TENNESSEE CITIZENS FOR WILDERNESS PLANNING

Newsletter No. 73, March 31, 1976*

TCWP PUBLIC MEETING

Boyd Evison, Superintendent, Smoky Mtns. National Park, will talk to, and with, us about the management and the future of the Park
A multimedia slide show including sound produced by the Sierra Club will show the Smokies in all seasons
Tuesday, April 27, 7:30 p.m., Auditorium, McClung Museum, Knoxville

LETTER-WRITING SOCIALS

Th., April 15, Knoxville: Esther Burnham, 200 Fairfield Dr., 584-5440
Th., April 22, Oak Ridge: Wayne & Jo Henderson, 116 Cumberland View Dr., 482-1202
W., April 28, Kingsport: Rick Phelps, 617 Seminole Dr., 323-4426
F., May 7, Knoxville: Diane Canright, Martin Mill Pike, 573-4363
W., May 12, Oak Ridge: Mike Holland, 130 Windham Rd., 482-2860
M., May 17, Memphis: Henry Hall, 2789 Sky Lake Cove, 357-4175

All socials start at 7:30. Spend one hour writing needed letters, then enjoy your TCWP friends over refreshments. Call your hosts ahead of time, if possible, but this is not essential. Bring along nonmembers, too!

GOOD NEWS (the 5 top stories)

-- Hooper not confirmed for TVA Board
-- New road threatening Northridge Trail environment defeated
-- New River (N.C.) granted National status: dams probably stopped
-- National Game Ranges will not be taken over by Bureau of Land Management
-- AMAX stripmine plans (temporarily) thwarted as water discharge permit is denied

BAD NEWS (the 5 top stories)

-- Stripmine controls: killed in Washington; frustrated in Nashville
-- TVA reviving pumped-storage plans for Sequatchie Valley
-- Power of eminent domain lost from State Trails Act
-- Duck River appeal lost
-- Temporary injunction against TVA denied in snail darter suit

NOW READ ON -- for there is much good news to be made and much bad news to be averted this month if you will help. Look for stars in the margin. Attend a letter-writing social; or do your writing wherever you please, but please do it!
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*Editor: Lee Russell, 130 Tabor Road, Oak Ridge, TN 37830
Phone: 615, 482-2153

No. 1 priority item

1. OBED: SEND A POSTCARD TODAY

The critical time has come to express your support. The bill must be pushed in both Houses NOW if we are to get action this year (and goodness knows who'll be elected this fall). The people who must hear from you are Sen. Bill Brock (No. 1 importance), Congr. Joe Evins, if you live in the 4th District, and Congresswoman Marilyn Lloyd. If you do nothing else, please invest 2 stamps and send the enclosed postcards. Be sure to sign your name and address, and, if possible, add a few words in your own handwriting. Even better, write a short letter; but if it's a choice between the card today and the letter maybe in the future, make it the card, by all means. WE HAVE A CHANCE TO PROTECT THE MOST BEAUTIFUL RIVER IN THE EAST: LET'S DO IT!

2. AMAX PLANS THREATEN ALL OF TENNESSEE'S WATERS: yes, that's right -- not just those derived from the mining area. (Read to the end of this horror story!)

In our last NEWSLETTER, we brought you an extensive report by TCWP member George Brosi on the gigantic stripmine threat posed by the multinational AMAX Inc. to 10,000 acres of lovely Tennessee land just south of Fall Creek Falls. "Blanket mining," as practiced by AMAX elsewhere, has never been done in rugged terrain and may ultimately affect 50,000 Tennessee acres. AMAX has purchased land and/or mineral rights and received prospecting permits, as well as a permit to clear a site on which to assemble a 105-cu. ft. dragline.

In Dec. 1975, AMAX applied for a discharge permit from the Water Quality Control Division, submitting to WQCD a plan that calls for mining right through existing watercourses. This would destroy at least 16 miles of high-quality streams, just in the initial operation. In mid-February, Commissioner Eugene Fowinkle denied AMAX's application on the grounds that the proposed activity would violate the classified uses of the streams in question, thus violating Tennessee's Water Quality Act. Shortly afterwards, 13 representatives of 9 citizens groups (TCWP was ably represented by George Brosi) met with Comm. Fowinkle and staff of the WQCD to discuss the implications of AMAX's plans and governmental actions. As expected, AMAX appealed the permit denial on February 23 and a hearing will be held May 26-27 by a Hearings Officer before the Water Quality Control Board. TCWP is one of several groups that has petitioned to intervene, as amicus curiae for the WQCD.

AMAX's appeal is based mostly on economic arguments. The giant corporation claims to have already invested over $3 million on preparations to mine (the list cited did not include what must be considerable lobbying and advertising costs); and argues that permit denial will deny economic benefits to the "people of Tennessee." Dollar figures in the millions are cited. Naturally this kind of argument has a mouth-watering effect on many people, and AMAX already enjoys the support of the Governor's office and other parts of the power structure. The citizens of Piney, and the many ordinary folks who are concerned about them and about Tennessee's lands and waters may have a hard time ahead.

These are the possible chains of events that may ensue. If AMAX wins on May 26-27, a citizens suit will be brought. If AMAX loses, the Corporation will appeal to Chancery Court. If then that Court, too, upholds the Commissioner and protects the Water Quality Control Law under which he acted, it is probable that AMAX will leave no stone unturned to amend the law in the next session of the General Assembly, e.g., by exempting surface mining, exempting non-point sources of pollution, or removing jurisdiction from the Dept. of Public Health. If this happens, ALL the waters of Tennessee are in jeopardy -- not just those in the path of AMAX's shovels.

We hope all of you will become concerned about the AMAX threat with its far-reaching consequences. (a) Contact your state legislators (especially if they're likely to be in office again next year). Write to the Governor. Tell them what you think of the

AMAX situation and that, under no circumstances, should Tennessee's Water Quality Act be weakened. (b) Volunteer your help to TCWP to serve on an AMAX committee that will try to educate the public on what is involved. (c) Send contributions to help defray legal expenses of the amicus curiae brief.

3. FAST ACTION NEEDED TO PREVENT ABUSES TO OUR NATIONAL FORESTS

Legislation designed to remedy the serious problems that have afflicted our national forests in recent years is under counterattack by the timber industry and the Agriculture Committees. This legislation, S.2926 (Randolph) and H.R.11894 (Brown) sets minimum standards for timber management and gives encouragement to much-needed improvements in multiple-use planning. The bill, e.g., limits the size of clearcuts to generally 25 acres (with at least 1000 ft borders between), protects water quality from effects of erosion, prohibits massive cutting of immature trees, keeps harvests on a sustained-yield basis, and prevents transfer of species such as the massive replacement of our southeastern hardwood forests with a monoculture of pulpwood pines. Concerned professional foresters participated in the drafting of this bill; and in setting standards, the bill would protect those foresters who sincerely want to do a good job from political pressures.

However, the industry, which has been smarting under recent court decisions (e.g. the Monongahela case) that held certain kinds of clearcutting to be unlawful, is making an all-out effort to let the Forest Service return to practices that are extremely damaging to wildlife, recreation, and wilderness. In the Senate, industry is backing the alternative Humphrey-Foley bill, S.3091, which is being touted as a "compromise containing environmental safeguards," when, in fact, this bill would not prevent the Forest Service from being maneuvered by the timber insustry into destructive forestry practices. In the House, the industry and the Administration are backing the Johnson bill, H.R. 12503. Their strategy is to force these bills through precipitous action in the Congress -- before the public has a chance to react.

THE NATIONAL FORESTS BELONG TO ALL OF US! THE RESULTS OF THIS LEGISLATIVE BATTLE WILL BE FELT CLOSE AT HAND -- IN THE CHEROKEE NATIONAL FOREST -- AS WELL AS IN ANY OTHER FOREST YOU OR YOUR CHILDREN WILL VISIT

What you can do: Write to the following persons:
Sen. Howard H. Baker and Sen. William E. Brock III (each at Senate Office Bldg., Washington D.C. 20510)
Your Representative (House Office Bldg, Washington, D. C. 20515)
Sen. Herman Talmadge, chmn, Agriculture and Forestry Comm.
Sen. Henry Jackson, chmn, Interior & Insular Affairs Committee
Rep. Tom Foley, chmn, Agriculture Committee
You may want to stress the following points: (a) We urgently need meaningful reform of national-forest management. (b) Heavy industry pressure to step up logging has led to the rapid disappearance from our national forests of wildlife habitat, wilderness, and watershed protection. (c) Only S.2926/H.R.11894 (Randolph/Brown) would prevent the present overcutting and other damages. Urge their support of this bill. (d) By contrast, the Humphrey and Johnson bills are a giveaway of OUR forests to the timber industry, and are environmentally objectionable. Urge opposition to these bills. WRITE TODAY.

4. BIG SOUTH FORK NATIONAL RIVER AND N.R.A.: WILL IT EVER GET FUNDED?

No funding for land acquisition for the Big S. Fork Area appears in the President's budget for the next fiscal year (which starts 10/1/76). The reason: delays at a higher level of the Corps of Engineers in accepting the Nashville District's Environmental Impact Statement (EIS) and General Design Memo (GDM -- a sort of master plan for development).

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However, the Corps is hopeful of securing "capability funding," i.e., money added by Congress as part of the Public Works appropriation. Senator Baker wants, first, to raise the authorization limit from the present $32.8 million (as set by the original 1974 bill) to something approaching the $103 million that the Corps now estimates will be needed (see, however, below). New legislation will have to be passed for this purpose, but it is not yet clear whether this would be part of the Omnibus bill or a separate bill. We urge you to communicate with Sen. Baker (Senate Office Bldg., D.C. 20510) to let him know how anxious you are for this project finally to get underway; and that you do not want the acreage of the Area to be cut down for lack of funding (money could be saved by cutting out certain projected roads, see below).

The draft GDM was reviewed by Lee Russell on behalf of the Big S. Fork Preservation Coalition. It contains a great deal of material that we can agree with and be happy about, e.g. the good news that the Corps has convinced the TN Dept. of Transportation to select the least detrimental alternative for the new Hiway 52 corridor, namely the one crossing the Area in the same location as the present TN 52. Our major criticisms of the Draft GDM concern certain new roads; and worst of these is the proposed "Zenith Loop," which would invade almost 5 miles of the North Whiteoak Creek gorge with car traffic. Other undesirable automobile roads that are proposed are in the NW of the Tennessee portion of the Area (between Pickett and the river); to the Honey Creek overlook, etc. Just eliminating these roads could save $7.2 million of the Corps' projected $103 million. If you are interested in our comments on the GDM, send a self-addressed, stamped envelope to the editor.

One member group of the BSF Preservation Coalition, the Big S. Fork National Park Assoc. of Kentucky, recently decided that it had accomplished its objectives (even though we ended up with a Wild River cum NRA, instead of a National Park) and turned over its remaining assets to TCWP, the lead organization in the Coalition. The Association had been founded and guided by Herndon J. Evans, former editor of the "Lexington Herald," whom we had met in the days when all of us were still fighting Devils Jumps Dam. To our great regret, Mr. Evans died on Feb. 26 at the age of 80. We should like to assure his family and the former members of the BSF National Park Assn. that TCWP will continue working hard for preservation of the natural values of the BSF Area. The funds that were turned over to us will be used for Coalition expenses (such as numerous first-class Coalition mailings that have already cost TCWP a pretty penny) and for other BSF and wild-river related matters.

5. ANOTHER CHANCE TO DESIGNATE THE BALD RIVER WATERSHED A "WILDERNESS STUDY AREA"

The Eastern Wilderness Act, passed at the very end of 1974, omitted one very deserving area that had been proposed the year before -- the Bald River Watershed in the Cherokee National Forest. If our Senators and Congressman Duncan will act, there is still time to introduce a bill and get it passed this year. A bill to this effect has even been drafted for their convencience. Now we need YOU to urge them to follow through (Sen. Howard H. Baker and Sen. Wm. E. Brock III, Senate Office Bldg., D.C. 20510; Congr. John J. Duncan, House Office Bldg., D.C. 20515).

In case you are not familiar with this magnificent area, here are a few facts. It consists of 13,888 acres, the complete and naturally defined watershed of the Bald River located within the Tellico Wildlife Management Area in the southern sector of the Cherokee Natl. Forest, near Tellico Plains. A large number of clear mountain brooks, tributary to the Bald R., abound with rainbow and brown trout as well as a native population of brook trout. Timber, 40-70 years old, covers the watershed; laurel and rhododendron line the streams. It's heaven on earth, and you can help keep it that way if you'll write today.

6. RIVERS AND OTHER WATERS

A. Last-minute veto saves State Scenic Rivers System from suffering another loss

The Class-II (pastoral) portions of the Roaring River system were stricken from the State Act in the closing hours of the session, but Governor Blanton, apparently responding to urgent requests from Comm. Allison, vetoed the bill after the legislators had gone home. We hope you will express your gratitude to both of them (Gov. Ray Blanton, State Capitol Bldg., Nashville 37219; Comm. Buck Allison, Tenn. Dept. of Conservation, 2711 West End Ave., Nashville 37203).

Although Sen. Vernon Neal had promised -- in view of the fact that the State had no acquisition moneys in any case -- to leave dormant his removal-bill of last year, he raised no objection when Rep. Hugh Dixon's House bill was substituted at the last moment. Incidentally, only Rep. Spence had the courage to vote against the Dixon bill in House committee. Bissell, Cawood, Ellis, and Watson voted "present." -- Another bill to abolish minimum boundary requirements from the State Scenic Rivers Act passed both House and Senate committees. We have not yet learned what happened in floor votes. -- Because neither the Administration nor the General Assembly has made any move in the direction of appropriations for the Scenic River program, it becomes impossible to demonstrate to landowners (by actual implementation) that this Act does not threaten them. Most local people, e.g., do not even realize that the Act calls for scenic easements rather than outright purchase of land. The excellent progress Mike Countess has made in detailed planning for the State rivers (including even surveying and appraisals) has been totally frustrated by legislators who do not understand the System nor understand Tennessee's outstanding role and opportunities in having been a pioneer. Instead, there is now vague talk of exploring "alternative methods" of river protection, such as informal contracts with landowners. Unfortunately, experience elsewhere has shown that such loose agreements will not withstand the opposite pressures from developers.
[N.B. Well, at least one State Scenic River is getting some advertising: TIP-A-CANOE Stores, P.O. Box 52, Hermitage 37076, is renting canoes and equipment for trips on the Harpeth.]

B. The Duck: more sadness

Last time, we brought you the sad news of the filling up of Normandy Reservoir. Now it looks as if hope has also faded for saving the 54 river miles that will be inundated when Columbia dam is built. The 6th U.S. Circuit Court of Appeals ruled on 2/12/76 that TVA did meet NEPA requirements with their revised Duck-River EIS. -- In our Jan.-20 NEWSLETTER we suggested that Frank Fly's testimony at the 1975 TVA Oversight Hearings should be required reading for all Americans because it documents so thoroughly and incisively the ways in which TVA suppressed some facts and twisted others to justify the Duck dams. Thanks to Chester Butler, it is now easy for all of you to obtain this testimony for the printing costs, $1.50. Write him at P.O. Box 3104, Nashville, TN 37219. -- TVA's budget for fiscal years 1976 and 1977 includes requests for $30 million for Columbia dam, and $6.6 million to finish up Normandy.

C. Little T

In the suit against TVA, filed under the guidelines of the 1973 Endangered Species Act, Judge Taylor of the Federal District Court at Knoxville on Feb. 25 refused to issue a temporary injunction prohibiting TVA from taking actions that would destroy the habitat of the snail darter. (TVA claimed that an earlier injunction against the project had cost them $15 million!). However, he also denied TVA's motion to dismiss the suit and set a hearing on the request for a permanent injunction for 4/23/76. The suit was filed by Hank Hill, Zyg Plater, and Don Cohen, all associated with the U.T. College of Law; and the Audubon Council of Tennessee is a co-plaintiff. Anyone wishing to help with the expenses of the suit can send a check to the TN Endangered Species Committee, P.O. Box 8590, U.T. Station, Knoxville 37916. Save the Snail Darter T shirts, $3 each, can be bought through Doris Gore, Zoology Dept., U.T. -- In December, TVA applied to the

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Fish and Wildlife Service for a permit to carry out a snail darter "conservation program" which includes transplantation to the Hiwassee and is being carried out with the assistance of a consulting firm from Sacramento, California (Fed. Reg. 2/9/76, p. 5647). TCWP wrote in support of the Dept. of Interior proposal to list a 12-mile stretch of the Little T as "Critical Habitat" for the darter.--TVA's budget for fiscal years 1976 and 1977 includes a request for $38.8 million to complete Tellico dam and start filling the reservoir January 1977.

One piece of folly was only barely averted. Prompted by a Tenn. Wildlife Resources Commission request that the State Attorney General take legal action to protect the darter habitat, Tellico-dam supporters in the General Assembly almost passed a bill to exclude the snail darter from Tennessee's list of endangered species. Such an action would have undermined professional efforts of TWRA staff charged with designation of endangered species, and would, further, have jeopardized the State's chance of receiving full federal funds for the state endangered species program. The dangerous House bill, sponsored by Bill Watson, easily passed the committee. (Only S. Clark and Spence voted "no." Bewley, Bissell, Bousson, Burleson, W. Carter, Cawood, G. Davidson, Ellis, Fuqua, Gill, Lashlee, Longley, Moore, P. Robinson, Stafford, and Watson all voted "yes"). However, opposition in the Senate Committee, chaired by Sen. Fred Berry, caused the bill to be withdrawn.

D. New River (N.C.): victory!

On March 13, Interior Secretary Kleppe announced his intention to designate the 26.5-mile-long North Carolina stretch of the New River as a Natl. Wild & Scenic River. TCWP and many of its members who have for some time been active in assisting in the efforts to save this river from a pumped storage facility (see NL 72, ¶8.A) may be proud of this victory. There is one more hurdle to go, though: a suit against the FPC is pending before the U.S. Court of Appeals to void the license FPC issued to build the dams. If conservationists should lose this suit, the license would take precedence over Kleppe's decision.

E. Wetlands; and Clean Water

Several times in the past year (NL 70, ¶5.B; NL 72, ¶8.D), we have reported to you on efforts to assure that the Corps' "404" permit system for dredge-and-fill operations be used in the service of wetland protection. (Note that half our nation's original wetland heritage has already been destroyed.) Conservationists' response to the pleas for letters was great, the final tally being 51% for the program and only 42% against -- in spite of the well-organized opposition. Now developers are waging a new battle to kill the Program by transferring responsibility for it from the Corps to the States, few of which have effective wetland protection efforts; and by restricting the Program only to the small rim of wetlands along major rivers and estuaries. Write your Senators and Congressperson (respectively, Senate and House Office Bldg., D.C. 20510 or 20515) and ask them to oppose legislative changes in the "404" permit program. Ask the President to provide full staffing and funding to the Corps and EPA for wetlands protection. (For further info and materials write Citizens Committee on Natural Resources, 1000 Vermont Ave., N.W., Washington, D.C. 20005.)

Action alerts describing the new EPA regulations for water pollution cleanup, and providing a guide for citizen action are available from NRDC, 917 - 15th Street NW, Washington, D.C. 20005.

7. STRIPMINE NEWS: MOSTLY BAD

A. Federal bill: a tiny group imposes its will

The House Rules Committee (including Tennessee's own Jimmy Quillen) has done it again! This very small group of men last week took it upon itself to prevent the stripmine bill from getting to the floor for a vote (where headcounts showed that it would have passed with a probably veto-proof majority). Rep. Sam Steiger (R., Ariz), long the No.-1 man on the environmentalists' "dirty dozen" list, crowed to the media about how great it was

that he'd helped to kill the bill AGAIN. Administration pressures had also been tremendous in the same direction. (Note of interest: Interior Sec'y Kleppe in February cosponsored a $100/person fundraiser on behalf of Sam Steiger. How's that for a man, who by virtue of his cabinet position should have the greatest concern for the environment?). Up until its sudden death in Rules Committee, the bill had done very well, having passed the House Interior Committee 28:11 on Feb. 24 (despite Administration-inspired delays), and being scheduled for a March 24 floor vote. TCWP again wrote to all Tennessee Congresspersons. Quick action was important in order to be able to combine the bill with the already passed Coal Leasing Act which was still awaiting Conference Committee markup. (The Senate version of the Coal Leasing Act contains stripmine regulations for federal lands only.) -- EPC organized a legislative strategy session on stripmine legislation in late February. TCWP was ably represented by Bill Chandler who subsequently spent several days visiting our Congressional delegation and members of the Interior Committee.

B. State bills and regulations

(1) What was originally the TCWP bill, HB 532/SB 367 introduced in 1975, underwent all sorts of strange transformations. Sponsor Cawood felt that there might be some hope for the bill if he himself agreed to drop from it all sections but one -- to prohibit stripping within a minimum distance from streams. To this was added a Dept. of Conservation- (and TCWP-) supported provision that would have closed a loophole under which stripminers can masquerade as deepminers and thus not apply for a permit. The former provision was deleted but the latter passed the House Committee 13:4 (Bewley, Burleson, Stafford, and Watson opposed) as well as the Senate Committee (Baker, Nave, Talarico opposed) just before the end of the session. The measure was subsequently killed in House calendar committee.

(2) The SOCM-drafted and SOCM- and TCWP-supported bill, HB 2303/SB 1898, which would have required written consent of the surface owner to allow stripmining where mineral rights are owned by others, passed the House Committee (Burleson, Stafford voted "no") but failed in the Senate committee (Berry, Nave, Baker, Albright voted "no").

(3) The unflagging machinations of the stripmine industry all during the legislative session were documented by the TENNESSEAN. FACT (Facts?? About Coal in Tennessee), the industry's lobbying arm, had its people "on the hill" constantly, and these could even be seen whispering to legislators during committee votes. Sen. Ray Baird publicly protested their "large expense accounts and influence". The lobbyists apparently concentrated their efforts on Sen. Fred Berry, chairman of the Senate General Welfare & Environment Committee. (N.B. FACT has also injected itself into the Oak Ridge Coal Barge controversy, working, of course, for this facility which would encourage Tennessee stripmining.)

(3) The regulations promulgated under Tennessee's stripmine law came in for another round of confusion during this session. Under terms of the Administrative Procedures Act, legislative committees are permitted to review administrative regulations in order to suspend any that might lie outside the authorization of the law under which they were issued. FACT, which did not like Comm. Allison's regulations with regard to blasting and revegetation, tried to use this approach to getting them scrapped, and to this end engineered a hearing before Sen. Fred Berry's committee on Feb. 26. TCWP (in written testimony by Bob Peelle) and other environmental groups made it clear that the only ones of Allison's regulations we didn't like (spreading the spoil 125 ft downslope, instead of 50 ft, and not re-covering the highwall) had already been suspended until July 1 as a result of past hearings (see NL 72 ¶3.C. A demonstration project is underway to test these controversial provisions and another hearing on them has been requested for June.) As regards the remainder of the regulations, it became clear that they were well within the spirit and the letter of the law. Sen. Ray Baird was instrumental in bringing about a committee decision not to consider suspension of the regulations. Senators Crouch, Neal, and White voted with Baird; Sen. Berry against; Sen. Baker passed. FACT's efforts, in this instance, came to naught.

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(4) A bill passed the House that would have reduced bond from $600 to $400 per acre during the waiting period between planting and revegetation. It was, however, defeated 2:19 in the Senate, with Neal and Oehmig voting for bond reduction; Berry, Crouch, Henry voting "present."

C. Water effluent standards for coal mining
Some time ago, TCWP wrote to EPA protesting the fact that the guidelines for effluent standards for discharges from coal mines regulate pH (acidity) only, listing other parameters (e.g., suspended solids) for control, but leaving their concentrations unspecified. Copies of the TCWP letter were sent to our Senators and Congresspersons. We should like to commend Rep. Lloyd and Sen. Baker for following up on this matter by, in turn, contacting EPA and then transmitting their reply to us. As a result of a suit filed by NRDC, EPA has now been ordered by the Court to add, by May 1, 1976, limitations for other pollutants, these limitations to be based on technical findings as well as on "the economic impact to the coal industry in meeting this level of control." A draft permit based on these standards has been given to a few interested environmental groups for comment.

D. TCWP stripmine committee revived
Returns from the membership questionnaire mailed out early in January helped us select a revived stripmine committee. Members who met March 17 included Beverly Ausmus, Bill Chandler, Reid Gryder, Bob Peelle, Lee Russell, Cathy and Don Wilkes. Cindy Cook and Ruth Young, also on the committee, had conflicts; and other possible volunteers could not be reached in time. We invite any others interested in serving to come to our next committee meeting, April 13, 7:30 p.m., TCWP office. Call 483-1836 or 482-2153 for instructions on how to get there. The committee has embarked on the following jobs, for a start. (a) Citizen inspection of, and input into, various demonstration and test projects, specifically: the TVA-State orphan-mine reclamation; reclamation in the New River watershed under the terms of the Big S. Fork legislation; and the test of Comm. Allison's proposed method for handling spoil and highwalls (see C, above). (b) Preparation of fact sheets and information materials that can be mailed or distributed on request. (c) Preparation of a list of contacts in governmental agencies and environmental groups, and establishment of liaison. If we get more helpers, we shall be able also to look after stripmine-related water-quality questions, establish a speakers bureau on stripmining, and tackle the huge job of fighting AMAX (see item 2).

8. STATE CAPSULES

(see also items 6A and 7B)

A... A bill that prohibits the use of eminent-domain power to acquire land under the Tennessee Trails System Act passed the House in 1975 and the Senate this year. The move that resulted in this crippling amendment began last year as a result of landowner opposition to the Chickasaw Bluffs Trail near Memphis. The Dept. of Conservation has now published its masterplan for this trail. Single copies may be requested from Joe Gaines, Division of Planning, 2611 West End Ave., Nashville 37203.

B... The environment of the North Ridge Trail -- a State and National Recreation Trail developed and maintained by TCWP -- appears to be safe for the moment. Citizen reaction against the threat of a new road across the greenbelt to serve a proposed development outside Oak Ridge City limits was magnificent. Within just a few weeks, TCWP and the newly-formed, local, Citizens for Greenbelt Protection distributed an information packet, ran ads in the paper, took officials and citizen groups on field trips, and collected close to 2000 signatures opposing invasion of the greenbelt. A special "ALERT," containing a pre-addressed postcard, was mailed out by TCWP to its members: close to 300 of the cards were subsequently received by City Council. After an inspection tour, Joe Gaines, the State's Trail Administrator, wrote the Planning Office to say that the damage caused to the trail environment by the proposed access road might result in loss of State Trail designation. A similar statement was made by BOR with regard to National Trail status. -- On Feb. 26, the Oak Ridge Regional Planning Commission voted

to deny the developer's request for access through the greenbelt. The matter has not yet been officially resolved by the City Council, but only yesterday the developer announced that he is withdrawing his request to cross greenbelt and, instead, wants to develop access from outside City limits. The annexation question will, however, continue to loom, as will the threat from owners of other parcels in the same general area, who may put us through a similar exercise at some future time. We shall have to work for some positive method assuring future protection. In the meantime, it is gratifying to think that it was largely the presence (and official status) of the trail we had conceived of and developed which saved the northern greenbelt from destructive invasion.

C...The Overton Park-I40 controversy continues to present hazards of much more than local importance. The far-reaching implications that affect all of us, wherever we may reside, are that basic environmental laws are in grave danger of being rendered meaningless. Three Secretaries of Transportation, having now rejected a routing of I-40 through this important park, the political and commercial power structure of Memphis and the State of Tennessee, as well as trucking and highway construction interests (going under the name of "Tennesseans for Better Transportation") are again turning to more insidious ways of attacking the problem. A week ago, the Memphis City Council and mayor passed a resolution in favor of specifically exempting the Overton portion of I-40 from the provisions of NEPA, Federal Aid Highways Act, National Parklands Act, and any other legislation. They urged Tennessee's representatives in the U.S. Congress to add such a provision as an amendment to the Annual Highways Act of 1976. Something of a precedent for this very dangerous request may be found in the case where San Antonio, Texas, refunded federal money for an Interstate segment that would have violated federal law. However, the Overton case would be even worse, for here there is no thought of turning back federal funds. The State of Tennessee and City of Memphis want the U. S. taxpayer to shell out for something designed to circumvent the law of the land. Obviously, if local interests are allowed to pull this one, our laws would quickly become worthless. Don't let it happen: write today to Sen. Howard H. Baker, Jr. (Senate Office Bldg., Washington, D.C. 20510) to express your outrage. Send a copy to Sec. William T. Coleman, Jr., U.S. Dept. of Transportation, Washington, D.C.

D... None of the land-use-directed legislation had any success in the General Assembly in this session. The agriculture, forest, and open-space tax relief bill passed the Senate but not the House. Hearings were held on the Mountain Area Development Act (Bob Farmer and Al Voelker testified), but nothing came to fruition.

E... The panic over blackbirds in Tennessee and Kentucky led Congress to flout NEPA and the Environmental Pesticides Control Act by introducing, passing with virtually no debate, and sending to the President all in one day a bill directing blackbird poisoning by USDI. The President signed it, in spite of committee recommendation to await the outcome of hearings. Whatever one may think of the blackbird problem, the bypassing of basic environmental legislation sets a terrible precedent.-- Here in Tennessee, another horror was perpetrated. The State used two poisons without conducting hazard determinations, and exceeded permissible rates by some 100 times. One of the poisons is capable of killing humans, and will persist in the soil for 112 days. EPA subsequently warned Gov. Blanton in very stern language that any further action of this sort would result in the State losing its certification to register pesticides to meet "special local needs."

F... Congressman Joe L. Evins (D, 4th Distr) has decided not to seek reelection after 30 years in the House. Evins, dean of the Tennessee Congressional delegation, has a great deal of power by virtue of his seniority and chairmanship of the Public Works Appropriations Subcommittee. He was instrumental in repeatedly obtaining appropriations for TVA dam projects (Duck, Tellico, Tims Ford) when these were not in the President's budget, and his committee initiated funding for the monstrous Tennessee-Tombigbee Waterway, as well as for many highways, airports, federal buildings, etc. etc. -- One of the people who have announced that they will seek Evins' seat is Albert Gore, Jr., son of the former U.S. Senator. We hope to prepare an environmental questionnaire to submit to him and the other candidates.

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9. TVA: HOOPER NOMINATION; PUMPED-STORAGE PLANS

-- All of you know by now that the Hooper nomination to the TVA Board was voted down by an 11:1 margin on Feb. 24, and many of us had done our modest but important share by contacting our Senators. TCWP wrote and wired repeatedly (as this matter kept getting re-scheduled). We should like now, however, to single out those who deserve the lion's share of credit. The research that unearthed Mr. Hooper's very poor qualifications and past activities was launched by former ETRC staffer Pat Kalmans. Keel Hunt and Nat Caldwell picked up from there with some investigative reporting for the TENNESSEAN. John Williams of ETRC did a major job of fact-gathering, coordination and testimony, as did Jonathan Gibson of TEC, and Dick Hall, the former NRDC attorney who had worked with us on the TVA stripmine suit. Brent Blackwelder of EPC, in his testimony, focused attention on the bad problems with TVA's current policies in general. Several other citizens (Bob Brandt, Shirley Morgan, Corinne Whitehead) travelled to Washington to testify; and Rick Herod did an outstanding staff job as minority counsel for the Public Works Committee. Senator Brock worked very hard against the nomination, which was also opposed by Rep. Marilyn Lloyd and several Tennessee Congressmen. State Senators Victor Ashe and Ray Baird, and Rep. Mike Murphy attempted to pass an anti-Hooper resolution in the General Assembly. All deserve our sincere thanks for helping to bring about an important major victory.

* TCWP is contributing toward the expenses incurred by John Williams and Dick Hall. If you want to help send earmarked contributions to Treasurer, TCWP, 219 E. Vanderbilt Dr., Oak Ridge, TN 37830.

-- TVA is reactivating plans for a pumped storage development in the Beautiful Sequatchie Valley, the Laurel Branch Project. Similar plans were put on the back burner in 1974 when strong local opponents organized SOSv (Save our Sequatchie Valley, see NL 63 ¶7, NL 64 ¶7). Pumped storage is designed to meet only peak power demands for electricity, and there are alternative solutions to this problem.

10. TCWP ORGANIZATIONAL

.... Don't forget: our 10th annual meeting will also be our first weekend meeting -- full of interesting and fun activities. Put the dates, Oct. 22-24, on your calendar; and write NOW to reserve accommodations at Cumberland Mtn State Park (Rt. 8, Box 530, Crossville 38555): it can be pretty crowded at that time of year.

.... Have you paid your 1976 TCWP dues?

.... To date, we have had 4 Letter-Writing Socials: Oak Ridge, Nashville, Oak Ridge, Knoxville. For the first two, very few people showed up because many members failed to read the announcement in the last NEWSLETTER (are you reading this?). Before the following two, we sent postcards to all members in a 50-mile radius. Turnout was somewhat better, and everyone is enthusiastic about continuing with the activity. At these 4 socials, a total of 88 letters got written, and several people found that it's really not that hard a job! Be sure to check the dates on p.1.

11. ABOUT OTHER ORGANIZATIONS

A... The Nature Conservancy (TNC), a national organization devoted to the preservation of ecologically and environmentally significant lands, now has a Tennessee Chapter, "born" at a meeting in Chattanooga in November, 1975. Recently a membership meeting was held in Knoxville, with Patrick Noonan the national Conservancy president as the key speaker. The Tennessee Chapter wishes to establish communication with other conservation organizations in the state, so that it can be notified about natural areas which need action from the Conservancy. TCWP feels that TNC in no way competes with us, and can indeed be most effective in complementing our efforts by virtue of the fact that TNC acts largely by land acquisition.

As part of a statewide membership and fund-raising campaign, the Tennessee Chapter is selling a limited number of a new Ray Harm print of the Tennessee state animal, the raccoon. These prints will bear a first-day-of-issue embossed seal and the artist's signature and will sell for $50. More information may be obtained by contacting: Monty Halcomb, c/o Cumberland Museum, 800 Ridley Avenue, Nashville, TN 37203.

B...The TCWP Board recently voted to allow the Environmental Policy Center of Washington, D.C. to use our membership address list on a one-time basis. Without EPC, TCWP's efforts in the areas of federal stripmine legislation, water resources, and landuse planning would be seriously curtailed, if not entirely eliminated. EPC's staffers are brilliant, practical, and energetic young people who know how best to work with the Congress and with grassroots groups like us. Yet they are operating on a shoestring, and are constantly on the verge of going broke (they're not a membership organization). Our address list will be used to present their program and ask for help. -- We also supplied a set of labels to the UT Environment Center to bring you an announcement of the most recent of the TEC-sponsored symposia about TVA.

C...Keep America Beautiful (KAB) was recently accused by about 30 environmental and public interest groups of serving the special interests of the container industry. According to these groups, KAB in 1974 refused to support legislation requiring deposits on beverage containers and has ever since appeared to be an industry front, covering up the environmental impact of throwaways.

D...A tragic upheaval has occurred in the Wilderness Society, the national lead organization in passing and implementing the Wilderness Act. On January 10, the Governing Council fired executive director Stewart Brandborg. Three top staff members, Ernest Dickerman, George Alderson, and Virginia (Peeps) Carney, resigned in protest. The extremely precipitate (almost retroactive) manner of the firing, and a subsequent statement by President Celia Hunter, which contains only generalities, has led the public to assume dishonesty. This is a terrible injustice to Brandborg. He was, in fact, charged with being a poor manager, a weak leader, and a creator of bad morale on the staff -- a little ironic in view of the fact that during his 11 years as executive director, he built the Society from a membership base of less than 10,000 to over 120,000, with a budget of nearly $2 million annually. He and his senior staff won many a conservation battle in Washington, and led the way with an ambitious training program to teach leadership skills to local activists around the country. It has been reported that the firing was an effort by some of the Society's directors to tone down the organization's militant stance on major conservation issues. Brandborg had naturally made enemies in industry and parts of government, and had refused to take certain large contributions for fear that the givers might attempt to influence WS policies. We shall sorely miss Brandy and the others; and we deeply regret that not only the nature but the manner of the Governing Council's action has so deeply hurt the conservation movement. Clifton Merritt is temporarily replacing Brandborg.

12. NATIONAL CAPSULES

-- Landmark legislation protecting the 32-million-acre National Wildlife Refuge System from harmful executive action was signed into law Feb. 27. The legislation, which was originally an attempt to counteract the "give-away" of three large wildlife ranges to the exploitative Bureau of Land Management, provides that no unit of the Refuge System can be disposed of or transferred without Act of Congress. Time for this legislation was bought when the Wilderness Society won a permanent court injunction against the BLM takeover last summer. George Alderson, one of the WS staffers affected in the recent upheaval (item 11) was instrumental in the legislative victory. -- Management alternatives for the Wildlife Refuge System were the subject of recent nationwide hearings. These were discussed in an EIS, a summary of which is available from the Sierra Club (530 Bush St., San Francisco, Calif. 94108).

-- John Crutcher recently succeeded James Watt as head of the Bureau of Outdoor Recreation, which administers state grants for the Land & Water Conservation Fund, conducts Wild & Scenic River studies, etc. Crutcher, former Lieutenant Governor of Kansas, has virtually no background in parks and conservation issues.

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-- Not enough research has been done on commercial and federal radioactive disposal sites to give full assurance of public health and safety, according to a recent U.S. General Accounting Office study of radioactive wastes. The 11 disposal sites have been in use from 4 to over 30 years, "yet it is not known what mix of hydrogeological characteristics and engineering features offers the greatest assurance that buried radioactivity will not migrate."

-- Pending legislation to build the nation's first six commercial coal gasification plants would destroy 57,000 acres of grazing land and consume 479 billion gallons of scarce water in the Navajo Reservation of New Mexico. Each plant will cost $1 billion and be obsolete in less than 25 years. To find out more, write the National Indian Youth Council, Inc., 201 Hermosa N.E., Albuquerque, NM 87108.

13. PUBLICATIONS OF INTEREST

-- "Stopping Land Abuse: What You Can Do." NRDC's 12-page Winter NEWSLETTER summarizes 7 federal laws and strategies that can be built on them to give citizens a say in how land is used, or not used. (Natural Resources Defense Council, 15 W. 44 St., New York City 10036).

-- "Environmental Quality," the 6th annual report of the Council on Environmental Quality, 763 pp. Chapters on Environmental Conditions and Trends (air and water quality, energy technology, population, etc.), Perspectives on the Environment (air, water, noise, waste, energy, landuse, etc.), Environmental Economics, NEPA, etc. ($6.60 from U.S. Govt. Printing Office, D.C. 20402).

-- "Energy: Selected Resource Materials for Developing Energy Education/Conservation Programs," by Jonathan Wert, U.T. Environmental Center (single copies free from NWF, 1412 - 16th Street NW, Washington, D.C. 20036).

-- "Performance Controls for Sensitive Lands," intended as a practical guide for local and state officials and private individuals involved in protection of critical areas -- creeks, aquifers, wetlands, woodlands, and hillsides. (155 pp., $12 from Amer. Soc. of Planning Officials, 1313 E. 60th St., Chicago, IL 60637).

-- "The Land No One Knows," by T. H. Watkins and C. S. Watson presents the history of our public lands and shows the urgency of establishing an intelligent management program. ($9.95, Sierra Club Books, Box 7959, Rincon Annex, San Francisco, CA 94120).

-- "Information from ERDA: Weekly Announcements," publishes in abstract form, news about energy-related research, conferences, policy decisions, etc. To be placed on ERDA's mailing list, write U.S. Energy Research and Development Adm., Washington, D.C. 20545.

14. CALENDAR

April 7 - Hearing by Tenn. Water Quality Control Board to review State Water Quality Standards. 9 a.m., Ellington Agricultural Center, Edmondson Pike, Nashville. (For info, call 741-2275)

April 10 - TSRA float, Red River Gorge, Ky. Class II (III). (Call Tom Brizendine, Bowling Green, 502, 782-1165 or 338-1395)

April 10 - TVCC float, Clear Fork, Brewster to Burnt Mill, Class II-III. (Call Bill Mitchum, Nashville, 615, 385-3066.)

April 15-18 - TSRA Whitewater Camp Class III (IV). Experienced canoeists only. Preregistration by April 14: Dave Shupe, Rt. 12, Box 71, Crossville 38555.

April 16-18 - TVCC canoe-camping trip to Okeefenokee Swamp. (TVCC, P. O. Box 11125, Chattanooga 37401)

April 17 - TSRA Duck River pastoral float, Class I. Canoes and equipment may be rented if desired. (Call Frank Fly, Murfreesboro 896-4154 or 896-4384)

April 17 - TERC hike, Appal. Trail, Bradley Gap to US 19E. (Call Dave Petke, Kingsport 246-9035)

April 21 - Tom Kimball, Exec. Vice Pres., Natl. Wildlife Fed. will speak on "Alternative Methods of Energy Development." 7:30 p.m., Museum of Atomic Energy (Auditorium), Oak Ridge.
April 24 - Sierra Club hike, Virgin Falls. (P.O. Box 12194, Nashville 37212)
April 24 - TSRA float, Sequatchie River, Class I. (Call Walter Popp, Hixson, 615, 875-5310)
April 26 - TEC's third regional symposium on "TVA and the Environment." Lake Barkley Lodge, Ky, near Land Between the Lakes. Featured topics: TVA's agricultural and air pollution control programs. For details write: TEC, P.O. Box 1422, Nashville 37202.
May 8 - TVCC float, Obed system, Class III-IV. (P.O. Box 11125, Chattanooga 37401)
May 15-16 - Conference on Environmental Education, Standing Stone State Park. Anyone interested in helping environmental education in schools, parks, museums, government agencies, or at the citizen level is invited to attend. (Contact Mack Prichard, Tenn. Dept. of Conservation, 2611 West End Ave., Nashville 37203)
May 15-16 - TVCC float, Toccoa, Class II-III. (P. O. Box 11125, Chattanooga 37401)
May 21-23 - Kentucky wildflower tour, Pickett, Rock Creek, McCreary County, with camping near Whitley City. (Call Wm. E. Boggs, Whitley City, KY 376-2524)
June 6-12 - TVCC canoe cruising and camping week, Buffalo R., Arkansas. (Write: J. W. Alden, 3727 Skylark Trail, Chattanooga, TN 37416)
June 9-12 - Fontana Conservation Roundup: "Challenges to Professionalism in Resources Management". (Write Fontana Village Resort, Fontana Dam, NC 28733)
June 19-20 - TVCC float Chattooga R. Canoe and commercial raft. (Contact John Alden, Chattanooga 892-1534)

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Remember to mail the enclosed postcards!

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Senator Wm. E. Brock III
United States Senate
Senate Office Building
Washington, D.C. 20510

Dear Senator Brock:

I urge you to do everything in your power to pass legislation in this session that would add the Obed River and its tributaries to the National Wild & Scenic Rivers System, as had been enthusiastically recommended in a USDI-led study. Congresswoman Lloyd is working for passage of such legislation in the House.

Nowhere else in the eastern USA is there another river system so beautiful and so truly wild. Here we have a unique opportunity to protect for the enjoyment of our children a piece of the original America. This magnificent natural resource is threatened by a number of adverse developments, such as stripmining, oil drilling, and commercialization. If we do not act soon, it may be too late!

I do not expect you to respond to this card, but I shall anxiously await your strong action in passing Senate legislation to add the Obed to the System.

Sincerely yours,

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The Hon. Marilyn Lloyd
U. S. House of Representatives
Longworth House Office Building
Washington, D.C. 20515

Dear Mrs. Lloyd:

I heartily commend your action in introducing a bill to add the Obed and portions of its tributaries to the National Wild & Scenic Rivers System. I urge you to do everything in your power to see this legislation through to successful passage.

Nowhere else in the eastern USA is there another river system so beautiful and so truly wild. Here we have a unique opportunity to protect for the enjoyment of our children a piece of the original America. This magnificent natural resource is threatened by a number of adverse developments, such as stripmining, oil drilling, and commercialization. If we do not act soon, it may be too late!! You have shown great vision in leading the effort toward permanent protection.

I do not expect you to respond to this card, but I shall anxiously await the successful culmination of your efforts to pass this bill.

Sincerely yours,