 5,000 |
| Grant Request | \$269,438 |

Annual Budget

| | |
|--|------------|
| <u>I. Legal Services Expense</u> | |
| <u>(a) Staff Personnel²</u> | |
| Attorney Salaries | \$65,250 |
| Clerical Salaries | 19,500 |
| FICA, Group Health, Life & Unemp. Comp. Insurance | 4,238 |
| | |
| (b) Local Counsel--Fees for Contract Services ³ | 20,000 |
| | |
| (c) Partial Compensation for Volunteer Attorneys ⁴ | 65,000 |
| | |
| (d) University Program ⁵ | 8,000 |
| | |
| Total Legal Services Expenses | \$181,988 |
| | |
| <u>II. Litigation Costs</u> | |
| Direct costs ⁶ | 7,500 |
| Staff travel expense ⁷ | 16,500 |
| Expert witness costs ⁸ | 13,000 |
| Costs of volunteer and contract litigation ⁹ | 15,000 |
| Miscellaneous expense | 4,000 |
| | |
| Total Litigation Expense | 56,000 |
| | |
| <u>III. Central Office Expense¹⁰</u> | |
| Furniture and furnishings | 4,900 |
| Office equipment | 3,950 |
| Supplies | 2,500 |
| Telephone ¹¹ | 4,000 |
| Law Library | 6,000 |
| Rent | 8,200 |
| Reproduction | 1,000 |
| Postage | 600 |
| CPA fees | 1,500 |
| Miscellaneous insurance | 800 |
| Miscellaneous | 3,000 |
| | |
| Total Central Office Expense | 36,450 |
| | |
| Total Expense | \$274,438 |

EXHIBIT 1-A
EXHIBIT 106

FOOTNOTES FOR BUDGET FOR THE FIRST YEAR

1. See Proposal, pages 18 to 19.
2. Two attorneys for full year at \$24,000 per annum. One attorney for one-half year at \$23,000 per annum. Clerical compensation based on prevailing rates, San Francisco area. One clerical person would be office manager at \$1,000 more per annum than other clerical staff. Employee taxes and group insurance are assumed to be 5% of total salary costs.
3. Costs of hiring local counsel where no volunteer conservation attorneys available. These attorneys would be paid at their normal rates. The object is to make minimal use of such counsel and to build up the volunteer panel nationally. Local counsel are needed in most litigation to enter formal appearances, argue minor motions which would not be worth staff attorney travel time, advise as to local conditions, prejudices, etc., and to perform other necessary subsidiary services.
4. The present Sierra Club Legal Committee will be greatly expanded. While volunteer lawyers will provide services for free in many matters, full-scale litigation will require partial payment for services rendered, the amount of compensation depending on the facts of the particular case. These funds would be administered and paid by the central office.
5. The University program will bring law students into actual ecology and conservation litigation and planning. Funds provided are for both research and costs. It is anticipated that a number of major law schools will participate.
6. Direct staff litigation costs include filing fees, notary fees, reporter fees, bond premiums and the like.
7. Staff travel expenses are assumed to be \$5,800 per attorney per annum, based on the further assumption that each attorney will spend approximately 60 days away from the central office per annum and that a reasonable percentage of these days will allow automobile travel or would only require short-distance plane travel.
8. Expert witnesses for staff litigation are essential. Their absence has been one of the major shortcomings in ecology/conservation litigation to date. It is assumed there would be 65 expert days at \$200 per day.
9. Volunteer costs include direct litigation costs, travel and expert fees. If provision for costs for volunteer litigation is out of proportion to amounts estimated for partial compensation for volunteers, adjustments between these two categories of expenditure will be required.
10. These figures were estimated by the professional manager of a large law firm who was asked to assume that furniture and equipment would be reconditioned, used equipment and that rental space would be obtained in an older building in the San Francisco Bay area outside the prime communal areas.
11. Law library expenses assume that for \$800 per annum the library of an established law firm could be shared.

GRANT REQUEST AND BUDGET, SECOND YEAR

| | |
|--------------------------------------|-----------|
| Total Expenditures | \$366,000 |
| Less Non-Grant Receipts ¹ | - 15,000 |
| Grant Request | \$351,000 |

Annual Budget

I. Legal Services Expense

(a) Staff Personnel²

| | |
|--|----------|
| Attorney Salaries | \$94,000 |
| Clerical Salaries | 30,000 |
| FICA, Group Health, Life & Unemp. Comp. Insurance | 6,000 |

(b) Local Counsel--Fees
for Contract Services³ 20,000

(c) Partial Compensation for
Volunteer Attorneys⁴ 92,500

(d) University Program⁵ 10,000

Total Legal Services Expenses 252,500

II. Litigation Costs

| | |
|--|--------|
| Direct costs ⁶ | 10,000 |
| Staff travel expense ⁷ | 23,000 |
| Expert witness costs ⁸ | 20,000 |
| Costs of volunteer and contract litigation ⁹ | 33,000 |
| Miscellaneous expense | 4,000 |

Total Litigation Expense 90,000

III. Central Office Expense¹⁰

| | |
|---------------------------|-------|
| Furniture and furnishings | 800 |
| Office equipment | 1,500 |
| Supplies | 2,000 |
| Telephone ¹¹ | 4,300 |
| Law Library | 2,000 |
| Rent | 8,200 |
| Reproduction | 1,200 |
| Postage | 700 |
| CPA fees | 1,000 |
| Miscellaneous insurance | 800 |
| Miscellaneous | 1,000 |

Total Central Office Expense 23,500

Total Expense \$366,000

GRANT REQUEST AND BUDGET, THIRD YEAR

| | |
|--------------------------------------|-----------|
| Total Expenditures | \$453,375 |
| Less Non-Grant Receipts ¹ | - 50,000 |
| Grant Request | 403,375 |

Annual Budget

| | |
|---|-----------|
| <u>I. Legal Services Expense</u> | |
| <u>(a) Staff Personnel²</u> | |
| Attorney Salaries | \$119,000 |
| Clerical Salaries | 38,500 |
| FICA, Group Health, Life & Unemp. Comp. Insurance | 7,875 |
| <u>(b) Local Counsel--Fees³ for Contract Services</u> | 19,000 |
| <u>(c) Partial Compensation for Volunteer Attorneys⁴</u> | 124,000 |
| <u>(d) University Program⁵</u> | 15,000 |
| Total Legal Services Expenses | \$323,375 |
| <u>II. Litigation Costs</u> | |
| Direct costs ⁶ | 12,500 |
| Staff travel expense ⁷ | 28,000 |
| Expert witness costs ⁸ | 23,000 |
| Costs of volunteer and contract litigation ⁹ | 38,000 |
| Miscellaneous expense | 4,000 |
| Total Litigation Expense | 105,500 |
| <u>III. Central Office Expense¹⁰</u> | |
| Furniture and furnishings | 1,100 |
| Office equipment | 1,500 |
| Supplies | 2,200 |
| Telephone ¹¹ | 4,600 |
| Law Library | 2,000 |
| Rent | 8,200 |
| Reproduction | 1,300 |
| Postage | 800 |
| CPA fees | 1,000 |
| Miscellaneous insurance | 800 |
| Miscellaneous | 1,000 |
| Total Central Office Expense | 24,500 |
| Total Expense | \$453,375 |

Grant Request and Budget, Fourth Year

| | |
|--------------------------------------|-----------|
| Total Expenditures | \$440,575 |
| Less Non-Grant Receipts ¹ | - 80,000 |
| Grant Request | \$360,575 |

Annual Budget

I. Legal Services Expense

(a) Staff Personnel²

| | |
|--|-----------|
| Attorney Salaries | \$118,000 |
| Clerical Salaries | 38,500 |
| FICA, Group Health, Life & Unemp. Comp. Insurance | 7,825 |

(b) Local Counsel--Fees
for Contract Services³ - 5,000

(c) Partial Compensation for
Volunteer Attorneys⁴ 125,000

(d) University Program⁵ 15,000

Total Legal Services Expenses - \$309,325

II. Litigation Costs

| | |
|--|--------|
| Direct costs ⁶ | 13,000 |
| Staff travel expense ⁷ | 28,500 |
| Expert witness costs ⁸ | 25,000 |
| Costs of volunteer and contract litigation ⁹ | 35,000 |
| Miscellaneous expense | 4,000 |

Total Litigation Expense 105,500

III. Central Office Expense¹⁰

| | |
|---------------------------|--------|
| Furniture and furnishings | 500 |
| Office equipment | 1,000 |
| Supplies | 2,200 |
| Telephone | 4,600 |
| Law Library ¹¹ | 2,000 |
| Rent | 10,000 |
| Reproduction | 1,350 |
| Postage | 800 |
| CPA fees | 1,000 |
| Miscellaneous insurance | 800 |
| Miscellaneous | 1,500 |

Total Central Office Expense 25,750

Total Expense

Grant Request and Budget, Fifth Year

| | |
|--------------------------------------|----------------|
| Total Expenditures | \$447,975 |
| Less Non-Grant Receipts ¹ | - 150,000 |
| <u>Grant Request</u> | <u>297,975</u> |

Annual Budget

I. Legal Services Expense

(a) Staff Personnel²

| | |
|--|-----------|
| Attorney Salaries | \$123,000 |
| Clerical Salaries | 41,500 |
| FICA, Group Health, Life & Unemp. Comp. Insurance | 8,225 |

| | |
|---|-------|
| (b) Local Counsel--Fees for Contract Services ³ | 4,000 |
|---|-------|

| | |
|--|---------|
| (c) Partial Compensation for Volunteer Attorneys ⁴ | 125,000 |
|--|---------|

| | |
|-------------------------------------|--------|
| (d) University Program ⁵ | 15,000 |
|-------------------------------------|--------|

Total Legal Services Expenses \$316,725

II. Litigation Costs

| | |
|--|--------|
| Direct costs ⁶ | 13,000 |
| Staff travel expense ⁷ | 28,500 |
| Expert witness costs ⁸ | 25,000 |
| Costs of volunteer and contract litigation ⁹ | 35,000 |
| Miscellaneous expense | 4,000 |

Total Litigation Expense 105,500

III. Central Office Expense¹⁰

| | |
|---------------------------|--------|
| Furniture and furnishings | 500 |
| Office equipment | 1,000 |
| Supplies | 2,200 |
| Telephone | 4,600 |
| Law Library ¹¹ | 2,000 |
| Rent | 10,000 |
| Reproduction | 1,350 |
| Postage | 800 |
| CPA fees | 1,000 |
| Miscellaneous insurance | 800 |
| Miscellaneous | 1,500 |

Total Central Office Expense 25,750

Total Expense

Grant Request and Budget, Sixth Year

| | |
|--------------------------------------|-----------|
| Total Expenditures | \$448,350 |
| Less Non-Grant Receipts ¹ | - 200,000 |
| Grant Request | \$248,350 |

Annual Budget

| | |
|--|-----------|
| <u>I. Legal Services Expense</u> | |
| (a) <u>Staff Personnel</u> ² | |
| Attorney Salaries | \$121,000 |
| Clerical Salaries | 42,000 |
| FICA, Group Health, Life & Unemp. Comp. Insurance | 6,200 |
| (b) Local Counsel--Fees for Contract Services ³ | 4,000 |
| (c) Partial Compensation for Volunteer Attorneys ⁴ | 128,500 |
| (d) University Program ⁵ | 15,000 |
| Total Legal Services Expenses | \$316,700 |
| <u>II. Litigation Costs</u> | |
| Direct costs ⁶ | 13,000 |
| Staff travel expense ⁷ | 28,500 |
| Expert witness costs ⁸ | 25,000 |
| Costs of volunteer and contract litigation ⁹ | 35,000 |
| Miscellaneous expense | 4,000 |
| Total Litigation Expense | 105,500 |
| <u>III. Central Office Expense</u> ¹⁰ | |
| Furniture and furnishings | 600 |
| Office equipment | 1,000 |
| Supplies | 2,200 |
| Telephone ¹¹ | 4,700 |
| Law Library | 2,000 |
| Rent | 10,000 |
| Reproduction | 1,400 |
| Postage | 950 |
| CPA fees | 1,000 |
| Miscellaneous insurance | 1,800 |
| Miscellaneous | 1,500 |
| Total Central Office Expense | 26,150 |
| Total Expense | \$448,350 |

**PROPOSAL FOR A PROGRAM TO PROTECT AND IMPROVE
THE NATURAL ENVIRONMENT OF THE UNITED STATES
THROUGH THE USE OF THE LEGAL PROCESS**

Submitted by: Sierra Club Legal Defense Fund, Inc.,
A nonprofit corporation
311 California Street
San Francisco, CA 94104

Prepared by: The Legal Committee of the Sierra Club

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PROPOSAL FOR A PROGRAM TO PROTECT AND IMPROVE
THE NATURAL ENVIRONMENT OF THE UNITED STATES
THROUGH THE USE OF THE LEGAL PROCESS

Submitted by: Sierra Club Legal Defense Fund, Inc.
A nonprofit corporation
311 California Street
San Francisco, CA 94104

Prepared by: The Legal Committee of the Sierra Club

I

THE NATURE OF THE PROBLEM AND
THE NEED FOR THIS PROGRAM

A. The Program and the Applicant.

This proposal seeks \$1,930,713 over a six-year period to fund an effective and responsible environmental legal program to use existing legal remedies before courts and regulatory agencies to protect the natural environment of the United States. This program has two premises: (1) there now exists an environmental crisis which requires vigorous legal action under existing laws and with existing knowledge, and (2) our adversary legal system provides means of countering environmental threats, but this system will produce results that are in the public interest only when the experienced advocates for those now degrading the environment are matched by skilled advocates of the public interest. The proposal is for an action program, not a study program, and it is designed to operate with minimal overhead and administration. The authors of this proposal believe that funds spent for the program proposed will have a greater impact on solution of environmental and conservation problems than would any alternative use of such funds.

The Sierra Club Legal Defense Fund, Inc. (SCLDF) is a nonprofit California corporation formed in February, 1970, by

members of the Legal Committee of the Sierra Club. The proposal itself is based on the extensive experience of the Club and its Legal Committee in carrying on negotiations and litigation to protect the environment and to conserve natural resources.

The Sierra Club, whose Board of Directors appoints the Board of SCLDF, is a nonprofit membership corporation founded in 1892 by John Muir. The Club was born in one of the nation's earliest conflicts between exploitation of resources and protection of the natural environment--the establishment of Yosemite National Park. Since that time, the Club has grown to a nationwide membership of approximately 90,000 with chapters in every region of the country. In 1969, the Club's budget was \$2,763,000. The Club is controlled democratically by its members, a large number of whom are business and professional people. The Club has consistently and with considerable success espoused the public interest in conservation issues and has been a leader in attempts to protect the natural environment of this country.

The Legal Committee of the Sierra Club is a nationwide panel of approximately 80 attorneys who volunteer their professional services to represent the public interest in cases involving questions of conservation and environmental importance. As a result of years of experience with conservation and environmental litigation, the Sierra Club's Legal Committee has accumulated more experience in this field than any other individual or organization. It has learned about the pitfalls of inexperience and amateurism in litigation; it has learned how to call upon, to direct and use volunteer professionals; it has learned the need for mature

policy guidance; it has become acutely aware of the inadequacy of present resources to cope with the problem. Hence this approach.

SCLDF, under this program, will largely take over the present Legal Committee. It will greatly expand the volunteer attorney panel and give financial and organizational support to volunteer professional persons involved in environmental litigation. Even more importantly, SCLDF will, for the first time, create a specialized law office of well-qualified, experienced attorneys who will devote full time to an attack upon national environmental ills and who will have funds to hire qualified scientific experts when volunteer professionals are not available.

B. Why This Program is Needed.

This program takes it as self-evident that the cumulative results of industrial development and unplanned exploitation of natural resources now present mankind with a critical threat to its future existence and to the quality of future life. Gains in material productivity are becoming countered by losses in environmental conditions. Contamination, ecological imbalance, pollution, depletion of resources, destruction of wilderness areas, disorder and ugliness are an increasing reality. This program will deal with the foregoing problems by using existing legal processes to compel compliance with existing law and to develop the present "bare bones" of widely ignored statutes, regulations and common law concepts into a realistic and enforceable body of environmental law.

Much of the focus of the "conservation" movement to date has been on obtaining new legislation to deal with

deterioration of the environment. Only recently have citizens and groups concerned about pollution, forest depletion, threats to scenic areas and parks, and similar problems taken action on a significant scale to apply existing common law and statutory provisions to the solution of specific environmental problems. Yet, experience shows that when legal processes--litigation before courts and administrative agencies, or threat thereof--under existing law have been used, dramatic and successful results have frequently obtained. Such successes, moreover, make it possible to negotiate favorable settlements short of litigation the next time.

Virtually all degradation of our environment results either from activity by private persons or corporations motivated by economics, or by governmental agencies acting for a variety of reasons. As to private activity, much of it under present law requires either a permit or other governmental permission. Much of such activity is supposed to conform to existing performance standards, set by statute or regulation. Virtually all of it has an impact, economic or otherwise, on the surrounding community, an entire region or the whole nation. This impact gives legal rights to those affected. As to governmental action, it is ruled in its entirety by statute and regulations, and the activity can be made to conform to the standards set.

At some point, and often at many points, virtually all the activity of man with which we are here concerned is subject to existing legal controls and standards. Usually these standards are ambiguous. Frequently the standards are unenforced, perverted by interpretation, or are consciously

violated. The point is that a great deal of environmentally harmful activity is unlawful and can be modified or stopped by appropriate, timely and judicious legal action. It is rare that there is no legal "handle" if it is seized intelligently and at the proper time.

It is the purpose of this proposal to create an adequately funded organization to counter major threats to our environment by a vigorous use of existing law and of evolving legal standards to require both private business and governmental agencies to comply with the law.

C. What Has Been Accomplished.

At this time, there are 29 cases in which members of the Legal Committee have recently participated, either in planning or in conducting litigation. In 1969 alone, the Sierra Club obtained a preliminary injunction in California preventing the United States from leasing a de facto portion of a National Park to a developer; it obtained an order from a Minnesota court requiring a state agency to hold hearings to determine whether a major polluter of Lake Superior should not have a permit revoked. A Colorado court is now hearing the Club's evidence on whether to enjoin the Forest Service from allowing logging of land which is admirably suited to be part of an adjoining wilderness area. A New York court has granted an injunction against building an over-water Expressway in a scenic part of the Hudson River. The Club and others are asking a District of Columbia court to reverse the Secretary of Agriculture's refusal to place a total ban on DDT. The California Supreme Court recently heard the Club present an argument on seashore access and

the Club presented a brief to an appeals court urging protection of tidelands.

A more complete analysis of current litigation, completed and in process, is attached as Exhibit 2.

D. This Proposal Can Accomplish
Far-Ranging Results.

Experience to date leads to the following conclusions:

One, a crucial problem today is enforcement and administration of existing legislation and application of historic common law principles to environmental problems rather than new "bureaucratic solutions" in which governmental agencies are repeatedly set up to enforce new statutes.

Two, lasting and environmentally significant solutions to problems can be obtained at relatively low cost and in a relatively short space of time through the legal process.

Three, a combination of volunteer experts and attorneys and paid professional leadership can generate outside support and volunteer citizen effort to solve environmental problems. In 1966, volunteer attorneys, engineers, physicists, photographers, archaeologists and power experts cooperated in preparing and filing a 61-page document before the Federal Power Commission opposing dams in the Grand Canyon proposed by the Arizona Power Authority.

Four, organized and carefully considered legal action by an independent body can be a solution to the age-old problem of who is to watch the watchdogs. It is a truism that governmental regulatory agencies and governmental agencies on all levels almost inevitably become allied with the interests they are charged with supervising

and that these agencies quickly lose flexibility and enthusiasm for their appointed tasks.* This is particularly true in the natural resources area.

Five, many of the most pressing threats to the environment (i.e., a dam, a destructive highway route, a fill project, dumping of waste products, conversion of 3,000-year old redwood forests to planter boxes) are not readily soluble through the legislative process. The threat is too immediate; by the time the legislature acts, the harm has been done. If there is no experienced and capable attorney employed to obtain a preliminary injunction, the chain saws have done their work, the fill project has been completed, the body of water is polluted or a wilderness area permanently despoiled. Existing legal processes that will solve and have solved problems of this nature are of proven value, but the effort to date has been too disorganized, too poorly financed and too dependent on relatively unsupervised efforts of inexperienced volunteer lawyers to yield the benefits that it could and must.

E. Why Present Efforts Are Inadequate.

The present Sierra Club Legal Committee is to some extent a victim both of its own success and the burgeoning national concern with the environment and with conservation of natural resources. At the present time, two members of the Committee, on a purely volunteer basis, are attempting to evaluate proposals, authorize and supervise litigation

*Experience shows that regulatory and other agencies react to outside stimulus far more quickly and extensively than they act (if they act at all) on their own initiative. Any attorney who has participated in regulatory proceedings knows what scant attention is paid to letters, petitions and protests of individual citizens and groups unless these groups are actively represented. Absent such representation, the position of public groups is simply lost in the shuffle.

on a national scale, scrape funds together to support the litigation and provide back-up support. There must be central coordination, yet the task has become overwhelming. It is impossible to keep track of incoming proposals, let alone properly evaluate them or supervise the litigation.

Another serious present lack is the fact that the Committee largely reacts on an ad hoc basis to immediate threat rather than having time to concentrate on a planned attack on environmental problems.

Most serious, however, is that present financial resources are hopelessly inadequate--to do an efficient job of handling even existing cases. The issues are too complex and the cases too time-consuming to be handled simply by a panel of volunteers working for nothing in their spare time.

II

THE ORGANIZATION PROPOSED AND HOW IT WILL OPERATE

A. SCLDF and Its Board.

The Sierra Club Legal Defense Fund, whose Articles of Incorporation are attached as Exhibit 3, is a nonprofit California corporation. Its headquarters are in the San Francisco Bay Area. Its Board of Directors consists of seven members, five of whom are required to be highly qualified and experienced members of the Bar, with standing in their communities. All Board members are chosen by the Board of Directors of the Sierra Club. Initially, three members of ELA's Board have been chosen for three-year terms and four for two-year terms. Thereafter, Board members will be chosen for two-year terms. The members of

the Board of Directors will elect officers from the Board's membership.

The directors nominated by the Sierra Club who have agreed to so serve are:

Donald M. Carmichael

Asst. Professor of Law,
University of Colorado
Boulder, Colorado
Assistant Editor,
Journal of Family Law

Phil C. Neal

Dean of the School of Law
University of Chicago
Chicago, Illinois
President, Harvard Law Review
1942-1943; Law Clerk to
Justice Robert Jackson,
U.S. Supreme Court, 1943-1945

Robert Cutter

Past President,
Cutter Laboratories
Berkeley, California

Hon. Raymond J. Sherwin

Judge of the Superior Court
Solano County, California
Member, Board of Directors,
The Sierra Club

Hon. Thomas H. Kuchel

Partner in the law firm
of Wyman, Bautzer, Finell,
Rothman & Kuchel
Washington, D.C.
United States Senator,
California, 1953-1969

James V. Siena, Esq.

Legal Counsel to the President
Stanford University
Stanford, California
Deputy Asst. Secretary of the
Army 1967-1969; Associated
with the law firm of Covington
& Burling, Washington, D.C.
1961-1967; President,
Stanford Law Review 1960-1961

Gary J. Torre

Partner in the law firm
of Lillick, McHose, Wheat,
Adams & Charles
San Francisco, California
Law Clerk to Justice
William O. Douglas,
United States Supreme Court
1948-1949; Article Editor,
California Law Review
1947-1948

No matter how generous the funding of a program such as this, there are never adequate resources to do all that needs to be done. This in turn means that priorities must be set and the funds expended wisely. Difficult policy questions will arise. For example, should lawsuits be brought which, if successful, might well produce negative response by a legislature? Should energies be directed primarily to preserve rural wilderness areas or to improving the environment of urban areas? Should lawsuits be filed on important issues where the chances of an adverse decision and hence an adverse precedent are great? It is important that any group operating a program such as this should have the benefit of advice and guidance from experienced and knowledgeable persons.

This proposal seeks to answer this need (1) by creating a Board of Directors, a majority of which must be mature, experienced attorneys who are at the same time supporters of the struggle for an improved environment, and (2) by insisting on experienced, qualified staff attorneys.

B. The Program.

1. Overview.

The program will consist of an aggressive but fair and intelligent use of the legal process--negotiations, lawsuits, administrative litigation--to counter environmental threats of significant dimension. Cases in which SCLDF will furnish legal services will be chosen on the following grounds: (1) whether an important conservation or environmental issue is at stake, (2) whether there is a reasonable prospect of success, (3) whether costs would be in line with the importance of the object to be achieved, and (4) whether other

projects may be more important. Except in emergencies where it is not possible to so proceed, SCLDF attorneys will study a case, present a recommendation to the Board or an Executive Committee thereof and take appropriate action after approval by the Board or its delegate. It is anticipated that matters of the highest priority will relate to pollution of air and water, protection or conservation of natural and scenic resources and public land use.

The program has two major arms: (1) a staff of five qualified attorneys who will be full-time environmental lawyers representing the public interest, and (2) a greatly expanded panel of volunteer lawyers and other professionals who will carry on environmental litigation all over the country, pursuant to the direction and supervision of SCLDF staff attorneys and with some SCLDF financial support where necessary.

Neither arm of the program will involve lobbying or legislative activity of any kind. The program will not provide internal legal advice to the Sierra Club or other such organizations. However, it would frequently represent these organizations in litigation. The program itself will be exclusively devoted to legal problems concerning the environment and conservation of natural resources.

2. The SCLDF Law Office.

The principal function of the SCLDF staff attorneys will be to plan and carry on litigation and negotiations. Since SCLDF's office will be in California, the great bulk of California cases would be carried by SCLDF attorneys. Additionally, proceedings before administrative agencies are

normally so costly and extensive and so frequently require special expertise that SCLDF's staff attorneys would carry on the great bulk of administrative litigation nationally. Further, SCLDF staff attorneys will conduct a large percentage of the more important and complex cases, wherever the forum is located. However, in such cases, a local volunteer or paid counsel would be associated.

It is essential that a full-time staff of experienced attorneys be employed to conduct the more complex litigation and also to supervise and support volunteer attorneys. The experience of the Sierra Club's Legal Committee shows that it is self-defeating simply to throw young lawyers just out of law school or weekend volunteer attorneys with no specialized experience into difficult and protracted litigation. Moreover, few attorneys can conduct litigation requiring weeks of preparation and trial on a purely volunteer basis. Nor is it prudent to pit inexperienced law graduates against seasoned and well-financed government or private counsel in major litigation or related negotiations. It is clear that there would be no shortage of cases for five staff attorneys to handle. To the contrary, the problem is and will continue to be selecting from many meritorious actions those of greatest significance.

3. The SCLDF Volunteer Panel.

This part of the SCLDF program is essentially a much expanded, better supervised and adequately financed version of the present Sierra Club Legal Committee. At the present time, most volunteers work without compensation other than reimbursement of out-of-pocket costs such as filing

fees, cost of transcripts, travel and the like. In more lengthy litigation, the Sierra Club has appropriated funds to provide some compensation. In all cases, members of the bar conducting litigation for the Sierra Club have donated substantial portions of their time or have worked for substantially less than their prevailing hourly rates.

SCLDF will take over the present Legal Committee panel of some 80 lawyers nationally, will significantly expand this panel, and will insist upon a high standard of professional ability. Within one year, ELA would expect to have at least one volunteer in every State and in most major urban areas. When volunteer attorneys propose litigation, SCLDF will evaluate the proposal, will authorize action if appropriate, will reimburse out-of-pocket expenditures and, in difficult cases, will authorize some level of compensation. This will put the volunteer program on a reasonable basis so that lawyers who cannot otherwise conduct litigation will be able to do so if they are willing to donate a reasonable portion of their time. At the same time, SCLDF will provide supervision and back-up support in the form of research memoranda, pleadings and the like.

An additional important role for the volunteer panel is to serve as local counsel of record in States in which staff attorneys are not members of the Bar but in which actual litigation would be conducted by staff attorneys. As the volunteer panel grows, the program will be less dependent on associating local counsel at commercial rates.

SCLDF will also develop a nationwide panel of volunteer

experts in engineering, forestry, medicine, photography, hydrology, geology, planning and other disciplines. These experts would advise as to technical aspects of environmental problems and would serve as expert witnesses in litigation. Any compensation would depend on circumstances, but volunteer experts, like volunteer attorneys, would in all events receive only partial compensation. While no such panel presently exists, the development of the Legal Committee shows that an expert panel is also feasible.

SCLDF believes that the volunteer program is extremely important in that it would involve many people from many walks of life in solving environmental problems, it would stretch limited financial resources, and the involvement of these volunteers will itself ultimately result in creation of expertise necessary to solve environmental problems in many localities.

4. Utilization of Law School
Environmental Law Groups.

Among law students, as among other young professional students, there has been an explosion of interest in the environment and in its protection and improvement through law. Scarcely a day goes by that the Club's Legal Committee does not receive inquiries from student groups. Already, the Committee is working with students at the Stanford University, University of California and University of Colorado law schools.

An extremely important part of this program is involvement of law students and law professors in the program. Students would do research, participate in planning litigation, and do field investigation. It is clear that much of this

effort can be coordinated with new environmental law courses which are being initiated in various law schools.

As a second phase of involving students and university faculty, this program would draw upon technical expertise in other fields, including geology, engineering, forestry, planning and the like.

The budget of this program includes a substantial sum annually for back-up support of these activities and payment of out-of-pocket expenses.

5. Who Will the Program Serve?

The program will, to the extent resources allow, provide representation for or support of any group or individual which has a case or controversy involving significant environmental issues as to which it is believed there is a reasonable likelihood of success from the standpoint of protection of the environment. The program will work closely with all conservation groups who desire to use its services. It will not simply be a legal arm of the Sierra Club; although it will work closely with the Club and would expect that it will frequently represent that Club as plaintiff in environmental litigation.

6. Law Reform.

Almost everything this program will do will be "law reform", although not in a legislative context. Most of the relevant statutes and regulations--some of which have been on the books for years--have never been judicially applied or interpreted simply because the law affecting the environment is so rarely enforced or tested. Adequate resources have never been available to even begin to enforce

existing legal standards. This program, if properly funded, will over a space of years create an entirely new body of law relating to the environment and its protection, simply by applying existing legislation and regulations and existing common law doctrines to environmental problems.

C. Staff and Facilities.

The professional staff will ultimately consist of five full-time, well-qualified attorneys, one of whom would be designated as Executive Director by the Board. The first three of these attorneys must have practiced actively before courts and/or administrative agencies for at least five years and must be knowledgeable concerning environmental problems. Two additional and possibly less experienced attorneys will be employed during the course of the program. All attorneys, including the Executive Director, will be engaged actively in litigation, negotiation and other environmental law work. Clerical staff would consist of a competent legal secretary with prior clerical experience for each attorney. One would be office manager.

Office facilities will be obtained in the San Francisco Bay Area. If it becomes desirable to do so, one attorney would obtain office space and be located in Washington, D.C. It is anticipated that a suite could be obtained in close proximity to an established law office having adequate library facilities. These facilities could be used in exchange for a reasonable contribution to library maintenance. A small law library will be maintained at direct cost to the program.

Proposed annual budgets are attached as Exhibit 1-A to 1-F. setting forth the costs of the program over six years, the amount of grant income requested from this Foundation and the amount of other income anticipated from other sources. Since the principal expense is for personal services, it should be stated here that attorneys with more than five years' experience will be paid not more than \$24,000 each for the first two years, nor more than \$27,500 each after the fourth year. Less experienced attorneys will be compensated on a correspondingly lower scale. These sums are required to obtain the necessary caliber of legal talent. Attorneys capable of earning substantially more elsewhere could be attracted at such salaries because of the nature of the practice. Clerical staff will be paid at prevailing rates in the San Francisco Bay Area for comparable skills.

All attorneys will be involved in full-time environmental and conservation law work. Necessary administrative duties of these attorneys will be divided among them, including (1) selection and supervision of compensated local counsel who would be formally associated with staff attorneys conducting litigation away from the San Francisco area, (2) selection, supervision and support of volunteer attorneys conducting litigation throughout the country, (3) providing experts, (4) enlisting the services of university faculty and students, (5) coordination with other attorneys and conservation groups, and (6) running the business end of the law office.

D. Annual Reporting and Financial Management.

A firm of certified public accountants will be retained at the outset to set up SCLDF's books and to conduct an annual audit and to prepare an annual financial report for the Board of Directors and this Foundation. All employees will be bonded.

An annual report will be prepared by the executive director to accompany the financial report. This report will describe the activities of the preceding year.

III. -

PERMANENT FUND RAISING PROGRAM

It is the intention of SCLDF that it not be dependent upon this Foundation for financial support after the sixth year of operation, although a lower level of continuing support would, of course, be welcomed. The grant request here contemplates a diminishing level of support from this Foundation after the third year, despite expansion of activities and expenses. The request assumes that in the seventh year the program could continue without the support of this Foundation.

The Sierra Club Foundation, which contributes funds to the Sierra Club for non-legislative projects, has employed a permanent fund raiser and has embarked on a now long-term campaign to raise funds. Part of the fund raiser's time will be devoted to obtaining funding for SCLDF by means of special contributions to the Sierra Club Foundation. These fund raising efforts include a large gift program as well as a broadly based fund raising program directed to members and to the public.

The Sierra Club Foundation's fund raiser has conservatively estimated that it will be possible to raise \$5,000 in year one, \$15,000 in year two, \$50,000 in year three, \$80,000 in year four, \$150,000 in year five, and \$200,000 in year six for SCLDF, and sufficient funds thereafter to support the program.

There is enough experience to justify the belief that the necessary funds can be raised over the long run if concentrated efforts are made. The Scenic Hudson Preservation Conference and the Sierra Club raised approximately \$190,000 to finance the extensive litigation concerning a hydroelectric plant at Storm King Mountain on the Hudson River. The Club has received donations of \$34,000 as partial offset of litigation costs in its battle to save Mineral King wildlife refuge. It has received \$8,000 in contribution for costs of litigation before the Federal Power Commission against dams in scenic Hell's Canyon on the Snake River. It has raised \$4,500 for litigation in Colorado to prevent deforestation of wilderness. It has received \$8,000 to conduct litigation in Alaska to prevent deforestation of Admiralty Island.

It is believed, therefore, that with fund raising now on a professional basis, it will be possible to meet the fund raising goals projected above.

IV.

GRANT REQUEST

The Sierra Club Legal Defense Fund, Inc., respectfully requests a grant of \$1,930,713, payable in six annual instalments, as follows: \$269,438, \$351,000, \$403,375, \$360,575, \$297,975, and \$248,350. Proposed budgets for

those years are attached as Exhibits 1-A to 1-F. It is anticipated that during the seventh year of its operation, SCLDF can be sustained without a return to this Foundation for a new grant. Although the possibility exists that a further request would be made, the program can be sustained, at least at a reduced level, without an additional grant.

The six-year request is necessary on several grounds: First, there would be little point in making extensive commitment to litigation, which frequently takes many months and often years to bring to fruition, unless there are assurances of continuity. Second, attracting a high caliber of staff is absolutely requisite if anything meaningful is to be accomplished. This recruiting effort would be immeasurably aided by a long-term commitment. Third, purchase of office equipment, obtaining office space, and the like can only be accomplished and amortized in a rational manner if commitment for a substantial span of time is obtained.

V.

CONCLUSION

No proposal, including this program, is an ultimate solution to the continuing degradation of our urban and natural environments. But a beginning must be made. Degradation of our environment and the need for its improvement is one of the most pressing problems facing the United States. Yet, on any relative scale, perhaps the least is being done.

This proposal is big enough to have a significant impact on these problems. Yet, it is small enough to be experimental and to point the way toward long-term solutions.

The authors of this proposal believe that this suggested program will have an infinitely greater impact on the environmental threats to our cities, parks, air and water than the same amount of money expended in any other manner could accomplish.

Respectfully submitted,

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EXHIBIT-2

SIERRA CLUB LEGAL ACTIONS

A. Court Actions

1. Sierra Club and Scenic Hudson Preservation Conference v. FPC, 354 F.2d 608 (2d Cir. 1965)

Consolidated Edison proposed a storage dam at Storm King Mountain on the Hudson. Sierra Club and other conservation organizations joined together to file a District Court action. The matter was subsequently taken to the Second Circuit. This action established Sierra Club's standing to sue in Federal Power Commission matters and has successfully prevented to date, the construction of this damaging project. The matter is now before the FPC in renewed proceedings.

2. Sierra Club and Minnesota Committee for Environmental Information v. Minnesota Pollution Control Agency, St. of Minn. D.C. 4th Jud. Dist. No. 662008

This action was brought by Sierra Club and the Minnesota Committee for Environmental Information for mandamus to require a hearing before the Minnesota Pollution Control Agency on the effects of dumping taconite tailings in Lake Superior. Reserve Mining Company has a permit to dump these tailings, upon stringent conditions which Sierra Club believes are being violated. The action was successful and mandamus issued against the Agency requiring it to hold a hearing on the pollution effects of the taconite tailings in 1970.

3. Sierra Club v. Board of Supervisors, Sup. Ct. St. of California, Cy. of Santa Barbara, No. 86643 (1969)

Permits were issued, after the Santa Barbara oil disaster, for additional drilling on Channel Islands off the Santa

Barbara coast. The permits were issued without hearing and Sierra Club sought a hearing before the Board of Supervisors via this action. Unfortunately, the action was unsuccessful and public hearings have not been required.

4. Sierra Club v. Walter J. Hickel, et al. U.S.D.C. Northern District of California, No. 51464

This action, brought against the Secretary of Interior and Secretary of Agriculture, is to prevent a Disney ski development in a game refuge which Sierra Club believes should be made a part of Kings Canyon National Park. Sierra Club successfully obtained a temporary restraining order at the District Court level. The granting of that injunction is now on appeal to the Ninth Circuit where the Sierra Club standing to sue is again at issue. This case not only involves important legal issues but may well preserve an important Sierra Valley for wilderness and park needs.

5. Citizens Committee for the Hudson Valley and Sierra Club v. John Volpe, Walter J. Hickel and Stanley S. Resor, et al, U.S.Ct.App. 2d Cir. No. 34010

A multi-lane freeway was proposed for the East Bank of the Hudson River. It would have scarred existing scenic values and prevented any additional park development along the Hudson River. Sierra Club successfully obtained a permanent injunction at the trial court level. The matter has recently been heard by the Second Circuit where the Sierra Club standing to sue and legal questions concerning the right to fill and dike navigable waterways are at issue.

6. Sierra Club and Citizens Committee for the Columbia River, et al v. Stanley Resor, U.S.D.C. Ore. September, 1969

The Portland International Airport proposes to fill additional areas of the Columbia River for jet runways at

Portland Airport. Sierra Club has opposed additional filling in the area and is prosecuting this action in order to prevent the fill project. Hopefully the required runways will then be built on existing land. The matter is pending at the District Court level.

7. Parker and Sierra Club et al. v. Clifford Hardin, et al.
U.S.D.C. (D.Colo.) No. C-1368

East Meadow Creek is adjacent to the Gore Range Eagles Nest Wilderness area. The timber in this area was sold to private industry for cutting. Sierra Club and others concerned in the Vail and Aspen areas filed this action to prevent logging of this virgin forest which has excellent recreational possibilities. Sierra Club obtained a preliminary injunction and the matter has now been tried and is awaiting decision by the District Court. Important issues involving the proper interpretation of the Wilderness Act and the Multiple Use Act are involved.

8. Save San Francisco Bay Association and Sierra Club, et al.
v. The City of Albany, Richard O. Clark, et al., Sup. Ct.
Cy. Alameda No. 383480

This action was filed by Sierra Club and others to prevent a land fill by the City of Albany. The area involved is a shallow portion of San Francisco Bay valuable both for recreation, scenic outlook and maintenance of Bay water quality. The matter is still pending at the trial court level.

9. Sierra Club v. Clifford Hardin, et al. (filed U.S.D.C.
Anchorage, Alaska, February 10, 1970)

This new action has been filed to prevent excessive commitments of the forest resources of Tongass National

Forest in Southeast Alaska to lumber and pulp uses. No sections of Tongass National Forest have been designated wilderness areas and this latest sale area of one million acres would destroy many opportunities for needed recreational areas.

10. DDT-USDA - Sierra Club v. Secretary of Agriculture Clifford Hardin, Petition dated October 31, 1969

This petition was brought by Sierra Club and other conservation organizations in 1969 to require deregistration of DDT by Department of Agriculture. The matter is now pending before the Circuit Court of Appeals for the District of Columbia because plaintiffs contend that final orders denying a petition have been made. Arguments are expected before the Circuit Court on an accelerated basis within the next 30 days.

11. Sierra Club v. Volpe, Secretary, Department of Transportation, U.S.D.C. (D. Columbia) No. 3396-69

Overton Park is an urban park containing a virgin stand of typical hardwood forest. A freeway planned for suburban access to down town Memphis would destroy much of the park and affect adversely other park values. Accordingly Sierra Club and Citizens to Preserve Overton Park brought this action on available legal grounds to prevent the immediate commencement of the highway through the park. The matter was initially commenced in the United States District Court, District of Columbia and has been moved to the U.S.D.C. at Memphis, Tennessee where arguments are expected shortly on a combined Motion to Dismiss and Motion for Temporary Injunction.

12. Texas Committee on Natural Resources and Sierra Club v. United States of America, FIA, et al., U.S.D.C., Texas.

This is an action brought to prevent building a golf course in Meridian State Park. The area contains unique

cover for migratory bird species. Sierra Club and the other plaintiffs believe that the area should be preserved in its natural state for wildlife and recreational purposes. The matter was lost at the trial level, but on appeal the District Court has granted an injunction pending appeal based upon the new National Environmental Policy Act of 1969 on the theory that adequate consultation between federal agencies had not been undertaken as required by that Act. The injunction also allows the plaintiffs to test the requirements of that Act that federal agencies take all possible steps to ensure preservation of the environment. The matter is on appeal to the Fifth Circuit Court.

B. Amicus Curiae Appearances

13. Dietz v. King - Tidelands Access, Lester J. Dietz and Lotus A. Dietz v. Robert B. King and Helen L. King and Thomas Gion, et al. v. City of Santa Cruz, Sup. Ct. Nos. 22,703 and 22,560

This action which was brought by a private party to establish a public right to access to tidelands in the State of California. Sierra Club appeared amicus curiae in the Supreme Court of California arguing that the California Constitution guaranteed to all citizens the right of reasonable access to state owned tidelands. The Supreme Court granted public access, in a broad decision useful for future cases on February 19, 1970.

14. Marks v. Whitney, California District Court of Appeals, 1969

In this case Sierra Club filed an amicus brief asserting a public easement over California tidelands. Sierra Club's position, if successful, will have broad application to tidelands throughout the state.

16. Three Sisters Project, Washington D.C.
D.C. Federation of Civil Associations, et al. v. Secretary
John A. Volpe, et al., U.S.D.C. (D. Columbia) No. 2821-69

Sierra Club has appeared amicus in this action to protect the park values which would be destroyed by the proposed Three Sisters Bridge. Sierra Club's amicus brief points out the necessity for adequate public hearings in connection with road and bridge projects which would destroy existing park and parkway amenities in urban areas.

17. Bayside Timber Company v. Board of Supervisors, County of San Mateo, State of California, (1970)

Sierra Club has agreed to appear amicus curiae to support the appeal of the Board of Supervisors from an adverse decision in this matter. The County of San Mateo which is an urban-suburban community passed ordinance preventing logging. Bayside Timber Company has been successful at the trial court level in contending that a weak state law had preempted the field. Sierra Club hopes to establish that local communities can control land uses which are destructive of primary community values.

C. Administrative Cases

18. Grand Canyon - Federal Power Commission Project No.2248

Sierra Club fought a lengthy holding action before the Federal Power Commission hearings on this matter opposing dams in the Grand Canyon which would have flooded portions of the Grand Canyon National Monument. The holding action was successful when Congress terminated the matter by favorable action prohibiting these dams.

19. Hell's Canyon High Sheep Dam - Federal Power Commission Inquiry 8/12/69 Projects 2243 and 2273

The Snake River between Oregon and Idaho has one of the World's deepest canyons. This section of the Snake is one of the few remaining free flowing sections. Sierra Club has fought the proposed High Mountain Sheep Dam, and other dams in this area by active participation in this proceeding.

20. Briones Park - California Public Utilities Commission No. 8929

This is a complaint initiated by private land owners and Sierra Club to require the California PUC to take aesthetic qualities into consideration. The specific question is whether Pacific Gas & Electric should be allowed to put high voltage power lines through an undeveloped park near urban San Francisco-Oakland. The matter is now before the PUC for decision.

21. French Pete Creek, Oregon : U.S. Forest Service

Sierra Club has appeared on numerous occasions before the Forest Service to oppose the Forest Service plans to allow logging in the French Pete area. French Pete is one of the few remaining virgin valleys in Oregon and it is Sierra Club's position that it be maintained for present and future recreational uses as an example of the soft wood forests which once covered all of Western Oregon and the West slope of the Cascades.

22. White Clouds, Idaho : U. S. Forest Service

Sierra Club has attempted to obtain recognition of its status to contest road applications made by mining companies who wish to assay and develop mining claims in the de facto

wilderness near White Cloud Peak North of Sun Valley. This matter is actively being pursued to find methods whereby the public's interest can be properly represented in order to save this area from destruction by large scale mining.

23. La Bohn Gap, Washington : U.S. Forest Service

Sierra Club has recently authorized all necessary legal action to prevent development of a mine at La Bohn Gap which would destroy the Alpine Lakes area East of Seattle. Alpine Lakes has long been proposed as a recreation area and this project would destroy its usefulness as a source of recreation and enjoyment for the Seattle area and the entire Northwest.

D. Miscellaneous Pending Matters

24. Pyramid Lake, Nevada

Sierra Club has made many written submissions and has appeared before three Committees of the California Legislature, and before the Pyramid Lake Task Force in order to assist in obtaining sufficient water for the maintenance of Pyramid Lake water level. It is likewise cooperating with the Paiute Indians at Pyramid to determine any legal course of action necessary for protection of this unique desert lake and recreational resource.

25. Rogue River, Oregon

Sierra Club has made studies and made written and oral presentations to the Forest Service and Bureau of Land Management in order to assist in developing adequate standards for the Rogue River under the Wild and Scenic Rivers Act. As one of the first rivers in the Wild and Scenic Rivers system, Sierra Club has felt it important that proper standards be developed here for national use on

subsequent components.

26. Sylvania - Dr. Jerry Gandt, et al. v. Clifford Hardin, Secretary of Agriculture of the United States, et al., U.S.D.C. (W.D.Mich.) Nov. 5, 1969

Although Sierra Club was not directly involved as a party plaintiff in this matter several Sierra Club members were parties. The Forest Service had recently acquired the Sylvania area in Northern Michigan and Sierra Club felt it should be kept in its wild state. Sierra Club therefore assisted in this action to prevent concentrated recreational development of the area. The action was unsuccessful in its goal, but the Judge's oral decision granted Sierra Club and others standing to sue and is useful in defining important areas of law under the Multiple Use Act.

27. Boundary Waters Canoe Area

An action to prevent mining in this wilderness area has been filed by the Izaak Walton League and Sierra Club has counsel following this action and assisting, if necessary, counsel for Izaak Walton League and other plaintiffs. Boundary Waters Canoe area was one of the early segments of the wilderness system and its protection from destructive mining is imperative.

28. Calvert Cliffs Nuclear Plant - Chesapeake Bay

Sierra Club has followed the permit procedures for this plant and is considering legal action if thermal pollution problems are not adequately taken into consideration.

29. Tinicum Marsh - Tinicum Wildlife Refuge - Delaware County, Pennsylvania

Sierra Club has recently authorized a legal action in this matter to prevent the United States Army Engineers from

diking and filling the marsh for a road project. In this instance Sierra Club will probably not try to prevent the freeway from being built, but is trying to assure that standards proposed by the Secretary of Interior, the Bureau of Outdoor Recreation and the Fish and Wildlife Service are met in order to make the project less destructive to the wild resources available in this area.

30. Martin v. Kentucky Oak Mining Co., et al.
Ct. App. Ky. No. W-157-67

Sierra Club appeared amicus in this action which was brought to attack the broad form of mineral deed granting the right to use the surface as necessary or convenient for strip mining. The Kentucky court held, with two dissenting opinions, that the broad form deed permitted unrestraining strip mining.