

TENNESSEE CITIZENS for WILDERNESS PLANNING

Newsletter No. 201

October 24, 1994

SPECIAL PRE-ELECTION ISSUE

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Enclosure: List of nominees for 1995 TCWP Board

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Star in margin means "Action Needed." Don't be overwhelmed -- check the ACTION SUMMARY!

9. ACTION SUMMARY

¶No.	Issue	Contact	"Message!" or Action
I.	Election		VOTE GREEN
1C	"Property Rights"	Letter to editor	"This is a phony and dangerous issue!"
2A	BSF acquisition funds	Sen. Sasser	"Sincerest thanks for your major role all along!"
2B	Clear Creek dam proposal	D. Seivers, FmHA	"I oppose dam! Put me on mailing list!"
3	State Water Quality Criteria	TCWP	Offer to attend Water Poll. Contr. Board hearing
4B	Bill to regulate forestry	State Forester, K. Arney	"Send copy of draft bill!"
4G	Tenn. Rivers Assessment	TRA staff	Share your knowledge about favorite rivers
5A	Native plants on fed. lands	Pres. Clinton	"Thanks for this executive order!"
6B	Oak Ridge Reservation	"Common Ground"	Get info. Make suggestions for future uses
7A	Annual Weekend	TCWP	Plan to attend
7C	Abrams Cr. acquisition	TCWP	Send contribution

Senator John Doe
United States Senate
Washington, DC 20510

The Hon. John Doe
U.S. House of Representatives
Washington, DC 20515

Governor Ned McWherter
State Capitol
Nashville, TN 37219

Dear Senator Doe
Sincerely yours,

Dear Congressman/woman Doe
Sincerely yours,

Dear Gov. McWherter
Respectfully yours,

To call a Representative or Senator, dial Congressional switchboard, (202) 224-3121

To find out about the status of federal bills, call (202) 225-1772.

Activities and reading matter — continued from p.20

- Oct. 29 - Nov. 2, Chattanooga, Land Trust Alliance National Rally, hosted by the Tennessee River Gorge Trust. (Contact Land Trust Alliance Washington, DC, 202-638-4730.)
- Nov. 4-6. TCWP Annual Meeting (see ¶7A, this NL).
- Nov. 8. VOTE GREEN (see colored pages, this NL)
- Dec. 5. Written comments on TVA's future energy policy (see NL200 ¶6A).
- Autumn in the Zoo is an education program for children and for families sponsored by the Knoxville Zoo. (Call Zoo Educ. Dept., 637-5331, ext.350)
- A Local Carrying Capacity Campaign has been developed by the Sierra Club. By defining local carrying capacity as the number of people living a given lifestyle that a given environment can support indefinitely, the program works to show how population pressures intertwine with the entire ecosystem. (Contact Brian Horman, 202-675-6697.)
- Proposition 300 in Arizona is a national test case of the "property rights" issue (see ¶1C, this NL). The folks battling this Proposition need all the help they can get. You can send a contribution to Arizona Community Protection Committee, 516E. Portland St., Phoenix, AZ 85004, or call 602-254-5569.
- Just out: *Tennessee's South Cumberland: A Hiker's Guide to Trails and Attractions*, by Russ Manning and Sondra Jamieson. This is an update of an earlier edition entitled *The South Cumberland and Fall Creek Falls*. The new edition includes more trails outside of these two areas (a total of 38 trails), including some in Franklin State Forest, Prentice Cooper State Forest, Piney Falls State Natural Area, and the new North Chickamauga Pocket Wilderness. The 135-page pocket-sized guide includes 10 maps and 24 photos. (\$8.95 from area bookstores; or order from Mountain Laurel Place, P.O. Box 3001, Norris, TN 37828, 615-494-8121.) See also Russ Manning's *Exploring the Big South Fork*, reviewed in NL 200.

IF YOU DON'T VOTE PRO-ENVIRONMENT, the next Congress could be even worse on the environment than the one just ended (T1A, this NL). Here in Tennessee, we have not only two Senate races and races for 9 House seats (of which 3 are "open" seats, i.e., no incumbents), but also an important gubernatorial contest and, of course, a State legislature to elect where certain incumbents are worthy of support.

This special pre-election issue of our Newsletter brings you much election-related coverage that will help you to pick candidates to vote for and to counter misinformation. Please see:

- candidate information (colored pages)
- summary of the last Congress (T1A, white pages)
- analysis of the supposed environmental "backlash" (T1B, white pages)
- analysis of the "takings" concept -- a hot-button issue (T1C, white pages).

PLEASE READ, AND VOTE NOVEMBER 8!!

I. SUMMARY ANALYSES

The summary analyses are based on all the information we could amass after diligent effort. This information comes from:

- documentation in past Newsletters of candidate's actions
- responses to our questionnaire
- candidate's own summaries
- League of Conservation Voters scores
- other information sources (e.g., Sierra Club, media).

The summary analyses are given first; the documentation on which they are based follows. If your time is limited, read at least the summaries, please!

Senate race #1: SASSER VS FRIST

SASSER

Sasser has a solid record of achievement, not only on the national level (where his League of Conservation Voters scores have been consistently above the national average and are currently about twice the Southeast average), but particularly on issues that are of major concern to Tennessee conservationists.

- He has been the leading player in supporting the Big South Fork National River and Recreation Area and the Obed National Wild & Scenic River, and has repeatedly managed to secure appropriations, usually against heavy odds.

- He has consistently worked in support of the conservationists' proposal for wilderness designation in the Gt. Smoky Mtns. National Park. He supported legislation as well as research aimed at reducing air pollution in the Smokies.
- He opposed "below-cost" timber sales and supported biodiversity preservation in the Cherokee National Forest, and he succeeded in cutting the Forest Service's logging-road-construction budget and in transferring funds to habitat preservation. He attempted to get funding for Cherokee NF land acquisitions (Highlands of Roan).
- In view of the absence of controls over timber-harvest practices, he urged TVA to reject chip-mill permits.
- He took strong actions against regulations that would have permitted strip-mining in parks, wildernesses, etc.; and he gave active support to the citizens' petition to have certain lands surrounding Frozen Head designated unsuitable for mining.
- On the issue of "taking," he rejects the notion that all environmental regulations constitute "takings" that must be reimbursed by government.

If Sasser becomes Majority Leader in the next Congress, he will be in an excellent position to provide support for continuing and expanding some of the initiatives summarized above.

FRIST

- He wants to be convinced that lands yet to be acquired in order to complete the Big South Fork NRRRA and Obed WSR are in fact vulnerable to irreversible damages.
- He considers wilderness designation for the Smokies as "elitism at its worst."
- He attributes much of the Smokies' air pollution problem to home heating, and feels we should not "pickon" these citizens.
- Concerning below-cost timber sales, he states: "If the health of the forest is not at stake, it makes little sense to me to sell at a loss." [Does this statement make sense? What if the health of the forest is at stake?]
- Concerning Cherokee land acquisition, he states: "The USFS has its hands full managing what it has" and proposes swaps instead.
- He is non-committal on chip mills (wants to hear both sides).
- He proposes a trust fund for federal land acquisition.
- On the subject of "takings," he is totally committed to the philosophy that government must compensate individuals and corporations for property values perceived to be diminished as a result of regulations promulgated for the public benefit.

Senate race #2: COOPER VS THOMPSONCOOPER

Cooper's average League of Conservation Voters scores for his past 10 years in the House of Representatives establish him as the clear leader of the Tennessee House delegation. Among national issues on which expended particular efforts are acid-rain control, clean coal technology, fuel use and greenhouse gases, Clean Air legislation.

On issues that are of major concern to Tennessee conservationists, too, he has a solid record of achievement.

- He consistently supported Sasser on appropriations to complete land acquisition for Big South Fork NRR and Obed WSR.
- Because of the major negative impacts of chip mills on the economic and environmental quality of Tennessee, he urged TVA to reject permit applications.
- He gave active support to the citizens' petition to have certain lands surrounding Frozen Head designated unsuitable for mining.
- He has supported the Rural Abandoned Mine Program for strip-mine reclamation.

THOMPSON

Despite reminders, Thompson failed to respond to our questionnaire. Nor did he send a prepared statement of his own. He has no public record.

Responding to a recent question by *The Tennessean*, he said that one way to reduce the federal deficit would be to cut funding for park-land acquisition for five years.

House races

The following incumbents have consistently scored high in League of Conservation Voters evaluations for the past 8 years:

- Ford (D-9)
- Gordon (D-6)
- Clement (D-5) has scored on the high side of average.

Our questionnaire was sent to candidates for the 3rd, 4th, 5th, and 6th districts. Despite follow-up phone calls, none responded. However, just before going to print, we received a call saying that a response from Randy Button (3rd distr.) is on the way. We'll share it with the media.

Gubernatorial race: BREDESEN VS SUNDQUISTBREDESEN

Bredesen very promptly returned the gubernatorial questionnaire and answered each question.

- He believes in statewide assessment of water needs and promises to have the state generate a water resources plan.
- He will have his commissioner examine the process of land acquisition and make sure the state is able to move rapidly when opportunities arise.
- He promises to assess whether the Scenic Rivers, Trails, and Natural Areas programs are being actively implemented and to recommend adequate funding levels. He supports the Rivers Assessment and the Biodiversity projects.
- He will request a comprehensive state land-use management plan.
- He promises to examine the entire issue of managing and protecting the state's valuable timber resources.
- He was non-committal on whether he supports proposed revisions in water quality criteria.

SUNDQUIST

For the past 10 years of records, Sundquist has had exceedingly low scores from the non-partisan League of Conservation Voters -- 4%, 7%, and 7% for the last three Congresses. He places among the 50 lowest scorers for the entire House of Representatives.

Sundquist failed to return our questionnaire, despite reminders.

State Legislature

TCWP did not mail questionnaires to State Legislature candidates. The Tennessee Sierra Club, after careful analysis of past performance, endorses the following candidates:

- Gary Odom (D, HD 55)
- Mike Kernell (D, HD 93)
- Randy Stamps (R, HD 45)
- Douglas Henry, Jr. (D, SD 21)
- Sherry Stoner Jones (D, HD 59)

II. TCWP QUESTIONNAIRE FOR SENATE AND HOUSE RACES

In mid-September, TCWP sent a set of 6 questions to each of the candidates for the two Senate races and for the House races in the 3rd, 4th, 5th, and 6th Congressional districts. Each question was preceded by a "background" paragraph. The questionnaire is reproduced here in slightly abbreviated form.

1. **Background:** Because authorized land acquisition has not been completed for either the Big South Fork National River & Recreation Area (BSFNRRRA, enacted in 1974) or the Obed Wild & Scenic River (WSR, enacted in 1976) both areas are highly vulnerable to irreversible damages from mining, logging, etc.

Question: Would you actively seek appropriations for acquiring, as quickly as possible, the remaining lands authorized for the BSFNRRRA and Obed WSR?

2. **Background:** (a) The Gt. Smoky Mountains National Park is one of only a few National Park units in which no area of protected wilderness has so far been designated under the terms of the 1964 Act. (b) Much of the vegetation that gives the Smokies their special character is falling victim to air pollution, and the visibility range from the park has been seriously diminished.

Questions: (a) Would you actively support wilderness designation for a significant portion of the Smokies?

(b) Would you support establishing a zone around the park within which air-quality standards would be more stringently enforced?

3. **Background:** In the Cherokee National Forest, the US Forest Service has been selling public timber to private companies at a price below the costs of growing it and of making it accessible by logging roads. At the same time, other objectives of national forests -- such as watershed protection and outdoor recreation -- have been neglected.

Questions: (a) Would you support rapid phase-out of below-cost timber sales in the Cherokee?

(b) Would you support appropriations to permit the US Forest Service to acquire critical areas within the authorized National Forest boundaries -- specifically, within the Highlands of Roan and along the French Broad River?

(c) Would you support designating the Nolichucky, Tellico, and/or Hiwassee Rivers in the Cherokee NF as National Wild & Scenic Rivers?

4. **Background:** Chip-mill operations (which are known to provide very few jobs) denude the forest in a multi-county radius, then pack up and move elsewhere -- having ruined the area for hardwood-industry jobs and for tourism income. On the basis of a careful Environmental Impact Statement that considered off-site impacts, TVA recently denied permits for barge-loading facilities for several chip mills (which typically export their chips to Pacific-Rim countries).

Question: What steps would you initiate or support to halt, or at least diminish, the threat from chip mills in our State?

5. **Background:** The Land & Water Conservation Fund (LWCF) was created by Congress to acquire lands for already authorized national parks, forests, refuges, etc., as well as for certain state open-space programs. Money for the LWCF is derived from oil & gas royalties paid to the government for Outer Continental Shelf drilling. The Fund is authorized at \$900 million annually, but sums actually appropriated have been but a fraction of this amount in recent years. The cumulative surplus for the LWCF has been growing on paper, but in reality the money has been spent for other purposes.

Question: Would you support legislation which would assure that the full \$900 million annually that are being "put in the bank" are in fact appropriated, and that the money is not drawn off for purposes unrelated to land protection?

6. **Background:** Proposed so-called "takings" legislation would compensate property owners if the value of their holdings or profits declines as the result of a regulatory decision. It has, however, been pointed out that taxpayers shouldn't be made to compensate would-be despoilers of the environment for not doing what they should not be doing anyway.

Question: Would you oppose "takings" bills or "takings" amendments attached to other bills?

III. SENATE RACE #1: SASSER VS. FRIST

A. Sen. Sasser's record

To compile Sen. Sasser's record on issues of importance to TCWP, we checked back through Newsletters of the past 6 years. Here is a summary;

the numbers in parentheses refer to NL/¶ in which the story was told.

- Introduced and successfully supported legislation to transfer Big South Fork National River and Recreation Area (BSFNRA) from Corps of Engineers to National Park Service in 1990. Among other things, this provided a mechanism (the Land & Water Conservation Fund) for the government to acquire threatened lands within the authorized purchase boundary (175/2, 178/1A, 179/1A).
- Has consistently and strongly supported appropriations for BSFNRA land acquisition, even when such appropriations were not included in the Administration budgets. Despite the fact that the House companion bills did not include any such moneys, he has succeeded each year but one since 1990 to convince the conference committee to include at least a compromise amount, bringing the current total now "in the bank" to \$5.5 M — close to the minimum needed to acquire the significant North White Oak Creek/Laurel Fork sector (177/1A, 179/1A, 182/1B, 184/2A, 185/2A, 189/2A, 190/2, 193/1A, 195/1A, 196/2A, 200/1D).
- Tried to get acquisition funds for Obed WSR (182/1B), and successfully supported development funds for BSFNRA and Obed (190/2) as well as operating funds for BSFNRA (196/2A).
- Took action against destructive effects of strip-mining by (a) insisting the Office of Surface Mining hold public hearings on a proposed new definition of "Valid Existing Rights," which would have resulted in strip-mining in parks, wildernesses, etc., and by presenting testimony at these hearings (168/2A, 169/5A); (b) requesting former Sec. Lujan to reform CBM management (170/7A).
- Supported the citizens' petition that sought to have the approaches to Frozen Head State Park & Natural Area declared unsuitable for surface mining, and advocated the most stringent of the various protection alternatives (174/3).
- Has consistently supported the conservationists' proposal for Wilderness in the Smokies, and has opposed construction of Sen. Helms' North Shore Road (190/3).
- In 1991, asked Head of US Forest Service and later the Sec. of Agriculture to modify the Cherokee Natl. Forest Plan so as to eliminate below-cost timber sales, preserve biodiversity, and protect visual beauty (182/5A).
- Sponsored amendment to cut \$65M from Forest Service's logging-road-construction budget and to transfer \$40M of this amount to habitat-protection and related programs (173/5B).
- In 1992, urged TVA to reject permit applications for chip mills, which would have major negative impacts on the economic and environmental quality

of the Tennessee Valley (188/2). In 1993, urged Corps of Engineers to consider off-site impacts of chip mills, and requested that Corps hold hearings on permit applications (195/3, 196/4B).

- Succeeded in getting Corps of Engineers to generate full EIS and hold hearings on proposed harmful development on Center Hill Reservoir (188/4A, 189/4B).
- Helped bring about dramatic reversal of former State policies that encouraged channelizations and wetlands draining in West Tennessee (172/2E, 199/8C).
- In national issues, sponsored American Heritage Trust Fund (for parklands acquisition) (168/5A); consistently supported conservationists' position on California Desert Protection bill (197/7D, 199/10C); supported the Clinton Administration's efforts to increase grazing fees for public lands (195/8B, 196/6F); helped kill an energy bill that had been dubbed "Environmental Enemy No. 1" (185/1); voted the pro-environment position for 3 of the 6 key votes on the 1990 Clean Air Act (176/9B). A recent Sierra Club analysis additionally mentions Sasser's support of the Clean Water Act, the Oil Pollution Control Act of 1990, the 1977 Strip-mining Act, and reform of the 1872 Mining Law.

B. Sen. Sasser's LCV scores

The League of Conservation Voters, a non-partisan organization, founded in 1970 as the environmental movement's bipartisan political action arm, has annually provided a National Environmental Scorecard for all members of the House and Senate. This Scorecard represents the consensus of national environmental leaders on actions by which the members of Congress are graded. The 1994 Senate scores are based on 13 votes and/or co-sponsorship on bill addressing issues such as biodiversity, natural resources, energy, population, pollution, and human health. Sasser's 62% score is considerably above the Regional (Southeast) average of 33%, and above the National average of 51%.

The following are Sasser's LCV scores going backward through the last three Congresses (6 years).

1994 (2nd session, 103rd Cong.)	62%
1993-1994	55%
1991-1992	52%
1989-1990	68%
1989	80%

Sen. Sasser is endorsed by the Sierra Club — an endorsement not lightly given.

C. Sen. Sasser's response to our questions

In response to our survey questions, Sen. Sasser sent an informative 4-page letter filled with specific details. Several of the subjects he addresses naturally duplicate those mentioned in ¶III.A., above, where we have used entries from past TCWP Newsletters to compile his record. Therefore, in summarizing his letter, below, we will, for the sake of brevity, merely make reference to the corresponding sections.

Sen. Sasser's excerpted letter follows:

"... I have always enjoyed working with your organization over the years ... and I appreciate this opportunity to explain my position on issues of interest to the members of TCWP. ... I will provide a detailed statement of my position on the issues raised in the survey and let my public voting record speak for itself on any other particular matters that I do not address here." (Note, ¶III.A. does, in fact, mention Sasser's achievements in several areas that we did not address in our questionnaire - e.g., strip-mining, Frozen Head, Tennessee wetlands, national legislation.)

1. (Big South Fork NRRRA and Obed WSR). Sasser's letter details the transfer legislation that he passed, the appropriations he secured for BSFNRRRA acquisition and operating funds, and for both BSF and Obed development funds (for all of which, see his documented record in ¶III.A.), and states: "I believe my post at the Appropriations Committee and my bid for Senate Majority Leader place me in the best position to be of assistance in matters like this."
- 2.a (Smokies wilderness). "Sixteen years ago, I introduced the first Great Smoky Mountains Wilderness Act. In 1988, the bill finally came to the Senate floor for consideration and hopes were high that wilderness designation for the Smokies would become a reality. Regrettably, this has not been the case." [And won't be as long as Jesse Helms is remains in the Senate, Editor.]. "... [All] attempts we have made to get a wilderness designation for parts of the Smokies have ... been filibustered to death. Nevertheless, I will continue to work to maintain one of Tennessee's most important and spectacular natural resources, the Great Smoky Mountains."
- 2.b (Smokies air quality). "Air pollution in the Park has been cause for concern. The Clean Air Act Amendments of 1990, which I supported, limits new sources of air pollution around the park. ... I am certainly hopeful new research will allow

resolution of these problems with minimal economic effect. To this end, as a member of the Transportation Appropriations Subcommittee, I included language in this year's transportation appropriations bill to help establish a research center to focus scientific efforts on alternative vehicle and fuel technologies and transportation system planning. This center will be in Knox County and will draw on the expertise of Oak Ridge National Laboratory, the TN Dept. of Transportation and the University of Tennessee. I am hopeful this research will give us answers to help find the optimal plan to address pressing concerns of air quality in the Smokies."

- 3.a (Cherokee NF: below-cost timber sales). "I have long supported efforts for more sound management practices in our national forests. ... pollution, over-harvesting of timber, ecologically destructive roads, and indiscriminate logging ... put our national forests at risk. I have generally opposed below-cost timber sales and I have supported reductions in Forest Service road construction funding in order to slow the pace of timber cutting and damaging road construction in our national forests. ... I have worked as a member of the Appropriations Committee to support and secure funding for land acquisition in the Cherokee NF."
- 3.b (Cherokee land acquisition). "This year, I secured \$1 million for acquisition in the Roan Highlands. ... House appropriations did not include funding for this purpose, and it was removed in ... conference.] ... I will be pleased to continue to work with the TCWP to attempt to secure the [Roan Highlands] funds."
- 3.c (Cherokee Wild & Scenic Rivers designations). "Time and again I have demonstrated my commitment to the preservation of Tennessee wild and scenic areas. I will certainly continue to do so - and I would firmly believe that my seniority in the Senate places me in the best possible position to accomplish things like this."
4. (Chip mills). Sasser's letter recounts that he urged TVA to reject permit applications for chip mills (see also the documented record in ¶III.A. above). "With few controls in place to ensure responsible harvesting practices on private lands, I was concerned that there would be widespread clear-cutting if permits went out. ... Certainly to the extent TVA is concerned in any such decisions, I believe the TVA Chairman Craven Crowell will listen to what I have to say, because I have had a

long relationship with him dating back to his days on my staff."

5. (Land & Water Conservation Fund). "I share the concern of members of TCWP on this issue. I will be pleased to work with you ... on this matter."

6. (Takings legislation). [Editor's note: see ¶1C, this NL, for a general discussion of this issue.]

"I believe private property owners have rights under the U.S. Constitution, and there should be compensation for actual 'takings.' However, the notion that all environmental regulations are 'takings' in the Constitutional sense is simply not legally correct ... My opponent has said, 'I believe that the intrusion of federal regulations into property owners' land use decisions must stop.' I am concerned about how far he would carry his views. ... some of the most extreme proposals call for government subsidies to pay people not to take irresponsibly destructive actions on their land. ... I do not support such a radical concept in practice or theory."

D. Bill Frist's response to our questions

Frist's 10/17/94 responses to our six questions (see ¶II, above) are extensively excerpted below.

1. (Big South Fork NRR and Obed WSR). "I would be pleased to visit them early next year ... to see first hand the danger you describe. After I see them and have the opportunity to talk with other Tennesseans to thoroughly review the matter, I will initiate any needed action."

- 2.a. (Smokies wilderness). "... designating part of the Smokies as a wilderness area would accomplish that goal [of having national parks less developed than local or state parks]. However, many feel that so designating a large part of a park so accessible to so many millions of Americans is elitism at its worst and must be carefully weighed. This is a question to which I will pay close attention."

- 2.b. (Smokies air quality). "Being downwind from government and corporate polluters and next door to thousands of homes who burn wood and coal as a primary fuel is a big problem for many national parks." [Editor's note: home heating is not a significant factor in Smokies air pollution.] "... As with water, point source pollution is easy to spot and establish public policy to pin down the offenders. Not so easy for us to pick on the citizen whose primary sin is to use an energy source he can afford. Education is the key here and we must get about the task."

- 3.a. (Cherokee NF below-cost timber sales). "... Building fire [?] roads using best management practices is important and we must do that. ... However, due to the size of the holdings and the impact the holdings have on the American housing industry, the federal budget, and perhaps for policy or political reasons, standing timber is sold at times when the cost is high and the selling price is low. If the health of the forest is not at stake, it makes little sense to me to sell at a loss. Unless this is the case, I will not support a policy of below cost sales in the Cherokee."

- 3.b. (Cherokee land acquisition). "The USFS has its hands full managing what it has. Perhaps swapping some out holdings for these properties makes sense."

- 3.c. (Cherokee Wild & Scenic Rivers designations). "After studying the criteria for that designation and after visiting these streams, I will fully review this option."

4. (Chip mills). "I know that TVA recently denied the permits which you mentioned, and I am confident acted only after thorough study and lots of public input. I would want to do the same. Although you make a compelling case for diminishing or halting this activity, I would, of course, hear both sides prior to committing to a course of action."

5. (Land & Water Conservation Fund). "... It makes sense to me to spend available earnings of purposes related to land protection. Lamar Alexander used a good idea in Tennessee which we should consider at the federal level -- forming a trust fund to protect our inheritance of natural resources."

6. (Takings legislation). [Editor's note: see ¶1C, this NL, for a general discussion of this issue.] "Land ownership is fundamental to a free society, and indirect condemnation by any government should be prohibited by federal law. I will support legislation that prohibits any government from effectively condemning an individual's property through the passage of regulations unless that individual is compensated at fair market value for the loss of the use of the property. I will also support legislation requiring all federal agencies to conduct regulatory impact studies on the effects their regulations will have on private property owners."

IV. SENATE RACE #2: COOPER VS. THOMPSON

A. *Jim Cooper's record*

The 4th Congressional District, which Jim Cooper has represented since 1982, contains most of the Big South Fork NRR and, prior to recent redistricting, also contained the Obed NWSR and Frozen Head State Park and Natural Area. Thus, in compiling Cooper's record on issues of importance to TCWP by checking back through Newsletters (as we did in ¶III A for Sen. Sasser), we naturally found most (but not all) entries devoted to these geographic areas. In the following summary, the numbers in parentheses refer to NL/¶ in which the story was told.

- Successfully supported legislation to transfer Big South Fork National River and Recreation Area (BSFNRA) from Corps of Engineers to National Park Service in 1990. Among other things, this provided a mechanism (the Land & Water Conservation Fund) for the government to acquire threatened lands within the authorized purchase boundary (178/1A, 179/1A).
- Consistently supported appropriations for BSFNRA land acquisition. Because Cooper was not a member of the appropriations committee in the House, whereas Sen. Sasser held senior position on the Senate Appropriations Committee, the lead was each time taken in the Senate, while Cooper lobbied the House members of the Senate/House conference committee (177/1A, 179/1A, 182/1B, 184/2A, 185/2A, 189/2A, 190/2, 194/1A, 195/1A, 196/2A, 200/1D).
- Tried to get acquisition funds for Obed WSR (182/1B), and successfully supported operating funds for BSFNRA (196/2A).
- In 1992, urged TVA to reject permit applications for chip mills, which would have major negative impacts on the economic and environmental quality of the Tennessee Valley (188/2). In 1993, urged Corps of Engineers to consider off-site impacts of chip mills, and requested that Corps hold hearings on permit applications (196/4B).
- Supported the citizens' petition that sought to have the approaches to Frozen Head State Park & Natural Area declared unsuitable for surface mining, and advocated the most stringent of the various protection alternatives (174/3).
- Sponsored American Heritage Trust Fund (for parklands acquisition) (168/5A).
- Refused to co-sponsor a bill that would have led to wetlands destruction, but also failed to co-sponsor a wetlands protection bill (191/7C).
- Co-sponsored bill to provide foreign aid for population-stabilization measures (182/8F).

B. *Cooper issues statement on his record*

In response to our survey, Jim Cooper's campaign office furnished a compilation of his environmental record. We reproduce it here in abbreviated form, omitting those issues that have not been among TCWP's primary concerns.

- Worked to complete the Big South Fork NRR, especially in the area of land acquisition.
- Supported the Rural Abandoned Mine Program (RAMP) for reclaiming abandoned strip mines.
- Fought the Reagan Administration's attempt to close the only US Forest Service research laboratory in Tennessee, the Sewanee Station, which is responsible for protecting forest growth in Tennessee and for recommending management techniques to small timberland owners.
- Fought against irresponsible mining practices on TVA land in Giles County. He pressured TVA to condition future mining rights on a commitment to restore the land.
- Introduced the Acid Rain Bill. ... Reducing acid rain would ... protect the Great Smoky Mountains National Park, the state's biggest tourist attraction. The plan was ... acceptable to both environmentalists and industry representatives.
- Encouraged "clean coal" technology development for TVA by sponsoring a bill that encouraged faster development of clean coal products.
- Was the leading negotiator in setting up a compromise for the 1990 Clean Air Act that protected jobs while fighting for the environment.
- Sponsored a bill to reduce greenhouse gases in the atmosphere, to improve efficiency in fossil-fuel use, to encourage the use of low-carbon fuels and renewable energy resources, and to stimulate market development of technologies to reduce carbon dioxide.
- Sponsored an innovative, market-based approach to amend the Clean Air Act in order to provide further controls on certain sources of sulfur dioxide and nitrogen oxides that cause acid rain. The same legislation also provided for commercialization of clean-coal technologies.

C. Rep. Cooper's LCV scores

Performance scores by the non-partisan League of Conservation Voters (see ¶11B) are issued annually and based on a spectrum of environmental issues. In 1994, e.g., the House score is based on 26 separate votes and/or co-sponsorships, including issues under the headings of biodiversity and natural resources, national parks and wilderness, energy and global warming, pollution and human health.

The following are Jim Cooper's LCV scores going backward through the last five Congresses (10 years).

1993-1994	57%
1991-1992	70%
1989-1990	78%
1987-1988	75%
1985-1986	69%

The average of these scores makes him the clear leader of the entire Tennessee House delegation.

Jim Cooper is endorsed by the Sierra Club – an endorsement not given lightly.

D. Information about Fred Thompson

Cooper's opponent, Fred Thompson did not respond to our questionnaire. He has no public record on the basis of which we could assess him. However, in answer to a recent question by *The Tennessean*, he said that one way he saw to reduce the federal deficit would be to cut funding for parkland acquisition for five years.

V. HOUSE RACES

In mid-September, the TCWP Congressional questionnaire (see ¶11) was sent to the contestants in four districts (3rd, 4th, 5th, and 6th). Despite follow-up phone calls, none of the 4th-, 5th-, and 6th-district candidates, who were sent our questionnaire, has responded. **BUT SEE p.12**

Here we summarize the League of Conservation Voters (LCV) scores for the six incumbents, going backward in time. [Note: the score for Cooper, who is running for the Senate, is given in ¶IV.C; the score for Sundquist, who is running for governor, is given in ¶VI.B.]

	93/94	91/92	89/90	87/88
Quillen (R-1)	15	3	6	19
Duncan (R-2)	20	7	28	—
Clement (D-5)	52	46	61	50

	93/94	91/92	89/90	87/88
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Gordon (D-6)	61	56	83	63
Tanner (D-8)	35	28	56	—
Ford (D-9)	65	70	72	50

VI. GUBERNATORIAL RACE: BREDESEN VS. SUNDQUIST**A. Only Bredesen responds to TCWP questionnaire**

On September 14, TCWP sent each of the gubernatorial candidates a set of 6 questions, each preceded by a "background" paragraph. Phil Bredesen, currently the mayor of Nashville, responded within two weeks. Don Sundquist has not responded to date, despite assurances from his office (which we called in early September) that he would do so without delay.

Below, we give the abbreviated background statements (where needed), questions and answers.

1. Background: Currently the State of Tennessee has no coordinated mechanism for water-need/water-supply planning. ... [T]here is a huge proliferation of utility districts, each of which pushes for its own water-supply source without coordinating with neighboring districts or assessing cumulative impacts of a project.

Question: What would you do to bring about thorough, long-term, region-wide assessment of water needs and potential water sources, and how would you attempt to implement the conclusions from such studies?

Bredesen: I am a strong believer in assessing where we are and where we should be going in every field. I approve of the suggestion for a statewide assessment of water needs and supplies. I will ask my commissioner of environment and conservation to devise a state water resources plan and to coordinate planning with the regional utility districts to make sure the state's needs for municipal water supplies are balanced with environmental and recreational needs.

2. Background: The State has funding mechanisms for acquiring (outstanding, varied, natural scenery, and ecological treasures); e.g., enacted in 1991 was a specially earmarked small increase in the recordation tax on transfer of real property. However, (a) the acquisition machinery is prohibitively ponderous, and (b) the funds are not adequate.

Question: What would you do to improve the State's capacity and efficiency in acquiring important natural areas?

Bredesen: I understand the large tract of land adjacent to Pickett State Park was lost to developers because the state's attempt to acquire the land was moving too slowly. [Editor's note: Bredesen was not aware that the Mellon Foundation had recently come to the rescue and secured 5000 of the 8000 acres, see NL200 ¶12]. I will direct my commissioner of environment and conservation to examine the process of land acquisition and make sure the state is able to move as rapidly as the private sector when opportunities of this sort arise. I believe much of my success as mayor of Nashville has been in bringing my entrepreneurial experience to government. The same strategies can work in environmental areas as in economic development.

3. **Questions:** (a) What would your Administration do to improve the implementation of the Tennessee Scenic Rivers, Natural Areas, and Scenic Trails Acts? (b) Would you support the ongoing Tennessee Rivers Assessment effort and the Biodiversity Project?

Bredesen: Again I would instruct my commissioner of environment and conservation to assess whether these laws are being actively implemented and [would] recommend funding levels to see them through. I think the rivers assessment and biodiversity projects are important in giving Tennessee an idea of where we are environmentally and where we need to be going. One of my deepest beliefs is that we have to be able to measure what we manage. That is very clear in the environment, where important habitat can be lost or wilderness areas developed before we even know they are threatened.

4. **Background:** Chip-mill operations, which are known to provide very few jobs and which denude forests in a multi-county radius, pack up and move elsewhere, having ruined the area for hardwood-industry jobs and for tourism income. The State of Tennessee currently has no laws that address this threat, nor are there even any laws regulating timbering practices.

Question: What steps would you take to halt, or at least diminish, the threat from chip mills in our State?

Bredesen: I understand the TVA has refused to grant permits for chip mills on its waterways in Tennessee

without addressing the broader forest management issues involved. I believe Tennessee needs a comprehensive land use management plan which would include everything from urban Greenways to wilderness planning and protection. I will request such a plan, bringing all sides to the table in the discussion. The state needs to look beyond the issue of chip mills to the entire issue of how we want to manage and protect our valuable timber resources. We need to take into account all the complex needs of society, not the least of which is preserving our rich biodiversity.

5. **Background:** Tennessee has been praised for its Water Pollution Control Act of 1977. An upcoming review of the regulations may succeed in strengthening [implementation of] this Act ...

Question: Do you support designation of Outstanding Federal and State Resource Waters, and adoption of a tiered approach for providing protection?

Bredesen: I support protection of our state's most vulnerable and valuable water resources and would support any reasonable plan for that protection.

6. **Background:** Proposed so-called "takings" legislation would compensate property owners if the value of their holdings or profits declines as the result of a regulatory decision. It has, however, been pointed out that ... taxpayers shouldn't have to pay despoilers of the environment for not doing what they should not be doing in the first place. This year, the Tennessee General Assembly passed a compromise bill acceptable to both sides.

Question: Would you abide by the compromise "takings" bill passed in 1994?

Bredesen: I hope that as governor I would abide by all the laws of Tennessee. If the compromise was acceptable to all sides, the law must be a strong one and I would support it.

B. *Sundquist's record*

Don Sundquist's actions and votes on environmental issues during his 12-year service in the U.S. House of Representatives provide a record that might be useful in predicting his performance if he were to be elected governor.

For 1994, Don Sundquist's score by the non-partisan League of Conservation Voters (LLCV, above) was 4%, which earned him the dubious honor of being listed among the 50 lowest scorers in the entire House of Representatives. The 1994 score

honor of being listed among the 50 lowest scorers in the entire House of Representatives. The 1994 score is based on 26 separate votes and/or co-sponsorships, including issues under the headings of biodiversity and natural resources, national parks and wilderness, energy and global warming, pollution and human health.

Going backward in time, Sundquist's LCV scores are as follows:

1994 (2nd session, 103rd Congr.)	4%
1993-1994	7%
1991-1992	7%
1989-1990	28%
1987-1988	19%
1985-1986	26%

Checking back through TCWP Newsletters of the past 6 years, we find Sundquist getting special mention on a couple of occasions. In 1989, he withdrew his support from a bill that would have created a trust fund for parkland acquisition (173/8A). In 1992, he co-sponsored a bill that would have permitted destruction of wetlands (186/9C, 191/7C).

VII. CANDIDATES FOR THE STATE LEGISLATURE

We did not mail questionnaires to candidates running for the State Legislature, nor did we have the resources to analyze the records of incumbents. In past Newsletters, we have, however, given credit to several of these individuals, and these mentions generally support the following endorsements by the Tennessee Sierra Club:

- Rep. Gary Odom (D, House District 55) has a 100% voting record on environmental issues.
- Rep. Mike Kernell (D, House District 93) voted correctly 78% of the time in the Sierra Club analysis.
- Rep. Randy Stamps (R, House District 45) voted right on key environmental votes and vigorously opposed the takings bill.
- Sen. Douglas Henry, Jr. (D, Senatorial District 21) has a 100% voting record on environmental issues in the most recent Sierra Club analysis and has all along been instrumental in the protection of natural areas.
- Sherry Stoner Jones (D, House District 59), running for an open seat, is endorsed on the basis of her record on the Davidson County-Metro Council.

AS WE GO TO PRESS -- more info on 3rd district race

We just got a call to the effect that Randy Button answered the questionnaire but failed to get it to us in time for the printer. When we receive it, we'll share it with the media.

1. ELECTION ISSUES

A. *The worst Congress since Earth Day 1970*

Some of the factors in this Congress' very poor performance on environmental legislation are analyzed in ¶1B and 1C, below.

The following major pieces of environmental legislation were scuttled, were bogged down by such damaging amendments that they had to be abandoned, or were caused to run out of time (generally by threat of a filibuster or prolonged debate by Senate Republicans)

- Endangered Species Act Reauthorization
- Reform of the 1872 Mining Law
- Concession Reform
- Safe Drinking Water Act
- California Desert Protection
- Ratification of the Biodiversity Treaty (from 1992 Earth Summit)
- Grazing Law reform
- Superfund reform
- Elevating EPA to Cabinet status.

Some of these defeats were specifically engineered to hurt reelection chances for the law's sponsor, e.g. Frank Lautenberg (Superfund) and Diane Feinstein (California Desert).

In addition, this Congress became vocal on a number of concepts that are very dangerous to environmental protection and which were sometimes attached as amendments to environmental bills so as to make them unpalatable. Heading this list was the "property rights" issue, discussed in ¶1C, below.

B. *Is there really an environmental backlash?*

The *Wall Street Journal* has called it "a tsunami [tidal wave] of anger" against environmental laws. Other media have referred to it as a popular rebellion. This kind of publicity, which has been very skillfully generated (see below), has a critical impact on the Congress, where environmental laws have been gutted or tabled during the session just past in order to appease the supposed rebellion.

The actual analysis of public opinion, however, reveals a very different picture. Here are some results of a nationwide *Times Mirror* poll conducted this spring. The question for the first two was "Have regulations to protect endangered species/prevent water pollution gone too far, not far enough, or hit the right balance?" The question pertaining to reform of the 1872 Mining Law was

"Should the mining industry be required to restore federal land and pay royalties to the government, even if the industry is already hurt by imports?"

LEGISLATION

	Toofar	Notfar	Right
		enough	balance
Endangered Species	16	51	24
Clean Water	4	76	16
	No	Pay	Don't
	royalties	royalties	know
Mining Reform	10	82	8

The idea that there is a popular rebellion against environmental laws is, in fact, the result of a clever public-relations campaign financed by mining, oil, mega-ranching, and real-estate interests, which have created front groups (the "Wise Use" movement) and generated mail and phone calls. Congressmen are willing dupes — it gives them an excuse to do the bidding of the special interests that finance their campaigns.

"If Americans, by their silence, allow the illusion of backlash against the environment to go unchallenged, they and their children will pay a high price. ... If you don't speak for yourself, someone else will claim to speak for you." (*Atlanta Journal and Constitution*, 7/31/94).

The Clearinghouse on Environmental Advocacy and Research (CLEAR) is an information source on the so-called "Wise Use" movement (their database includes 1200 "Wise Use" groups). This information can help us to expose the truth about environmental "backlash" activists and their strategies and tactics with the press and public. For more info, contact Dan Barry or Allison Daly at CLEAR (1718 Connecticut Ave, NW, Suite 600, Washington DC, tel. 202-667-6982, fax 202-232-2592, e-mail ewg@igcapc.org).

C. *Property Rights — a "hot-button" issue*

"Wise Use" proponents hope that the general public will look no further than their gut reaction to the phrase "property rights." These are, of course, considered to be fundamental American rights, and the "takings" issue has thus become a "hot-button" issue, akin to flag burning and failed family values. The movement has profited from too little public attention and analysis.

The concept of "takings" is a re-interpretation of the Fifth Amendment (which adequately protects private property) so that the government would have to compensate property owners not just

when it physically took possession of a piece of property for the public good (e.g., to build a road or school), but whenever any regulation is perceived as lowering a property's value. For example, if an empty lot is zoned "residential," but its owner could sell it at a higher price to a liquor-store chain, the city or county would have to pay the lot owner the difference if it wished to enforce the existing zoning.

"Takings" legislation would gut not only zoning and planning but environmental-protection, public-health, historic-preservation, and anti-discrimination measures. The government would have to pay industries and individuals for *not* taking certain actions that the law has found to be harmful to the public interest. "Takings" legislation is an attempt by certain groups to throw costly roadblocks in the way of government acting for an overriding public benefit, or in its role as provider of amenities that the market alone cannot provide. The Wise Use movement proclaims that it is just protecting the "little guy," when, in fact, "takings" legislation leads to the end of the government's role as protector of the "little guy." (Ironically, property values are often increased by governmental actions and expenditures, e.g., when a sewer line is built or a bridge makes land more accessible. To be consistent, the owners should then pay the government!)

We urge you to check on how the candidates we contacted responded to the "takings" question (#6 in questionnaire on colored sheets). In particular, note that Frist propounds the Wise Use agenda in every aspect, including his plan to "support legislation requiring all federal agencies to conduct regulatory impact studies on the effects their regulations will have on private property owners," echoing an executive order from the Reagan era.

We also urge you to bring the misleading "property rights" issue — which has the potential of pervading every sphere of life — to the attention of our friends and of the general public.

2. BIG SOUTH FORK AND OBED NEWS

A. Another \$1 million for BSFNRRA land acquisition!

Senator Sasser did it again, against heavy odds. He had managed to get \$1.5 Million into the Senate bill, which, along with money "in the bank" from prior appropriations, would have brought the available funds to \$6 M, estimated to be the minimum needed to acquire just the North

White Oak/Laurel Fork watershed. With zero funds in the House bill, the outcome was, however, very uncertain. Thanks to Sen. Sasser's personal involvement in the conference committee process, and thanks to Rep. Cooper's lobbying of House conferees, the final bill included \$1 M for BSF acquisition.

This will certainly make it possible for NPS to move forward with needed appraisals and actual purchases. The North White Oak/Laurel Fork watershed is an integral component of the BSFNRRA, and is very much threatened by logging, mining, etc. The existence of large tracts in that area creates the need for having available lump sums of considerable magnitude in order to make purchase offers to landowners.

✱ **WHAT YOU CAN DO:** Express your sincerest thanks to Sen. Sasser for the major role he has played all along — and again this year — in working toward completion of the acquisition process. Thank Rep. Cooper for the help he was able to give. Address on p. 2.

B. TVA doing EIS on Clear Creek dam proposal

Thanks to the numerous letters written by members of TCWP and NPCA, and the Friends of the Obed network, and to our personal contact with David Seivers (Farmers Home Administration State Director), FmHA agreed to generate a full-fledged EIS (Environmental Impact Statement) in lieu of a simple, meaningless Environmental Assessment (NL199 ¶2A, NL200 ¶1B).

In a recent letter, FmHA's State Environmental Coordinator, Tom Mayberry Jr., informed us that TVA has agreed to carry out the environmental impact study and to prepare the EIS. An early step in the process will be scoping meetings. At these, it will be most important to point out that, in order to be meaningful, the EIS must study not only the local but the *cumulative* impacts of the project, and must look at *watershed-wide* alternatives. The National Park Service has applied to FmHA to be a "cooperating agency" on the EIS, and FmHA has accepted.

✱ **WHAT YOU CAN DO:** Write to David Seivers, State Director, Farmers Home Administration (3322 West End Avenue, Suite 300, Nashville, TN 37203) to oppose the Clear Creek dam, and to let the agency know you are aware a full EIS is being prepared. Point out that this EIS must look at *cumulative* impacts this dam would have with other existing and potential projects in the

watershed. Tell FmHA you want to be put on the FmHA as well as TVA mailing lists for any document pertaining to the proposal, and especially for information on when the scoping process is to begin.

C. *Hearings held on Crooked Creek dam proposal*

A dam proposed for Crooked Creek in Fentress County (see NL195 ¶1B; NL197 ¶1B, NL199 ¶1C, NL200 ¶1C) would affect the watershed of the Big South Fork. The Crooked Creek joins the Clear Fork at Peters Bridge and contributes a major amount of the Clear Fork's flow between Peters and Brewster Bridges.

Dave Adler and Lee Russell presented testimony at the Division of Water Pollution Control's hearing on this dam proposal, held September 6 at Jamestown. A large and obviously organized contingent of people entered the hearing room carrying placards such as "What's more important -- people or mussels?" and "Environmentalists: why don't you pay for our water?" However, except for the executive of the engineering firm that has designed the project and a local big real-estate developer, both of whom presented somewhat rabble-raising testimony that included some unsupportable arguments, there were few utterances from the group, and those who spoke made it clear that what part of Fentress County is suffering from is a water *distribution*, rather than a water *supply*, problem. There was also a considerable group of local citizens who brought cogent arguments *against* the dam.

TCWP's testimony, after listing the likely detriments of the proposed project (see earlier NLS, cited above), pointed out that even the engineering firm's own projections made it clear that water is sufficient to supply the county through the years 2020 to 2030. Thus, there are at least 25 (and perhaps 35) years available in which to make a wise decision regarding new water sources. We pointed out that the initiation of a thorough water-budget study for the county and the whole northern Cumberland Plateau is even now receiving considerable attention from several federal and state agencies. Therefore, our plea was to let the overall, thorough, watershed-planning process go forth rather than making a preemptive decision to grant a permit for a project that is likely to be harmful and probably quite unnecessary.

D. *Quantity of flow is an aspect of water quality*

Early this summer, the U.S. Supreme Court ruled on a case brought by a utility company in the

state of Washington that had sued the state for denying a permit for a hydroelectric dam because of effects on downstream water flow. The utility company argued that the state was empowered to rule only on water quality but not quantity. The Supreme Court ruled that THE QUANTITY OF RIVER FLOW IS AN ASPECT OF QUALITY.

This can have enormous implications for the types of dam proposals that we have been fighting in the Cumberlands. Each of these dams -- Clear Creek (Obad watershed, see ¶2B), Crooked Creek (Big S. Fork watershed, see ¶2C), and Fiery Gizzard (see ¶4A) -- is for a water-supply reservoir and would markedly deplete downstream water flows, as well as changing flow patterns.

E. *Big S. Fork Management Objectives finalized*

The Draft Management Objectives developed in the July 13-14 workshop (NL200 ¶1F) came around for comments in August, and have now been finalized virtually as first written except for very minor changes. The Objectives will be used for updating the Park's Statement for Management and will be the cornerstone for other planning and management documents for several years to come. If you would like a copy, write Supt., Big South Fork NRRRA, Route 3, Box 401, Oneida, TN 37841.

F. *Obad site manager*

The Obad Wild & Scenic River has been without a site manager since Joe Kelly left in May. A new site manager has now come on board, transferred from NPS headquarters in Washington. Her name is Monica Meyers, and we have not yet had a chance to meet her. More in next time.

3. TENNESSEE WATER QUALITY STANDARDS

Urgent need: volunteers to attend Water Pollution Control Board meetings November 15 in Nashville to support proposed improvement against expected well-orchestrated opposition.

Background: The State of Tennessee is required by law to perform a triennial review of the rules under which the Tennessee Water Pollution Control Act of 1977 is implemented. The staff of the Water Pollution Control Division has for some time now been conducting this process in a thoroughly professional and well-informed manner that provided ample opportunity for public input (NL197 ¶4C; NL198 ¶5C; NL200 ¶3A), most recently at September meetings which several TCWP members attended (see ¶7D, this NL).

The proposed revisions in which we have the greatest interest and which we most strongly support are those pertaining to the Antidegradation Statement. These fall under the following headings:

- Clarification of the characteristics defining high-quality waters (those within federally- or state-designated areas; those where existing conditions are better than WQ standards; those that provide habitat for ecologically significant flora and/or fauna; those possessing outstanding scenic values or recreational opportunities).
- Adoption of a tiered classification, where Tiers III (highest) and II encompass high-quality waters for which antidegradation strategies are applied.
- Provision of a mechanism for nominating waters to Tiers III or II.

The protections afforded to Tier III (Outstanding National Resource Waters) include:

- prohibition of new discharges or of expansion of existing ones
- prohibition of physical alterations
- prohibition of mixing zones
- treatment of existing or upstream discharges
- control of point sources
- control of regulated nonpoint sources.

The Farm Bureau and the Tennessee Municipal League are orchestrating vocal opposition to the proposed revisions, claiming that the Department of Water Pollution Control is attempting to create new policy or new authority for itself. This is patently untrue; the Department is merely clarifying and providing a more organized format to what has been policy for about 20 years, providing greater consistency with the Federal Clean Water Act. The goals of the Antidegradation Statement -- which the opposition seeks to repeal -- are (a) to protect existing uses of waters, and (b) to list the characteristics of high-quality waters. The Farm Bureau, in particular, seeks not only to defeat the proposed revisions but to weaken the existing regulations.

WHAT YOU CAN DO: It is very important for as many of us as possible to attend the November 15 hearing and provide a conscience for the Water Quality Control Board. Can they look us in the eye and not support strong water-quality protection? You don't have to say much, just be there and identify your position. If you can possibly attend, call the TCWP office at 481-0286 and speak to Joan or Linda about carpooling (leave a message on the machine if they are not there). Please help!

4. OTHER STATE NEWS

A. *Fiery Gizzard dam proposal*

(Contributed by Joan Burns)

TCWP has for some time been concerned about a water-supply dam that Tracy City is proposing to construct on the Little Fiery Gizzard with funding by the Farmers Home Administration (FmHA) (NL195 ¶4A, NL194 ¶3B, NL193 ¶4B, NL192 ¶3B, NL191 ¶3C). We do not consider the FmHA's Environmental Assessment to be adequate, and we believe that a full Environmental Impact Statement (EIS) needs to be generated. On behalf of TCWP, TSRA, Sierra Club, and Friends of the Fiery Gizzard, Ed Rammage, a Nashville attorney (who has taken over the case now that Joe McCaleb has left town) filed a lawsuit against FmHA for not complying with the National Environmental Protection Act (NEPA).

Ed requested the Middle District Court of Tennessee to issue a preliminary injunction to stop dam construction. FmHA subsequently agreed not to release any funding for the project until the lawsuit was settled, and the judge has agreed to hear the case on its merits. At the same time, Judge Wiseman also said that while he believed that there were significant impacts of the project, these impacts were positive, namely, economic benefits. Because he does not believe that positive significant impacts require a full EIS, he repealed the injunction. Ed has filed for a stay; if this is denied, he will appeal Judge Wiseman's decision in the 6th Circuit Court.

B. *Our input needed for regulating forestry in Tennessee*

Tennessee has no law governing forestry practices; further, such practices are exempt from existing State water-quality regulations. We have learned that the Tennessee Forestry Association, together with three large timber companies that have major holdings in the State, a couple of private loggers, and the State Forester, have drafted a "Forestry Water Quality Act" for the next session of our legislature. The industry undoubtedly plans to use the existence of such a law as an argument for the issuance of chip-mill permits by TVA (because TVA's earlier denial of the permits was based in part on the fact that off-site impacts were unregulated). Therefore, what goes into such a law is of critical importance. True environmentalists were apparently not invited to participate in the drafting.



WHAT YOU CAN DO: Write to Ken Arney, State Forester (Tenn. Dept. of Agriculture, Ellington Agricultural Center, POBox 40627, Nashville, TN 37204) and ask him to send you a copy of the draft.

C. Forestry on private lands -- what does "sustainable" mean?

The forest industry is fond of pointing out that they are harvesting a *renewable* product, and that forests can be cut at a "sustainable" rate. It is interesting, however, to examine the migratory nature of the timber industry (at least the major portion of which relies on clearcutting): from the Northeast to the Northwest, to the Southeast. Clearly, the industry (especially the chip-mill part thereof) picks up and moves when it starts running out of quality trees -- they type that the long-established hardwood industry (e.g., cabinet makers) depends on.

A tree farm is not a forest. When we use the word "sustainable," it should be applied to the forest, i.e., the entire biological ecosystem of trees, other components of the flora, the fauna, the soil, and the water. Careful research (e.g., by L.S. Minckler) has shown that forests that regenerate after clearcutting have ecological characteristics that are entirely different from those of natural forests or of forests recovering after selective cutting. Moreover, "the selection forest has the greatest long-term returns compared to clearcutting each rotation." Similarly, the Timber Farmers Guild of North America recently showed that if landowners selectively harvested and managed their land over an 80-year cycle they could harvest four times the income achieved by clearcutting the same land. [Source: Chris Baker in ENVIRONMENTAL LINK, summer 1994.]

D. Endangered species in Tennessee

As of November 1993, there were 70 federally listed endangered or threatened species in Tennessee, making us the fifth highest state in the nation (Hawaii was first with 143). Since Nov. '93 another species has been listed for Tennessee, and at least 6 more have been proposed for listing. Because the bureaucracy moves so slowly, there are many additional species that qualify for listing. Only about 0.002% of the federal budget goes for endangered species conservation; this works out to about \$1000 per species on the average, an amount that obviously needs to be increased at least 10 fold (if the new Congress ever passes a good Endangered Species Act reauthorization).

E. Searching for rare flora and fauna on federal areas in Tennessee

The Tennessee Chapter of The Nature Conservancy (TNC) has been working on field investigations for rare flora and fauna at several military installations across the State. At Arnold Airforce Base, 53 listed species have been located; several of these are normally found hundreds of miles away in coastal-plain areas. TNC has entered into a 10-year cooperative agreement with Arnold Airforce Base for the management and protection of this biologically rich area.

At Fort Campbell Military Reservation, which spans the Tennessee/Kentucky line, investigations are under way, with 13 threatened or endangered species found to date. Rare or federally listed plants have been found at the Milan Army and the Volunteer Army Ammunition Plants both of which have taken management steps to secure survival of these species. Federally listed animal species have been found at several of the installations.

TNC has also entered into an agreement with the National Park Service to perform general biological reconnaissance along the entire length of the Natchez Trace Parkway. This work will take one year to complete.

F. Exotic pest plants

The Tennessee Exotic Pest Plant Council (TN-EPPC) was founded this year to address the environmental threat of invasive exotic plant species on Tennessee natural areas. (Address: c/o Friends of Warner Parks, 50 Vaughn Rd., Nashville, TN 37221.) Their president is Brian Bowen, Administrator of the Tennessee Natural Areas Program, and several of their officers and Board members are specialists employed with various federal and state agencies. TN-EPPC working groups will address control and management, research, education, public policy, database management, and publications. TN-EPPC is joining the Association of American EPPCs, and has become a member of the Tennessee Environmental Council to promote awareness of biological pollution.

G. Tennessee Rivers Assessment

Following the successful efforts of TCWP (Jenny Freeman) and TSRA (Bill Allen) to secure funding for a Tennessee Rivers Assessment (TRA) (NL179 §3B, NL196 §4C), the project has been under way for about 3 years. Jenny represents TCWP on the steering committee.

Recently, TRA, with support from the Corps of Engineers, commissioned a fish-species inventory for the entire Cumberland River drainage basin. The work was performed by Chris O'Bara, a fish biologist at Tennessee Technical University.

The resulting product, a complete fish listing by river reach, provides data that can be used to monitor the impact of development and pollution. An analysis of which fish are over- or under-represented will provide an additional indicator of stresses to the watershed. Future comparisons to the baseline data will reveal trends and impacts on the streams in the Cumberland basin.

The TRA is now examining the recreational and scenic qualities of all rivers and streams in the state. If you would like to share your knowledge by answering a few short questions, please contact David Duhl (615-532-0438) or Betsy Bunting (615-532-0435).

- minimize adverse effects on natural habitats,
- reduce the use of artificial fertilizers and pesticides,
- implement water-efficient practices and provide innovative measures to reduce energy consumption (e.g., planting trees),
- educate the public on using native plants, as well as pollution prevention and water conservation.

Interagency working groups are developing recommendations for guidance, which will be issued by 4/95 and become effective by 2/96.

✱ **WHAT YOU CAN DO:** Express your appreciation to the President (The White House, Washington, DC 20500) for taking this exciting and innovative step toward the conservation of our natural heritage.

B. *Uppuluri to TVA*

Ram Uppuluri last week became senior manager of public relations at TVA and will be based in Knoxville. While working for his law degree at Vanderbilt, Uppuluri represented TCWP at the Environmental Action Fund. He has focused on energy and the environment during much of his career, both during the times he spent as legislative assistant to Rep. Jim Cooper (1986-1988) and to Sen. Al Gore, Jr. (1992), and while serving as assistant director of the U.T.-based Joint Institute for Energy & Environment.

C. *Mixed reviews for Chief of US Forest Service*

About a year ago, the environmental community applauded the appointment of Jack Ward Thomas as head of the US Forest Service (NL196 17A). Recently the Association of Forest Service Employees for Environmental Ethics evaluated Dr. Thomas' performance during his first 9 months of holding the office, and gave him grades ranging from "A" to "F." Thomas performed best (grade A) as a morale officer (his directive to employees was "Tell the truth, obey the law, and practice ecosystem management") and got a high rating for public access (B+). However, he earned two Fs, a D- and a D. Thus: he denied an appeal against USFS' authorization of the largest timber sale in the nation (in Alaska) despite the student-leader's protests that the forest would be overcut; he ordered that documents of the President's Forest Plan Team be shredded rather than allowing the public to see them; and he has failed to investigate USFS employees' claims of agency wrongdoing.

H. *Tennessee Environmental Endowment*

A lawsuit by the Tennessee Environmental Council against a corporate polluter of a Middle Tennessee stream resulted in a settlement that is likely to benefit future environmental projects in our state. The \$1.25 million settlement was designated by the court for establishment of the Tennessee Environmental Endowment, a foundation similar to the Virginia Environmental Endowment which, for several years now, has made available grants for environmental projects. TCWP's Dave Adler will serve on the Board set up under the Endowment.

J. *Acquisition of Rugby greenbelt*

Two sides of the Rugby Historic District are well protected by the Big South Fork NRR and by a woodland preserve owned by the Episcopal Diocese. Recently Historic Rugby purchased a 151-acre wooded tract as greenbelt protection on the east. The purchase was made possible by donations and low-interest loans, but Historic Rugby must still raise \$98,000 in the next year-and-a-half. Once the tract is secured, a multi-use trail system will be developed around the entire original Rugby townsite.

5. FEDERAL AGENCY CAPSULES

A. *Pres. Clinton directs use of native plants on federal lands*

In a memorandum issued April 1994, Pres. Clinton directed the heads of executive agencies to

- * use regionally native plants for landscaping,

6. OAK RIDGE AND ANDERSON COUNTY

A. *City gets grant for greenways*

Oak Ridge's first greenway, the Cedar Hill Greenway, officially opened on September 18. It uses existing "pocket" greenbelts, from the School Administration Bldg on New York Avenue, up to Cedar Hill Park, and down (on the east side of Kentucky Ave and Blankenship Field) to Jackson Square. Connecting routes run along Broadway and Michigan Ave, along E. and W. Maiden Lanes, and from Michigan to Ken ucky Avenues above the Chapel on he Hill. The total distance is almost 4 miles, and -- because of the volunteer labor -- the total cost was about \$300, or about \$75 per mile (of which the City paid about \$25).

The City of Oak Ridge applied for \$12,500 from the State to help develop greenways, and recently received a grant of \$8,000 from DoEC's Local Parks and Recreation Fund. This will be matched by \$5,000 from the City and in-kind contributions by volunteers. The grant will be used to hire a landscape architect to develop specifications for use in greenways throughout the community, and to provide amenities for the Cedar Hill Greenway (foot bridges, signs, etc.). The City has another grant application pending with the State to fund development of a greenway along Melton Lake Drive.

B. *Planning future uses of the Oak Ridge Reservation*

In the early 1940s the federal government bought 59,000 acres in Anderson and Roane Counties for the Manhattan Project. Almost half of this land was later released for he City of Oak Ridge, but 35,000 acres remain on the DOE's Oak Ridge reservation, an acreage that includes X-10, Y-12, and K-25.

All DOE sites across the country are currently examining the possible future uses and missions of DOE land. Recommendations will be developed with broad public input and will be sent to DOE headquarters in December 1995.

The process for developing land-use options for the Oak Ridge Reservation, which has been named the "Common Ground Process," will involve interactions between DOE, elected government officials, regulators, employees, environmental organizations, representatives of business and industry, and area citizens.

TCWP members will certainly want to participate in several aspects of this process -- e.g., what will be the fate of the present National Environmental Research Park? To receive additional information, write to:

Common Ground Process
PO Box 2003, MS7169
Oak Ridge, TN 37831-7169

or phone 615-241-3443.

Indicate the nature of your special interest (e.g., natural areas, parks, etc.).

C. *Countywide hazardous waste collection*

Anderson County will be collecting hazardous waste on November 12 in Clinton Old paint, oil cans, batteries, and other hazardous materials can be disposed of at that time. Look in your local paper for announcements of location and hours.

7. TCWP NEWS

A. *Annual Weekend*

Don't forget to join us for the TCWP Annual Weekend November 4-6 at Wesley Woods Conference Center in Townsend, TN. If you did not receive your registration form, or if you have any questions, call the office at 481-0286. Space is filling up so call immediately!

B. *Nominations for 1995 TCWP Board*

A list of nominees for 1995 officers and directors -- with short notes about each -- is enclosed with this Newsletter. I am sure you will agree that we can be proud to have such a fine group of individuals willing to serve! The slate will be voted on November 5, during our Annual Weekend. Nominees for next year's Nominating Committee will also be announced and voted on at that time.

C. *TCWP collecting for Foothills Conservancy's Abrams Creek acquisition*

As we reported recently (NL200 748), the Foothills Land Conservancy (FLC) has initiated the Abrams Creek - Chilhowee Reserve Project, which would protect 4,600 vital acres adjoining the Great Smoky Mountains National Park (GSMNP) in Blount County. The Conservancy's option on the land expires December 31, 1994. If FLC fails, this could set off a chain reaction of overzealous development in the area that might culminate in another Pigeon Forge.

TCWP is aiding in the collection of needed funds. Please send your contribution to TCWP, Inc. (130 Tabor Road, Oak Ridge, TN 37830) and mark it

"for FLC acquisition." Every dollar buys 144 square feet of wild land that will be preserved forever, and you can "buy" an acre for \$300

D. TCWP members involved in special activities

The TCWP Board on October 8 hosted a barbecue for Lee Davis, new superintendent for the Big South Fork NRR.

Quite a few TCWP members (we estimate 15-20) came to Pickett on September 4 to help celebrate the 5,000-acre addition to Pickett State Forest (NL200 12). Bobby Fulcher, one of the two conservation heroes chiefly responsible for this victory (the other being Jenny Freeman) had organized a sufficient number of 4-wheel-drive vehicles to take people to within short walks of numerous overlooks. The views were spectacular! Now we need to make sure the other 3000 acres of plateau lands are acquired and that the valleys, too, can be protected.

Our two staff people, Joan Burns and Linda LaForest, attended the TBC Environmental Congress in Nashville at the end of September and profited from some of the workshops. On the same trip, Joan and Linda met with Ed Rammage, our attorney in the Fery Gizzard lawsuit (14A, this NL).

Lee Russell and Dave Adler drove to Jamestown September 6 to testify at the hearing on the Crooked Creek dam proposal (12C, this NL).

Marty Adler, Joan Burns, Chuck Estes, Charlie Klabunde, Lee Russell, Steve Scarbrough, and Ram Uppuluri attended the September 27 meetings on water-quality criteria.

TCWP manned a booth (see below for volunteers) at the recent International Fest in Oak Ridge.

Michael Steinland, an East German conservationist visiting the USA on a fellowship from the German Marshall Fund, was hosted by Jenny Freeman and Bill and Lee Russell on September 29.

Ernie Dickerman, who has for many years now been highly active in the Virginia Wilderness Committee, played a major role in the recent designation of the 7,580-acre Mount Pleasant National Scenic Area.

E. We thank our many volunteers

Many thanks to Dave Adler who, along with Lee Russell, scanned through TCWP Newsletters of the past 6 years for published information that had a bearing on the record of incumbents. For the fruit of Dave's and Lee's labors, see the Candidate Information (colored pages, this NL).

Our special appreciation to the Nominating Committee -- Bob Luxmoore and Judith Bartlow -- that worked so hard to develop a strong slate of candidates for the 1995 TCWP Board.

Thanks to the following members who helped assemble Newsletter 200 in August: Frank and Mary Hensley, Bob and Ruth Kernohan, Ed Sonder and Fred Sweeton.

Ed Sonder has graciously agreed to help Dick Ambrose organize the Newsletter stuffings in the future. If you can join their team and coordinate the stuffing about 2 times per year, or if you are interested in helping with stuffing in the future, please call Joan or Linda at the office, 481-0286.

Our appreciation to those who helped staff the TCWP booth at the International Fest in Jackson Square: Fred Holtzclaw, Joanne Thompson, Cannette Salpas, Jenny Freeman, and Jimmy Gorton.

Thanks to the members of the committee that helped plan the annual weekend: Patrice Cole, Eric Hirst, Peter Salpas, and Charlie Klabunde.

Last, but not least, thanks to Dave and Karin Adler who hosted a barbecue at their home for Lee Davis, the new Superintendent of the Big South Fork NRR.

8. JOBS, ACTIVITIES, and READING MATTER

Job Opportunities. The Sierra Club Legal Defense Fund, an independent, non-profit law firm active in environmental litigation, conducts an Associate Attorney program, which offers recent law school graduates the opportunity to join the staff for two years. (Contact Sierra N.R. McLean at 415-627-6700.)

- Oct. 28-30, Banner Elk, NC, Transportation Workshop sponsored by the Southern Appalachian Highlands Ecoregion of the Sierra Club. (Contact Arthur Smith, Kingsport, 615-247-7895.)

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NOMINEES FOR THE 1995 TCWP BOARD

Submitted by the 1994 Nominating Committee: Bob Luxmoore (chair), Judith Bartlow

PRESIDENT: Jenny Freeman. Marketing coordinator for an environmental consulting firm in Oak Ridge. TCWP Pres. '93, '94; Sec. '92; served as TCWP Exec. Dir. in the 1980s. Instrumental in TN Rivers Assessment, Pickett additions. Especially interested in land-use issues, sustainable forests, and protection of rivers and watersheds.

VICE PRESIDENT: Eric Hirst. Corporate Fellow Oak Ridge National Lab, investigating energy-conservation and -efficiency issues. TCWP board '94. Eric has long admired, and wishes to continue, TCWP's successes in protecting wild and natural areas in the Cumberlands.

SECRETARY: *Elizabeth Will. Member of Ecological Risk Assessment group at Oak Ridge National Lab, she is pleased to contribute her ecological expertise to the conservation and wilderness planning goals of TCWP.

TREASURER: Charlie Klabunde. Physicist in ORNL's Solid State Division. Past pres., SMHC, and avid folk dancer. Has served as TCWP Treasurer and organizer of membership records for 20 years, and is pleased to continue this service to the organization.

DIRECTORS:

David Adler. Environmental specialist with DOE's Environmental Restoration Program. TCWP Vice Pres. '92, '93; board member '89-'91, '94. Prime interests are forest protection, land conservation, protection of watersheds, and water quality.

Patrice Cole: Ecological-risk assessor for an environmental consulting firm. Prior to that, regulator for State of Tennessee in water-pollution control. TCWP board member '93, '94. Wants to emphasize wilderness values of Smokies and to reduce motor impacts on area.

***Chuck Estes.** Regulatory compliance manager for MMES' Waste Mngt. Org. Was involved in stream-conservation issues while in Mississippi. Locally, has participated in Obed General Mngt Plan. Active interests: river protection, WQ issues, forest management.

Jim Groton: Works on environmental issues (wetlands) with an Oak Ridge consulting firm. Prior to that, worked for National Park Service for 6 years. TCWP board member '93, '94. Would like to get more members involved. Interested in Foothills Conservancy's acquisition of Abrams Cr. area.

Fred Holtzclaw: Biology teacher in Oak Ridge schools for 20 years, now teaching Advanced Placement Biol. at ORHS. TCWP board '92, '93, '94. Would like to involve students in TCWP, and to have more active membership involvement in TCWP through planned activities.

***Lance McCold:** Research staff member at ORNL, working on Environmental Impact Statements and Assessments. Received the Sarah N. Hines Award from the Tenn. Chapt. of the Sierra Club for his conservation activities. Interested in forest management, wildlife protection.

Liane (Lee) Russell: Senior Corporate Fellow at ORNL, heading research in mammalian genetics. A TCWP founder; Vice Pres. '66; Pres. '67-'70, '86-'87; Newsletter author and editor, '66-present. Instrumental in authorization and implementation of Big South Fork NRR and Obed WSR; also active in stripmine, wilderness, and public-lands issues.

1995 NOMINATING COMMITTEE (to nominate the 1996 board)

To be announced at Annual Meeting

*Newcomer to the TCWP board

