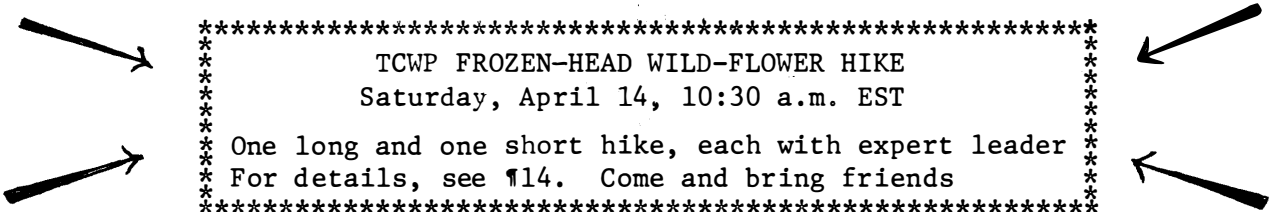


TENNESSEE CITIZENS FOR WILDERNESS PLANNING
Newsletter No. 134, March 10, 1984*

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TCWP FROZEN-HEAD WILD-FLOWER HIKE
Saturday, April 14, 10:30 a.m. EST
One long and one short hike, each with expert leader
For details, see #14. Come and bring friends

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

1. STATE STRIPMINE LAW ALERT

* If you can do nothing else, please at least send the enclosed letter today. Write in your own state representative's name above the address and in the salutation ("Dear Representative _____") (see POLITICAL GUIDE that was enclosed with NL 133), sign your name, add your address below it. Or, if you have time, you may want to write your own letter, which can be a lot shorter. Or contact your legislator when he is at home. You will find all the facts in the enclosed printed letter.

The stripmine industry is mounting incredible pressures on the state government and legislature to scuttle the law^{for} which so many of us have worked so hard for so many years. For example, the coal lobby, FACT, prevailed on U.S. Representatives Lloyd and Cooper to host a coal conference, which was "moderated" by FACT (hardly an unbiased party), with the agenda prepared by FACT. Naturally, the conference provided a forum for attacks on the law, but it was most disheartening to find state Health & Environment Director James Word joining the chorus.

2. SMOKIES WILDERNESS HEARINGS NEED YOUR INPUT

The good news is that a Smokies Wilderness bill (NL 133 ¶5) has now really started on its way through the Congress. Sen. Wallop's Subcommittee on Public Lands of the Senate Energy and Natural Resources Committee has scheduled hearings for March 27 in Washington. TCWP will be represented. The bad news is that Senators Helms and East are really pushing for their version of Smokies "wilderness," as evidenced by the scheduling by Sen. Wallop of a field hearing in Bryson City, N.C., 11 days prior to the Washington hearing. Bryson City is the center of support for the Helms-East bill, S.2183, which has 76,000 acres less wilderness than the citizens' proposal (excluding large areas north of Fontana Reservoir and north of Cherokee) and which actually mandates construction of motor-vehicle access from the North Shore Road to the Hazel Creek area. (The reason cited is to provide access to cemeteries; however, the Park Service is already providing such access to families.)

The Great Smokies Park Wilderness Advocates coalition, of which TCWP is a member, would rather have no wilderness at all designated this year than to have the Helms-East bill passed. The Sasser-Baker bill, on the other hand, S.1947, much more closely resembles the Citizens' Wilderness Proposal. This is a time when a little effort from you can make a difference.

* WHAT YOU CAN DO: Submit a statement for the upcoming hearing. (Address: Sen. Malcolm Wallop, Chmn, Subcommittee on Public Lands, U.S. Senate, Wash., DC 20510). This need not be long, but should start with "Please include the following statement in the official record of the March 2 1983 hearing on wilderness designation for the Great Smoky Mountains National Park." In a sentence or two, say why you are interested in Smokies wilderness. Indicate that, as a TCWP member, you support the Citizens' Wilderness proposal of 476,000 acres (i.e., all Natural Environment - Type I and several Natural Environment - Type II areas). The Sasser-Baker bill, S.1947, which proposes 467,000 acres, is acceptable but should be improved by also including the Parson Branch Road and other administrative road corridors within the wilderness boundaries (to be used as roads by Park Service staff only). A map showing these proposed additions to S.1947 will be submitted by Ray Payne. Strongly oppose the harmful provisions of the Helms-East bill, S.2183 (see above). Support the payment to Swain County, N.C., of a monetary settlement in lieu of building roads north of Fontana.

Please write as soon as possible. The hearing record will stay open for at least 30 days after the hearing i.e., until April 26. Send copies of your letter to Sens. Sasser and Baker, and to Congressman Duncan (addresses below ACTION SUMMARY).

3. CHEROKEE WILDERNESS BILL: CO-SPONSORS NEEDED

* The Duncan bill, introduced last November to designate wilderness in the southern portion of the Cherokee National Forest (NL 132 ¶1B, NL 133 ¶4A), needs Congressional support. (1) Your U.S. Representative should be asked to co-sponsor H.R. 4263. He/she can do this simply by having an aide call Congressman Duncan's aide, Pat Willard at 202, 225-5435. (2) In addition, Senators Baker and Sasser should be urged to introduce a companion bill in the Senate. (3) Finally, Rep

John Duncan must be thanked and encouraged to request hearings on his bill. If each of us will write these 4 short letters, or even postcards (addresses on last page), it'll do much toward getting this bill passed. If not, the bill may fall by the wayside in this short Congressional session, and we would have to start all over again next year.

Incidental intelligence: 580,000 of the Cherokee National Forest's 623,800 acres, i.e., 93%, are affected by either approved leases or pending applications for oil and gas exploration.

4. OBED: THE NEED FOR MORE ACQUISITION FUNDS

Although we were successful last year in getting \$1 million appropriated for the Obed Wild & Scenic River (WSR) for FY 1984, the amount was the maximum we were able to get in one year (under the Burton amendment) without raising the authorized spending limit. It is not sufficient for completion of land acquisition, to say nothing of other possible expenses. With the addition of this FY 1984 Obed appropriation, the Natl Park Service now has about \$1.8 million in hand, but NPS needs to buy another 3600 acres in fee or easement. (So far, 1006 acres have been acquired in fee, ~100 acres in easement, and 317 acres are in Catoosa, making about 1423 acres in all, or about 28% of the total.) Although NPS will not provide an official statement of the cost of completing the project, we can make a reasonable estimate, based on our calculation of the price per acre for the land that has already ^{been} acquired, a small inflation factor, and the costs of surveying, appraisal, and title search -- which must be born by NPS if the seller requests these services (as he should). After subtracting the \$1.8 million which NPS has in the bank, the minimum amount that needs to be appropriated is about \$0.6 (assuming there are no extra costs resulting from condemnation settlements, etc.).

This year, in contrast to last, we have been successful in getting Obed funds included in the "Conservationists' Proposal" for the Land & Water Conservation Fund (LWCF). This proposal, drawn up by a coalition of national groups, generally carries considerable weight in Congressional committees. The Conservationists' Proposal for FY 1985 includes \$0.5 for the Obed (0.2% of the total of \$210 million proposed for national parkland acquisition, see #12A, this NL); the Administration Proposal fails to include any funds for the Obed.

WHAT YOU CAN DO: Mark-up sessions on the LWCF will probably be held in about two months. Between now and then, it is important that we get as many Tennessee Congressmen as possible to back up our request. Please ask your Representative (address on last page) to contact Congressman Yates, chairman of the House Appropriations Interior Subcommittee, and express his/her support for the Obed appropriation. Points you may wish to make: the Obed is an outstanding resource that must be protected; it is Tennessee's only National Wild & Scenic River, and one of only three in the southeast; unprotected portions of the river corridor are seriously threatened by large-scale timbering operations, oil drilling, and the possibility of second-home development; delays in acquisition could lead not only to irreparable resource damage but also to land-price escalation.

We've worked so long and hard on this one, let's try to get it finished! Please write a note today, before you forget.

In other Obed news:

- NPS has issued a colored brochure on the Obed WSR. It includes a good map of the system and surroundings. (Write to Obed WSR, P. O. Drawer 630, Oneida, TN 37841)
- Construction is underway for a trail segment west of Nemo.

5. BIG SOUTH FORK: SPENDING CEILING SHOULD BE LIFTED NOW

A. A push for full land acquisition is needed

The Big South Fork National River and Recreation Area (BSFNRA) was authorized in 1974 to encompass close to 125,000 acres. Although the spending limit was subsequently increased from about \$32 to about \$103 million, even the latter amount allowed only about 105,000 acres to be acquired. This forced the Corps of Engineers (which is doing the land acquisition) to designate so-called "deferred" lands within the authorized boundary, i.e., areas that will not be acquired unless the spending limit is lifted. Unfortunately, these deferred lands (e.g., the area

between North Whiteoak Creek and its Laurel Fork, the lower New River gorge and surroundings) not only have outstanding natural features but they are also threatened by second-home development or mineral extraction. It is very important to get the "deferred" lands acquired before they are rendered forever unsuitable for incorporation in the BSFNRRA, or before land values (adjacent to a national area) escalate to the point where they become prohibitive.

Sen. Baker is, of course, the key person in getting the spending ceiling lifted, and he has only a few months left in the Senate. It is thus urgent that you write to him now in support of this effort, particularly stressing the land-acquisition angle. Please write similar letter to Congressmen Jim Cooper, Al Gore, Jr. and your own U.S. Rep. (address on last page). The effort to raise the spending limit is also strongly supported by the local county governments, both on the Tennessee and the Kentucky side, which sent a joint delegation to Washington in early February. Their stress was primarily on developments within the Area, and less on completing the land-acquisition process. The local governments would also like "impact funds" (to prepare for commercial developments in areas surrounding the BSFNRRA), but decided to subordinate this request to that for project completion.

B. Other BSF capsules

- The Corps advertized about 284 acres within the BSFNRRA for agricultural leases. The land is in scattered small parcels (42 acres maximum) in forested portions of the Adjacent (i.e., upland) Area. The idea is to produce an "edge effect" for the enhancement of certain types of wildlife. Those farming the parcels will not be permitted to control wildlife damage to their crops, and will be required to practice crop rotation.
- Bids were opened February 29 for construction of 2.75 miles of road to the planned Blue Heron site. The Master Plan projects Blue Heron as the chief recreation area on the Kentucky side of the BSFNRRA. The main development site in Tennessee, Bandy Creek Campground, is already under construction.
- Historic Rugby, adjacent to the BSFNRRA, has received a community block grant from the State of Tennessee to construct the Rugby Village Centre. The \$348,200 contract calls for:
 - (a) restoration of the 1880 Newbury House to serve its original function as a small inn,
 - (b) reconstruction of Rugby's original cooperative commissary, where local crafts will be on sale, and
 - (c) construction of a new Harrow Road Cafe in the style of Rugby's historic buildings.

6. WILL CONGRESS ALLOW TVA TO SCRAP COLUMBIA DAM? YOUR HELP IS NEEDED

TVA is willing to scrap Columbia Dam if the politicians will let it. This is where you can help. It is indeed good news that TVA told the Congress on February 28 that the benefits of completing Columbia Dam fail to outweigh the costs. At a hearing of the House Energy and Water Development Subcommittee, all three TVA Directors agreed that this was the case, and pointed out that there were higher priorities than Columbia Dam for TVA's limited non-power budget. The effort to transplant endangered Duck River mussels (which would be wiped out by dam completion) failed to produce the required success rate (NL 132 ¶8), and a continuation of the transplantation trial would cost \$8 to 10 million.

There are, however, at least two ways in which Congress could force TVA to continue wasting money on this non-justifiable dam. (1) The appropriations bill could be written so as to earmark funds for the Columbia project, and could direct TVA to finish it. (2) The nominee for the upcoming vacancy on the TVA Board (see ¶10A, this NL) could be forced to support dam completion. Sen. Sasser has, in fact, warned that he will actively oppose any nominee who does not pledge his/her support for Columbia.

WHAT YOU CAN DO: You can express your outrage that, in this age of budget deficits, a government agency could be forced to spend money on a project that the agency itself has admitted is wasteful. The three people to write to are (a) Sen. Sasser (who wants to force the hand of the TVA Board nominee), (b) Rep. Al Gore, Jr. (who is running for the Senate and thus should listen to all Tennesseans -- not just a small group in Columbia, and (c) Rep. Bill Boner, who sits on the House Appropriations Committee (our Nashville members, in particular, need to contact Boner). For addresses, see last page of NL.

7. OTHER RIVERS, WETLANDS, WATER PROJECTS -- STATE AND FEDERAL

A. The Collins may be lost from State Scenic Rivers Act

The Collins was our great hope for revitalizing the State Scenic Rivers System. The State's Safe Growth Team had funded the Collins River Protection Plan, which was being developed by TEC (NL 132 ¶7B), a river ranger was making contacts with riparian landowners, a wide range of protection options (alternative to fee-simple acquisition) was being developed. The Collins Plan was to become a model for implementing other rivers in the state system. Now, all of a sudden, the county courts in the area are demanding to have the Collins deleted from the Scenic Rivers Act, and local bills to that effect were introduced on March 5. Local bills almost always pass. What went wrong?

As in the case of past river removals, factually false rumors suddenly surfaced in the area, spread like wildfire, and managed to convince people to the point that presentation of facts had no impact. The most harmful rumor was that land would be condemned, and that the state could obtain easements through condemnation. Another was that a state scenic river could, without much ado, be transferred to the federal scenic rivers system. Underlying all is a deepseated local opposition to letting people "from all over" have public access to the river. Emotions ran so high at the public meetings that citizens who were in favor of scenic-river designation were afraid to speak up for fear of having their property harmed.

Could anything have prevented this? Apparently, the Dept. of Conservation failed to make many of the important land-owner contacts prior to the public meetings. An appreciable number of the land owners thus did not have a chance to express their personal concerns, neither did DoC have the chance to dispel some of their misapprehensions or straighten out the misinformation. At the first of the public meetings, a DoC speaker came across as too dictatorial. Finally, since the state has never yet used condemnation in connection with the Scenic Rivers Act, and does not plan to use it in the future, it may be well to remove all reference to eminent domain from the language of the Act. Even if this could be done immediately, however, it doesn't seem as though the Collins-removal bill can be headed off.

B. The Reagan Administration's Wild & Scenic Rivers Act amendments must be defeated

The Senate Subcommittee on Public Lands has just held hearings on a Reagan Administration bill, S.1084 (introduced by Sen. McClure) that would seriously weaken the National Wild & Scenic Rivers Act. S.1084 would make it harder for rivers to be added to the system, and easier for those already in it to be removed (11 river segments of interest to developers could be pulled out immediately if the White House proposal were to become law). Thus, a state legislature, by passing a simple resolution, could unilaterally remove a river from the national system. (For a sample of what our state legislature does to state rivers see the preceding paragraph in this NL.) Also, new National WSR designations would have to be dependent on approval by state legislatures and by federal agencies with lands bordering the rivers proposed for inclusion in the system. S.1084 must be strongly opposed. Write to Sen. Malcolm Wallop, Chm, Public Lands Subcommittee, U.S. Senate, Wash., DC 20510. In the same letter, you may wish to endorse S.1756, see ¶7C, this NL. Send copies to your own senators.

C. The State and Local Rivers Conservation Act, S.1756

was introduced by Sen. Durenberger last August and now has quite a few co-sponsors. The bill would provide badly needed funding and manpower to programs that seek to preserve rivers not protected by the National Wild & Scenic Rivers Act. Among other things, S.1756 would render state rivers systems virtually immune to licensing of hydro projects by the Fed. Energy Regulatory Commission. The bill also clarifies tax laws for those who are willing to donate river-side lands to trusts or conservancies for protection. Urge your two senators to co-sponsor this useful bill. (See last page for address).

D. Support needed for bills that would halt unprecedented wetlands destruction

Thanks to Sec. 404 of the 1972 Clean Water Act, over 300,000 acres of wetlands (with their rich animal and plant life) have each year been saved from destruction. But under the Reagan Administration, a relentless war on Sec. 404 has been waged. First, the Corps tried to show what

hardships were being suffered by people who had to apply for dredge-and-fill permits. ("We must have more tales of woe connected with 404," urged a 1981 Corps publication.) Then the Presidential Task Force on Regulatory Relief issued Sec. 404 "reforms," which led to promulgation of new Corps regs governing permits. Such permits now provide almost unrestricted approval for the destruction of millions of acres of wetlands. The new threats to wetlands are addressed in two House bills presently being considered for Clean Water Act reauthorization. If you are in favor of halting unprecedented wetlands destruction, write to your U.S. Rep. and urge him/her to support HR 3282-Section 10, and HR 4393. In the Senate, progress on Clean Water Act reauthorization is farther along than in the House. A bill is scheduled for floor action early in April. Sen. Sasser's is considered to be a key swing vote. It is important that you contact him without delay to urge his support of S.431 and his opposition to all weakening amendments. He should, in particular, resist a move by Sen. Wallop who is trying to remove consideration of water-flow factors from the 404 permit program.

E. Huge "omnibus bills" would authorize many wasteful projects

After nearly 8 years of not acting on this subject, the Congress is once again pushing through a water-project omnibus bill. The House bill, H.R. 3678, authorizes 166 new projects and an outlay of over \$12.4 billion. The senate companion bill, S.1739, is just a little more conservative authorizing "only" 131 new projects costing altogether \$8.1 billion. Many of the projects would be highly destructive to rivers and to wetlands. The most controversial policy question on water projects concerns cost sharing, i.e., a significant investment from localities that are the projects' beneficiaries. On January 23, President Reagan -- apparently mindful of Western support for his re-election campaign -- stated that cost sharing should be worked out on a project-by-project basis. Opponents of this flexible approach point out that it leaves agencies free to cut "sweetheart" deals for politically important projects that local folks would not consider worth having if they had to pay a substantial portion of the cost themselves.

WHAT YOU CAN DO: Write to your U.S. Representative and to both Senators urging them to support strong and uniform cost-sharing and user-fee provisions in any legislation that authorizes new water projects. Also point out that the mammoth "omnibus" bills serve to bury individual pork-barrel projects from being closely scrutinized during the legislative process.

F. Ocoee compromise approved by TVA Board

The scheme we described in our last issue (NL 133 19) for resolving the Ocoee conflict was indeed approved by the TVA Board on January 18, with the details as described in our article. The first release of water is to occur March 24, and the river will be open 116 days per year. For the repayment of the \$6.4 million appropriation to TVA, fees will be levied only on commercial outfitters and not on rafters using their own equipment. The outfitters will, however, pass the cost on to their customers (\$2 a head during the next 8 years, gradually escalating thereafter). The \$1 million portion of the federal appropriation that is to go to the State will be used to construct a parking lot, restrooms, and clothes-changing facility. The state will provide security at that area, and will enforce strict safety measures for river use. One big concern now is potential crowding. The river was already pretty full when it was open 200-225 days/year. When it's in use for only a 116-day period, a reservation system may have to be instituted.

G. Forest Service recommends against National Wild & Scenic status for Kentucky's Red River

Many of you will remember that a Corps of Engineers proposal to dam the spectacular Red River gorge was defeated in 1975, but the dam was never deauthorized, and some politicians still want to see it built. Wild & Scenic River (WSR) status would have eliminated the dam threat, but the U.S. Forest Service, on whose land the gorge is located, recommended the "no action" alternative in the draft study released Dec. 5. The USFS implies that the river would be preserved just as effectively without the WSR designation -- a rather surprising conclusion from an agency that, not too long ago, supported the dam proposal. For info on how to help, contact Pamla Wood, Kentucky Rivers Coalition, P.O. Box 1306, Lexington, KY 40590, Ph. 606, 269-7371.

H. Snail darter reclassification

The U.S. Fish & Wildlife Service has given notice in the Federal Register of Feb. 21, that it proposes to reclassify Percina tanasi from "endangered" to "threatened," and to rescind presently designated critical habitat in the Little Tennessee River. The decision is based on

the conclusions of the Snail Darter Recovery Plan. Despite these two actions, the snail darter would continue to be protected as a threatened species. The USFWS welcomes any data on the snail darter's biology, range, distribution, etc. (Write Endangered Species Field Station, 100 Otis St., Rm 224, Asheville, NC)

J. June is American Rivers Month

River lovers all across the country will celebrate their local rivers and will try to increase the public awareness of river issues by providing river experiences for public officials and the media. Can you help organize some river event for Tennessee?

8. COAL AND OIL: THE STATE AND THE NATION

The state stripmine law is seriously threatened. We hope you will take action, as recommended in ¶1, this NL.

A. Status of petitions to designate certain lands as unsuitable for mining ("522 petitions")

At the January 23 hearing on the petition to designate land adjacent to Frozen Head State Natural Area as unsuitable for mining, the mine operators turned out all their employees and relatives. No independent person spoke on behalf of mining the critical area, but several people spoke on behalf of the 522 petition on which TCWP was the major intervenor. At least 10 TCWP members attended the hearing, and several of them made oral statements (including Chuck Coutant, Bob Peelle, Carol Nickle). Sam Pearsall read a statement from Commissioner Howell to the effect that the Dept. of Conservation (DoC) supports our petition. So many rare and special animals and plants were found during the studies that were made to support our petition that the DoC's Heritage Program has assigned "fragile lands" status to the whole petition watershed. The Commissioner of Health & Environment has 2 months from the hearing date in which to render his decision.

Another 522 petition was filed in mid-November to designate the North Chicamauga Creek Watershed as Lands Unsuitable for Mining. A copy of the petition may be requested from the Div. of Surface Mining and Reclamation, Tenn. Dept. of Health and Environment, 305 W. Springdale Ave, Knoxville 37917.

B. Leasing of minerals from state lands

As we informed you earlier (NL 133 ¶3B), the state appears to be on the point of abandoning its earlier policy of denying any requests for mining or drilling on state lands (state parks, forests, etc). Dept. of Conservation and TWRA staff are engaged in drafting executive policy on mineral leasing. The draft will be reviewed by the Safe Growth Cabinet Council, but no provisions have been made for public input. If this disturbs you, write to Gov. Alexander (see last page for address).

C. Ask for surface-owner rights in oil & gas operations

Tennessee currently does not require any notice to the surface owner when an oil company, wants to move in and start drilling. Many a landowner has woken up to find a road dozed through fields of ripe crops. This is particularly galling in cases where the surface owner does not own the mineral rights and thus receives no royalties for the oil. Contrary to common belief, significant disturbances are caused by oil & gas production: timber felling, construction of roads for heavy equipment, digging of ponds for brine and detergent, and of pits for oil runoff, and, often, contamination of underground and surface water. A bill will soon be introduced in the General Assembly that will provide (a) that the surface owner be notified of pending operations and be able to comment on location of surface disturbances, and (b) that the surface owner be compensated for damages. Sponsors are Reps. Bill Atchley and Loy Smith, and Sen. J. B. Shockley. If you wish to keep informed on activities concerning this bill, contact SOCM (P.O. Box 457, Jacksboro 37757).

D. Federal stripmine news

- James R. Harris, director of the federal Office of Surface Mining since August 1981 has resigned his job. As of March 15, he'll be replaced by Dr. Lyle Reed. The changeover is said to be unconnected with the Watt → Clark transition.

- It recently took court action to prod OSM to prosecute delinquent coal companies, some of whom had ignored as many as 30 orders to reclaim land stripped by them. Since 1980 there have been well over 1200 violations of federal law by about 700 stripmining corporations, but citizens (Council of Southern Mountains) had to bring suit to force OSM to get down to the business of prosecuting. OSM now says that it will recommend criminal and civil penalties in 108 and 216 cases, respectively, but claims that 963 cases are "not appropriate for sanctions."
- What about that coal-leasing commission appointed by former Sec. Watt, which had "a black, a woman, two Jews, and a cripple"? The commissioners had so many conflicts of interest (e.g., some are members of Boards that own coal companies) that, on most votes, three or more members had to recuse themselves. One commissioner said "I seriously question whether the action of two commissioners is sufficient to give a proposal for legislative change the imprimature of the commission." Another member was concerned about the objectivity of the commission's staff, several of whom came directly from Watt's shop. Concerning the Powder River coal sale of 1982-- in which the government sold coal for 4.3 cents per ton, altogether (according to the GAO) at \$100^{million} less than fair market value -- the Commission report hinted, but did not specifically state that a criminal investigation would be in order. -- Last year, Congress imposed a moratorium on further coal leasing from public lands until 90 days after the commission made its report, i.e. until the end of April.

9. STATE MATTERS

A. Environmental issues before the state legislature

The Tennessee General Assembly is in regular session now, and will be considering a number of issues that are of critical interest to TCWP. The stripmine law threat is discussed in ¶1 of this NL, the Collins R. removal in ¶7A, and oil & gas surface rights in ¶8C. Discussion of some other issues follows.

The Environmental Action Fund, the lobby arm of the Tennessee environmental movement has again hired Penny Harrington as its lobbyist. This year, EAF is tackling not just a single issue (toxics in 1983), but several: (a) acquisition of more state natural areas; (b) appropriation for the hazardous waste cleanup fund; (c) passage of a Rare Plant Protection Bill; and (d) opposition to weakening changes in the Tenn. Surface Mining Act. Recently TCWP received a letter from the Research Analyst of the Senate Energy & Natural Resources Committee soliciting our views on legislation that will be considered by the General Assembly. In responding, we stated that our greatest concern was that stripmine legislation not be weakened [item (d) in the above EAF list]. We also supported natural areas acquisition and rare plants protection. An additional position we mentioned was our opposition to removal of the Forestry Division from the Dept. of Conservation. All of these very important issues are discussed in more detail in NL 133, (¶1 and 3), and in ¶1 of this NL. We urge you to communicate your individual views to your state representative and senator (see POLITICAL GUIDE we sent you last time). It is very important that they hear from many of us.

B. Department of Conservation budget. Featured: Natural Areas acquisition

As we informed you earlier (NL 133 ¶3A), the Alexander Administration has this year made a sizable request for Natural Areas acquisition. This \$2 million item needs our very strong support not only for its own sake, but also to demonstrate to this and future administrations that Tennesseans want to see their natural areas preserved. Contact your State representative and senator on this (see POLITICAL GUIDE.) The total Capital Projects budget of the DoT is \$3.375 million, and there are only 6 projects in addition to the Natural and Cultural Heritage Area acquisition. One of these is Hiwassee Scenic River: visitor center, picnic shelter (\$125,000) another is Cumberland trail: construction (\$75,000).

C. Clean Water Initiative

The Select Committee on Clean Water, which was convened by Gov. Alexander to make action recommendations, has issued an interim report. Partly as a result of these recommendations, the Administration budget contains \$14 million in grants to local governments for wastewater treatment, \$0.6 million added for enforcement activities, and \$0.23 million for increased staff for aquifer protection and groundwater utilization. The Select Committee also recommended that several harmful provisions in present laws be examined with an eye toward their elimination.

Among these are the provision allowing blasting in bedrock for installation of septic drain fields, and the agriculture-and-forestry exemption in the Tenn. Water Quality Control Act. Other recommendations are that the State acquire significant wetlands, that the public be educated on the values of wetlands, that the law address wetlands destruction, and that sand and gravel dredging be more stringently regulated. To get more info, or to comment, write Safe Growth Team, 1600 James K. Polk Bldg., Nashville 37219.

D. A list of potential State Scenic Rivers has been prepared by the Dept. of Conservation. About 20 such rivers will be studied, but it is probable that only about one-fourth of these will meet criteria.

E. Tree-cutting for Interstate billboards: decisions pending
The Knoxville Green Association filed suit against the Tenn. Dept. of Transportation, charging that DoT issued tree-cutting permits without publishing detailed regulations pertaining to last year's law, and without holding public hearings. A temporary restraining order against the granting of permits was issued January 16, but the injunction was lifted 9 days later by a Nashville chancery court. The suit itself is still pending and may be heard in a few weeks. In the meantime, a move is underway to muster enough support to change the law itself. Knox Cy. Rep. Jim Hudson is taking a lead in this effort. Under discussion is the removal of interstate billboards (the state could buy them cheap if it paid the values owners list for tax purposes, instead of the supposed marketing values) and adoption of the logo system that already exists in several surrounding states (standard logos on interstate exist signs).

F. No red wolves for LBL
The red wolf once roamed through the southern U.S., but is now extinct in the wild; fewer than 75 exist in captivity. TVA biologists proposed to introduce 5 pairs into Land Between the Lakes and, in concert with the USFWS and Tenn. and Ky. wildlife agencies, attempt to reestablish a viable population. The majority of people voting at several meetings in the region, as well as of those signing petitions, opposed the wolves. The negative margins were, however, more than counterbalanced by pro-wolf individual comments (letters, calls, etc.). Nevertheless, the Tenn. Wildlife Resources Commission on January 6 voted to reject the proposal, possibly because 3 county courts, various state senators and reps, and the Tenn. Farm Bureau were ranged on the anti-wolf side. Interestingly, so were the Defenders of Wildlife (because hunting is permitted on LBL for 200 days/year and would conflict with wolf protection) and the U.S. Humane Society (because there was talk of prior extermination of LBL coyotes to prevent hybridization).

G. Tennessee in bottom half
The Conservation Foundation has ranked states on their efforts to protect the environment. Tennessee came in 33rd. One interesting finding was that industries do not necessarily move to pollution havens. Thus, among states ranking higher than Tennessee are several that have shown considerable industrial growth.

10. TVA: THE BOARD APPOINTMENT, AIR-POLLUTION CONTROL, AND OTHER MATTERS

A. Individual support needed for Coalition's slate
The TVA Board Appointment Coalition, which represents 42 organizations (including TCWP) throughout the TVA service area and beyond, considered a large number of suggested names, contacted 19 persons, and interviewed nine of the possible candidates. Consensus was reached on four people: Sara Balcomb of Santa Fe, NM, a developer of solar energy sources; Dr. John Gibbons, a physicist who now heads the Office of Technology Assessment in Washington (and is a long-standing TCWP member); Bailey Guard, staff director of the Senate Comm. on Env't. and Public Works, and Dr. Don Huisinigh, NC, a biochemist, who has established pollution control systems for TVA and the State of NC. In early February, Coalition representatives traveled to Washington, where they presented the above slate to Senator Baker and visited several other key people in the Congress and executive branch.

It is expected that Sen. Baker's recommendations to Pres. Reagan will carry much weight. We must, therefore, individually contact Baker and endorse one or all of the Coalition's slate of

* candidates. (TCWP has already written as an organization.) There is some urgency to do this because David Freeman's term expires May 18, and Baker plans to make his recommendation by April 1. In addition to contacting Sen. Baker, you may also wish to contact the White House and your other Senator(s). (For a special message in Sen. Sasser's case, see ¶6, this NL.)

B. TVA's air pollution control effort is completed -- citizen involvement pays off

In 1976, TVA was the nation's most polluting utility: its coal-fired plants were emitting 2,400,000 tons of SO₂ annually. TCWP was one of 11 citizens' groups in a three-state region that brought a clean-air suit against the agency, and after David Freeman replaced Red Wagner, a consent agreement was signed that mandated the amount and manner of pollution reduction. On Dec. 14, 1983, the TVA Board certified that it had met the last requirement of the consent decree (except for completion of the scrubbers at the Paradise Steam plant, which was slightly delayed). TVA has reduced its total SO₂ emissions by 1,300,000 tons (i.e., by more than 50%) and its particulate emissions by 450,000 tons, using a mix of control strategies that were not as costly as predicted by power industry's estimates of a few years ago. The system is, in fact, emitting considerably less pollution than the amount allowed in the consent decree.

The citizen-instigated effort has not only led to much cleaner air for a large region of the country, but it has produced a vast improvement in TVA's image in the Congress and elsewhere. Instead of being a law breaker, TVA is now a world leader in how to produce power relatively cleanly. S. David Freeman led the effort within TVA, and followed through on his promise to set up a citizens' Implementation Committee (which his predecessor, Red Wagner, had refused to do). TCWP has, over the years, been represented on this committee.

In recent acid-rain hearings, the TVA Board expressed the agency's willingness to reduce SO₂ emissions by yet another 50% if Congress requires other polluters to make equivalent reductions. This would mean more energy-conservation efforts and more reliance on the TVA nuclear plants that are in operation or under construction. TVA opposes federal subsidies to polluters for clean-up efforts, arguing that these would obscure the true cost of power generation and lead to a more wasteful use of electricity (and thus to more pollution).

C. New Director for TVA's Environmental Quality staff; a TVA environmental conference

After a 5-month hiatus, TVA's EQ staff will again have a director. Martin E. Rivers, 43, a native of Niagara Falls, NY, and with a masters degree from West Virginia Univ., comes to TVA from the Canadian Dept. of the Environment. There he started work in the Air Pollution Control Directorate in 1971, eventually becoming its director general. His most recent title was Associate Director General of the Environmental Protection Programs Directorate. The TVA EQ Staff is part of the Office of Natural Resources and Economic Development, headed by Dr. Billy J. Bond -- Tennessee environmental leaders will get acquainted with Martin Rivers at a TVA Board/Valley Environmental Meeting hosted by TVA April 2-3. The agenda includes tours, panel discussions, small group meetings, briefings, an address by S. David Freeman, and a discussion with the Board. TCWP will be there.

D. TVA's FY 1985 Budget Request

The Administration's budget request for the nonpower part of TVA's program is \$115.3 million of new appropriations, and \$2.2 million in carry-over funds. The \$17.0 million portion of the budget earmarked for construction contains no money for Columbia Dam (see also ¶6, this NL). About \$40.3 million will go for natural-resource programs, with particular emphasis on improving water quality and quantity (nonpoint source pollution abatement and public water supply management). Economic and community resources activities, for which \$14.6 million are budgeted will include a broad-scale investigation of the Valley's hazardous waste problem and potential solutions. Collaboration with environmental groups and the public is being sought for this effort.

11. WILDERNESS FOR BLM LANDS AND ELSEWHERE

A. Help needed in setting aside BLM wilderness

A nationwide citizen effort will be needed to counteract the Reagan administration's anti-wilderness bias when Congressional decisions are made on some magnificent BLM (Bureau of Land

Management) lands now under wilderness study. About 24 million acres in 11 western states are being reviewed. The Administration is rushing the process unduly toward a 1984 (instead of 1991) completion date. Watt appointees, favorable to mining interests, are rejecting areas on invalid grounds. Citizens in those western states whose Congressional delegations consist entirely of Reagan supporters are trying to organize a Public Lands Defense Network in the East. A coordinator is needed for each Congressional district. Won't you help? You would receive information from the Network coordinator and would respond to occasional alerts by writing to your own U.S. Rep and/or Senators. If you are willing to participate in this important effort contact S. Henry Hall, 2789 Sky Lake Cove, Memphis 38127.

B. No more mineral leasing in wilderness!

December 31, 1983, marked the end of the ~20-year period (since passage of the Wilderness Act) during which mineral exploration and the filing of mining or oil claims could continue in wilderness areas. Last year, about 1000 applications for oil and gas leases were on file, but the Congress fortunately prevented USDI from acting on these. As of 1/1/84, Congressional intervention is no longer needed to protect wilderness against new mining or drilling. -- Since passage of the 1964 Act, about 74 million acres in national forests and parks have been designated as wilderness or wilderness-study areas.

C. Wilderness designation is not a "lock-up" of resources

Contrary to the belief that wilderness designation has "locked up" badly needed mineral supplies, results of a two-year study, recently analyzed by the USGS, show that only 4% of the acreage in the wilderness or wilderness-study designations has a high probability of containing petroleum wealth. This is largely due to the fact that many wilderness boundaries were drawn specifically to exclude mineral-rich areas.

12. NATIONAL ISSUES

For national water issues, see ¶7 (B,C,D,E); for coal, ¶8D; for wilderness, ¶11

A. Parkland acquisition funds (LWCF)

This is what the National Park Service has available to spend for parkland acquisition in FY 1984: \$67 million in regular appropriation, \$34 million carry-over from prior years, and \$25.5 million from a supplemental appropriation, almost all of which is earmarked for Congaree Swamp, S.C. The high percentage of carry-over is characteristic of the Reagan years when all sorts of roadblocks are being laid in the way of land acquisition. (It is interesting to compare successive years with respect to the unspent portion of the LWCF. For FY's 1979, 1980, 1981, 1982 [the first year Reagan policies had an impact], and 1983, this unspent portion was 15, 7, 19, 49, and 38%, respectively.

LWCF appropriations for FY 1985 are soon to be decided on by the Congress. The Administration has requested \$100 for parklands acquisitions. About 40% of this is for court settlements, and, thus only \$60 million would go toward new purchases. A coalition of conservation groups, after carefully and conservatively evaluating needs, has come up with the Conservationists' Proposal for \$210 million. The \$210 million includes \$0.5 million for the Obed (see ¶4, this NL). The Administration's request contains no funding for the state portion of the LWCF (Congress appropriated \$75 million last year), and no funds for urban parks or for historic preservation. By contrast, the Administration has upped construction spending (park buildings and roads) by 77%.

B. Status of various park-related bills

- Park Protection Act H.R.2379 (see NL 132 ¶11C). Though this passed the House by a huge margin last October, there has as yet been no Senate action. The Reagan Administration opposes this bill.
- Alaska Anti-Park bill, S.49 (see NL 132 ¶11B). A weakened version of this dangerous bill was reported by a Senate Committee last August "without recommendation." There is widespread opposition to S.49; and since Sen. Steven, the chief sponsor of S.49, has ambitions to succeed Sen. Baker as Republican leader, he may not want to expose the bill to a Senate floor fight, and could let it die.

- American Conservation Corps (see NL 130 ¶10C). Was passed by the House last spring (HR 999). A shell version of the bill may come up any day now on the Senate floor, where it will be "fleshed out" with amendments. The Senate version is expected to have much lower funding levels than the House bill.

C. National Wildlife Refuges and oil & gas leasing

Last year, a sly re-writing of regulations by the USDI opened 4 million acres in 200 Refuges to oil & gas leasing (NL 131 ¶10D). Alerted by environmental groups, the Congress during the last week of the 1983 session passed legislation that makes it very difficult for USDI to issue leases. USDI Sec. Clark has now stated that the Department presently has no plans for mineral leasing in Refuges. -- An American Petroleum Inst. whitewashing of oil & gas activities in the Refuges has been analyzed by the Env'tl. Defense Fund which has found that API's conclusions are unsupported by the data.

D. Outdoor Recreation Commission

Work of the Outdoor Recreation Resources Review Commission (ORRRC) of over 20 years ago resulted in such important measures as the Land & Water Conservation Fund, the Nat'l. Wild & Scenic Rivers System, and the Nat'l Trails System. Late last fall, the Senate passed legislation (S.1090) that would establish another ORRRC. Chances for House passage are good.

E. Endangered species programs

The US Fish & Wildlife Service (USFWS) budget is one area in which the Administration's performance seems to have improved. Within the Resource Management portion of the budget, the Administration is asking for \$25 million for the Endangered Species Program (as compared to a \$17 million request last year; Congress appropriated \$22 million). For USFWS land acquisition, the Administration request has jumped from 0 in FY 1984 (Congress gave \$42 million) to \$58 million for FY 1985. The money would go for expansion of Wildlife Refuges and to fund wetlands acquisition legislation now pending in the Congress. About \$10 of the \$58 million would be used to acquire acreage needed for the protection of endangered species -- better than before, but still far from sufficient.

F. Acid rain reduction

The National Clean Air Coalition, which is made up of most of the nation's major environmental groups, urges that the following messages be given to Congress:

- (a) The Clean Air Act must be reauthorized this year, and must be strengthened in the areas of acid rain and toxic air pollutants.
- (b) Senators should support S.2159 (Paucus) and S.769 (Stafford-Hart).
- (c) Representatives should co-sponsor HR 3400 (Waxman-Sikorski-Gregg) and should support an amendment increasing the reduction to 12 million tons. (The USA emits over 26 million tons of SO₂ per year. It is thought that emissions must be reduced by 50% in order to reverse the disastrous trend toward acidification.) In writing to legislators, you may wish to note that is not only New England that is suffering from acid rain, but our region as well (as measured in the Smokies), that TVA has successfully reduced SO₂ emissions by over 50% without causing undue hardship (see also ¶10B, this NL), and that the National Academy of Sciences has found that reduction in acid rain damage is proportional to reduction in SO₂ emissions. Because this is a short legislative session, and because the Congress is split on acid rain control, there is the danger that nothing will be done this year unless legislators find that their constituents clamor for action

The presidential contenders are already clearly split on the subject: Reagan has opted for more study and no controls (and apparently squelched even a modest control scheme proposed by EPA's Ruckelshaus); on the other side 6 of 8 Democratic candidates (including all those who remain in the race), appearing at an acid-rain conference in January, committed themselves to strong controls.

G. Another Forest Resources Plan in the making

Under the terms of the Forest and Rangeland Renewable Resources Planning Act of 1974, the US Forest Service is preparing its third 5-Year Resources Plan. Public comment is invited for use in determining what shares of the nation's timber, range, outdoor recreation, wildlife, wilderness, water, and other renewable resource outputs the agency should help produce. In addition

to management of the 191-million-acre national forest system, USFS activities include cooperative assistance programs with states and private landowners, and research. A draft EIS on the Plan has been issued and may be requested from the Regional Forester, P. O. Box 2010, Cleveland, TN 37311. Comments are due by 4/9/84.

13. THE ADMINISTRATION'S ENVIRONMENTAL STANCE: CHANGES IN IMAGE WITHOUT CHANGES IN SUBSTANCE

A. Secretary Clark's Interior Dept

The buffalo on the Interior Department's seal is facing left again (for a while, under Watt, it faced right on news releases and on lapel pins, including one Watt presented to Pres. Reagan). But nothing much else seems to have changed at the USDI under Clark (in fact, the buffalo returned to its original position some time before Watt's departure). Most of Watt's most notorious protégé's remain, and some, in fact, have now expanded their sphere of influence. Among those remaining are Asst. Sec. G. Ray Arnett, who is credited with much of the nitty-gritty of slowing parklands acquisition and for expanding oil leasing in wildlife refuges, and Garrey Carruthers, promoted by Clark to Assistant Secretary for Land and Minerals Management (in which capacity he'll oversee the Office of Surface Mining, the Bureau of Land Mngt., and other entities within USDI). As his deputy, Clark chose a public relations manager, rather than someone who could supply the experience he himself lacks.

During the Clark confirmation hearings, the Senate almost passed Resolution 277, which urged the new Interior Secretary to end energy developments in wilderness-study areas and wildlife refuges, to reject plans to sell public lands, and to resume parklands acquisition. Even the White House admitted that a close vote in the G.O.P.-controlled Senate "would be a repudiation of the Administration's overall environmental policies." The vote was, in fact quite close, 42:48. (Sen. Baker voted against the Resolution and Sen. Sasser for it.) Has the White House changed its stance on environmental protection? Read on.

B. Environmental promises in State of Union message

"Conserving the administration's policies while improving its image appears to be the new secretary's [Clark's] assignment," says Audubon's Russell Peterson. Other prominent environmentalist leaders (e.g., those represented on the board of the League of Conservation voters) have concluded that a similar strategy is being employed by the President himself and that much of what is being done is an attempt to defuse environmental issues in an election year. Thus, each of the environmental goodies tendered in the State of the Union message can be shown to be a sham. (a) EPA gets "one of the largest percentage budget increases of any agency." In fact, EPA's "purchasing power" had decreased by 40% since Reagan took office; in the light of that figure, the present proposed increase of 8% can hardly merit a great deal of applause. (b) Reagan said he would ask for "\$50 million more" to clean up hazardous waste dumps. In fact, that amount was already included in the five-year \$1.6 billion superfund package approved under Pres. Carter. (c) Reagan indicated in his State of the Union speech that he would request \$157 million for land acquisition, thus effectively discontinuing the Watt moratorium. This simply reflected the recognition that Congress would appropriate the money anyway -- as it has done in each of the past 3 years. The Administration has now requested \$100 million for parkland acquisition, less than half the amount in the Conservationists' Proposal (see #12A, this NL)

14. TCWP MATTERS

Frozen Head hike

April 14 should be a delightful time of year, with leaves just beginning to emerge and lots of flowers (we hope). We'll meet 10:30 a.m. at the trailhead parking lot, (a short turnoff to the right at about 200 yds beyond the park office). Bring lunch and sturdy shoes. You'll have a choice of two hikes -- one short-medium and one medium-long. Our two leaders (both wildflower experts) are Don Todd and Larry Pounds. Those of you who want to precede your hike with a 2-hour birdwalk should assemble at 8 a.m. at the park office. (The birdwalk is led by Jim and Betty Reid Campbell, TOS.) This is a great place to bring your family and friends. See you April 14!

B. Executive Director vacancy

After telling us that she would return to her former executive director job with TCWP, Jenny Freeman had to change her plans, and we are thus still looking for an executive director. Any suggestions on persons to contact will be welcomed. (See bottom of p. 1 for address)

C. Dues

Thanks to the many of you who promptly paid your 1984 dues! Those of you who have not yet done so will find another dues notice enclosed. (There is also an underlined blank space in the parens on your address label.) Please pay up promptly -- it takes time and money to keep re-billing, and we are short of both commodities.

15. ACTION SUMMARY

¶ No.	Issue	Contact	"Message!" or Action
1	State Stripmine law	State Rep	"Do not change it!" (See enclosed ready-to-mail letter)
2	Smokies Wilderness	Sen. Wallop subcomm.	Support S.1947 with additions
3	Cherokee Wilderness	US Rep/ and Sens	"Co-sponsor HR 4263!"/"Introd. companion bill!"
4	Obed	US Rep	"Contact Rep. Yates and support Obed!"
5	Big South Fork	Sen. Baker etc.	"Lift spending limit; complete acquisition!"
6	Columbia Dam	Sen. Sasser; Reps.	"Let TVA scrap this uneconomical project!"
7B,C	Natl Wild & Scenic Rivers	Sen. Wallop	"Oppose S.1084! Support S.1756!"
7D	Wetlands	Sen. Sasser	"Support S.431 and oppose weakening amendments
	"	US Rep	"Support HR3282 (Sec 10), and HR4393!"
7E	Water projects	US Rep and Sens	"Support uniform cost sharing provisions!"
8B	Leasing state lands	Gov. Alexander	"Allow for citizen input in policy!"
8C	Surface-owner rights	State legislators	"Support B. Atchley-Smith-Shockley bill!"
9A,B	Natural areas funds rare plant protection	State legislators	"Support these issues!"
10A	TVA Board appointment	Sen. Baker, etc.	Endorse Coalition slate of nominees.
11A	BLM wilderness	S. Henry Hall	Offer to respond to alerts
12F	Acid rain	US Rep	"Support HR 3400 + amendments!"
	"	US Sens	"Support S.2159 and S.769!"
14	TCWP matters	TCWP	Come hike! Pay dues! Recommend exec. dir.!

Senator John Doe
United States Senate
Washington, DC 20510

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

Governor Lamar Alexander
State Capitol
Nashville, TN 37219

Dear Senator Doe
Sincerely yours,

Dear Congressman/woman Doe
Sincerely yours,

Dear Gov. Alexander
Respectfully yours,

To call, dial Congressional switchboard, 202, 224-3121

Please take at least 3 of above actions!

These are very critical times: threats to hard-won past achievements; opportunities to wind up some of our long-standing efforts.

Tennessee General Assembly
Legislative Plaza/War Memorial Bldg.
Nashville, Tennessee 37219

Dear

The Tennessee Surface Mining and Reclamation Act of 1980 is a good law that was arrived at after years of extensive research and consideration of highly complex issues, and after taking careful account of economic as well as environmental concerns. It should not be lightly tampered with on the basis of some emotional and, we believe, unfounded statements. Please give this law a chance to work: the Dept. of Health and Environment has been enforcing it for only a year and is learning to do a good job.

If the Tennessee coal industry is having problems, this is the fault of general economic conditions in the coal market (due to previous over-production, the faltering of the steel industry, the strong dollar that decreases foreign sales, etc.). It should not be blamed on our reclamation laws. Thus, it can be calculated that even if every single reclamation provision were followed to the fullest, this would cost the operator less than 2% of his gross earnings.* Surely this small percentage cost should not be made responsible for the current economic woes of the coal industry!

Surface-mine operators have complained that they suffer from the confusion of having to follow two laws, state and federal. This is a very misleading statement since, in fact, operators follow only one law -- the state law which includes all federal provisions. Any operator who obeys the state law will not be in violation of a single federal provision.

The three bills that will probably come before you all have disastrous features.

- (1) The first Robertson-Albright bill removes the state completely from surface-mining regulation and turns the whole process over to the federal government. Apart from the fact that no one (not even the coal industry itself) wants to throw away the hard-earned state role in administering a law, there is also the consideration that the Tennessee law is needed to address specific Tennessee problems, such as those which often arise when wild-catting operations masquerade as "exploratory" operations or as "facing up" of a deepmine.

*Basis for calculation:

- (a) the cost of reclamation averages ~\$3,000 per acre, as determined from the cost to the state in cases where operators default;
- (b) the gross proceeds per acre are about \$150,000: 5000 tons of coal in a 3-foot seam x \$30, the most recent per-ton price paid by TVA.

- (2) The second Robertson bill would weaken our present law in 60 different provisions, most of which have nothing to do with conforming the state law to the federal law. About a dozen of these provisions would make the state law weaker than the federal, and would thus jeopardize the entire state program by making it subject to court challenge.
- (3) So-called "enabling legislation," the administration bill, rewrites 8 major sections of our state law in very general terms, shifting all the information to the regulations. There are two problems with this: (a) it puts all the decision-making into the executive branch, removing it from input of the legislature, and while Commissioner Word is a very good man, he may not always be head of DHE; (b) state regs by law have to conform strictly to federal regs, and the state will thus be at the mercy of the federal administration.

Past experience has shown us the high human and economic costs of unregulated or under-regulated stripmining. It is costing hundreds of millions of dollars to reclaim damage done in the past 30 years. We should like to urge you to consider the potentially disastrous consequences of changing our existing 1980 state surface mining law, and to give this law a little more chance to work under the able staff of the Dept. of Health & Environment which, so far, has had only a year's experience with the program. DHE should be given financial and moral encouragement to do so.

Yours sincerely,

P.S. We should very much appreciate your bringing this matter to the attention of Rep. I. V. Hillis, chairman of the House Committee on Conservation and Environment.