

TENNESSEE CITIZENS FOR WILDERNESS PLANNING

Newsletter No. 77, December 12, ¹⁹⁷⁶1977*

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* LETTER-WRITING SOCIAL *
* Thursday, January 13, 1977; 7:30 p.m. *
* At Vicki Mierzejewski's *
* 1015 Viking Road (Lovell Subdivision), Knoxville *
* [This is off the Oak Ridge - I40 connector, and convenient *
* to members living in Knoxville, Oak Ridge, Oliver *
* Springs, Kingston, etc.] *
* Call Vicki for detailed instructions on how to get to *
* her house: 966-6006 (home); or 483-8611, ext. 3-5880 (work) *
* Spend an hour writing needed letters to legislators, etc.; *
* then enjoy your TCWP friends over refreshments. Non-members *
* welcome also. *

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Give a Christmas gift to TCWP
(tax exempt). Happy Holidays!

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1. AMAX AND PROPOSED GOVERNMENT REORGANIZATION: THE CHILLING CONNECTION

Since there is a good possibility (see below) that AMAX will not receive permission to strip through thousands of acres and several streams of our state under the terms of existing Tennessee law, the Blanton administration has started activities that would change the law so as to accommodate AMAX. To the uninitiated, it might seem like an innocuous change: minor reorganization of departmental structure. But to those of us concerned with preventing large-scale despoilment of our lands and streams -- not only by AMAX but by other huge mining concerns that are waiting in the wings to see how this one turns out -- it may become the biggest state legislative battle of 1977.

Largely as a result of efforts by TCWP and SOCM, a 1974 amendment to the 1972 state strip-mine law requires that an operator must obtain a discharge permit from the Water Quality Control Division (Tenn. Dept. of Health) before he can apply for a stripmine permit from the Stripmine Division (Dept. of Conservation). The WQCD has been a conscientious watchdog for environmental concerns; and it was the WQCD which early in 1976 denied the AMAX request for "blanket-mining," since this would involve mining through streams and thus violate Tennessee's Water Quality Law (NL 72, ¶3D; NL 73, ¶2; NL 74, ¶3; NL 75, ¶3A). The current Administration plan is, therefore, to effect a transfer of the WQCD's Surface Mine Section to the Dept. of Conservation's Stripmine Division. Obviously, this would remove the thorn from the flesh of AMAX and other present and potential strippers who are not overly concerned about Tennessee's water quality! We are in possession of a letter from the Governor's Office to the Commissioner of Public Health in which the latter is directed to have his legal staff cooperate with legal staffs of other Departments to draw up legislation that would effect such a move. To make it seem like an equal swap, the Division of Water Resources (dams, water supplies, etc.) would be moved in the opposite direction: from the Dept. of Cons. to the Dept. of Health. What could seem fairer, more logical, and in the best interest of consolidating similar operations?! It would certainly appear that way to the average citizen who doesn't know the background. But you know better now, and you should therefore communicate very soon with your state senator and representative (Legislative Plaza Bldg., Nashville 37219, or at his/her home) as well as with Governor Blanton (State Capitol, Nashville 37219). TCWP will be very much involved in trying to prevent this transfer or any other weakening amendments to the state stripmine or water quality laws.

So, back to a report of AMAX's efforts under existing law. When the water discharge permit was denied, AMAX appealed, and hearings were originally scheduled for July 1976. TCWP was one of five organizations that intervened as friends of WQCD. (We are most ably represented by John Williams.) However, the hearing examiner ruled to limit the subject matter of the hearings to only the first 8 years of the mining plan (thus excluding testimony concerning later mining, which would, among other things, affect Fall Creek Falls State Park), and WQCD challenged this ruling in Chancery Court. In September, Chancery Court ruled that the entire 20-year AMAX plan must be considered; and the hearing was rescheduled for the week of Dec. 6. Four days of testimony resulted in good media coverage, which reported AMAX's admission that area wells might dry up as a result of a drop in the water table, and brought to light the fact that AMAX operations had caused major fish kills in Illinois and violated state laws in Kentucky. On Dec. 9, the hearings were interrupted and scheduled to resume Jan. 4. Even though it has been all AMAX testimony so far (the WQCD will not get a chance to testify until the hearings resume), observers feel that it's been a draw to this point.

If you want to learn more about AMAX's proposal for Tennessee and its record elsewhere, order the first two publications listed in ¶14.

2. BIG S. FORK: THE SPENDING LIMIT HAS BEEN RAISED BUT NO FUNDS ARE IN SIGHT TO SAVETHE AREA FROM DEGRADATION

The Big S. Fork National River & Recreation Area (BSFNRRRA) is a step closer to implementation as a result of passage of the Water Resource Development Act at the tail end of the Congressional session (it was signed Oct. 22). While this piece of legislation is in most respects quite disastrous (it authorizes a large number of dams and other boondoggles), it contains a section that amends the BSFNRRRA authorizing legislation (passed in March 1974) in a number of ways, with most of which we concur. Probably the most important amendment is an increase in the authorization limit from about \$32.8 million to \$103 million. It was the inadequacy of the earlier authorization that had kept Sen. Baker from requesting appropriations for land acquisition. As a result, while the Corps has been funded for the Master-Planning process, the Fiscal Year 1978 budget contains no funds for BSFNRRRA land acquisition. We have just learned that the Corps cannot request funding even for FY 79 (i.e., starting Oct. 1, 1978), unless the General Design Memo (preliminary development plan) and Final Envtl. Impact Statement are approved by the Chief of Engineers by May 1, 1977. These documents are only just now leaving the Nashville office of the Corps, having been long delayed by OMB.

In the meantime, threats to the Area are growing by leaps and bounds. Sterns Coal & Lumber Co. is continuing its clearcutting and other adverse developments in Kentucky, and has been reported to be now clearcutting virgin timber in the Station Camp Creek area. New oil strikes have been made in the gorge area, and this has triggered some requests to the Scott Cy. Court to oppose "locking up" the area. Articles are appearing in local papers stating that hundreds of persons would be displaced by the BSFNRRRA. (In actual fact, only 34 families = 125 people live in the whole 125,000 acres of the project area; and all of these have the option of retaining their residence for life or for 25 years, whichever they prefer. Only 0.8% of the Area is presently being farmed.) Obviously we must do all we can to get some source of acquisition funds in the very near future.

 This is what you can do: Write a letter about the urgent need to protect this beautiful wild area against certain degradation, and point out that this can only be done by speeding up land acquisition for the already authorized BSFNRRRA. Urge that funds should somehow be found this year. Send copies to as many as possible of the following: (1) President-elect Jimmy Carter (attn. Jim Rathlesberger, P. O. Box 2600, Washington, D. C. 20013); (2) Senators Jim Sasser and Howard H. Baker, Jr. (each at Senate Office Bldg., D.C. 20510); (3) Congressman Albert Gore, Jr. (U.S. House of Representatives, House Office Bldg, D.C. 20515; (4) Congr. John Duncan (same address); (5) Congresswoman Marilyn Lloyd (same address); (6) Col. Henry J. Hatch, District Engineer (Corps of Engineers, P. O. Box 1070, Nashville 37202). P.S. When you write to Jimmy, point out that the BSFNRRRA is an excellent way of getting the Corps out of the dam-building business -- a position he has long advocated.

A sad piece of news: Brian Stagg, exec. director of the Rugby Restoration Assoc., who worked closely with us in the BSF Preservation Coalition and was personally known to several of us as an extremely fine young man, died recently. We shall miss him as a comrade and a friend.

3. OBED: THE FINAL EIS; THE PARK SERVICE STARTS WORKA. The Obed takes its place in the National System

As we went to press for our last NEWSLETTER, the Obed Wild & Scenic River bill had just been passed and not yet signed. Finally, on Oct. 12 (after one or two nightmares about a pocket veto), it received the Presidential signature. On Oct. 29, TCWP publicly presented Congresswoman Lloyd with a 16 x 20 enlargement of an Obed photo (made by W. L. Russell). Mrs. Lloyd, incidentally, won handily in each precinct of Morgan County,

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where the Obed bill had been a major campaign issue. -- A little digging into where the Obed falls into place in the National Wild & Scenic River System brings out the following info. The original 1968 Act contained 8 "instant" rivers and 27 "study" rivers (of which the Obed system was one). Between Oct. 1968 and August 1976, eight other rivers were added to the original eight: 3 by Acts of Congress, 4 by Secretarial designation, and one by both mechanisms. The bill that added the Obed in Sept. 1976 also included the Flathead and Missouri, both in Montana, so that the National System now has 19 rivers. Only three of the 19 are 100% "Wild" -- and one of them is, of course, the Obed. The National Park Service is involved in the management of only 5 of the 19 rivers, including, of course, the Obed.

B. Final Obed EIS is improvement over the draft

We have recently received the final Environmental Impact Statement issued by BOR on Nov. 29, 1976 (i.e., subsequent to passage of the bill). While we have not yet had time to digest the 387-page tome, we have looked far enough to discover that certain changes have been made since the time of the draft EIS (which was published more than 2 years earlier) -- presumably in response to comments made by TCWP and other conservation groups. Most gratifying is that the draft EIS's horrendous figure of 580,000 visitor days for annual carrying capacity has now been cut by almost 60%. The comments, further, state that, should it be determined by the managing agency (now the NPS) that the carrying capacity is different from these preliminary estimates, the agency would adjust management policy accordingly. Additional good news is that the proposed development plan has been further trimmed (it was already fairly good in the draft EIS). Thus, the 2-mile scenic drive in the reclaimed stripmine has been eliminated; the proposed number of picnic areas has been cut from 10 to 4, and it is made quite clear that 3 of the 4 overlooks would be accessible only by lengthy foot trail. There is a strong recommendation against building any additional access, and motorized traffic, including trail bikes, would of course be prohibited (except at existing river crossings) under the terms of the Wild River guidelines.

C. Future Obed action

TCWP has already contacted the National Park Service which, last week, began interpreting their duties under the terms of the legislation. We have offered assistance with guide service, information, and materials, and have requested an input into planning. -- Also on the agenda are meetings with Senator-elect Sasser and Congressman-elect Al Gore, Jr. The question of how to add the missing upstream portions will be strenuously pursued.

4. THE ELECTION RETURNS FROM THE ENVIRONMENTAL VIEWPOINT

A. President and Vice President

Regardless of how you voted, the environmental compartment of your mind should rejoice that we now have a President-elect whose philosophy and record as governor were rated as "outstanding" by the League of Conservation Voters. Vice President-elect Mondale, as Senator, had LCV scores ranging from 76-92% in the past four years: he never voted against the environmental position on any recorded floor vote, although he was absent for a few. Our access to the Carter-Mondale staff has been excellent, both before the election (when some of us, acting entirely as individuals, organized and worked for Tennessee Conservationists for Carter) and, since then, in contacts with the Transition Office (see, e.g. 18A). As Sierra Club Exec. Director put it: "For the first time, we have a President who understands the environmental movement and is committed to its principles." At the same time, we must strongly guard against the feeling that we can now just relax. Laws are still made, strengthened, or weakened in the Congress; and the implementation of the laws still rests with agencies that are often unable or unwilling to carry out environmental policies. We urge therefore that TCWP members remain as alert and as active as ever -- and hopefully, their efforts will bring greater rewards than in the past.

Industry lobbyists are expected to be out in full force next year, both in the Congress and the regulatory agencies. We have heard of several well-organized efforts in progress.

The "Business Roundtable" counts 63 of the nation's top 100 industrial companies among its members, and matches up key executives with their own representatives and senators. An American Petroleum Inst. spokesman says "... top management now devotes far more attention to political and governmental programs than was the case, say 10 or 15 years ago." Most companies have "government-relations specialists." Then there is the "National Legal Center for the Public Interest" which is amply backed by the construction industry, and whose "operations are ... a countermeasure to those of ... public interest law firms ... that have delayed, blocked or killed various construction projects..." Watch out for the phrase "balance between business (or, the economy) and the environment": it is the battle cry (or the bromide?) of the anti-environmental lobby!

B. The Congress

In the House, the Tennessee delegation remains virtually unchanged: all incumbents were reelected (so we shall be dealing with known quantities), and the only new face is that of Albert Gore, Jr., who replaced retiring Joe L. Evins. Those of us who recall that Tellico Dam and the Duck River Dams would not have been built had it not been for Mr. Evins, and that, without him, more mileage could have been included in the Obed Wild & Scenic River, will not mourn his departure, though we wish him a happy and healthy retirement. While we know very little about Al Gore, Jr., we had fine relations with his father who, as U.S. Senator, helped in the effort that eventually resulted in the B.S. Fork National River & Recreation Area, and without whose support the Obed would not have been included in the study category of the Wild & Scenic Rivers Act. TCWP has initiated steps toward meeting Congressman Gore, Jr. in the near future.

We are also arranging a meeting with Jim Sasser, who is replacing Senator Brock. Just prior to the election, the Tennessee Environmental Council published a Sasser-Brock comparison based, with regard to Sasser, on questionnaire responses and issue papers. According to these sources, Sasser would support the federal stripmine bill, strongly support the enforcement of air and water pollution laws as well as the principle of non-degradation of air quality in pristine areas, support a TVA Board nominee who would favor energy conservation, support more public surveillance of TVA, support tighter controls and more research to make nuclear power facilities safer, and oppose letting nuclear fuel enrichment go to private industry. On the other hand, he is opposed to the transfer of money from the Federal Highway Fund into mass transit projects, and would not move the Corps of Engineers from dam building into mass transit and other public works. We are hopeful of establishing good liaison with Senator Sasser and to keep him constantly appraised of the feelings of Tennessee's environmental community.

Elsewhere in the Senate, there are at least six new members with strong environmental records: Melcher, Riegle, Danforth, Wallop, Heinz, and Metzenbaum. In the House, one good piece of news was the defeat of Sam Steiger of Arizona, who had, in the past, been instrumental in killing stripmine and land-use legislation; while a piece of bad news was the loss of Ken Hechler of W. Va., a foe of stripmining. Of 16 candidates actively supported by the League of Conservation Voters, 9 won election. Of the Dirty Dozen designated by Environmental Action, three were defeated; these three incumbents had 43 years of seniority between them.

C. Bottle referenda

The ballots in four states included a question on whether or not mandatory refundable deposits should be required for soft drinks and beer containers. The "yes" votes were as follows: Michigan, 63%; Maine, 58%; Massachusetts 49.7%; Colorado, 32%. Thus, environmentalists won by good margins in two states, lost by a hair in one, and were soundly beaten in only one, probably as a result of poor strategy. It is of interest that the victories in Maine and Michigan were won in spite of the fact that the industry outspent conservationists by margins of 30:1 and 35:1, respectively.

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"Keep America Beautiful (KAB)" for some time has been a front organization for container companies. It has focussed on publicity campaigns to involve the public in litter pick-up, while the companies that support it have financed the war against bottle bills (i.e. against the banning of throw-aways). In spite of KAB's duplicity, several major conservation groups (e.g., the National Audubon Society and the National Wildlife Federation) for years served on its National Advisory Council, perhaps in the hope that they could change KAB's ways. Several weeks ago, however, these groups followed the EPA in at last resigning from the KAB Council.

D. The State Legislature

In NL 76, we presented responses to a TCWP questionnaire from 9 senatorial candidates and from 25 candidates for the state House of Representatives (a 26th replied after press time). Of these, 5 and 17, respectively, won election. Of the 33 senators and 99 representatives that will serve in the next General Assembly, about 24% and 17%, respectively, are thus TCWP responders (this includes some senators elected in 1974, since only 16 seats were being competed for in 1976). Prior to the election, TCWP had not only circulated the questionnaire results to its own members, but had also sent news releases on them to papers and radio stations in the candidates' areas (thanks to Judy Begun!). Hopefully, voters benefitted from this information. We shall now contact the winners to reinforce the positive responses, and to discuss with them the reasons why we disagree with the negative ones. Hopefully, individual TCWP members will do likewise with their own senator and representative.

5. RESULTS OF TCWP ELECTIONS

Members present at TCWP's tenth annual meeting elected the following to serve on the 1977 Board:

Officers

President: E.E.C. (Ed) Clebsch
Vice President: R. E. (Bob) Farmer
Secretary: K. S. (Ken) Warren
Treasurer: Charles Klabunde

Directors

Martha Ketelle
Liane B. (Lee) Russell
W. L. (Bill) Russell
H. G. (Hal) Smith
Donald Todd (past president)

Nominating committee

Jessie Dempster, Dee Jared (chairperson), Don Wilkes

The constitutional amendment (to have chapter representatives serve on the board), and the bylaws change (to increase certain classes of dues) both passed.

6. REPORT ON ANNUAL MEETING; TCWP PLANS; ORGANIZATION BUSINESS

If you were not among the 60+ members who attended TCWP's tenth annual meeting -- our first weekend-long one -- you missed a most enjoyable opportunity for learning, good fellowship, and fun. Everything clicked to perfection -- from the special movie program Friday night, through the talks and discussions Saturday morning, the outings Saturday afternoon, the banquet and subsequent social programs in the evening, through the business meeting and workshops on Sunday. The rain on Saturday kindly held off until after our vigorous Cumberland Trail hike (fantastic fall colors), and was, in fact, rather nice to listen to as we sat around blazing fires in our park cottages, pleasantly weary from the successful folk dancing that had followed Jack Gibbons' fine banquet address (there were also slide shows for the less athletic souls). All of us owe a great debt to the Annual Meeting organizing committee and others who helped -- Dee Jared, Martha Ketelle, Mike Holland, Charley Klabunde, Lynn Dye, Ann Dantzler, Bill Chandler, Bob Farmer, Lee Russell, Fred Sweeton, Bob Cumming -- with special thanks to Dee and Martha for making all the arrangements involving the Park and registration that made things run so smoothly.

* The business meeting took a rather different format from those of earlier years. There were no oral committee reports: on the subjects of Obed, Big S. Fork, stripmining, and land-use planning, we had special sessions Saturday and Sunday mornings; while other reports were distributed in written form. Those of you who didn't attend, should order the reports packet from the editor (send a self-addressed envelope with 24¢ in stamps). Also, please scan this NEWSLETTER extra carefully for action suggestions, the urgency for some of which became quite apparent in our issues sessions.

* A new activity was planned for 1977: TCWP membership trips to Washington and Nashville to visit the Congress and state legislature. We hope to be able to charter a bus for each of these two trips and to include some fun activities in the outings. Will you be interested in participating? helping? Please give us a preliminary indication of your feelings on this. In addition to these meet-your-government trips, we hope to have other informational and issue-oriented outings and field trips. Your ideas and any offers of help will be appreciated.

At the annual meeting, Charley Klabunde reported an unusually large number of dues-delinquent members, probably as a result of our having sent only one formal dues notice all year. More recently, Charley mailed out a special reminder to our "delinquents" and, within a week, had received 52 renewals (including a couple of new life members, Mr. & Mrs. Ralph I. Deaderick of Kingston) -- and they are still coming in at a pretty good rate. We are greatly encouraged, for it seems our members are forgetful, rather than disillusioned!

7. TCWP TO JOIN "ENVIRONMENTAL ACTION FUND"

Plans are being made to create the Tennessee Environmental Action Fund, a coordinating structure that will bring together resources of member organizations and will speak with a unified voice for sound environmental programs, both within and beyond the legislative process. The TEAF will coordinate efforts of member organizations in influencing legislation on issues of agreed mutual concern, but will in no way control the policies adopted by the participating organizations. TEAF will consist of a policy-setting Executive Committee, made up of one representative from each member organization; and of a 5-person Board of Directors, elected by the Executive Committee. A paid executive director will perform most of the legislative contacts for the TEAF, which plans to work on the state level only, as of now.

The idea for TEAF was presented to a joint meeting of the 1976 and 1977 TCWP Boards of Directors by Jonathan Gibson of the Tennessee Environmental Council, and was approved by unanimous vote of both Boards following a period for study of the proposed bylaws. Further discussion of and planning for TEAF took place in connection with the 4th Inter-group Conference held in Nashville Dec. 11 and attended by 4 TCWP representatives (Bill Chandler, Ed Clebsch, Bob Farmer, Don Todd). As matters stand, TCWP is now one of several organizations that will make up TEAF and contribute \$250 each. Application for additional financial support is being made to the Citizens' Action Fund (created by Robert Redford from proceeds of showings of "All the President's Men"). Work is under-way to find nominees for a Board of Directors and for an executive director. If TEAF becomes a reality, we shall have a much better chance to present our views to the next General Assembly.

8. TCWP MAKES RECOMMENDATION FOR TVA BOARD APPOINTMENT. OTHER TVA NEWS

A. The TVA Board vacancy.

Two weeks following the election, the TCWP Board wrote to President-elect Jimmy Carter to set forth our view of what TVA should be -- and has failed to be -- and to recommend

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people who would provide the type of leadership TVA desperately needs. The three persons suggested by us for the Board appointment are: (a) S. David Freeman, in the past a TVA engineer and attorney, assistant to the chairman of the FPC, head of the White House office of science and technology; and, recently, director of the Ford Foundation's Energy Policy Project which, in 1974, concluded that national energy growth must be reduced and energy conservation stressed. Freeman is currently transition officer for ERDA in the Carter-Mondale Transition Planning Group. (b) Dr. John H. (Jack) Gibbons, a physicist who worked at the Oak Ridge National Lab for 19 years (part of the time as Director of the ORNL-NSF Environmental Program), did a one-year stint in Washington as Director of FEA's Office of Energy Conservation, and is presently Director of U.T.'s Environment Center. Jack's strong environmental ethic is well known to TCWP members. (c) Carroll V. Kroeger, former director of the Tennessee Energy Office (where he stressed energy conservation), and presently a management consultant. -- We have received thanks for our letter from the Policy Analysis Section of the Transition Planning Group. James Rathlesberger and David Freeman are working together on a transition document regarding TVA, and will make use of the points made by us. In a recent phone call to Washington, we learned that our recommendations and resumes are available in a couple of places in the Transition Office, that TVA Board appointments are still a fair ways down the line, and that we should send in letters of recommendation for one or more of our nominees. If you can write one, please address it to President-Elect Jimmy Carter, Transition Planning Group, P. O. Box 2600, Washington, D.C. 20013. Send one copy marked attn. James H. Rathlesberger, and another one attn. Carlton Neville.

The Tennessee Conservationists for Carter, TCC (see ¶4A), also wrote to the President-elect and recommended four persons: three of them the same as the TCWP recommendations; the fourth, Roger W. Sant, formerly FEA Asst. Administrator for Conservation and the Environment. In addition, Will Skelton's name has been submitted by individual TCC members. Will, a talented attorney, long-time TCWP member, and presently chairman of the Tennessee Chapt. of the Sierra Club, needs no introduction to TCWP members.

B. TVA's proposed peak-load pricing study seems designed to fail

TCWP and others have repeatedly recommended that TVA meet the peak-load problem through measures other than the construction of pumped-storage (two-dam) projects. One such alternative device, whose success has been proved elsewhere, is peak-load pricing, i.e., adjustment of electric rates designed to encourage consumers to switch their heaviest power use to off-peak hours and days. FEA recently criticized TVA for dragging its feet on rate-reform measures. Perhaps as a result, TVA has now proposed to study the efficacy of peak-load pricing in 100 Knoxville households that will be compared to 100 controls. However, as the East Tenn. Research Corp. (ETRC) has pointed out, the test is not only too limited in scope and duration, it also lacks features that are essential to a useful evaluation of time-of-use pricing, features that have been included in similar studies elsewhere. ETRC charges that, in its present form, the test seems designed to fail and thereby to justify TVA's traditional rate structure; and it quotes comments by the head of TVA's Office of Power Utilization that indicate that TVA, in fact, expects the results to be negative.

TVA's negative stance on rate-structure change can be inferred from its recently published report of the hearings on that subject that were conducted in June, in response to an ETRC-originated petition (see NL 74, ¶11; NL 75, ¶5A). "The clearest fact that emerged from these hearings," the TVA statement says, "is that there is no public consensus about which, if any, alternative rate structure should be adopted." As we noted in earlier NEWSLETTERS, the hearings had been announced with less than two weeks' public notice, and were held in three towns in which the livelihood of most people depends on TVA -- with the result that there was much testimony in favor of rate-structure status quo.

In the meantime, TVA doesn't miss any opportunity to tell consumers that installation of SO₂-control devices at coal-fired steam plants (which TVA actually had to be forced into by a court ruling requiring them to meet the law of the land) will add to power bills. Why has TVA never pointed out the economic costs -- in terms of considerable health and materials damage -- of not controlling air pollution?

9. TENNESSEE STRIPMINE NEWS (EXCEPT AMAX)

An orphan land reclamation program now in progress (see NL 72, ¶3E) is a joint effort by the Tenn. Dept. of Conservation, TVA, and the Soil Conservation Districts of 13 counties. The goal for this year is reclamation of 5000 acres of land stripmined prior to the 1967 state law. [Unfortunately some of the acreage mined since then, though theoretically subject to reclamation provisions, is actually in considerably worse shape!] Work has begun in three subwatersheds of Campbell County, a county where there are about 4000 acres of orphan lands; and agreements have been signed to enable appropriate Soil Conservation Districts to identify the reclamation needs of Anderson, Scott, and Morgan Counties. The program is headed by Orphan Land Reclamation Director Shaw Hickerson (1720 West End Ave., Nashville 37203) and program administrator T. J. Hicks, working out of an office provided by TVA in Norris.

Regulations promulgated under Tennessee's stripmine law early in 1974 included certain excellent provisions (to limit spoil placement to 50 feet downslope from the edge of the bench, and to require re-covering of the highwall after completion of mining) that were slated to go into effect 7/1/75 (delay due to industry pressure). In May of 1975, however, Commissioner Allison announced new regulations to supersede those promulgated in 1974. After much protest and many ups and downs in the ensuing battle (see NL 69, ¶5B; NL 70, ¶2B; NL 71, ¶3B; NL 72, ¶3C; NL 73, ¶7B(4)) Commissioner Allison announced a year ago that he would suspend his proposed (superseding) regs until 6/30/76 to allow for the testing of alternatives on two demonstration sites. However, the sites have not yet provided usable data, and the test has been extended until 6/30/77. In the meantime the stringent 1974 regs are supposedly in effect with regard to limiting spoil placement and covering the highwall. Citizen effort is needed to monitor the enforcement and effectiveness of these regs, as well as the results of the experiment at the test sites.

A demonstration project indicates full stripmine reclamation would add, \$2.70/ton to the coal price, according to a U.T. study of TVA's Massengale Mountain experiment. Dr. Robert Bohm, assoc. director of the U.T. Environment Center, points out the \$2.70 simply represents a cost that, in the absence of proper reclamation, the public has to pay anyway in terms of the economic impacts of environmental damages (spoiled water, ruined roads, agricultural losses, etc.).

Stripmine effects on water form the subject of another U.T. study. Bruce Tschantz, Roger Minear, and Donald Overton describe siltation, high levels of calcium, magnesium, iron, and manganese ions, and increased peak waterflows during storms in streams of Tennessee's New River Basin. Proper mining and reclamation can have major effects in alleviating these damages, according to the study.

Registered engineers must prepare surface mining plans submitted with permit applications to the Water Quality Control Division after Feb. 1, 1977. This regulation has actually been in effect for three years but has not been fully implemented. The Division points out that implementation should save time for the industry (by decreasing rejections for poor planning), while freeing Division personnel for more productive effort.

Two coalmine-related impoundments in Tennessee were found potentially dangerous in a Corps of Engineers' study authorized by Congress following the 1972 Buffalo Creek disaster. Responsibility for attempting to initiate corrective action was turned over to the Division of Water Resources of the Dept. of Conservation under the terms of the Tennessee Safe Dam Act of 1973.

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Several mining-related studies have recently been funded:

- (1) The Eastern Energy & Land Use Team, operating out of Harpers Ferry, W. Va., will examine the impact of current and expected coal mining on fish and wildlife, and will prepare recommendations for U.S. Fish & Wildlife Service participation in these operations. The studies, which will eventually cover the entire U.S. east of the Mississippi, will begin in Appalachia.
- (2) The Tenn. Dept. of Conservation's Division of Geology has been awarded a \$210,000 contract by ERDA to assess the natural gas, oil, and uranium content of the Chattanooga Shale Beds (which form part of the Devonian Shales of the Appalachian Basin). The study area is located largely in Claiborne, Grainger, Hancock, and Hawkins Counties, where the shale beds are 400 to 1500 feet thick.
- (3) The Geology Division has also received a \$20,000 grant from the U.S. Bureau of Mines to fund a study of reserve estimates, actual or proposed mining, and ore treatment methods used to develop the state's copper, lead, and zinc reserves (which are found in East and Middle Tennessee).

Tennessee coal statistics were recently cited by Commissioner Allison. In 1974, there were altogether 2111 workers involved in the state's coal production in parts of 22 counties (average: less than 100 per county). Of a total coal production of about 11 million tons, nearly 85% was used by electric utilities. Almost all of Tennessee's metallurgical coal is exported to Japan. (Editor's note: Much of the coal which would be mined by AMAX is metallurgical coal. There are many reasons to think that it, too, would be destined for Japan, probably via the Tennessee Tombigbee Canal.)

10. STATE SCENIC RIVERS

In the past session of the legislature, as you may recall, we almost lost the Roaring River and tributaries from the State Scenic Rivers System (it was saved only by a veto of the bill that had removed it). Our main problem lies with the misconceptions (often fostered by selfish interests) in the minds of local people concerning the nature of the Act. The Department of Conservation is now trying several approaches to overcome these misconceptions. Current project activities on the Roaring R. and tributaries do not incorporate land acquisition, except for small public-use areas. Administration of the project will stress local community service activities, such as litter cleanup, stabilization of eroding areas, technical assistance to landowners regarding management of land and water, maintenance of scenic and historic sites, visitor information services, and assistance to local law enforcement agencies in policing the river area. -- Tom Florence has replaced Lee Gamble as project administrator for scenic rivers. Mr. Florence, who has a B.S. and M.S. in biology from MTSU, will report to Mike Countess, program director for Tennessee's Scenic River Program.

To make Tennesseans aware of their State Scenic Rivers Program, the Department of Conservation is sponsoring an essay contest on the value of this Program. The contest is open to students in grades 7-12. Cash prizes and certificates will be issued to 1st, 2nd, and 3rd-place winners in grades 7-9 and grades 10-12. Any of you who have any contacts with schools should do all you can to promote this contest. (For more info, contact Mike Countess, Tenn. Dept. of Conservation, 2611 West End Ave., Nashville, TN 37203.)

The only river in the State System that has been implemented is the Hiwassee. The U.S. Forest Service has recently proposed widening and upgrading a section of road that leads to the upper reaches of the scenic-river portion on the grounds that it is not safe for the speed at which people drive on it. TCWP has protested this proposal -- which would increase noise and traffic, and cause streambank alterations -- pointing out that there are alternative methods of controlling speed of auto travel.

A river that is not included in the State Scenic Rivers System but is apparently receiving good use and enjoying friendly local feelings is the Sequatchie. An outfitter, the Sequatchie River Canoe Base, has opened shop just off U.S. 127 at the Sequatchie R. bridge

south of Dunlap. The base provides equipment and guides, and arranges day and overnight trips. (For more info write P.O. Box 211, Dunlap, TN 37327; or phone 615, 949-2745). Incidentally, did you know that a major tributary of the Sequatchie, Big Brush Cr., would be affected by the AMAX mining operation?

11. STATE NATURAL AREAS

Even after State Natural Areas have been set aside, one must constantly be alert to the danger of overuse. One example is trail construction in the fragile wilderness environment of Savage Gulf. Fortunately, Mack Prichard, now program director of the Tenn. Natural Areas System, is sensitive to such dangers and has provided for limited access and a bare minimum of trail markings on a 16-mile loop trail for which user permits will be required (call 615, 949-3592 or 592-6118). -- In the Radnor Lake Natural Area, the Department has proposed to open the lake to fishing -- an activity that would interfere with the natural succession and ecological balance in an area intended by the Act to be protected from such disturbances. If you can help with efforts to prevent adverse use of Savage Gulf, Radnor Lake, and other state Natural Areas, contact TCWP member Don Carlton, P.O. Box 40008, Nashville 37204.

The Tennessee Heritage Program, (directed by Monty Halcomb) will, under the terms of a new one-year contract, provide the Dept. of Conservation with recommendations for affording better protection of irreplaceable natural areas. The recommendations will cover these activities: (a) Developing the Registry portion of the 1971 Natural Areas Act. (b) Formulating guidelines for development of a Natural Areas Protection Policy; (c) Establishing criteria for the selection of natural areas for inclusion in the State System; (d) Adopting a protection plan for endangered plant species in Tennessee. If you have any suggestions for any of these areas, please contact Monty Halcomb, TN Heritage Program, 1720 West End Ave., Room 601, Nashville 37203.

Natural areas in the 16-county East Tennessee Development District have recently been identified by ETDD to help develop the District's Parks, Recreation and Open Space Plan and the Land Use Plan. Nearly 350 areas were identified, and from these, over 50 areas outside Federal and State Preserves were singled out for action recommendations. Recommended actions include State or County acquisition in fee or through easement, designation as State Natural Area or Park, or as National Wild & Scenic River, private operation, etc. To obtain a copy of the report, write Robert Freeman, Deputy Director, ETDD, 1810 Lake Ave., Knoxville 37916. Suggestions for additions to or modifications in the recommended list are invited.

12. OTHER NEWS FROM WITHIN TENNESSEE

A. We recommend Sen. Ray Baird for a committee chairmanship

The recently elected Tennessee General Assembly will be organizing into committees and selecting committee chairmen when it meets at a pre-legislative session in January. Committees that are particularly important for legislation with which TCWP has most concern are the Senate General Welfare and Environment Committee, and the House Committee on Conservation & Environment. Sen. Ray Baird has most ably served on the former committee for some time, and would, in our opinion, make an excellent chairman. He is hard working, intelligent, fair, and truly concerned with the needs of his constituents, whose desires he has most ably championed in the areas of stripmine legislation, scenic rivers, etc. He responded in the affirmative when asked by us whether he would accept the chairmanship. If you want to help the cause of good government in Tennessee, send your recommendation to Lieutenant Governor John S. Wilder, Suite One, Legislative Plaza Bldg., Nashville 37219, or call him at 615, 741-2368.

over

B. Buy a picture and help in the efforts to stop Tellico Dam

The Tennessee Endangered Species Committee and the Audubon Council of Tennessee are continuing the lawsuit against TVA's Tellico Dam project under the provisions of the Endangered Species Act. To help finance their efforts, you can purchase one or both of two prints by well-known artists: (a) "The Snail Darter" by George Luther Schelling, @ \$30, or (b) "Mute Swans" by Guy Coheleach, @ \$50. The purchase price will also bring you a one-year family membership in the National Audubon Society (or, a one-year renewal, if you are a member). We have 3 "Snail Darter" prints to sell right here, so you can save shipping charges if you live in the Oak Ridge area, or if you can get prints from your local Audubon Chapter. If not, shipping charges are \$3.50 for the first print and \$0.50 for additional ones from National Audubon Soc., Central Midwest Regional Office, Mauckport, IN 47142.

C. Overton Park: a new ballgame

The final EIS on the Tennessee Dept. of Transportation's proposal for a fully depressed but only partially covered I-40 crossing of Overton Park was released Oct. 18, 1976, and hearings were to be held Nov. 23. U.S. Sec. of Transportation, Coleman, recused himself, because his daughter is working in the law firm with which the chief attorney for Citizens to Preserve Overton Park is associated. The pro-road Memphis City Council and mayor labelled Coleman's delegate, Deputy Secretary John W. Barnum, an "environmentalist," and considered his promise of a decision by the end of the year to be such a threat to their position that they caused the TDOT to temporarily withdraw its application for federal funds for the Overton segment of I-40. As a result, the hearing scheduled for Nov. 23 was cancelled. The new Sec. of Transportation will thus have to deal with this matter, and we hope you let him/her know of your feelings as soon as he/she is appointed.

13. YEAR-END REPORT ON NATIONAL LEGISLATION

At the year's end, we bring you a summary of the last Congress' actions in areas of interest to TCWP. Many of the issues were covered in TCWP NEWSLETTERS throughout the year but had not yet been decided by the time we last went to press. In fact, some of the legislation went right down to the wire. Items A-F are good news; items G-J are mixed blessings; item K is bad.

A. Additions to the National Wilderness Preservation System. The 94th Congress added 2,256,882 acres to the System by means of six different Acts, bringing the new total to 14,904,690 acres. One of these Acts, passed in the last 10 minutes of the session, was a big step forward in national park system wilderness: from 4 units designated prior to 1976 to 17 units. The great bulk of all designated wilderness (ca. 87% of the acreage) is in national forests.

B. Congaree Swamp. During the final week, about 15,000 acres of this South Carolina river-bottom swamp, with its virgin hardwood forest, were designated as a national monument under NPS management. The legislation requires that the suitability for wilderness status must be studied within two years.

C. Land & Water Conservation Fund. Despite threat of a veto, Pres. Ford on Sept. 28 signed a bill that will greatly increase the L&W Fund (which provides money for state and federal preservation of land and water). The current funding level of \$300 million annually is woefully inadequate, in view of the fact that the National Park Service alone has a backlog of over \$500 million. The fund will be increased as follows: FY 1978 (starts 10/1/77), \$600 million; FY 1979, \$750 million, FY 1980 through 1989, \$900 million annually.

D. National Rivers legislation. Added to the National Wild & Scenic Rivers System in the closing days of the session were 160 miles of the Missouri R. in Montana, 219 miles of the Flathead in Montana, and about 45 miles of the Obed in Tennessee (see #3). Earlier in the session, 31 miles of the Rapid R. in Idaho and 26 miles of the New River in North Carolina (signed 9/11/76) had been added to the System. About 67 miles of the Snake R. were protected by way of special Hells Canyon legislation.

- E. Mining in national park units. Open-pit mining that started a year ago in Death Valley National Monument focussed attention on the fact that altogether 6 units of the national park system were still open to new mining claims. The effort to correct this situation resulted in the Natl. Park Mining Law, signed Sept. 28, which closes these units to new claims and sets up machinery for eventual acquisition of existing claims.
- F. Tax bills of importance to environmentalists. A section of the recently adopted Tax Reform Act will allow organizations classed as public charities under 501(c)(3) of the IRS code (most conservation groups) to devote a specified percentage of their budget to lobbying activities. Heretofore, they were not allowed to expend a "substantial" amount without losing tax-exempt status. In general, for budgets up to \$500,000, 20% can be spent for lobbying activities, with one-quarter of that amount for "grass-roots lobbying" (i.e. attempts to influence the general public, as opposed to encouraging organization members to lobby). -- Another important bill, signed 10/20/76, is the In-Lieu-of-Taxes Act which, among other things, requires that counties with lands newly acquired for National Park area and wilderness status shall receive a 5-year payment of 1% of the fair market value.
- G. The National Forest Timber Management Reform Act. In the bill that finally emerged from conference committee, conservationists come out much better than they had expected. For the first time, the Forest Service is now required by law to observe sustained-yield principles, and is prohibited from cutting on marginal lands and along stream banks and shorelines. Policy guidelines for the control of clearcutting and the cutting of immature trees are included. Although the Act is not all we would have liked, it represents a major step toward wise forest management.
- H. BLM (Bureau of Land Management). This was the third Congress in a row to consider a BLM Organic Act. This time, as on previous occasions, conservationists had started out with high hopes and had become increasingly inclined to kill the legislation as the House bill emerged with more and more pro-grazing and pro-mining bias. However, through strong efforts of a handful of Congresspersons, the bill that was signed Oct. 21 is one that conservationists can live with. An important provision requires the study of all roadless areas over 5000 acres for potential inclusion in the Wilderness System. -- Another legislative victory, earlier in the year, was prompted by a threatened BLM takeover of 3 wildlife ranges. The bill that was passed prevents transfer of any national wildlife refuge from the jurisdiction of the Fish & Wildlife Service.
- I. Wetlands protection through the 404 Permit Program. This excellent program was threatened with emasculation this year during the process of amending the Water Pollution Control Act of 1972. However, agreement between House and Senate versions could not be achieved, and lack of time was thus on our side, for a change. This is not really a victory -- just a reprieve, since a new round of amendments to the good 1972 Act is anticipated to come up early next year.
- J. Coal legislation. As you already know (NL 76, ¶III), the stripmine bill, having sustained two Ford vetoes, failed for the second time in the House Rules Committee on September 9. The Coal-Leasing Act was earlier enacted over the President's veto. While it is tragic that a bill regulating stripmining could not be passed prior to, or together with, one that opens the way for massive western mining, the Coal Leasing Act nevertheless represents a considerable improvement by requiring consideration of environmental impacts and comprehensive land-use plans before federal coal lands can be leased. -- Legislation that would have authorized a coal-slurry pipeline (to move coal from western stripmines to markets) was defeated but will come up again soon. Synthetic fuel loan guarantees were narrowly defeated.
- K. Clean Air Act. The amendments package to the Clean Air Act, opposed by the utility and auto industries, died as the result of a filibuster by Utah Senators Garn and Moss. These amendments would have given us strong provisions against significant deterioration of pristine air (e.g., over national parklands and wilderness areas) at the price of some

compromise in auto emission standards. Even though the auto industry helped kill the bill, it will probably cause the legislation to be addressed again early in the next session in the hope of securing rollbacks in emission-limit deadlines.

L. Voting records, for future reference. We bring you results of recorded votes whenever we come across them. On the Garrison Diversion Project (a boondoggle): all 8 Tennessee Congresspersons voted wrong. On the gutting of wetlands protection (the 404 Program): all 8 Tenn. Congresspersons, as well as Sen. Brock, voted wrong; only Sen. Baker voted correctly (and worked to save the program). On adding the New River to the Natl. Scenic Rivers System: Quillen and Duncan voted against; Evins and Brock did not vote; Sen. Baker and 5 Congresspersons voted in favor. On gutting the flood plain zoning provision of the Flood Insurance Program: Baker, correct; Brock, wrong. On 6 Clean Air Act amendments: only Allen voted correctly 3 or more times.

14. PUBLICATIONS OF INTEREST

- "Fact Sheet: AMAX in Tennessee, 1976." Order from SOCM, Box 457, Jacksboro, TN 37757.
- "The AMAX Record Elsewhere" is a report compiled by John Gaventa on how AMAX has performed in other states. You should have this information available as you read about what AMAX now claims it'll do in Tennessee. Order from SOCM, Box 457, Jacksboro, TN 37757.
- "Strip Mining in the Corn Belt: The Destruction of High Capability Agricultural Land for Strip-Minable Coal in Illinois" (June 1976); and "State Strip Mining Laws: An Analysis of Six Selected State Statutes and Promulgated Regulations -- Alabama, Colorado, Kansas, Ohio, Texas, and Virginia" (March 1976). Both by John C. Doyle and available from Environmental Policy Institute (317 Penn. Ave, SE, Washington, D.C. 20003. \$2.00 each)
- "Costs of Coal Surface Mining and Reclamation in Appalachia," by E. A. Nephew and R. L. Spore, Oak Ridge Natl. Lab Report, Jan. 1976 (ORNL, P.O. Box X, Oak Ridge, TN 37830)
- "How To Save Your River: A Citizen's Guide to Water Projects" (available from Amer. Rivers Conserv. Council, 317 Penn. Ave, SE, Washington, D.C. 20003) tells how to develop political strength, etc. It lists government agencies, key congressional committees, pertinent publications, movies, and slide shows.
- "Subdividing Rural America: Impacts of Recreational Lot and Second Home Development" is a study by the Am. Soc. of Planning Officials, The Conservation Foundation and others. Copies of the executive summary (No. 040-000-00358-4) may be purchased for 75¢ from the Supt. of Documents, Govt. Printing Office, D.C. 20402.
- "The Seventh Annual Report on Environmental Quality" by the Council on Environmental Quality (\$3.50 from U.S. Govt Printing Off., D.C. 20402; Stock No. 041-010-00031-2) recommends, among other things, that greater emphasis be placed on the control of nonpoint sources of water pollution.
- "Report to the President and to the Council on Environmental Quality" by the Citizens' Advisory Comm. on Environmental Quality (85¢ from U.S. Govt. Printing Off., D.C. 20402, Dec. 1975) focuses on 1975 activities in the areas of (a) conservation of energy resources, (b) quality of life, (c) highway beautification and planning, (d) use of ocean resources.
- Several pamphlets on solar energy are available from the Energy Research and Development Administration (ERDA Techn. Info Center, Box 62, Oak Ridge, TN 37830). Document Nos. SE-101, EDM-816 and EDM-817 may be of particular interest to homeowners who want to use solar heating and hot water equipment.

15. CALENDAR

- Jan. 4 - AMAX hearings resume in Nashville
- Jan. 8, 9 or 10 - Washington meeting of the COALition against Stripmining (Write EPC, 317 Penn. Ave., Washington, D.C. 20003; or call 202, 547-6500)
- * Jan. 10, 11
- * Jan. 13 - TCWP Letter-writing Social (see box on p. 1)
- Jan. 22 - Meeting of Big S. Fork Preservation Coalition, Cumberland Mtn. State Park (Call Lee Russell, 482-2153)
- Jan. 24-27 - Symposium on River Recreation: Management and Research, Minneapolis (Write Dept. of Forest Resources, College of Forestry, U. of Minn., St. Paul, MN 55108)