

TENNESSEE CITIZENS for WILDERNESS PLANNING

Newsletter No. 166

October 13, 1988

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

12. ACTION SUMMARY

No.	Issue	Contact	"Message!" or Action
1	Frozen Head mining	OSM	Send comments
2A	Cherokee settlement	Sens. Sasser, Gore	"Thank you!"
2A	Cherokee settlement	TCWP	Volunteer for follow up
3A	Smokies wilderness	Sens. Sasser, Gore, Sanford; Rep. Clarke	"Thank you! Don't give up!"
4B	Rock Island State Park	Gov. McWherter, etc.	"Follow State Park Master Plan!"
4D	Nonpoint-source pollution	TDHE	Urge strong and effective controls
4G	Trails Administrator	Gov. McWherter	"Re-instate position!"
5A	Stripmine enforcement	Sens. Gore, Sasser, Rep Cooper	"Thank You!"
7A	Cedar Barrens	TCWP	Volunteer to help with management
8A	Endangered species	Sens. Sasser, Gore	"Thank you!"

Senator John Doe
United States Senate
Washington, DC 20510

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

Governor Ned McWherter
State Capitol
Nashville, TN 37219

Dear Senator Doe
Sincerely yours,

Dear Congressman/woman Doe
Sincerely yours,

Dear Gov. McWherter
Respectfully yours,

To call a Representative or Senator, dial Congressional switchboard, (202) 224-3121

To find out about the status of federal bills, call (202) 225-1772

1. WILL THERE BE MINING AFTER ALL AT FROZEN HEAD?

As you look toward Frozen Head State Natural Area from TN62, you see on the left, high on the horseshoe crest of mountains, the unnatural notch that we all associate with stripmining. This, in fact, was the beginning of what would have become a large and very ugly gash -- visible from the entire valley and from most of the park -- had it not been for the citizens' petition to designate the Flat Fork watershed as unsuitable for coal mining. The petition was filed 3/24/83 by three groups (including TCWP) under Section 522 of the federal stripmine law. On 4/16/84, the Tenn. Dept. of Health and Environment (DHE) -- at that time the chief regulator of surface mining in Tennessee -- ruled in our favor (NL141 ¶7). Little did we know then that 4 years later we'd have to start the battle all over again.

The DHE's lands-unsuitable decision was appealed to the State's Board of Reclamation Review by the land company that wanted to stripmine the watershed. Two days later (as it happened), the Tenn. General Assembly repealed most of the State's Stripmine law, and soon thereafter the federal Office of Surface Mining (OSM) became the enforcer of stripmine regulations in Tennessee. OSM ruled that the unsuitability determination for the Flat Fork watershed, made by the State's DHE, would not be recognized by them. We proceeded on 9/27/85 to file another "522" petition, similar to the one we had filed in 1983 -- this time with OSM (NL145 ¶3). In addition, our attorney appealed OSM's refusal to recognize the state's unsuitability determination; but the U.S. Dept. of the Interior decided in April 1988 to uphold OSM. As a result, OSM will now be reviewing our petition of 9/27/85.

OSM has announced that it will evaluate the following 4 alternatives: (i) designating the entire petition area as unsuitable for coal mining, (ii) designating parts of the area, (iii) designating none of the area, and (iv) allowing underground but not surface mining in the area. The first decision to be made is whether OSM must prepare a full-fledged environmental impact statement (EIS) or merely an environmental assessment (EA). We have strongly recommended the former, since the subject of the petition represents a major federal action that would significantly affect the quality of the environment. The EIS route involves preparation of a draft-EIS, public comments on the draft, and a final EIS addressing the comments. For an EA, on the other hand, there is no prior draft document and thus no mechanism for formally addressing public comments. An EA is often a very superficial document, compared to an EIS.

On September 22, OSM conducted a "scoping" hearing in Wartburg to listen to comments on the scope of the issues to be addressed by the impact evaluation. Six TCWP members presented testimony (Don Todd, Martha Kettle, David Adler, Maureen Cunningham, Bill and Lee Russell). Many other folks, mostly local, also expressed their objections to coal mining in the Flat Fork watershed, and about 25 residents of Flat Fork Valley stood up when asked who else opposed the mining.

WHAT YOU CAN DO: The record stays open until October 24, giving those of you who did not come to the hearing a chance to send in written comments. You may consider mentioning one or more of the following points: (a) OSM should do an EIS, not just an EA; (b) mining would be visible, and often audible, from a major part of Frozen Head; scars would remain for decades; (c) the Flat Fork Valley is the last remaining unmined landscape in the Cumberlands; (d) Flat Fork, as well as creeks feeding it, would suffer water quality degradation, even if mining were done in strict compliance with the regs; (e) scientific studies that use Flat Fork as a baseline reference stream for the Cumberlands would be impacted; (f) the educational experience of many school and college groups that now visit the park for nature study would be diminished. Your comments should be sent to Office of Surface Mining Reclamation & Enforcement, Div. of Tennessee Permitting, Attn: Willis Gainer, 530 Gay St, SW, Suite 500, Knoxville, TN 37902. Remember, the deadline is October 24.

2. GOOD NEWS FOR THE CHEROKEE NATIONAL FOREST

A. *Many Forest Service concessions result from our appeal of the Cherokee Management Plan.*

The Cherokee National Forest's Land & Resource Management Plan, issued in April 1986, was appealed by the Wilderness Society and 4 Tennessee conservation groups, including TCWP (NL149 ¶4A), and -- from the opposite direction -- by the Multiple Use Council and 8 intervenors. Partial settlement of both appeals was reached 8/4/88; still remaining are issues of national scope (below-cost timber sales, threats to visual beauty, and loss of natural biological diversity), which have been forwarded to the Chief of the USFS for a decision. All parties agreed that they waive any further appeals on issues that were settled in the August-4 agreement.

As a result of the settlement, 8,695 acres were added to the Scenic Areas designation (Rogers Ridge, Flint Mill, and Unaka Mountain), 650 acres on the north side of Roan Mtn were added to the Special Roan Mts management area, and 10,000 were added to the semi-primitive, non-motorized-recreation category of management. Timber harvesting will be decreased 15%; and while the original plan called for clearcutting to be virtually the only form of regeneration, about 30% of the regeneration goals will now be of other types (shelter-wood, etc.). Timber harvesting will be deferred on 34,000 acres during the life of the Plan. These various actions will change altogether 9,684 acres from the "suitable" (for timber cutting) to "unsuitable" land base. The timber provisions of the settlement require a supplemental Environmental Impact Statement and a Plan amendment. These are to be completed by August 1989.

Additional features of the settlement concern recreation and wildlife. Thus, off-road vehicle trail construction will be reduced from 11-12 to 6 miles

per year; the bear-population goal is increased from 320 to 400, and measures will be taken to close as many roads as possible in significant bear areas; and wildlife, recreation, and trails will be emphasized in the program-budgeting process. A new process of public review of future projects has been initiated.

This settlement represents a major advance in the protection of the Cherokee, Tennessee's only national forest. Beyond that, it provides a valuable precedent for negotiations on other forests. We owe a major debt of gratitude to all who worked hard to achieve the settlement, particularly to Peter Kirby and Ron Tipton of the Wilderness Soc. and to Bill Bumpers (the son of Sen. Dale Bumpers), who was the *pro bono* attorney in the case.

WHAT YOU CAN DO: We hope that many of you will express thanks to Senators Sasser and Gore, both of whom constantly and effectively supported the appeal, including the process whereby the issues of national scope are now continuing on to the Chief of the USFS for resolution. Sen. Sasser's visit to the Cherokee and his subsequent comments publicized the failings of the original plan; Sen. Gore personally visited the Chief of the USFS in connection with the appeal. Even a short note of thanks from you will be appreciated (address on p.2).

In addition, we hope some of you may become involved in some of the follow ups, e.g., implementation of the revised plan (a first meeting with the USFS is planned for 11/19/88 in Knoxville), the projected annual meetings with the USFS, and the review of specific plans or activities. If you are interested in participating in any of these, drop us a note (address on p.1).

B. Ocoee Ranger District solicits comments on management of 4 areas.

The Forest Service has announced that 4 areas of the Ocoee Ranger District have been selected for analysis in FY 1989. They are located in the vicinity of the Ocoee River, Lake Ocoee, and south. Any concerns about these areas or other comments must be expressed by Nov. 1, 1988. The areas will be reviewed in the field on 12/10/88 and 3/14/89, and the public is invited to attend these reviews. For comments and/or field reviews, contact: Jack K. Coleman, District Ranger (or, Walter Crane), Ocoee Ranger Distr., Rt. 1, Box 348D, Benton, TN 37307, Ph. 615, 338-5201.

3. SMOKIES: WILDERNESS, IN-HOLDINGS, BEARS

A. Can we hope to get a Smokies wilderness bill in the next Congress? Watch the election returns.

In the 11 years since Sen. Sasser introduced the first Smokies Wilderness bill, Sen. Helms (occasionally with the help of former Rep. Hendon, R-NC) has succeeded in preventing an affirmative Senate vote. He did so again in the 100th

Congress, first with delaying tactics and finally with a filibuster. Pro-Smokies forces failed to invoke cloture (which requires 60 votes), since Senate Republicans were urged by their leadership (including Vice Pres. Bush) to line up solidly behind Helms (NL164 ¶1). The sponsors of the wilderness bill proposed a 6-point compromise, which would have deleted the controversial 44,000 acres north of Fontana Res. from the wilderness, keeping it only administratively protected via the Park Management Plan. While Helms wouldn't buy even the compromise bill, there was a good chance that enough other Republican Senators would switch their vote on cloture should another filibuster occur, and Sen. Sanford (one of the wilderness bill's sponsors) was considering pressing for another vote before the Senate adjourned. However, Sanford's discussions with Minority Leader Dole, and the lack of support from the White House, convinced him that not enough Republican votes would change.

During the debate on the cloture motion, Helms invented a new issue by which NC was made to appear the injured party relative to TN as regards income from tourism. In order to equalize the two states, Helms' staff says, Park land must be made available for development.

What are our prospects for the next Congress? Will Rep. Jamie Clarke (a wilderness-bill sponsor) be reelected by Swain County? Will Sen. Sasser be reelected? What will be the position of the new Administration? Will Senators Sasser, Gore, and Sanford be willing to try once more to push a wilderness bill? We urge you to write to these senators and to Rep. Clarke (addresses on p.2) to thank them for their very considerable efforts, and to urge them not to give up.

Among the many citizens who worked tirelessly for Smokies wilderness, some deserve special mention: Ted Snyder, the superb coordinator of the wilderness coalition, Ron Tipton of the Wilderness Soc., Ray Payne, Leroy Fox, Will Skelton, Ernie Dickerman, and Karen Rodriguez, who testified and lobbied, Swain County Commissioner Mercedeth Bacon, Park Superintendent Randy Pope and his staff, and Neil Murphy, Chm of the TN Gt Smoky Mtn Park Commission.

B. Elkmont inholders try to extend their leases.

You may have read accounts to this effect in the Knoxville papers. There are about 50 aging cabins in the Elkmont enclave which were leased to their occupiers in 1932, at the time of land acquisition for the Park. The lease holders had the right to remain in the cabins until they died, and all of them are now dead. But the lease agreement was extended twice (the last time in 1972 between the Park and Elkmont Preservation Committee, EPC), and the cabins are now used as vacation cottages by well-to-do people. Under the 1972 agreement, all but 4 of the 50 leases will expire in 1992; the lease of the Wonderland Hotel, with its 10 cottages, is also up in 1992. In 1972, all parties agreed not to

ask for an extension of the agreement beyond 1992.

Recently, however, the EPC has attempted to exert political pressure to get the leases extended. When the Smokies Wilderness bill was introduced early in 1987, Congressman Duncan was asked to include a lease extension in that bill but he refused to do so. The Park Service (NPS) was also contacted at that time. A year or so later, the EPC offered to contribute \$770,000 toward the Park's Oconaluftee Visitor Center in return for a 20-year extension of the leases. More than one person consider this to be implicit bribery. One member of the State of TN Gt Smoky Mtn Park Commission, which on Sept. 30 passed a resolution supporting the NPS's intention to end the leases in 1992, is quoted as saying that it wouldn't be fair to give in to one group of vacation-home owners, affluent enough to contribute money, when, in earlier days of the Park, people who lived on their land year-round and farmed it had been evicted.

The NPS has affirmed that its position on the leases is clearly defined in the 1982 General Management Plan, which states: "None of these leases will be extended, and the structures are proposed for removal on termination of the leases. Building sites will be returned to a natural state." The NPS has advised the EPC that it is unable to accept their proposal for lease extension.

C. Crackdown on bear poachers.

Much of the poaching of bears is motivated by Oriental markets, which value bear parts, especially gall bladders, for their alleged medicinal and aphrodisiac qualities. In the last week of August, wildlife officials in TN, NC, and GA, as well as the US Fish and Wildlife Service, culminated extensive 3-year undercover activities by the indictment of 43 people, who were charged with over 130 federal and state violations. Additional arrests are expected. Many of the bears were killed in the Gt Smoky Mtns Natl Park, where hunting of any kind is prohibited; and, outside the park, the killings occurred during periods other than the legal 2-week mid-winter bear-hunting season (which is timed to minimize impact on pregnant females). In the whole of the Southern Appalachians, there are now only about 2,000 black bears, and these are threatened by constant loss of habitat. Agents brought evidence that the indicted poachers killed almost 300 bears; and nobody knows how many additional bears were killed by these persons, or how many other poachers remain uncaught.

4. STATE CAPSULES

A. Environmental Action Fund gets ready for the next legislative session.

EAF is the lobby arm of Tennessee's environmental movement. Each year, the EAF Board, made up of representatives of the 7 member organizations (including TCWP), sets an agenda of

important issues that may (or should) come before the Tennessee Legislature, and hires a lobbyist to present the EAF view. EAF's recent successes include the Tennessee Superfund Act of 1983, the Rare Plant Protection Act of 1985, the Wetlands Acquisition Act of 1986, the Oil & Gas Act of 1987, and the Underground Storage Tank Act of 1988. We are fortunate in that TCWP's representative on EAF this year will be Ram Uppuluri, formerly on the staff of Congressman Jim Cooper and now attending Vanderbilt Law School.

EAF's financial support comes only very partially from dues paid by its member organization. The remainder is raised from contributions. The annual EAF fundraiser, a photo exhibit and reception in Nashville, was held on Oct. 7, but it is not too late to send contributions, if you are so inclined (EAF, P.O. Box 22421, Nashville, TN 37202).

B. Location of proposed golf course at Rock Island State Park; your letters needed.

Our late-news update to NL164 informed you of a threat to a large wooded peninsula between the Collins and Caney Fork Rivers in Rock Island State Park. Despite the fact that the State's park master plan provided for a golf course in an already open area of the park, a consultant firm recently engaged by the state proposes to build the golf course, plus a 200-car parking lot, pro shop etc., in the wooded peninsula. This peninsula includes a State Recreation Trail and is used for hiking, bird watching, and nature study, being home to barred owls, hawks, many songbirds, deer, and small mammals. TCWP and others who have written to Gov. McWherter on this matter have all received the same answer, namely that "a consultant has been retained to assist in a thorough evaluation." It is precisely this consultant's proposal -- as opposed to the state master plan -- that concerns us. We will have to write to the governor again to explain this (address on p.2). Send a copy to Commissioner Elbert Gill, TN Dept. of Conservation, 701 Broadway, Nashville, TN 37219, and to your State representative and senator.

C. State permits small dam on Roaring River; conditions are set to protect Scenic River portion.

One effect of the drought of 1988 (and of additional droughts to come, if the Greenhouse Effect is indeed in progress) is that more streams will be disturbed by structures demanded by communities whose water supply is running low. The request by the Town of Livingston to construct a weir and small reservoir on the Roaring River is perhaps an early example. The case was of particular concern because, farther downstream, the Roaring is part of the State Scenic Rivers System. Hearings on this proposal were held in mid-August, with many people expressing concern. TCWP's testimony recognized Livingston's need and urged only that permit conditions should be such as to

minimize downstream impacts; we also suggested that the long-term solution would be for Livingston to get its water from nearby Dale Hollow Reservoir.

On August 25, the Div. of Water Pollution Control of the TDHE ruled that the proposed water withdrawal was "compatible with the protection of Roaring River for all its classified uses." The permit includes several conditions for protection of downstream flow: (a) maximum water withdrawal rate is limited to 700 gal/min; (b) a minimum flow rate of 2.32 cu ft/sec must be maintained immediately below the jetty (this is equivalent to the 3-day duration, 20-year-recurrence-interval low flow in the Roaring River); (c) Livingston must install a flow-monitoring station and monitor river flow once a week. An additional dozen conditions have been set for the purpose of erosion and sedimentation control, which DHE feels will prevent adverse impacts on aquatic life of the Roaring River.

D. *Your support needed for control of non-point-source pollution.*

Between 70 and 80% of Tennessee's water-pollution problems are due to nonpoint-source pollution (NPSP), i.e., any discharge not contained in pipes or channels. NPSP enters rivers, lakes, and wetlands through runoff and erosion from roads, parking lots, construction sites, unprotected fields, stripmines, failing septic tanks, etc. It carries harmful silt, oil, herbicides, pesticides, nutrients, and toxic chemicals into our surface and ground waters, destroying aquatic habitats and harming drinking-water supplies. The federal Clean Water Act, reauthorized in 1987 requires that each state submit to the EPA a plan for the control of NPSP. The Tennessee Management Plan is being developed by the Dept. of Health & Env't., and is currently available in draft form. The Plan describes the extent of the problems, the programs currently in place that address these problems, and a strategy for improving control of NPSP over the next 4 years. **WHAT YOU CAN DO:** It is very important to get public support for the State's NPSP Plan. Comments on the draft are due by Oct. 19. Copies are available in over a dozen locations; to find the one nearest to you, call 615/741-0638. If you don't have time to review the draft, at least send a brief comment urging the strongest and most effective control of NPSP; mention any aspect of the problem that particularly concerns you. Send comments to Dr. A. N. Barrass, Mgr, Nonpoint Source Management Program, Div. of Construction Grants, 150-9th Ave, N, Nashville, TN 37219-5404.

E. *Water quality in Tennessee is continuing to deteriorate.*

Every two years, the TN Dept. of Health & Environment (TDHE) assesses water quality in Tennessee. The recently released 1988 report is based on a quarterly monitoring of 80 sites (streams and lakes). In addition to a general overview, it provides detailed information on problems in each

of Tennessee's 14 major river basins. In a brief section on ground-water pollution, the report notes that over 50% of the State's population obtain their drinking water from wells.

The sad facts are that, since the 1986 survey, water quality has deteriorated.. As many as 43 bodies of water have had to be posted against public use. Of 9,428 miles that were assessed (Tennessee has a total of 19,124 river miles), more than one-third now do not support their designated uses. The major sources of stream pollution are (in order): agriculture, upstream impoundments, channelization, municipal discharges, mining, urban runoff, industrial discharges, and construction. Note that the majority of these are classifiable as nonpoint-source pollution, for which aggressive management is obviously essential (see ¶4D, this NL). For point-source pollution as well, it seems TDHE must strengthen its enforcement of the Water Quality Control Act.

F. *New leadership at the Dept. of Health and Environment.*

Hutcheson → Fowinkle → Word → Luna. James E. Word, who in 1983 became Tennessee's third health commissioner, resigned effective August 31 to become vice president in the Tennessee Hospital Association. By the time Word became Commissioner, the department had been expanded to deal not only with public health but also with the environment -- air, water (thus, major aspects of stripmining), solid waste, toxics. The departmental budget is about \$1.5 billion, but \$1 billion of this is for Medicaid. It is rumored that McWherter may reorganize DHE, possibly setting up a separate Medicaid agency. The governor has appointed J. W. Luna to succeed Jim Word. Luna, formerly Commissioner of Personnel, is an attorney. Folks who met him at the EAF fundraiser (see ¶4A, this NL) found him easy to talk to, determined to deal with all issues out in the open, willing to make hard decisions.

G. *Still no Trails Administrator.*

The State Trails Council of Tennessee is trying to generate 200-300 letters to Gov. McWherter (State Capitol, Nashville, TN 37219), urging him to re-instate the State Trails Administrator position so that trails issues can be adequately addressed and supervised. The Council urges you to write a brief letter to the governor, but to send it to them (4904 Colorado Ave, Nashville, TN 37209) to provide ammunition for Sen. Douglas Henry who will try to arrange a meeting with the governor on this subject. Rep. L.V. Hillis of Sparta has also offered to help.

H. *Status of zoo proposal for Long Hunter State Park.*

In an October-3 response to our letter opposing a zoo being constructed in ecologically significant areas of Long Hunter State Park (NL164 ¶3B), Gov. McWherter writes: "to date no formal

proposal from the Zoological Society...has been received...if and when such a proposal is received, a formal review process will be implemented studying many factors, including community support."

J. *Environmental impact statement on Tennessee's proposed super collider site.*

A preliminary decision on the location of the \$4.4 billion, 53-mile superconducting super collider is expected in November, with Tennessee one of 7 states competing for the project. A draft environmental impact statement (DEIS) on the state's proposed site in Bedford, Marshall, Rutherford, and Williamson counties was recently completed. According to the DEIS, of 500 water wells within 1/4 mile of the site, 350 (which lie within 1,000 feet) could be lost. The law requires that the State either find alternative sources of water for the affected rural residents, or purchase their land. Construction would affect 790 acres, of which 370 would subsequently be reconverted to their "original" use. The project could threaten the habitat of 4 species that are on the federal endangered species list: the purple cone flower, two species of bats, and a mussel. "No measurable impact other than localized displacement" is projected for other wildlife.

Following the preliminary site selection by DOE in November, a final EIS will be issued in December, and the final site selection will occur in January.

5. STRIPMINE NEWS

A. *Citizens get OSM to enforce toxic-materials-handling provisions.*

The stripmining of the toxic Sewanee Coal Seam has been a very hot issue during the past couple of years, not only because of its potentially severe local impacts but also because it is a test of how faithfully the federal Office of Surface Mining would enforce the law in our State. Residents of Bledsoe County, who must rely on their wells for drinking water, have been very much concerned by the RITH Co.'s proposal to mine the Sewanee Seam, a procedure that produces toxic surface-water runoff as well as ground-water contamination. As a result of citizen pressure coordinated by SOCM, OSM has required RITH to have an approved toxic-materials handling plan before a permit could be issued. This summer, RITH submitted its fourth such plan in 18 months. The OSM Technical Office in Pittsburgh, which seemed particularly intent on letting the Sewanee Seam mining proceed, had supplied the basic outline for this RITH plan and (not surprisingly) pronounced that the plan would work. Local residents, and many others (including TCWP) wrote to Senators Gore and Sasser and to Rep. Jim Cooper urging them to insist that OSM allow an EPA review of the plan, that RITH be required to supply specifics on how their plan would be implemented, that the efficacy of the

plan be demonstrated by field tests, and that the Knoxville (instead of the Pittsburgh) office of OSM make the final decision.

Gore, Sasser, and Cooper came through with flying colors. On Sept. 6, the Knoxville office of OSM turned down RITH's plan because (a) RITH did not provide specific information on implementation, and (b) they did not *demonstrate* that reclamation could be accomplished. This latter point represents a real victory for the citizens who had testified to that effect in April; heretofore, OSM had used phrases such as "likely to succeed" with regards to reclamation, despite the fact that the law requires actual demonstration of success. Another victory: EPA had indeed been permitted to review the RITH plan in August and had concluded that the projections of non-significant environmental impacts made in the RITH/OSM Environmental Assessment "do not appear to be warranted." EPA's letter to OSM stated: "we cannot recommend that a permit be issued to the applicant to mine the site in the presently proposed manner."

RITH may appeal the decision, or it may come up with yet another toxic-materials handling plan. However, OSM is now aware that its responses are under scrutiny by our Congressional delegation and by EPA, as well as by citizens.

WHAT YOU CAN DO: Write Sens. Gore and Sasser and to Rep. Jim Cooper (addresses on p.2) and thank them for their interest in this problem and for their effective efforts.

B. *OSM appropriations.*

The Interior & Related Agencies appropriation includes \$8 million (2.7%) less for OSM in FY 1989 than it did in FY 1988. The regulation and technology account receives \$101M (including \$42M for State regulatory grants), and abandoned mine lands activities receive \$193M (including \$151.5M for State reclamation grants). The House restored the Rural Abandoned Mine Land (RAMP) fund, which is administered by the Soil Conservation Service. The Administration had attempted to abolish RAMP.

6. TVA CAPSULES

A. *Reorganization and TVA's environmental role.*

As a result of reorganization, TVA's Environmental Quality Staff (EQS) has a new manager. He is M. Paul Schmierbach, who for the past 10 years has headed EQS's Environmental Compliance Branch. Schmierbach, a mechanical and environmental engineer, came to TVA from the Illinois Env'tl Protection Agency. The role of the EQS is now defined as providing "corporate oversight for TVA's environmental compliance activities." EQS also "assists in the development of agency environmental guidelines." There has been some concern that TVA reorganization has made compliance the only, or almost the only, goal for

EQS, to the detriment of imaginative approaches by which TVA can be a positive force for the region's environmental quality. However, EQS is still involved in producing an internal document, Environment Trends and Issues, which can be used for TVA agenda setting. Citizen input will be solicited.

B. *Highlights of activities pertaining to TVA's Environmental Agenda.*

We have received the EQS' "Quarterly Report of TVA Progress in achieving Environmental Objectives." Topics discussed are Compliance, Water Resources (turbine aeration, groundwater, nonpoint-source pollution), Air Resources (long-range climate effects, ozone non-attainment), Land Resources (constructed wetlands, flood-plain/wetlands seminar, 201 program), and Materials and Waste Management (waste auditing, Natl Public Lands Day, solid waste). If you want a copy of the 4-page report contact EQS, TVA, Knoxville, TN 37902.

C. *TVA's energy-conservation programs.*

The Tennessee Valley Energy Coalition recently drew up a report card on how TVA's reorganization was working. On energy conservation, TVA got an "F". TVEC comments: "Past conservation and load management practices save more power than Browns Ferry (nuclear plant) could produce...at a fraction of the cost."

An official TVA release on energy-conservation programs states that "central staff was reduced approximately 50%..." Zero-interest financing has been dropped. Low-income dwellings will continue to receive energy audits at no charge, but the State is being encouraged to take on this function. Loans for development of new energy-efficient technologies will continue. "TVA's solar research activities...are being phased out."

D. *Nickajack Reservoir Land Management Planning.*

TVA has just issued its "Summary of Public Comments and TVA Staff Responses" for the Draft Nickajack Plan. To receive a copy of this and further documents, call Gaye Carden, 615/632-1557 by 10/28/88. Concerning the Little Cedar Mountain area which many people want to see preserved in its natural state, but which Marion County wants to develop for commercial recreation, TVA has now contracted for a recreation feasibility study with Economic Research Associates.

**7. OAK RIDGE NEWS (BUT OF
INTEREST TO EVERYONE,
WE HOPE)**

A. *The Cedar Barrens: TCWP continues to implement the management agreement.*

When the battle for the Cedar Barrens was finally won early this spring -- the City having

designated it Greenbelt, and the State having registered it as a Tennessee Natural Area -- TCWP signed an agreement with Oak Ridge for managing the Barrens under the terms of the short-term and long-range management plan we had submitted earlier (NL161 ¶1). We organized a clean-up session in the spring, made frequent inspections of the Barrens during the clearing for the adjacent Crown American "mall" (see ¶7B, this NL), and in other ways, too, met the requirements of the short-term plan. On September 8, TCWP Pres. Martha Ketelle convened a committee to oversee the long-range plan. Activities will include placement of signs, development of a trail, encouraging the use of the area for education, and development of vegetation maps. Protection of the area has already resulted in improvements in native vegetation. The TCWP committee is planning a field day at the Barrens in the near future to evaluate trail options and do any further needed cleanup. Call us if you can help.

Incidental intelligence: Maureen Cunningham, who led the effort to save the Cedar Barrens, and who works as a botanist at ORNL's National Environmental Research Park, planted an experimental barren in the X-10 area, using seeds collected from nearby natural barrens. Of about 30 species in the experimental plot, three are quite rare. Very little research has been done on barrens, and ORNL seed money was obtained for this project.

B. *Can we replace "development at any cost" with "quality development"?*

Oak Ridge's Cedar Barrens, saved by a great deal of citizen effort from being gobbled up by a proposed mall to which City Council had joyfully given its blessing, is now an oasis in one corner of a 94-acre area of destruction and desolation -- mud when it's wet, dust when it's dry. Our non-Oak Ridge members may not yet be aware of the fact that the Crown American Corp., after burning all the trees on the 94-acre site and bulldozing the land, announced on September 19 that it wasn't going to build a mall there after all, but would instead buy the existing Downtown Shopping Center. Yet City Council "seemed almost euphoric" over the announcement (in words of a recent Oak Ridger editorial), and thanked Crown profusely for staying in the city. Many of us were concerned by Council's failure to pin down the developer on his plans for the ravaged and abandoned land (the contract specifies mall development only). The same Oak Ridger editorial commented: "We weren't reassured by [the] glib assurance [that] 'they [Crown] could come back to council on that'." Judging from numerous letters to the editor, lots of citizens agree.

Oak Ridgers are concerned over the many instances in the past two years in which city government has favored unregulated commercial development and has ignored the Oak Ridge Comprehensive Plan. In line with this trend are recent Council actions on Environmental Quality

Advisory Board (EQAB) and Regional Planning Commission (RPC) appointments. Two hard-working and dedicated EQAB incumbents were not reappointed, one of them chairman Virginia Dale who was articulate and effective on many important issues -- including protection of the Cedar Barrens. At about the same time, incumbent Ed Nephew failed to be reappointed to the RPC. Ed had, on a number of issues, urged the city not to ignore the Comprehensive Plan, which had been so carefully forged to represent the viewpoints of all citizens. Like Virginia Dale, Ed Nephew had been highly conscientious and effective, and concerned about protection of the Cedar Barrens! For the record, the Council members who voted for Virginia Dale on the first ballot were Trauger, Rush, Bryant, and Pruett. The RPC balloting took place at 3 successive Council meetings; members voting consistently for Ed Nephew were Trauger, Rush, Jones, and Pitt (Pruett was absent at the first meeting, but voted for Nephew on a later ballot).

The recent "mall wars," and the speed with which green open space has been disappearing from the city in the past couple of years, have made many Oak Ridgers realize that we must have quality development, instead of development at any cost. Quite a few Oak Ridgers are expressing a wish to become more active in the June 1989 election of the new City Council, which will consist of only 7 instead of 12, members. A recent letter in the paper suggested forming a group called Citizens Organized to Protect Oak Ridge (COPOR), and it now seems that the group is, in fact, being formed. If you are interested, call Kenneth Pluhar at 481-3459.

8. NATIONAL NEWS

A. *Endangered Species Act reauthorization finally passes.*

Ever since October 1985, the Endangered Species Act (first passed in 1973) has technically lacked authorization, and funding since then has been at the FY 1985 level. The reauthorization bill couldn't get through the Senate in the 99th Congress (mostly because Western senators opposed predator protection), and it was beginning to look as if history would be repeated by the 100th Congress. The House had passed its reauthorization bill 399:16 on December 17, 1987. Lots of citizen pressure was needed to get the Senate to move, which it finally did on July 28, 1988, by a vote of 93:2 (Symms, R-ID, and Garn, R-UT, were the two "no" votes). The Western senators did not insist on amendments to allow hunting of wolves and grizzlies; and the conservation-minded senators partly gave in on the issue of TEDs (turtle-excluder devices on shrimp nets), agreeing to delay their required use in off-shore waters until May 1989 (both Houses had delayed their use in in-shore waters until May 1990). The National Academy of Sciences has been asked

to provide a report by April 1989 on factors affecting turtle mortality in Atlantic and Gulf of Mexico waters. The conference-committee report, which was approved by both Houses in September, includes the Senate version on the issue of TEDs. The final bill reauthorizes the Act by 5 years, and authorizes appropriations of over \$300 million for this 5-year period. It strengthens the original Act by providing increased protection for endangered plants, increased penalties for violators, and interim protection for "candidate" species (i.e., those waiting to be listed while the bureaucracy is grinding away at the process). There are currently ~1000 species on the endangered/threatened list (including ~400 found in the USA), but another 1000 await formal listing; 80 of these have already become extinct while waiting!

WHAT YOU CAN DO: Thank Senators Sasser and Gore for their consistent support of Endangered Species Act reauthorization, including their co-sponsorship of S675 (address on p.2). Sen. Gore made a highly effective speech prior to the Senate vote.

B. *Arctic Refuge gets a short respite from oil development pressures.*

The incomparable wildlife resources of the Arctic National Wildlife Refuge (ANWR) have been threatened for the past two years by strong pressures from the Reagan Administration and the oil industry to open up the Coastal Plain to oil & gas exploration. Leasing legislation began to work its way through Congress (NL163 ¶7F), but a nationwide grassroots effort by environmentalists succeeded in keeping any of it from being enacted. It is essential for the conservation community to stay active on this issue when the new Congress convenes, because the oil industry, with almost unlimited financial resources, is already preparing a heavy assault.

C. *Tallgrass Prairie doesn't make it this time around.*

Tallgrass Prairie National Preserve in Oklahoma could have been our nation's first and only protected prairie landscape. Everything looked very promising last year, with a couple of large landholdings offered for the project (NL164 ¶6B). But in July, the local Congressman, Mickey Edwards (R-OK), withdrew his support from the proposal, blaming pressure from a national environmental group to have him expand the acreage. Efforts are under way to regain his support. TCWP wrote to Sen. David Boren (D-OK), urging him to continue supporting the Preserve. He replied that he would "not toss in the towel on efforts to preserve this important national asset." He also indicated that a new proposal would have to be developed, following local field hearings and talks with the Osage Indians concerning their minerals claims (under the present proposal, oil & gas development would not be affected by Preserve status).

D. Clean Air bill dies; will come up again next year.

On October 4, Sen. Mitchell (D-ME) announced that his bill S1894, was dead for this session. He had earlier expressed his intention of finding a way to bring S1894 to the floor in the face of Sen. Majority Leader Byrd's reluctance to do so. In the expectation of helping the process, he came up with a compromise on acid rain: SO₂ emissions would be reduced by 10 (instead of 12) million tons, and a funding mechanism would be put in place for helping the polluting states pay for the cleanup. This compromise alienated some of Mitchell's Senate allies and some environmentalists. In his Oct. 4 speech, Mitchell -- who has worked for 7 years to enact clean air legislation -- blamed them for being too rigid, but even more blamed those "in our society [who]... rather than spend one dollar to prevent pollution,... have spent millions of dollars to prevent the passage of laws to reduce pollution."

Given the fact that the air is getting dirtier and that the public is now more aware of matters such as the greenhouse effect and acid-rain damage, clean air legislation may have a better chance in the next Congress, but this will depend on election returns. [One staunch clean-air supporter, Sen. Stafford (R-VT) is retiring.] There is at least a good possibility that Mitchell will next year be Senate Majority Leader. He has promised to bring up a Clean Air bill again, and Senate Minority Leader Dole has promised help in getting it to the top of the agenda. In the House, in the meantime, the Group of Nine (which includes Tennessee's Jim Cooper, see NL163 ¶7G) planned to introduce its Dingell/Waxman compromise clean air bill in this session in order to set the stage for the new Congress.

E. Mineral exploration in the National Park System: a story of political pressures.

Private interests own mineral rights beneath 1.2 million acres of land managed by the National Park Service (NPS). About half this area is in the 570,000-acre Big Cypress National Preserve, established in 1974 just north of Everglades National Park. In January 1987, a subsidiary of Shell Oil asked NPS for permission to explore the Preserve for oil & gas. This would involve three shot holes every 150 feet, on the average, and the construction of 68 miles of vehicle trails. Every one in NPS, including Dir. Mott, agreed that an Environmental Impact Statement (EIS) was needed to assess possible damage to water resources and endangered species (e.g., the Florida panther). NPS was however, overridden by Wm. Horn, USDI's Asst. Sec. for Fish, Wildlife, and Parks, who ordered the Service to prepare a Finding of No Significant Impact. At this point, the Sierra Club Legal Defense Fund (SCLDF) filed suit, asking the court to order NPS to prepare an EIS. The court was provided by SCLDF with internal NPS memos which deplored not only Horn's dictate but the fact that what "was a

political decision appears to be the NPS' proposal. Certainly the political leadership has the right to override our professional judgements, but...there should be a clear record of that decision." (This is but one example of political pressures in USDI that have led knowledgeable citizens and legislators to propose establishment of an independent NPS, e.g., Senate bill S2360, see NL164 ¶6A). According to the SCLDF, Horn was upset to find the court in possession of the damning NPS memo. His only choice was to withdraw approval for the oil & gas exploration, and to order further environmental analysis.

F. Efforts to complete land acquisitions for the Appalachian Trail.

In the light of increasing concerns about the lack of progress in completing the A.T. land-acquisition program, a review is under way of all parcels of land that remain to be acquired. The review, which was slated for completion by Oct. 1, is being carried out by officials of all the national forests crossed by the A.T., the Appalachian Trail Conference, and affected A.T.-maintaining clubs. Subsequently, the staff of each national forest will develop a 3-year acquisition program aimed at completing remaining right-of-way and corridor purchases by Sept. 1991.

G. FY 1989 appropriations for USDI and Forest Service.

In August a conference committee completed work on the Interior and Related Agencies Appropriations. Figures for land acquisition are given in the table below, together with the FY 1988 appropriations (where we knew these) and Administration requests.

	FY 1989		FY1988
	Admin.	Congress	
NPS	16 ^a	72.6 ^b	61
BLM		12.3	
FWS	2	58	52
USFS	4	64.2	

^aAll figures in \$ million.

^bIncl. 20 for states.

For the USFS (Forest Service), the Congress reduced the road-construction budget by \$20M (10%) from the requested \$197M, but approved a timber-sales level almost 2% higher than the USFS' proposed 11.257 billion board feet. Despite urgings by environmental groups, Congress did not require the USFS to notify Congress before selling old-growth stands.

9. THE TCWP ANNUAL MEETING: WE LEARN A LOT ABOUT THE BIG SOUTH FORK

Over 50 adults and 4 children turned up for our Annual Mtg weekend, Sep. 23-25, at the Big South Fork NRRRA. There was thunder and lightning for both the Friday and Saturday evening sessions (which we held in the cosy Visitor Center building), and pouring rain during some of the Saturday morning talks held in an open-sided group-camp shelter. But the rain kindly held off for our hikes both on Saturday afternoon and Sunday, and all who went on them got a real appreciation for the unique beauty and wild character of the BSFNRRRA.

All of us also were highly impressed by the quality of the Park Service Staff who talked to us Saturday morning. Jim Wiggins, Acting Superintendent, gave us some interesting figures. Last year's operating budget was \$958,000, and this paid for (among other things) 27 permanent and 19 seasonal employees. There are 250 miles of trail in the park, 80 trail bridges, 320 traffic signs, 600 trail signs. Almost 500,000 visits were expected for FY 1988 (including over 12,000 overnight stays), and the visitation will increase in FY 1989, especially after Blue Heron opens in May 1989. According to the NPS resource management plan, there is a \$1 million shortage of maintenance funds. Among the concerns: the county-road issue; effect of the Adjacent Area's (i.e., plateau land's) 287 oil & gas wells on ground water; insufficient land base due to "deferred" areas not having been acquired; water quality problems (particularly contributed by New River); visitor impact on arches; looting of archaeological remains; exotic species (e.g., wild boar, earlier introduced for hunting); insufficient public understanding and support.

Highlights of the talk by Jack Collier, Chief of Resource Management: all deepmine spoil areas in the BSFNRRRA have been revegetated; all mine openings will be closed in 1989 (some with bat gates); all area industries are now operating under a State discharge permit system; Oneida is building a new sewage plant; a monitoring program indicates that 10,000 years of human history are represented in the BSFNRRRA. Steve Bakaletz, a mussel expert is sampling 40 tributaries to the BSF and Obed. Seven mussel species are found in the Clear Fork stem of the BSF, but zero in the New River, whose watershed at one time supplied 56% of Tennessee's coal. Steve Severn, Chief Interpreter, talked about public outreach, particularly about contacts with area schools, which may eventually produce an environmental ethic in the BSFNRRRA surroundings.

Howard Ray Duncan recounted the human history, the Indian tribes who used the rockshelters and riverbanks starting over 10,000 years ago, the first white explorers in the 1770's, the first settlers starting in 1790, the development of railroads in 1880 which led to exploitation of oil, timber, and coal, the mining camps that were later washed away by floods or abandoned. Wilderness was something to be feared and pushed back -- hence the local difficulty with understanding the objectives of the BSFNRRRA. Ron Cornelius, Minerals Specialist described the geological history behind

today's scenery and today's problems -- coal and oil. Mine spoils are being reclaimed under an NPS-OSM agreement; there are still problems from acid drainage; oil & gas wells are being inventoried with respect to location and ownership (there are 17 ownership categories!); NPS is developing stricter environmental controls for the wells.

Lee Russell summarized the conservation history of the BSFNRRRA, one of the largest and most significant areas in the Eastern U.S. to be set aside for protection in recent decades. We should joyfully recognize that if it had not been for us, this area would not be protected, and the marvellous river gorges might now be inundated by a reservoir. [I promise soon to write up this history. In the meantime, I have made copies of annual Newsletter summaries on the BSF for the years 1968-1974, inclusive. They make very interesting reading. We'll mail you a copy if you send a self-addressed, stamped (45¢) envelope.]

Col. E. Starbird, the District Engineer, talked about the Corps' role in acquiring and developing the Area. He discussed the "deferred" areas. The Reagan Administration has decreed that land acquisition is a "separable" part of this project and thus subject to cost sharing by local communities or other entities; thus, even if the Corps had the money, it could not buy these areas without cost sharing (unless the new Administration rules differently on the "separability" issue). He also discussed the county-road situation. The condemnation proceedings filed in July against McCreary and Scott Cy apply only to those Adjacent Area roads that are not shown on current county road maps; in the Gorge Area, all roads are condemned that are not specified in the Act to be kept open.

Before dinner at the group-camp shelter, we were treated to a lovely wine tasting by Highland Manor, with sparkling glasses and 4 kinds of wine (many bottles of each). The winery is located just south of Jamestown (Phone 615/879-9519). Afterwards, Kevin Coyle, exec. director of American Rivers, gave an illustrated talk on river protection. Only 0.2% of the country's river miles are under federal protection, and another 0.2% under state protection. One current problem: huge proliferation of small hydro construction. Opportunities: (a) Wild & Scenic River Studies should be part of the Forest Planning process, with any eligible river protected while the study is in progress; (b) Statewide river inventories and assessments need to be encouraged. Incidentally, the nationwide rivers inventory developed during the Carter Administration includes 50,000 river miles (that's only 2% of U.S. rivers) in 1500 segments; 91 of these are in Tennessee. After Kevin's talk, we heard from Terry Hyde on debt-for-nature swaps as a device for protecting native landscapes in countries that owe money to the U.S.

All in all, a great meeting!

10. TCWP NEWS

Newbury House and Pioneer Cottage with friendly service. Call 628-2441.

A. Outcome of TCWP elections.

The following will serve in 1989.

PRESIDENT: Martha Ketelle
VICE PRES: Dick Ambrose
SECRETARY: Alice Runtsch
TREASURER: Charles Klabunde
PAST PRES: Liane Russell

DIRECTORS: David Adler
Chuck Coutant
Maureen Cunningham
Ron Foresta
Bob Luxmoore
Margaret Olson
Lynn Wright

NOMINATING COMMITTEE:
Bill Russell (Chair)
Eileen Neiler
Ed Sonder

BY-LAWS CHANGE (on dues structure):
approved

B. Capsules.

- Exec. Director Jenny Freeman Johnson is once more in China. She left in mid-September and should be back late in November -- bringing with her an adopted Chinese daughter.
- We thank the following volunteers for assembling NL164 at Alice Runtsch's house. Mr. & Mrs Frank Hensley, Michael Huston, Mary Ann McBride, Gerald Johnson, Elaine Larchev, and Alice.
- Our special pre-election issue, NL165, is being assembled at Flossie Starling's house even as I write this item for NL166. We are grateful to the following: Don Davis, Fred Sweeton, Ken and Helen Warren, Ruth Kernohan, Charlie Klabunde, Flossie Starling, and Dick Ambrose.

11. OPENINGS ACTIVITIES, READING MATTER

• Openings

- a. BS or MS botanist or plant ecologist to be one-year full-time consultant to the World Wildlife Fund. Contact Ginette Hemley, TRAFFIC, 1250-24th St., NW, Wash., DC 20037; 202/293-4800.
- b. Southern Regional Field Coordinator for the Rails-to-Trails Conservancy. Minimum commitment, 1 year. Salary, \$24,000. Contact Peter Harnick, Rails-to-Trails, 1400-16th St., NW, Wash. DC 20036; 202/797-5400.
- c. Historic Rugby lodging proprietor: an individual or couple who will provide overnight guests at

- On Oct 22 and 23, the 20th annual Autumn Leaf Special excursion train, sponsored by the TN Valley RR Museum will run from Chattanooga to Oneida, via Dayton, Oakdale, the Emory River gorge, and the 304 ft high New River bridge at Helenwood. A craft fair can be viewed at Oneida. Call 894-8028.
- "Sea Turtles: Ancient Nomads" is an Audubon Special that will air on Super-Station TBS on October 22, 8:05 a.m. and October 25, 12:05a.m., EDT.
- Nov. 5, Gt Smoky Mtns Inst at Tremont will host a workshop to introduce newly developed teaching materials about the natural and cultural resources of the Park. Contact Karen Ballentine, Gt Smoky Mtns Natl Park, Gatlinburg 37738.
- Nov. 18-19: Celebration of the 20th anniversary of the Wild & Scenic Rivers System, Alexandria, VA, with many prominent speakers and discussions of river problems and opportunities. Contact American Rivers, 202/547-6900.
- "Conservation Film Catalog, 1988-1989" lists, classifies, and describes films available from the Film Library, TN Dept. of Conservation, 701 Broadway, Nashville 37219-5237; 615/742-6740. Several of the films belong to TCWP's Harvey Broome Film Series and are on loan by us to TDoC.
- TVA's draft Chickamauga Reservoir Land Management Plan underwent public review in August and September. For info on this Plan, contact Robert L. Curtis, TVA Reservoir Lands Planning, 126 Natural Resources Bldg., Norris 37828.
- "The Status of Water Quality in Tennessee, 305 (b) Report, April 1988" is discussed in ¶4E of this NL. A copy may be borrowed from TCWP. Or call Garland P. Wiggins or Greg Denton, TDHE, 615/741-6623.
- "Energy and the Environment" is an 8-page report of how the Environmental Policy Inst. (218 D Street, SE, Wash., DC 20003) sees the issues and the needed actions.
- The Tennessee Federal Program on surface mining is featured in the August issue of the OSM publication PIA (Program Information and Analysis). To receive a copy of the 22-page report, call Beverly Brock, OSM, Knoxville, 673-4506.
- The Nature Library (150 Nassau St., Rm 1020, New York, NY 10038; 212/608-3327) offers a free catalog of books on conservation, ecology, nature photography, canoeing, climbing, etc., etc. Hiking guides for many areas are also on their list.
- "Big South Fork NRRRA: Water Quality Report 1982-1984 (Water Resources Report No. 86-7)" was published Aug. 1986 by the National Park Service. May be borrowed from TCWP.