

TENNESSEE CITIZENS for WILDERNESS PLANNING

Newsletter No. 220

February 4, 1998

Great news (we are hiring development director to expand and energize membership, ¶8); some momentous developments (e.g. ¶1); and quite a few urgent action calls (¶18, 2, and more)

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Shaded box or star means "Action Needed." Don't be overwhelmed-- check the ACTION SUMMARY!

10. ACTION SUMMARY

#No	Issue	Contact	"Message!" or Action
1B	Moratorium on N. Forests roads	US Forest Service	See 1B for five comments that need making
1C	Moratorium on Natl Forest roads	Rep. Clement + 5 senators Tenn. Sens.; your Rep	"Thanks!" "Please join Southeastern Senators and Rep. Clement!"
2	Bills threatening Tenn. rivers	State legislators (by 2/24)	"Oppose SB.214/HB.490, SB.2366, and similar bills!"
3	Threats to Obed WQ designation	TCWP	Ask us to keep you informed quickly of needed actions
5B	Chip-mill/clearcutting impacts	State legislators	"Urge study of state-wide impacts (similar to NC's study)!"
5C	Abandoned mines in Tennessee	US Sens and Rep	"Appropriate RAMP funds! Extend life of RAMP program!"
6A	TVA's non-power program	TVA Caucus, esp. Wamp	"Translate Admin.'s requested funds into appropriations!"
7A	Land & Water Conservation Fund	Pres. Clinton	"Use 1998 monies for acquisitions only!"
7B	Drilling in Natl. Petroleum Reserve	BLM (by 2/10)	"There is no national need; special values need preserving"
7C	Endangered Species Act	US Senators & Rep	"Strengthen ESA: oppose S.1180; support HR.2351"
7E	American Heritage Rivers	US Senators & Rep	"Support AHR Initiative!"
8	Various TCWP matters	TCWP	Suggest job candidates. Would you organize M. for Parks?

Senator John Doe
United States Senate
Washington, DC 20510

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

Pres. Bill Clinton
The White House
Washington, DC 20500
202-456-1111
president@whitehouse.gov

Governor Don Sundquist
State Capitol
Nashville, TN 37243-9872
615-741-2001; Fax 532-9711

Dear Senator Doe
Sincerely yours,

Dear Congressman Doe
Sincerely yours,

Dear Mr. President
Respectfully yours,

Dear Gov. Sundquist
Respectfully yours,

Sen. Bill Frist:
Ph: 202-224-3344; FAX: 202-228-1264
e-mail: senator_frist@frist.senate.gov
Local: 423-602-7977

Sen. Fred Thompson:
Ph: 202-224-4944; FAX: 202-228-3679
e-mail: senator_thompson@thompson.senate.gov
Local: 423-545-4253

Rep. Zach Wamp:
Phone: 202-225-3271
Local: 423-483-3366

To call any Rep or Senator, dial Congressional switchboard, 202-224-3121. To find out about the status of bills, call 202-225-1772.

WHAT IS TCWP?

TCWP (Tennessee Citizens for Wilderness Planning) is dedicated to achieving and perpetuating protection of natural lands and waters by means of public ownership, legislation, or cooperation of the private sector. While our first focus is on the Cumberland and Appalachian regions of East Tennessee, our efforts may extend to the rest of the state and the nation. TCWP's strength lies in researching information pertinent to an issue, informing and educating our membership and the public, interacting with groups having similar objectives, and working through the legislative, administrative, and judicial branches of government on the federal, state, and local levels.

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1. ADMINISTRATION PROPOSES MORATORIUM ON ROAD BUILDING IN NATIONAL FOREST ROADLESS AREAS: OUR INPUTS NEEDED

A. The proposed roadless-areas moratorium

On January 21, the US Forest Service announced that it intended to revise management of its ~400,000-mile road system, including a moratorium on all road construction and reconstruction in most roadless areas in National Forests. The intent, stated by USFS Chief Mike Dombeck, was to minimize and reverse environmental impacts such as erosion, landslides, and degradation of wildlife habitat and water quality. The proposal is to have the moratorium last for 18 months, or until improved analytical tools are developed to make more informed decisions about building future roads in roadless areas, whichever is earlier.

Dombeck noted, "We have ample new scientific evidence of the immense social and environmental values provided by roadless areas." He also called roads a long-term financial commitment: once built they must be maintained year after year; there is a \$10 billion backlog in needed road reconstruction and maintenance.

The proposed moratorium would apply to about 130 National Forests that have:

- Roadless areas inventoried and identified within their Forest Plans
- Roadless areas over 1,000 acres that are adjacent to other roadless areas of at least 5,000 acres, to designated wilderness, or to National Wild and Scenic River corridors
- Roadless or very-low-road-density areas designated for inclusion by Regional Foresters because of their unique ecological or social values, such as those areas inventoried through the Southern Appalachian Ecosystem Assessment (note !).

The Forest Service, however, proposes some unfortunate exemptions to the moratorium, most notably the roadless areas within Forests that have had their Plans recently revised (this affects a big Forest near us, see below, as well as the magnificent Tongass NF in Alaska), and within those National Forest lands in Oregon, Washington and California that are encompassed by the Northwest Forest Plan of April 1994.

B. Comment that are needed by February 27

This proposed policy is obviously of vital importance to the preservation of some of our few remaining natural ecosystems. It is a potentially big new step for the Forest Service that will be violently attacked by the timber industry. We must comment on the proposal -- not merely to preserve it against adversarial onslaughts but to improve it.

- Thank Chief Bombeck for taking this positive first step, and for making the policy broad enough to include also road reconstruction and temporary road construction.
- Thank him for specific mention of the Southern Appalachian Assessment (SAA) inventoried areas, but ask him to make it clear that *all* SAA inventoried areas are categorically included, regardless of size. Further, request that for those (RARE-II) areas that were improperly omitted from the SAA inventory, the agency should also defer logging and road building if the areas qualify as roadless under the USFS Handbook's requirements for road density and naturalness.
- Urge that the duration of the moratorium be extended to last until the forest plans have been revised and Congress has had an opportunity to take action in response to the roadless-area and wilderness recommendations. The Congressional delegation from the Southeast has specifically requested that the moratorium last through this time period (see #1C)
- Oppose exclusion of Forests that have had recent Plan revisions (i.e., include *all* national forests in the moratorium!). This exclusion affects fully 1/3 of all the inventoried roadless acreage in the Southern Appalachians, namely, 260,000 acres in the George Washington NF in Virginia. Of the 28 roadless areas in the George Washington, 10 have significant portions (some up to 60%) open to development. (For comparison, the Cherokee NF has ~87,000 roadless acres.)
- Urge that not only road building but logging, too, be precluded in roadless areas.

WHAT YOU CAN DO (THIS IS IMPORTANT!):
Send comments, postmarked by February 27, to
Director, Ecosystem Management Coordination

Staff, MAIL STOP 1104, Forest Service, USDA P.O. Box 96090, Washington D.C. 20090-6090. FAX: (202) 205-1012. E-mail: roads/wo@fs.fed.us. Be sure to send copies of your comments to Senators Frist and Thompson and to your Representative (addresses on p.2).

- Only 1% of the lands are protected as federal wilderness; an additional 2% are unprotected roadless areas
- Only 1% of timber volume for 1998 & 1999 in the USFS' Southern Region is projected to come from roadless areas (thus, permanently protecting such areas would make scarcely a dent).

C. Southeastern Members of Congress urge moratorium

In November, five Senators – 3 Democrats (Cleland [GA], Hollings [SC], Robb [VA]) and 2 Republicans (Warner [VA], Thurmond [SC]) -- wrote to Sec. of Agriculture, Dan Glickman, urging him to "defer new timber sales and road building in the federally inventoried roadless areas in the Southern Appalachians, pending the completion of forest plan revisions and subsequent Congressional review of roadless area recommendations." Less than a month later, six key Southeastern Representatives joined ranks with the senator; one of them was Tennessee's Bob Clement.

WHAT YOU CAN DO: Express your special thanks to Rep. Bob Clement and the five senators (addresses on p.2). Note that we suggested in 11B above, that you send copies of your moratorium comments to Senators Frist and Thompson and to your Representative. When you do so, add a cover note urging them to join the five Senators listed here, Rep. Clement, and the others.

D. Other related information

Among the benefits of roadless areas:

- They preserve intact ecosystems
- They are the last havens for species on the brink (at least 19 in the Southern Appalachians)
- They filter and protect drinking water (in the Intermountain West, some 55% of all drinking water originates on national forest lands)
- They provide backcountry recreation and solitude
- They protect against physical damages of road construction, such as erosion, landslides, and stream siltation.

In the Southern Appalachians:

- About 1/4 of the inventoried roadless areas are threatened by logging and road building projects for 1998 & 1999, i.e., prior to the time when the public would have a chance to speak up in the course of the planning process

2. STATE BILLS POSE MAJOR THREAT TO TENNESSEE'S RIVERS

SB.214 (Springer)/HB.490 (Tidwell), SB.2366, plus three additional clones of these bills by the same sponsors, would have the effect of leaving most of the State's waters totally unregulated. Agricultural and forestry activities are already exempted from many water-quality regulations, but they are subject to regulation of point-source discharges. The Springer/Tidwell bills would add an exemption from point-source regulations as well. They further spell out exemptions to "include the removal of downed trees, debris and gravel and bars from creeks and streams ... using the equipment most practical for such operation."

The great majority of stream miles in Tennessee are located in areas of agriculture and forestry; therefore these bills affect virtually all of the water that belongs to us all. The bills would dismantle the ARAP (Aquatic Resource Alteration Permit) Program by allowing totally unregulated channelization, gravel dredging, logging roads, large clearcuts, and stream relocations; and they would permit agricultural-industry discharges from feedlots, nutrient run-off, and pesticides. They would greatly increase the permanent destruction of aquatic habitat, hurt fisheries and recreational uses, cause downstream channel instability, and threaten the quality of our drinking water.

When we called Sen. McNally, we learned that the major proponents of these bills (who live in Humphreys and Hickman Counties) claim that all they want is to be able to remove fallen trees from a stream without having to wait for a permit. It turns out that this activity (among several others enumerated in the bill) is already do-able, without delay, under an established General Permit. Legislators obviously need to be educated about this.

There is a broader problem with these bills: they would undermine the Department of Environment & Conservation's (TDEC's) authorized authority to administer the NPDES permit program under the federal Clean Water Act. The bills may, in effect, result in a revision of Tennessee's water quality standards by limiting the State's ability to protect existing aquatic uses and to prevent degradation of high-quality waters. The bills would then be subject to EPA's review under the provisions of the federal law.

Late-breaking news: a little time may have been gained. On Feb. 3, the sponsors agreed to "roll" the bills for three weeks in order to let the Dept. of Environment and Conservation (TDEC) provide comment. TDEC was asked by the legislators to come up with changes in the ARAP process that would make things "easier" for those wishing to carry out certain stream activities.

WHAT YOU CAN DO: By February 24, call or e-mail your state legislators (see Political Guide) and urge them to strenuously oppose SB.214/HB.490, SB.2366, and the similar bills sponsored by Sen. Springer and Rep. Tidwell.

(and HB.2302)

3. OUTSTANDING NATIONAL RESOURCE WATERS -- GOOD AND NOT-VERY-GOOD-AT-ALL NEWS

A. Summary

Actions taken by the Water Quality Control Board (WQCB) at its January 27 meeting resulted in good news for some of Tennessee's waters. Six of them (listed below) were designated Outstanding National Resource Waters (ONRWs). This is a very important step because even the ONRW designation as such was questioned by the WQCB at its preceding triennial review (in 1994). Now the designation has at last become an established fact for our State. The six water bodies are: four rivers within the Gt. Smoky Mtns. N.P. (Little River, Abrams Creek, W. Prong of Little Pigeon, and Little Pigeon [whose ONRW boundary was actually extended outside the Park as a result of citizens' requests]), Big South Fork within the BSNRRA, and Reelfoot Lake.

The not-so-good news is that, as a result of opposition to two of the rivers proposed for ONRW designation by the very professional Water

Pollution Control (DWPC) staff, the WQCB delayed action until October 1998. These two rivers are the Conasauga (within the Cherokee NF) and the Obed (with Clear Cr. and Daddys Creek within the Catoosa WMA). The even-less-good news is that the Tennessee Legislature threatens to interfere in this administrative procedure, which is based on federal law. Yet additional bad news is that the WQCB voted 5:4 to require that a staff proposal for any new ONRW designations in the future must be accompanied by an economic/social analysis.

B. Background

Were you to NL219 §1 and NL218 §2C for more detailed background, but here is a thumbnail summary. The Tennessee Water Quality Standards, whose purpose it is to fully protect existing uses (as of 11/28/75) of all surface waters, identify three "tiers" of water-quality designations. In high-quality Tier-II waters, "no degradation will be allowed unless and until it is affirmatively demonstrated to the WQCB ... that a change is justified as a result of necessary economic or social development ...". For the highest classification, Tier III (or ONRW), no degradation (including "physical alterations that cause degradation," such as dams) will be permitted - period!

This is why development interests in the Crossville area want only Tier-II designation for the Obed; they want to be free to use waters of the Obed and/or its tributaries to build ever more and more water-supply reservoirs for the area (especially in view of the fact that such reservoirs usually spawn residential developments).

C. What happened

The triennial review was to have been completed in November, i.e., the WQCB was, at that time, to have taken action on the staff's recommendations. But the Crossville-area development interests requested an extension of the comment period (despite the fact that the DWPC staff had already conducted public meetings at a dozen locations throughout the State), and they used the extra time to approach state and federal legislators and the media with their opposition to ONRW designation for the Obed. When the WQCB finally met on Dec. 16, there were large numbers of oral comments in favor of Obed ONRW

designation (in addition to 61 prior written comments in favor), and a few politically powerful comments in opposition. (A similar type of ratio pertained for the Conasauga, for which see below). The WQCB put off decisions on all ONRW designations until January 27.

At the Dec. 16 meeting, a compromise was proposed by Brock Hill, the very reasonable Cumberland County Executive whose leadership had earlier been successful in getting the various utility district (which had always been going their uncoordinated ways) to jointly request assistance from the state government for a regional solution to the perceived water-supply problems (NL218 ¶2A). This study, which will build on analyses recently completed by TVA (but not yet published), is now being conducted primarily by the Corps of Engineers and USGS, with probable assistance by the National Park Service. Brock Hill proposed that the ONRW designation for the Obed be postponed until the completion of the study.

That's essentially the position adopted by the WQCB at its January 27 meeting. Because the technical analysis for the study is likely to be completed in 6 months, October was picked as the date when the WQCB would again take up the matter. Four of the 9 WQCB members present on January 27 would have voted for ONRW designating at that meeting, and it is very likely that the absent member would have done so too; five voted for postponement.

In the case of the Conasauga, the opposition -- in which the powerful Farm Bureau is heavily implicated -- takes the form of arguments against perceived loss of private-property rights. The DWPC tried to defuse these arguments by shrinking the ONRW boundary for the Conasauga to those river sections that are within the Cherokee National Forest, i.e., on public land. However, since the opposition arguments are not rational, they persisted. In delaying its decision until October, the WQCB requested the staff to prepare an analysis of social and economic impacts -- not what we would consider to be within the usual scope of work of a Division set up to deal with clean-water issues. As noted above, that type of analysis has now been required by the WQCB for all rivers that might be proposed for ONRW status in the future.

D. The arguments

In TCWP's phone conversations with WQCB members (and, prior to that, in our oral testimony on Dec. 16), we made the following points, of which the last one (c., below) may have been the most persuasive. (a) The outstanding qualities of the Obed and Conasauga meet every one of the criteria listed for qualifying a river for ONRW designation. (b) The Obed is the only National Wild & Scenic River (NWSR) in Tennessee, and one of only three in the Southeast -- if any river should be unequivocally protected against degradation, surely this is a prime candidate. (c) From a practical point of view, the Obed's NWSR status would obligate the state to deny permits for proposed actions that would degrade the river, and such denials would be automatic under ONRW designation. Under Tier-II designation, on the other hand, such permit denials would probably be appealed to the Board, and the Board would then be put in the position of having either to sanction the degradation (which would bring on legal action) or to uphold the denial. What a waste of everybody's time and money!

E. The big legislative complication

In mid-January, at the very beginning of the 1998 session of the General Assembly, a bill was introduced by Senator Lincoln Davis, with a House companion bill by Rep. Curtis. These decree that the portions of the Obed, Clear Creek and Daddys Creek in Cumberland County can never be designated anything higher than Tier II. TCWP contacted the EAF lobbyist, who talked to Senator Davis both before and after the WQCB meeting of January 27. The senator indicated that he considered his bill to be security against the Board bestowing ONRW designation. After the meeting, he promised not to move his bill, pending the Board's actions in October (in other words, not in the 1998 session). Rep. Curtis' House companion bill has, in fact, been taken "off notice" indefinitely.

TCWP will try to arrange for discussions with Sen. Davis, whose district includes not only Cumberland County, but also Roane, Morgan, Scott, Fentress, and Overton. We hope to discuss not only the specific bill, but the precedent it might set, as well as the question of legality of a state legislature trying to undo a state administrative decision that has been made in accordance with a state law (the Tennessee Water Quality Control

Act) promulgated under a federal law (the Clean Water Act).

We just learned that a bill similar to the Davis/Curtis one was introduced last week for the Conasauga.

WHAT YOU CAN DO: TCWP plans to issue updates and possible action calls on this matter at intervals that may be more frequent than NL publication dates. We would like to develop a list of interested members. Please send us contact information (address, phone and Fax numbers, e-mail addresses where available) if you'd like to be on such a list.

4. OTHER OBED AND BSF NEWS

A. Lilly Bluff development near-complete

Morgan County folks and others mindful of the need to build public and political support for the Obed WSR have for some time advocated development of a site from which the general visitor could be given an easy view of some of the outstanding features of the river gorges, which are otherwise accessible mainly to paddlers and hikers. At the time the General Management Plan (GMP) was being developed, some of us were successful in convincing everyone that the Lilly Bluff sitewas superior to other sites that had been proposed, primarily one at the confluence of the Obed and Clear Creek. Development of, and access to, the latter would have been destructive of the wilderness values at the very heart of the park. By contrast, Lilly Bluff, which gives a dramatic view of the Clear Creek gorge, is close to an existing road crossing (Lilly Bridge) and much more readily accessible to the casual visitor.

The top of Lilly Bluff, which is home to highly sensitive plant communities, has been the subject of environmental abuse by people driving their trucks or jeeps right onto the exposed sandstone, lighting camp fires, and picking the lichen off the rocks. Because of this, the GMP specified that a protective boardwalk be constructed atop the bluff. This boardwalk was completed a couple of weeks ago, and we can report that it is very attractive. It has benches at intervals, will have interpretive displays, and is wheel-chair accessible. The ~1/4-mile woodland

trail from the parking area (still being constructed) to the boardwalk is very efficiently blocked from any access by motorized vehicles. Community pride in the project should also protect against some of the abuses that have occurred in the past.

The Lilly Bluff Overlook will also shortly be accessible by a terrific foot trail from the bottom. Starting at the southwestern end of Lilly Bridge, it enters a forest of huge hemlocks, runs at the base of an incredibly high vertical cliff, then climbs up the valley of a steep tributary to the Clear Creek, past cascades and a waterfall, to end up on the bluff. TCWP plans to sponsor an outing there when the trail is completed later in the spring.

B. Obed NWSR Superintendent

In the fall, the top administrative position at the Obed National Wild & Scenic River was changed from "Site Supervisor" to full "Superintendent." National Park Service (NPS) channels from the S.E. Regional Office to the Obed WSR, however, still go via the Big South Fork NRR.

A couple of weeks ago, we learned that Obed Superintendent Monika May had successfully bid on the job of Assistant Superintendent at Biscayne National Park in Florida. Because of the relative sizes of the two NPS units, this move represents a promotion. Her new job started February 1.

Monika accomplished an incredible amount during her tenure at the Obed WSR. Most of the Lilly Bluff development (§4A, above) is her doing -- and it wasn't easy. Acquiring the needed land (from a family engaged in internal conflict) was in itself a major achievement. Getting the funds and moving on the construction details might have taken anyone else several more years. She was very successful in building local support (and not just as a result of Lilly Bluff and the developments at Nemo and Lilly Bridge, see NL218 §2F) and political support (remember Rep. Wamp's visit? -- NL207 §1A). In addition to arranging for the Lilly trail described in §4A, above, she has involved several constituencies in planning for other Obed hiking trails, which will soon become realities (NL218 §2E).

Monika was heavily involved in efforts to achieve ONRW designation (§3, this NL). She was also very active in involving NPS' Resource Center in water-resource studies for the Obed and

was the prime mover in getting Clear Creek chosen as the site for an important National Water Quality Assessment (NAWQA) gage (to the upkeep for which TCWP-generated March-for-Parks funds are contributing, see NL217 ¶1D). This gage will supply data vital to defending the river system against further water thefts and other adverse impacts (NL214 ¶2B).

While we are understandably very sad indeed about Monika's departure, we are happy that her successor is an old friend, Don Forester. Don was the Obed WSR Site Supervisor during the important period when the General Management Plan was being generated, and we had lots of good interactions with him then. After a brief tour of duty in Alabama, Don returned to Tennessee to become Resource Chief at the Big South Fork NRRRA. Now he'll be back at the Obed. Welcome!!

C. Trail progress in Obed WSR

The Cumberland Trail Conference (CTC, a member of the Tenn. Trails Assoc.) reports considerable progress in developing the Obed Segment of the Cumberland Trail (the entire trail will eventually extend >200 miles from near Chattanooga to Cumberland Gap). The Obed Segment, which is projected to be over 17 miles long when completed, is being developed in two portions, one starting at Nemo Bridge and the other at Devils Breakfast Table. In the former portion, CTC has added 1.5+ miles to the existing 2.5+ miles that TCWP hiked for the March for Parks two years ago, for a total of ~4.5 miles (one way). The addition (rated "strenuous") takes you into and out of the gorge to a dramatic overlook. The trail that starts at Devils Breakfast Table has been built by the Morgan County Regional Correctional Facility. It goes for 2.5 miles, largely within the Daddys Creek gorge, to the Rain House (a rock overhang), and has a recently completed extension to Obed Junction.

D. Big South Fork capsules

- The Big South Fork within the BSNRRA received the highest possible designation under the Tennessee Water Quality Standards. On January 27, it was classified as an Outstanding National Resource Water, ONRW (¶3A and 3B, this NL).
- There is a new Assistant Superintendent at the Big S. Fork NRRRA, filling the slot occupied until last

March by Jim Wiggins. Hername is Judy Iburg, and we look forward to meeting her.

- Meetings will soon get under way on the draft scoping report prepared for the General Management Plan.

5. AROUND THE STATE

A. Tracking the General Assembly

With the Tennessee General Assembly again in session, we are urging all of our members to stay informed and active, not only in response to our newsletter alerts but at other times as well. Some really dangerous bills (of which there are several examples in this Newsletter) can move very quickly; and, conversely, the time for positive input on potentially good bills may be very short.

There are at least two good sources of information:

1. The Environmental Action Fund (EAF), of which TCWP is a member organization. The new lobbyist (replacing Kay Linder, whom several of you met at our Annual Weekend) is Erin Kelly who can be reached at 615-303-4070 (voice mail available).
2. The Sierra Club's TEAM (Tennessee Environmental Activist Messaging) phone system. You call 615-792-1812, chose the topic you are interested in from a menu, and you will hear a concise update that may include a suggested action. The number of topics limited at this time, but will be enlarged.

Last but not least, utilizing the information in our Political Guide, stay in touch with your legislators and form a relationship with them whenever the opportunity arises (call them, send letters, meet with them, provide information, thank them when you agree with an action). The League of Women Voters of Oak Ridge sponsors a "Breakfast with our Legislators" every third Monday of the session, at 7:30 a.m. in Rm 102 of the First Presbyterian Church Activities Bldg. Upcoming breakfasts are on February 9, March 2, and March 23. YOU can make a major difference!

B. Chip-mill impacts on Tennessee need to be studied

As we have reported in the past, chip mills have moved into the Southeast, including East

Tennessee, in a big way. For example, three counties (Anderson, Campbell, and Scott) are the sourcing area for at least four chip mills, of which Champion's is probably the largest. Aerial surveys (call Doug Murray, 423-562-5934 for details) have revealed that about 1% of the acreage available for harvesting was cut in the past 5 months. At the present rate, all available forests in the three counties will be gone in 40 years – sooner if the production rate increases.

We occasionally hear the argument that deforestation is reversible and that, after all, most southern and eastern forests were harvested for sawtimber during the past 200 years. But this time is different. While cutting for saw timber was mostly selective, the cutting associated with chip mills ignores age and species. The rapidity and vastness of this deforestation leaves little opportunity for affected species to relocate nearby. The erosion associated with clearcutting leads to loss of fertile topsoil. And the word "sustainable," as used by the industry, has no true meaning: natural integrity and diversity are replaced by a monoculture that may perhaps produce the same number of board-feet of timber. In fact, "sustainability" may have lost even that meaning: when there are several clear-cutters operating, each may be harvesting at a rate that is "sustainable" in terms of his own board feet, but the cumulative effect for the forest resource of the region may not be sustainable.

The North Carolina Dept. of Environment and Natural Resources is now studying the impacts of chip mills by looking at the direct, indirect, and cumulative impacts on soils, water quality, wildlife, and forest sustainability and diversity, as well as the economic impacts on land owners, industry, and government. This study grew out of citizen pressure on EPA's Region IV (Southeast) to launch a Region-wide study. EPA-IV offered to partner with individual states to conduct state-wide impact studies. From the NC study described above, EPA will construct the framework for other state-EPA cooperative impact studies.

WHAT YOU CAN DO: Tennessee should follow the example of NC. Ask your state legislators (see Political Guide) to sponsor a resolution urging the Tenn. Dept. of Environment & Conservation to enter into a partnership with EPA for a study of state-wide impacts of chip mills.

For fact sheets, slide presentations, etc., contact Danna Smith, Brevard, NC, 704-877-5865, or Cielo Sand, Chattanooga, TN, 423-267-3977.

C. Mine reclamation needs funding

There are over a million acres of formerly coal-mined lands in the USA that are "orphaned," most of them because they were abandoned before the reclamation provisions of the 1977 federal stripmine law (SMCRA) took effect. SMCRA set up a trust fund, fed by a small surcharge on coal mined post-1977 and dedicated to reclamation of abandoned mined lands. Just as in the case of the Land & Water Conservation Fund, however, the money for the Rural Abandoned Mine Program (RAMP) needs to be appropriated by the Congress, and very little of it has been – none since FY'96. Thus, \$1.8 billion have theoretically accumulated in the fund, while less than 10% of the abandoned lands have been reclaimed.

Tennessee (in 20 counties) has 45,000 acres of abandoned mine lands which, in addition to being major eyesores, are eroding, contributing to water pollution, posing safety hazards, preventing more beneficial uses of the land, and causing loss of tax revenue to the counties. Reclamation would cost an average of \$5,000 per acre.

WHAT YOU CAN DO: Two things need to be accomplished: (a) Congressional appropriations to RAMP must be restored, and (b) the life of the RAMP program must be extended beyond the present cut-off of 2004 to make up for the present and past lack of funding. Contact your U.S. Senators and Representative (addresses on p.2) to urge these actions. In addition, contact your State legislators (see Political Guide) and suggest that the Tennessee General Assembly pass a resolution urging our Congressional delegation to take these actions.

D. Citizen persistence pays off on Pigeon River

For 90 years, the Champion paper mill in Canton, NC, has been a destroyer and polluter of the Pigeon River, which flows across the state line into Cocke County, TN. Efforts to clean the river began in earnest in the 1980s, but time and again Champion, which claimed economic

need (the mill provided jobs) was given a "variance" to discharge effluents at levels that exceeded those normally allowed by state standards and by the federal Clean Water Act. It was during the latest permit renewal process that a number of concerned individual citizens and citizen groups were able to mount a major effort that has now resulted in very real progress.

The Tennessee Environmental Council (TEC) formed a team of dedicated experts, coordinated by John Noel. After attendance at hearings in NC and a fruitless meeting with EPA Region IV, the team got 30 conservation groups to gain the attention of Vice President Gore and Gov. Sundquist. VP Gore got EPA Administrator Carol Browner to review the case and to suspend the Champion permit that had already been issued by EPA Region IV.

Finally, just before Christmas, an agreement was signed by the parties involved. Under the new permit, the amount of color pollution Champion may discharge has been reduced from 125,000 lbs/day (as an annual average) to 48,000-52,000 lbs/day (where color will be imperceptible in Tennessee) by the year 2001, when Champion has to apply for a new permit. The agreement also vastly improved the method and location of compliance monitoring. All those who fought this battle deserve our sincerest congratulations.

E. Clinch and Powell Rivers are special

The Clinch-Powell River system (upstream from Norris Reservoir) includes the longest stretches of undammed rivers in the Tennessee Valley. These river valleys are special in their biological diversity, with 51 species of mammals, 48 of reptiles and amphibians, 101 fish and 32 bird species. Particularly notable: the Clinch harbors 50 species of mussels, more than any other river in the world. Mussels are prime indicators of clean, unspoiled rivers; unfortunately, 10 of the mussel species in the Clinch are listed as endangered, probably as a result of soil erosion (and resulting river siltation) from poor logging, grazing, and crop-production practices. The Powell is impacted by mining upstream in Virginia.

The Nature Conservancy (TNC) has designated the Clinch Valley as one of the world's

-30 "Last Great Places." The Tennessee TNC is taking a novel approach to protecting the river by fostering educational people contacts in the area (NL214 ¶5F).

Several excellent publications about the rivers are available from the Clinch-Powell Resource Conservation & Development Council in Rutledge, 1-800-814-6355. An active grassroots group, Friends of the Clinch & Powell Rivers, has recently come into being (8472 Highway 66, Rogersville, TN 37857).

F. Knox Greenways status

On January 13, Mayor Victor Ashe cut the ribbon for the now-completed 2.8-mile Neyland Greenway, which offers a fine view of the bluffs along the Tennessee River. About 3.4 miles are completed on the Third Creek Greenway (with another 0.3 miles due in early spring), making a total of over 6 continuous miles. Over 4 miles could be added to Knoxville's 13.4-mile greenway system in 1998. The Knoxville Greenways Commission is chaired by Will Skelton, to whose vision, initiative, and persevering energy the award-winning program (NL216 ¶7B) largely owes its inception and subsequent success.

6. TENNESSEE VALLEY AUTHORITY

A. Administration supports non-power program. Does the TVA Congressional Caucus?

During his Oak Ridge visit on January 21, Vice President Gore announced that the President is requesting \$76.8 million for TVA's FY99 non-power programs -- good news! Unfortunately, foes of TVA were able to include in last year's appropriations bill statutory language that the non-power program would be zeroed out after FY98, with no debate allowed (NL218 ¶1A). We certainly hope there is a viable plan for overcoming this impediment.

We look particularly to the TVA Caucus in Congress to make this possible. The Caucus (made up of Senators and Representatives from the Tennessee Valley Region), chaired by our 3rd-District Congressman Zach Wamp, has so far been pretty ineffective in saving the non-power program from disaster. Partly, of course, TVA shot itself in the foot when Chairman Craven Crowell announced a year ago that he favored ending non-

power funding after FY'98 (he withdrew his proposal 6 months later). But subsequently, Rep. Wamp caused the Agency to conduct an internal audit, some findings from which provided ammunition to TVA's Congressional foes. It is very ironic that, while the vulnerable audit findings, as well as the animosity in general, pertain to TVA's power program, it is the fine non-power program that is likely to sustain the most immediate and least repairable damage.

WHAT YOU CAN DO: If you live in Tennessee or elsewhere in the TVA region, contact both your senators and your representative (addresses on p.2) and challenge the TVA Caucus (and especially Chairman Wamp) to conduct a well-planned and vigorous campaign to restore funding to the non-power program. They already have an Administration request for \$768 million to work from. It is their job to shepherd this through the Congress.

B. TVA exploring "Green Power"

On January 29, TVA issued an RFP (Request for Proposals) from companies that might be able to deliver "Green Power," i.e., electricity made from more environmentally benign sources. Currently, most of TVA's power comes from coal-fired plants, with smaller contributions from nuclear reactors and hydropower.

TVA is exploring what the cost from Green Power suppliers would be and how much (of the presumably higher-priced electricity) customers would be willing to buy. Consumers participating in pilot programs in other parts of the country pay about \$2-10 extra on their monthly electric bills when green power is part of the energy mix. TVA is guessing that the RFP (which has a deadline of May 21) may bring responses from suppliers that, in aggregate, could take care of up to 2% of the power presently sold by the agency. Most likely power sources are combustion of land-fill gases and wood wastes; more distant producers might bid on solar or wind-generated power. If the green-power program is deemed feasible, deliveries to consumers could begin by mid-2002.

C. Generic EA for TVA's Clean Water Initiatives

Last May, TVA developed a Generic Environmental Assessment (EA) that describes in detail the types of projects TVA proposes under its

Clean Water Initiatives. They include agricultural BMPs (Best Management Practices), streambank and streambed stabilization and restoration, vegetation plantings on reservoir shorelines, etc., -- all to be site engineered to reduce erosion, enhance or restore habitats, and improve aesthetic qualities. The Corps of Engineers, under Sec. 404 of the federal Clean Water Act, has proposed to issue a General Permit for these activities. A copy of the Generic EA is available by calling TVA at 423-751-8455 (Chattanooga).

7. NATIONAL ITEMS

A. Land & Water Conservation Fund should not be squandered on maintenance

There are several unusual features to this year's LWCF (NL219 ¶6A). While the appropriation is very much larger than in recent years, \$969 million, over one-third (\$337 M) is earmarked for buy-outs (Crown Butte mine above Yellowstone and Headwaters redwood forest in California) and for payoffs to the districts involved. Almost 60% of the remainder (namely, \$362M) may be tapped for park maintenance or land acquisition; it is left to the Administration to decide what portion of this sum will actually be available for buying new parklands.

Here in Tennessee, we are acutely aware of the need for \$ to protect more lands by acquisition. Only about half the lands for the Obed National Wild & Scenic River have been acquired, and over 10,000 acres are yet to be purchased to complete the Big South Fork NRR. Many of these lands are likely to be irreversibly degraded -- in fact some of this degradation is already under way. Similar situations exist all over the country for units of the National Park, National Forest, and US Fish & Wildlife Services, and for BLM. Some units have vulnerable inholdings, others exist only on paper. Land destruction is likely to be forever, while little of permanent value would probably be lost if maintenance is postponed. Besides, there are other possible funding sources for the park maintenance, but only ONE source (the LWCF) for acquisition.

WHAT YOU CAN DO: Contact Pres. Clinton (contact info on p.2) and urge him to use the 1998 LWCF monies for land acquisitions only. Citing specific cases (see above) will help. FAX a copy of your message to Kathleen McGinty (202-456-2710).

B. Fate of prime Arctic wilderness hangs in the balance

Multinational oil corporations have applied to the Bureau of Land Management (BLM) for permission to drill in 4.6 million acres of Alaska's National Petroleum Reserve (NPR-A), which stretches inland from the Arctic Ocean (a total of 23.5 million acres). Comments on the draft EIS issued by BLM are due 2/10/98. The Reserve was set aside to be tapped only at a time of emergency or pressing national need. Within the NPR-A, most of which is ecologically significant, there are some very special areas needing protection.

The following are points to be considered.

- There is no compelling rationale for fast-track leasing in a Reserve set up for future pressing needs. We don't even have a national energy policy.
- The oil that would be drilled now could (and probably would) be exported, instead of remaining there to serve our future national needs.
- The NPR-A is a unique wilderness with outstanding wildlife values. None of the alternatives in the Draft EIS provide adequate protection for wildlife, rivers, wetlands, or wilderness values. A new conservation alternative must be generated by BLM, and must be opened to public review and comment.
- The lakes and wetlands in the Teshepuk Lake region and the vital riparian habitat along the Colville River Special Areas should receive permanent wilderness protection, be transferred to the Fish & Wildlife Service, and become off-limits to roads, pipelines, and industrial activities.

WHAT YOU CAN DO: By February 10, contact BLM to express your opinion on the proposed leasing. You can e-mail to <jducker@ak.blm.gov>, or you can write to Mr. Gene Terland, NPR-A Planning Team, Bureau of Land Management, 222 West 7th Ave., Anchorage, AK 99513-7599.

C. "No Surprises" is bad Endangered Species policy

The "No Surprises" concept has already insinuated itself into Dept. of Interior (USDOI) rule-making policy. It is also a major component of the Senate Endangered Species Recovery Act, S.1180, that has Administration support and is being touted as a viable compromise bill.

Under the No Surprises concept, land-use permits -- also called Habitat Conservation Plans (HCPs) -- specify management measures for an area that are supposed to provide multi-species protection, but are cast in stone, though they may be in effect up to 100 years and cover thousands of acres of endangered species habitat. Even if conditions change (e.g., a natural disaster strikes the area, new scientific evidence is found, the Plan does not work, a new endangered species is discovered, etc.), the permit cannot be changed. The government can require modifications in "extraordinary circumstances," but only by using scarce taxpayers' money to pay the landowner -- typically a timber company, developer, or other corporation that drives up the price.

USDOI came up with the No Surprises clause to appease political opposition to the Endangered Species Act (ESA), and the policy has already been applied in hundreds of permits covering millions of acres of endangered-species habitat (see 19 for a pertinent publication). The concept, in even more harmful detail, would become a statutory requirement under S.1180 (Kempthorne, R-ID), which has already cleared the Senate Environment Committee.

S.1180 has numerous other disastrous features and many loopholes (send us self-addressed stamped envelope, if you would like a tabular summary). Fortunately, there is an alternative, much superior, bill pending in the House, H.R.2351 (Miller, D-CA). It currently has 88 co-sponsors, one of whom (Rep. Ford) is from Tennessee.

WHAT YOU CAN DO: We are losing species at an unprecedented rate -- primarily through habitat loss. Our present ESA needs strengthening. Urge your US Representative to co-sponsor H.R.2351, which accomplishes this (thank Rep. Ford for already having done so). Tell your Senators to oppose S.1180: it actually weakens our existing ESA. Addresses on p.2.

D. Fish & Wildlife Service's mission is refocused

The Wildlife Refuge system, which was initiated by Pres. Theodore Roosevelt in 1903, presently includes over 500 units on about 92 million acres of land and water. Most people have assumed that the prime objective of National Wildlife Refuges is wildlife protection. In fact,

over the past several decades, this objective has often taken a backseat to such activities as agriculture, oil & gas development, and military exercises.

Now, however, the US Fish & Wildlife Service (USFWS) finally has a defined mission. In October, Pres. Clinton signed an "Organic Act" for the Service, the National Wildlife Refuge Improvement Act. This puts wildlife protection first, expands public participation, and improves the science on which refuge management decisions are based. It provides a much stronger legal basis than heretofore available for guaranteeing that all refuge activities be compatible with species protection.

E. American Heritage Rivers Initiative

The American Heritage Rivers Initiative (AHR), announced by President Clinton early in 1997 (NL216 ¶6D) is a program by which federal expertise and resources can be marshaled to assist community-based efforts to restore and revitalize rivers and their waterfronts. More than 120 nominations for AHR status were received from communities by the December 10 deadline. The applications will be reviewed by an advisory panel, and the first 10 American Heritage Rivers will be announced by the President early this year.

As we have reported (NL218 ¶6B), the AHR is under attack by a small, but organized, group of anti-environmentalists. HR.1842, sponsored by Rep. Helen Chenoweth (R-ID), passed the House Resources Committee in November and may soon be voted on by the full House.

WHAT YOU CAN DO: Contact your US representative and both your senators (addresses on p.2) and voice your support for AHR. Point out that healthy rivers are vital to our economic well-being, quality of life, and community health. AHR does not constitute government interference -- only assistance to communities that ask for it.

F. World-wide threat of water shortages

A United Nations study ("Comprehensive Assessment of Freshwater Resource of the World") has found that, during this century, the world-wide increase in water use has been twice as great as the growth in population. With the resulting shortages being further worsened by pollution, one-

fifth of the world's people lack access to safe drinking water. The report forecasts that by 2025 as much as 2/3 of the population will be affected by moderate to severe water shortages unless supplies are used more efficiently, the pollution of rivers and lakes is curbed, and more wastewater is purified for reuse.

B. TCWP NEWS

A. Special appeal was hugely successful -- the word is "go" on membership/development director

The overall response to our special appeal to "save TCWP" was stupendous, and our financial objective was indeed met. We will be able to recruit a membership/development director whose task will be to expand and energize our membership, increase our funding base, and make us self-sustaining.

The response to our appeal showed by its breadth as well as its depth that the membership really cares deeply about keeping TCWP alive and effective. An extremely high percentage (about one-third) responded, and people gave up to their limit. We know that many of our members are retired on fixed and limited incomes, and that others are struggling in an uncertain job market. These gifts were really meaningful. With a membership like this, how could we possibly fail?

Not only did we get the support of our own membership but we also received contributions from the treasuries of several sympathetic groups. The biggest of these was a \$5,000 check from TSRA, with promise of an additional \$5,000 to come shortly.

We have thanked all donors individually, but we want to say a great big Thank You again here. Exciting times lie ahead!

B. What we are doing about it

During the past few weeks, a committee of the TCWP Board (Eric Hirst, Jenny Freeman, and Lee Russell), with input also from Don Barger, Bill Russell, and Linda Krusen, has been hard at work, drawing up specific objectives, job descriptions, and mileposts for a membership/development director, expressing our thanks to donors, and writing ads. We are seeking advice and recommendations from knowledgeable and experienced individuals in the

conservation community at large and are exceedingly grateful to Andy Walker, director of The Nature Conservancy of Tennessee, who has already made one special trip from Nashville to meet with us at length. He counseled us to hold an intensive strategy session, and this has been scheduled for February 7, when he will again come to meet with us, along with Kay Linder, the former EAF lobbyist. Any member wishing to help on any aspect of the planning or recruitment process will, of course, be most welcome at any time.

C. Is there a candidate among our readership?

At the end of this Newsletter, you will find the job description with application information. Please bring this to the attention of any person you think might be qualified.

D. Who wants to volunteer to organize March for Parks?

Because of all the special activities required at this time in connection with recruiting a membership/development director, neither Board members nor Linda Krusen can devote the effort needed to organize a March for Parks. Can we get a member to volunteer for this? As you know, the March for Parks raises funds to assist a Park Service unit in our area. Our most recent contribution supports the special NAWQA gage that collects vital data for the Obed system (see ¶4B, this NL).

E. Dues are due

Unless your dues are paid up, you will find a billing statement enclosed with this Newsletter. Your early payment will save us the expense and labor of follow-ups. Thank you!

F. Special mentions and thanks

We welcome new Board member, Roger C. Smith, who attended his first TCWP board meeting on 1/22/98.

Frank Hensley, who has left the Board, has offered to continue supervising the assembly and mailing of Newsletters. He and his family have already performed mammoth service along these lines, and we are deeply grateful that he offered to go on doing so. If you are willing to be called to help occasionally, let him know (483-0849).

Ruth Gove assembled all the data for our TCWP's 1998 Political Guide. This is the first time she has handled this big job, and we are most grateful.

Jenny Freeman presented TCWP's special appeal for funding a membership/development director to the board of the Tennessee Scenic Rivers Association (TSRA). TSRA responded by making a huge contribution (see ¶8A).

Linda Krusen and Don Barger attended and presented testimony at the Water Quality Control Board meeting in Nashville on December 16 (¶3, this NL).

Chuck Estes continued to represent TCWP on the Board of Friends of Scotts Gulf and reports that Bridgestone/Firestone no longer has the land on the market and that the State may be showing a little more interest.

We are very sad to report the death in January of two long-term TCWP member, Gloria Jasny and Marjorie Mann.

G. Correction to earlier NL report

We reported in NL219 ¶4D (12/12/97) that a bill "to be introduced next spring ... would allow the Park Service to retain all user fees generated in the Smokies." It was subsequently pointed out to us by a member of Congressman Duncan's staff, Don Walker, that the bill had *already* been introduced. HR2502 (Duncan, Jenkins) was introduced September 18, 1997, and referred to the Committee on Resources. Our apologies.

9. JOB OPENING, ACTIVITIES, and READING MATTER

- TCWP has a major job opening! See our ad at the end of this NL (p.16).
- Feb. 12-15, Feb. 16-25 and Feb. 28-March 1. Various wilderness-medicine courses sponsored by the Nantahala Outdoor Center, Bryson City, NC. Call 888-662-1662 x355.
- March 27-28, 1998, Nashville, TN. "A Tennessee Clean Water Conference." Topics will include impacts of forestry/forest management on water quality; Tennessee's silviculture/agriculture exemption; new water-quality standards, regs, and enforcement; TVA's non-power program; wetland

issues, and others. To receive registration information, contact Foundation for Global Sustainability at 423-524-4771 or Danielle Droitsch at 423-494-6234; or email fgs@kornet.org

- June 21-27, 1998, Sterling College, Craftsbury Common, VT, "Wildbranch Workshop in Outdoor, Natural History, and Environmental Writing." Call David Brown, Director, at 800-648-3591.
- The federal government's new "Nonprofit Gateway" Web site, www.nonprofit.gov, features information on federal grants available to nonprofit organizations. Such grants are administered by the Park Service, Fish & Wildlife Service, EPA, and other agencies. The site also features partnership and volunteer opportunities with the federal government.
- *Chipping Forests and Jobs: a Report on the Economic and Environmental Impacts of Chip Mills in the Southeast*, by Danna Smith and Denny Haldeman, cites government, industry, and scientific data to document how the recent proliferation of chip mills in the region is propelling us toward serious forest loss. (80 pp., maps, graphs, photos; \$7 from Dogwood Alliance. P.O.Box 4193, Chattanooga, TN 37405).
- *War of Attrition: Sabotage of the Endangered Species Act by the U.S. Department of Interior*, is a White Paper published Dec. 1997 by PEER, Public Employees for Environmental Responsibility. It gives an informed insiders' view by profiling "a representative sampling of cases where the [endangered-species] listing recommendations of USFWS biologists were reversed by Interior for non-biological reasons," and charges that the agency has "ceased review of almost all new listing petitions." This is very pertinent reading in connection with the "No Surprise" policy covered in 17C, this NL. To obtain a copy, call 202-265-PEER, or e-mail to info@peer.org
- The pamphlet *Innovations in Forestry: Public Participation in Forest Planning* provides a brief outline of some of the techniques that Forest Service personnel and community groups have found useful for incorporating meaningful public participation into the Forest planning process. Produced by the Natural Resources Law Center at the Univ. of Colorado School of Law. For copies (\$1 each), call 303-492-1272.

**TCWP's 1998 POLITICAL GUIDE
is enclosed.**

**Keep it in a safe, handy, place
and use it frequently**

**POSITION OPEN:
 MEMBERSHIP AND DEVELOPMENT DIRECTOR**

Tennessee Citizens for Wilderness Planning (TCWP) has a position open for a near-full-time Membership and Development Director to begin work as soon as possible for 12 to 18 months. If performance meets expectations, the position will likely be extended and may develop into a regular one.

TCWP is a not-for-profit volunteer environmental organization based in Oak Ridge, Tennessee. TCWP was founded 32 years ago to protect Tennessee's wild rivers and lands, especially those on the Cumberland Plateau and Appalachian mountains. Our strength lies in researching information pertinent to an issue, informing and educating our ~400 members and the public (through the widely acclaimed TCWP Newsletter), interacting with groups having similar objectives, and working through the legislative, administrative, and judicial branches of government to attain our goals.

The Development Director, working with the TCWP Board of Directors and our part-time Executive Director, will be responsible for the following:

- Increase TCWP membership 50 to 100% within 18 months;
- Double annual revenues (through increased membership, higher dues, larger individual contributions, and foundation support) within 18 months;
- Apply for and receive foundation grants for specific environmental projects;
- Organize member activities (such as meetings, lectures, outings, and field trips) to energize the membership by developing a sense of belonging and purpose;
- Create fully functioning committees, some dealing with issues (e.g., state parks policy, Tennessee forestry practices, national park and forest units) and others with process (e.g., phone chains, publicity, social activities).

Successful applicant will have:

- Demonstrated success in development of nonprofit, volunteer organizations;
- Demonstrated success in writing grant applications and obtaining foundation grants;
- Excellent communication skills--both written and oral;
- Enthusiasm for environmental issues and grassroots organizing;
- Ability to learn quickly; and
- Outgoing personality with the ability to engage people and inspire enthusiasm.

Applicant should plan to live in the Oak Ridge-Knoxville- Norris area. Salary negotiable.

Send letter of interest and resume to TCWP, 130 Tabor Rd., Oak Ridge, TN, 37830, or e mail to TCWP@Kornet.org, 423-481-0286.
