TENNESSEE CITIZENS FOR WILDERNESS PLANNING

Newsletter No. 41, June 29, 1971


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* A star in the margin indicates an action suggestion. Please try to tackle at least 3 items.

## 1. CONTINUING THREATS TO OBED UNDERLINE NEED TO SPEED THE STUDY

Those who thought they could rest a while when, late in 1968, the Obed and tributaries were listed in the study category of the national Wild and Scenic Rivers Act, soon found otherwise. It's been one thing after another: the upstream powerline crossings (for which TVA then agreed to use mitigating measures), the stripmine opened near the confluence (protests against which eventually led to TVA's refusal to buy coal mined in the watershed), applications for other stripmines (finally denied by the state), a threatened coalwashing operation near Crossville. Now a real-estate development (Catoosa Canyons) is advertising lots near the Genesis Road crossing -- ironically using for advertising copy quotations from an article by one of the champions of Obed preservation (Lowell Branham in the spring issue of PERSPECTIVE). Not only could this lead to a lower classification of this section of the river, but the bulldozing and septic tanks would downgrade water quality downstream.

All this makes it imperative that the BOR study be completed with dispatch. Virtually all of the data are in, but the limited manpower in the Atlanta BOR office has repeatedly been diverted to tackle projects in other states and in the Atlanta region. It is time that this magnificent Tennessee river get the undivided attention it deserves and that alone can preserve it from constantly threatening damages. Write to your Congressman and Senators today and ask them to urge a speed-up of the BOR study (and, incidentally, for increased funding for BOR when the opportunity arises). Also, write to Commissioner Wm. L. Jenkins (Tenn. Dept. of Conservation, 2611 West End Avenue, Nashville TN 37203) and urge him to do everything in the state's power to preserve the pristine wilderness of the Obed system, at least while the study is in progress.

We applaud Roy Wood, regional director of BOR for discouraging a Tenn. Dept. of Conservation suggestion for a stripmine with "model reclamation" in the Obed watershed and for urging continuation of the state's stripmine moratorium. Study of a U.S. Bureau of Mines publication shows coal reserves in the Obed watershed to

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be very minor. Why pick this watershed of all places for model reclamation at a time when it should have a moratorium? We hope our Dept. of Conservation will be a champion of conservation, not of the stripmine industry.

## 2. CONSERVATIONISTS MEET WITH SEN. BROCK TO DISCUSS BIG SOUTH FORK RECOMMENDATIONS

TCWP arranged a meeting on June 12 between Senator Brock and representatives of 7 conservation groups. The Senator and his staff gave us over an hour of his time during which we presented a brief slide show followed by an account of the various dam proposals, the federal study of alternatives, and our recommendations. The Senator assured us that he would oppose the dams and that he would seek a positive way to preserve the gorges and surrounding watershed. We have renewed our efforts to arrange a similar meeting with Sen. Baker.

## 3. OPPOSITION TO DUCK RIVER DAMS MOUNTING CONSTANTLY

Since it was organized in November 1970, the Duck River Preservation Association, based in Normandy, has grown to 400 members and done a fantastic amount of meaningful work. Among other activities, on May 25 and 26, DRPA (Raymond Duke and Marjorie Collier), along with TCWP (W. L. Russell) testified at U. S. House and Senate Appropriations Committee hearings in Washington in opposition to funding of the Normandy and Columbia dams. Congr. Joe Evins, chairman of the subcommittee, did not attend the testimony, nor was he available in his office. However the DRPA and TCWP representatives conferred with other members of the Tennessee congressional delegation. Earlier meetings have been held with Governor Dunn in Nashville and Sen. Brock in Tullahoma. Recently, the Coffee County Farm Bureau (2,500 members) went on record opposing the project.

Work is underway on a citizen report of the Environmental and Economic Impact of the Duck River Project. Anyone who has any scientific, or economic, or recreational information (no matter how minor) bearing on this subject should immediately get in touch with Peter D. Hollenbeck, 614G Chateau Drive, Huntsville, Ala. 35801, phone 205, 881-6645. Filing of TVA's draft environmental impact statement on the project is imminent.

Opposition to the Duck River dams is expressed in the July 1971 issue of the Readers Digest in an article by James Nathan Miller, entitled: "Needed: A Bill of Rights for our Rivers". We shall shortly send you a reprint of this article together with other material.

## 4. RENEWED HOPE FOR THE LITTLE T

The Association for the Preservation of the Little T has shown a sudden revival (approximately 100 persons attended the last meeting) and an influx of energetic helpers. Legal action is being considered. Billboards urging "Save the Little T" have sprung up in Knoxville and Maryville. In the final days of the Tennessee legislature, the Senate passed Sen. Berry's SJR 64, requesting the President to cease construction on Tellico dam; but a House vote did not come about. Sen. Berry and Repr. Al Edgar introduced legislation to place the Little T in the state scenic rivers system, and this was referred to committee.

Last week, TVA submitted the draft environmental impact statement to CEQ and for comment by state and federal agencies. TCWP is studying this statement. For the past few weeks, in the face of mounting opposition, TVA has been claiming that the project is "half completed". However, research by TCWP has shown that, even assuming that the total cost can be kept to the anticipated $69 million, only 39% has been spent. Less than 6% of the total has been spent for dam construction. The biggest item of expenditure

has been land acquisition. This and other items, such as a new U.S. 411 bridge (which was needed in any case), do not represent money lost. Continuing research increasingly indicates that some claimed TVA benefits cannot be properly substantiated and that some of the losses that would occur have not been given adequate value. Certain benefits, e.g. the planned state park at Ft. Loudon, could be realized without the reservoir and would, in fact, be better without it.

✶ Anyone wishing to help with the renewed effort to save the Little T should contact Kirk Johnson, P. O. Box 65, Tyner, TN 37392. Ph. 615, 892-6609. A limited number of bumper stickers are available on request from the editor.

## 5. TENNESSEE-TOMBIGBEE CANAL OPPOSED

This $385-million Corps of Engineers project would provide a waterway between Mobile on the Gulf of Mexico and the Tennessee River (at Pickwick), by virtue of an extensive series of dams, a canal and a 27-mile cut through a 175-ft high ridge. Several of the comments made by federal and state agencies in response to the Corps' draft environmental impact statement pointed out the high probability of adverse environmental effects. Strongest of these was the EPA comment which urges "that a reevaluation of the project should be made, taking into consideration the fact that the project may not bring the commercial and industrial development to the area originally anticipated.... and a scenic and natural area will be irreversibly damaged for all time". In spite of this and other adverse comments (brushed off by the Corps) Pres. Nixon and Gov. Wallace dedicated the canal on May 24. A coalition of conservationists, formed later that week, feels that the environmental unknowns should be fully assessed before construction is allowed to proceed. The coalition is concerned not only about the canal itself but about one of its declared aims: the shipment of coal from Appalachia to overseas markets (mostly Japan). This would immeasurably increase the stripmine damage to our region. The chairmanship of TCWP's Tenn-Tom effort has been assumed by Dan Hale, Apt. D-2, 100 Airport Road, Huntsville, Ala. 205, 453-5130 (office). Dan will be most grateful for ✶ offers of help from other members.

## 6. POSTSCRIPTS TO STATE LEGISLATURE ACTIONS AND INACTIONS

### A. Stripmine bills

As predicted in the last NEWSLETTER, Rep. Bowman (R., Roane) allowed the session to end without bringing to the floor for House concurrence Senators Baird's and Ayres' amendments. These lengthy Senate amendments had drawn material from the citizens' bill to strengthen greatly the originally extremely weak Bowman bill (= Dept. of Conservation bill). Strong sentiment had been built up in the House for passage of these amendments--which is undoubtedly the reason why the bill was not brought up.

On the day prior to the scheduled end of the session, three citizens (J. W. Bradley, Petros; Bob Farmer, Norris; Lee Russell, Oak Ridge) travelled to Nashville to make a last-minute attempt to have the amendments brought up by offering a compromise. While we were expecting opposition from Rep. Bowman and the stripmine lobby, especially with respect to the 10¢/ton provision, we were rather unprepared for the opposition we encountered that day from the Dept. of Conservation. Our surprise was even greater when we found that most of the arguments were directed against the amendment that had actually been prepared by the Administration, using citizens'-bill material that pertained to permit limitations. Thus, the Dept. objected to our very conservative 28° slope limitation, which copies the new TVA contracts (other states are setting lesser angles) "because then we couldn't mine anywhere in the New River drainage". It also objected to the exclusion of areas where mining would "constitute a hazard to a dwelling house, public

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building, school...." -- although this statement is copied from section 350.085 of the Kentucky law -- on the grounds that "this would lead to too many lawsuits." After a 3½-hour session, the Dept. and citizens finally agreed on a compromise set of amendments, and immediate agreement was also obtained from Sen. Baird. Comm. Jenkins then talked to Rep. Bowman who subsequently stated to the citizens "OK, I'll call up the bill tomorrow, if Jack Walls agrees". (Walls is a stripmine operator.) As already mentioned, the bill was not brought up.

Just before the end of the session, a third bill was introduced by Rep. Tom Jensen (R., Knox), Administration floor leader. This combines the Bowman bill and the Administration amendment (see above) but fails to include timetables for reclamation and revegetation, is not stringent enough with respect to slope limitation, does not exclude recreational and scenic areas, does not require rehabilitation of prospecting damage, does not levy a reclamation fee, etc. Rep. Jensen is quite amenable to discussing amendments to his bill; and, 10 days ago, was the first legislator to accompany us on a stripmine tour (others have promised to come later). Rep. Bissell has introduced a local bill to levy a severance tax on coal for the use of the Anderson County general fund (not earmarked for stripmine reclamation). A similar bill was passed for Scott County.

In the meantime the TCWP stripmine committee continues its work on getting the stripmine story into the news, of contacting other groups, and of exploring ways to get legislation passed in the session starting February 1972. The committee will appreciate offers of help especially from middle and west Tennessee. We hope most of you saw the 3-article stripmine series in the Scripps-Howard papers. After looking at the laws of 23 states, the author noted that Tennessee has "weak laws and virtually no inspection". (For news on federal stripmine legislation, see item 8A).

B. Little-T bills (see item 4)

C. The Tennessee Scenic Routes System Act of 1971 (Crouch, Rhinehart, Edgar) passed May 21. Highways which are not needed for commercial or defense traffic are eligible for designation as Scenic Routes by the Legislature. Advertising structures and junkyards are barred for a distance of 1000 feet, and littering penalties are doubled.

D. Environmental Protection bill (Sen. Bruce) This highly important bill, which allows for citizen suits, remained in the calendar committees but could be brought up early next year. See item 8F for a federal bill on citizen suits.

E. HJR 183 (Ashe) commends Bowaters Southern for its Pocket Wilderness Program and urges that it be continued. Incidentally, the trail in the Laurel-Snow wilderness has been included among the initial 29 National Recreation Trails announced by Interior Secretary Morton in early June.

## 7. CONTINUING OVERTON PARK LEGAL BATTLE REQUIRES MORE FUNDS

The March-2 Supreme Court decision that federally financed highways could not be built through parks except "in the most unusual situations" remanded the Overton Park I-40 crossing case back to the district court for complete review. Citizens to Preserve Overton Park have finally been granted a preliminary hearing on their amended complaint (on a motion for a preliminary injunction to halt I-40 construction) to include the National Environmental Policy Act. They need lots more funds with which to prepare their case thoroughly for the court proceedings scheduled in late September. Several TCWP members have already responded to past appeals, but we should again like to urge the national significance of this precedent-setting court case. To assure that your contribution is tax deductible, make your check payable to Sierra Club Foundation and mark on it "for Overton Park Preservation". If not interested in tax deduction make

checks to Citizens to Preserve Overton Park, Inc. In either case, mail to Mrs. Anona Stoner, Secretary, 192 Williford Street, Memphis, Tennessee 38112.

## 8. FEDERAL CONSERVATION ISSUES: ACTION NEEDED ON SEVERAL

### A. Stripmine bills

A number of bills have been introduced, among them H.R. 60 (Saylor), H.R. 444 and H.R. 3299 (Saylor & Meeds), S. 993 (Jackson, Allott, Cooper), H.R. 6482 (Hays) and H.R. 4556 (Ken Hechler of W. Va. and others). The House Interior Committee may hold public hearings this fall. Though we plan to give a comparison of these and other bills in a future NEWSLETTER, a few more words should be said here about the Hechler bill, which has to date been co-sponsored by 85 Congressmen from 26 states, as well as by Senators Nelson, McGovern, Case, and Kennedy (S. 1498). The bill would ban all stripmining 6 months after enactment, prohibit underground mining in national forests and wilderness areas, make EPA the enforcing agency, allow citizen class action suits, and provide up to 50% federal funding for orphan-mine reclamation. Amendments by Rep. Seiberling would provide economic assistance, as well as priority in job placement for the 20,000 workers that would lose jobs through the stripmine ban (note that there was no aid for the 300,000 miners that were displaced by mechanization of underground mines). Congr. Hechler in a recent article (Not Man Apart, July 1971), points out that there are 128 billion tons of strippable coal, but as much as 750 billion tons of coal recoverable by underground mining and that H.R. 4556 would thus not inevitably cause an "energy crisis" as claimed by some. He also warns that stripmine operators' associations are now calling themselves "Reclamation Associations" and launching big public-relations campaigns to advertise the beauties of reclamation (using pictures of isolated showcase models into which excessive amounts of money were poured). The national Board of Directors of the Sierra Club on May 1-2 adopted a resolution advocating "a total and immediate ban on all surface mining of coal". A coalition of several conservation groups was formed with this and related aims. Anyone wanting more information should contact Louise Dunlap, Room 602, 917 Fifteenth Street, NW, Washington, D.C. 20005.

### B. Timber bills

The Senate Public Lands Subcommittee will hold field hearings in Atlanta, July 23, on S. 350 (Hatfield) and S. 1734 (Metcalf)/H.R. 7383 (Dingell). National conservation organizations are endorsing the latter bill, while stating that the former resembles last year's Timber Supply bill (so strongly fought by conservationists throughout the land). While both bills are aimed at assuring a larger, constant flow of timber, the following differences may be pointed out: (a) S. 1734 specifically requires adherence to the 1960 Multiple Use Act; (b) S. 1734 places restrictions on clear-cutting; (c) S. 1734 would protect de facto wilderness in national forests; (d) S. 1734 places restrictions on timber export, while S. 350 is permissive on this subject; (e) S. 350 provides no penalties, while S. 1734 does. (f) Expenditure of a fund derived from sale of forest products is to be for a wide range of forest development objectives in the case of S. 1734, but mainly for timber growth purposes in the case of S. 350. While the hearing will focus on these two bills, all points of view with respect to administration of national forests will be pertinent -- e.g. the Joyce Kilmer-Slickrock Creek road vs. wilderness controversy, the USFS substitution of pine for hardwoods, clear-cutting in eastern national forests (which were established under the Weeks Act of 1911 for conservation of water). We should have as many testimonies as possible (oral and/or written). Please get in touch with the editor if you can provide one.

### C. Alaska - an Urgent Alert

Failure to settle the native claims issue has, ironically, held back the powerful economic forces seeking to exploit the natural resources of Alaska. Four major land claims bills

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are now before Congress. Unless the federal government imposes a stern requirement for sound land planning as a prerequisite to land selection and resource utilization, passage of one of these bills would trigger land selections which would foreclose for all time any chance to plan for the wise development of 355 million acres in America's last, most fragile, frontier. The Alaska coalition of the nation's major conservation groups urges you to demand a land-use plan that will be a mandatory prerequisite for state land selections, resource utilization, and all native land selections other than village sites. Your letters should go immediately to the President, with copies to your two senators, your congressman, and to Sen. Henry M. Jackson and Wayne N. Aspinall, chairmen of the Senate and House Interior Committees, respectively. At the same time, you may wish to endorse an amendment to native claims legislation that would prohibit issuance of a pipeline permit until Congress has had a chance to vote a specific authorization for it.

D. Detrimental changes in Land and Water Conservation Fund proposed

Hearings were held May 24-25 on several bills (H.R. 5599, 6581, and 4705) which would make LWCF money available for constructing indoor and other recreation facilities in urban centers (swimming pools, golf courses, tennis courts, etc.) Conservation groups pointed out that this would be to the detriment of projects outside the cities, which the urban residents themselves desire and support. HUD's Division of Open Space and Urban Beautification is responsible for recreational activities in cities and, reportedly, Interior's entry into this field is causing confusion. You may wish to express your opinion to Congr. Roy Taylor, chmn., House Subcommittee on National Parks and Recreation.

E. Environmental Education Act dying from lack of budget requests

The 1970 Act (Congr. Brademas-Sen. Nelson), which passed only after several rescues from Administration opposition, authorized $5 million for Fiscal Year 1971 and $15 million for FY 72. However the Office of Education budget request was only $2 million for each of these years. Program funding requests for over $10 million have already been received, as well as 10,000 requests for the guidelines on making application. (Note: among these was a TCWP request made 2 months ago which has gone unanswered.) Furthermore, neither the Office of Environmental Education nor the advisory council of environmental education called for by the Act has been created. You may wish to inform the President of how you feel about this. (Environmental education note: a TVA booklet "Use That Campus" is available from TVA Information Office, Knoxville, TN 37902).

F. Bill to allow citizen suits on environment issues

S. 1032 (Hart and McGovern), which would provide citizen "standing", thus allowing cases to go to court for determination on the facts (instead of being thrown out on a legal technicality) was opposed by the Administration on the grounds that the courts would then in effect be writing environmental laws. However, Prof. J. L. Sax, a major drafter of the bill and of a similar one in Michigan (for the Tennessee attempt see item 6D) and other proponents of the bill point out that it allows citizens to challenge an administrator's right to determine whether environmental controls are "feasible", makes it possible to get down to specifics, and provides a mechanism for dealing with environmental threats not covered by existing statutes or not prosecuted by overburdened governmental agencies.

G. Highway Action Coalition formed

A communication from this new coalition states: "our nation's transportation system... does not serve the people's needs and is one of the major contributors to the degradation of our environment. The 'highway lobby' has...seen to it that disproportionate amounts of money are directed to the construction of new roads." The coalition will have a full-time coordinator and two experienced lobbyists to educate Congressmen. A citizen handbook

will be distributed later this summer. If you know of anyone interested in stopping specific highway projects or in just keeping informed, write to Barbara Reid, Highway Action Coalition, Room 731, Dupont Circle Bldg., Washington, D.C. 20036.

H. Interior jobs filled

Dr. Wm. T. Pecora, former Director of the U.S. Geological Survey, has been confirmed as Undersecretary of the Interior. Nathaniel Pryor Reed is the new Assistant Sec. of the Interior for Fish,Wildlife, and Parks (formerly held by Dr. Leslie Glasgow). Mr. Reed served as environmental adviser to Florida Gov. Kirk.

## 9. MISCELLANY

A. Helen Ward has kindly agreed to serve as the new TCWP Secretary.

B. Two useful booklets can be obtained from Grumman Boats, Marathon, New York: (a) a "Rent-A-Canoe" directory, listing 240 rental places throughout the states (in Tennessee, don't forget Canoeist HQ, 3003 Ozark Circle, Chattanooga TN 37415, 877-6256); (b) a "Canoe/Camping Guidebook"(planning supplies, methods of waterproof packing, etc.).

C. Excerpts from an excellent article by Martha Wright (NWF's Conservation News 36(8): 9) are worth quoting. She comments on the many new "lifestyle" booklets (tune up your car, compost your garbage, etc.) feeling that they have become an "easy way out....they enable the individual to....feel he is doing all he can to save the environment....postponing... a serious discussion of what saving the environment really requires. It requires reading dull, complicated laws and financing lawsuits against polluters and recalcitrant government agencies. It takes finding out how city or county government works, what interest groups get their way, and how the citizen can make his voice heard over that of the lobbyist. It takes writing Senators and Congressmen over and over again. It takes bringing abuses at home into the public spotlight. It takes questioning and challenging the sacred cows of government and industry. It takes being immune to and able to refute insinuations that environmentalists want to precipitate unemployment, take away conveniences and essentials and may be communist-inspired. It is hard work. And it will take a long long time."

## 10. CALENDAR

July 3,4 Nantahala float,TVCC; and canoe race (Ga. Canoe Assn)
July 5 Little-T float (upstream from Fontana), TVCC
(For both TVCC activities, contact Jack Wright, Chattanooga, 622-4310 (home) or 396-2151 (office))
July 5 Watauga River canoeing, TERC Hiking Club. (Call Merton Dibble, Tenn. Eastman Co., Kingsport, ext. 3530)
July 8-9 EPA regional public hearings on noise pollution. Sheraton Biltmore Hotel, Atlanta
July 17 and/or 18 Collins River float, Sierra Club (contact Dottie Adams, 818 Nella Drive, Goodlettsville, TN 37072, Phone 615, 865-5018)
July 23 Atlanta hearings on timber bills and USFS practices (see item 8B)
August 7 Elk River float, TVCC (P.O. Box 11125, Chattanooga)

Reserve the Oct. 23 weekend for an important Joyce Kilmer-Slickrock Creek outing co-sponsored by TCWP. There will also be a Big S. Fork float in October in which Gov. Dunn may participate.

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