

TENNESSEE CITIZENS FOR WILDERNESS PLANNING

Newsletter No. 98, October 25, 1979*

This NEWSLETTER drops some of its regular features (list of publications, calendar) and its usual extended coverage in order to zero in on three priority items that require action now. We hope you will take a little time to act on these.

CONTENTS

1. Big. S. Fork: good planning, but some threats to future policy p. 1
 2. The federal stripmine law is in grave danger p. 2
 3. State badly needs a push toward proper compliance with the federal stripmine law . . . p. 3
 4. Results of TCWP elections p. 3
- Oak Ridge members: please see box on p.2

1. BIG SOUTH FORK: GOOD PLANNING, BUT SOME THREATS TO FUTURE POLICY

Acquisition schedule

The Corps has completed acquisition for 45,000 acres within the BSFNRRA plus mineral rights for 8,000 acres. For Fiscal Year 1980, there are \$13.6 million available, most of which will go for land acquisition, and this should bring the total government ownership to over 50% by the end of 1980. By the end of 1981 it is expected to be 75%.

Two planning documents

TCWP has recently commented on two planning documents for the Big South Fork National River and Recreation Area (BSFNRRA): (a) the Draft Master Plan (DMP), and (b) the Draft Interim Fish and Wildlife Management Guidelines (FWMG). The DMP is not only a very extensive document (5 volumes, totalling 6" in thickness), but also a very excellent one. We were particularly impressed by the DMP's sensitivity to the natural values of the entire BSFNRRA -- not just those of the so-called Gorge area (about 45% of the total 123,000 acres) which is carefully protected by the authorizing legislation itself. For the "Adjacent area" (the other 55%), the most important DMP provisions are that no new roads would be built in the "back country" (i.e. other than at planned development sites), and that existing backcountry roads would not be upgraded and would be kept gated except for access to cemeteries and, during designated time periods, for hunting and fishing. The use of "off-road" vehicles (ORV's) would be restricted to some of these back country roads during limited periods (primarily hunting season) and during daylight hours only. There are many other excellent provisions in the DMP, and only a few bad ones, e.g., excessive size of some development sites. If you'll send us a stamped (28c), self-addressed envelope, we shall send you our summary and analysis of the DMP, as well as our comments on the FWMG. The latter is a somewhat mixed bag with many good features (e.g., priority on management for protection of endangered species), but some bad ones (e.g., proposal to keep existing Gorge-area openings -- several of which are the result of recent logging -- cleared for deer browse).

Threats to future policy

In the course of meetings on the DMP (10/16, 10/17, 10/18), which were attended by at least 7 TCWP members, two threatening problems surfaced: (a) a possible push by ORV enthusiasts to change the law so as to allow motorized vehicles (trail bikes, jeeps) in the Gorge area, or, failing this, to augment the extent (time and place) of ORV use in the Adjacent area; and (b) a push by coal interests to have the O & W railbed (N. White Oak Creek, BSF, Pine Creek) restored for railtraffic which would haul coal at night and tourists by day.

* Editor: Liane B. (Lee) Russell, 130 Tabor Road, Oak Ridge, TN 37830. Ph. 615, 482-2153.
Star in margin means "Action Needed."

With regard to the ORV problem, you don't need to be told that ORV use adversely impacts on every other outdoor recreation use and destroys the all-important sense of solitude. ORV smell is obnoxious, and one can hear ORV racket literally for miles. If the BSFNRRRA is to be a haven for city dwellers, surely it's a bad idea to afflict it with city noises and stench. Further, ORV's do incredible damage to soils, vegetation, animal life and water quality.

With regard to coal hauling by a restored O & W RR, it should be obvious that this would greatly stimulate stripmining right up to the boundaries of the BSFNRRRA, with resultant degradation of water quality within. This stimulation of stripping would occur because a rail link would make the Southern RR system (at Oneida) available for coal from the western side of the Area, where there is presently no rail service. It should be noted that only 14% of the BSF watershed is within the BSFNRRRA, so the water within it is highly vulnerable to outside influences. If the O & W rail service is to be restored (and this is not the only option -- a bicycle path might be nice, too), then this should be done via a narrow-gauge RR, not extending outside the boundaries, which could not be used for coal hauling.

* What you can do: Write about ORV's and about O & W railbed alternatives to Sens. Baker and Sasser (Senate Office Bldg., Wash. DC 20510) and to your own Representative, with special emphasis on Reps. Duncan, Bouquard, and Gore, Jr. Send a copy to Col. R. Tener, District Engineer, Corps of Engineers, P.O. Box 1070, Nashville, TN 37202.

2. THE FEDERAL STRIPMINE LAW IS IN GRAVE DANGER

* As our last NEWSLETTER went to press, the Senate had just passed S.1403, a bill which would gut the federal stripmine Act of 1977 (see NL 97, ¶ 5A). In the House, the bill is in the Interior Committee, where chairman Udall has vowed it will die. However, the danger exists that S.1403 could be tacked on to a bill that is likely to sail through, e.g., a synfuels bill. This could occur in the Senate, or in the House. It is therefore important that you contact both of your Senators and your Representative to let them know about the evils of S.1403. WRITE to Senate Office Bldg., Wash. DC 20510 and House Office Bldg., Wash. DC 20515.

The origin of the bill was an innocent request by Sec. Andrus to simply extend the deadline for States to submit their program for approval -- nothing else. Coal interests used this opportunity to add many other weakening features. In the meantime, the deadline for State submittal of a proposed program was extended by a Court decision; so there is now no excuse for any amendments at all. Here are some of the bad things about S.1403. (a) It would require that State programs comply with the federal Act^{cal} (which has rather general language) and not with the subsequently promulgated specific regulations. This would rob OSM (Office of Surface Mining) of its legal means for requiring changes in proposed inadequate State programs. Decisions would end up in court, with resulting delays in coal production. (b) S.1403 would delay implementation of a permanent State program until June 1981! One of the worst features of this is that the important designation of "areas unsuitable for mining" under Sec. 522 of the 1977 Act would be correspondingly delayed. (c) During the remainder of the now much extended Interim Program, S.1403 would grant the primary inspection responsibility to the States. Here in Tennessee, we know very well what that would mean -- a return to the very bad old days. Response to citizen complaints, which has been good under OSM, would greatly diminish. (d) Implementation of the Program for federal lands would also be greatly delayed (until June 1981). This could be particularly bad for the arid West.

Please write now. A handwritten note, even if very brief, can be most effective!

ATTENTION OAK RIDGE MEMBERS

Are you willing to let Speaker McWherter deliver the General Assembly to Oak Ridge commercial interests (who want an airport adjacent to the Arboretum) by forcing U.T. to give up its experimental forestry lands? (see The Oak Ridger of Oct.23) If you want to help in a campaign against this steamroller, contact the editor.

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4004 Patton Dr. (37412) Chattanooga

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*Member of House in 90th G.A. elected to Senate
**Incumbent elected in 1976 to 4-yr. term
††Former member of General Assembly (not 90th G.A.)

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1979-80

91st General Assembly

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3501 Memorial Drive (37664)..... Kingsport

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47th Representative District
1226 Hillcrest Dr. (37355)..... Manchester

3. STATE BADLY NEEDS A PUSH TOWARD PROPER COMPLIANCE WITH THE FEDERAL STRIPMINE LAW

(contributed by Tom Johnson)

Under the federal Surface Mine Control and Reclamation Act of 1977, the ultimate goal is state enforcement of state-developed stripmine law. That state law must, however, be at least as stringent as the federal Act; it may be more stringent if the state determines that this is necessary to protect its environment. The federal Office of Surface Mining (OSM) must approve proposed state compliance programs.

Over the past 12 years, Tennessee has developed its own stripmine law, which, far from being perfect, is in some respects actually stronger than the federal Act. (Industry "log rolling" had resulted in inclusions of several compromises in the latter.) However, rather than building on Tennessee's existing law, the Governor charged the Dept. of Conservation with preparing a new state compliance bill. The deadline for submitting this plan to OSM, originally February 1979, was recently extended by Court action (see ¶2).

On Oct. 18, the state's Senate Committee on Energy and Environment, chaired by Ray Albright, held hearings on the proposed bill in Nashville. Interested parties had only 1-2 days' notice to reserve a spot for giving testimony; many citizens could not make the deadline. (Additional hearings are scheduled for Oct. 30 in Knoxville.) At the Oct. 18 hearings, FACT, Tennessee's coal lobby group, put on a dog-and-pony show, complete with slick publications of their platform. Sen. Albright congratulated FACT, but vigorously cross-examined citizens who testified; and Sen. Atchley accused Rural Legal Service's attorney Bethke, who made a beautiful presentation, of being a state-paid citizen lobbyist. Altogether it became quite clear that the General Assembly is looking for an excuse to gut the stripmine-control Act.

Unless we all exert maximum pressure, the state compliance bill that emerges may lack these very important features.

- (a) A requirement for an annual permit. (It is dangerous to grant a permit for 5 years, as proposed: conditions change, stripminers become lax in compliance, etc.)
 - (b) Bonding requirements to accurately reflect the cost of reclamation: \$3000-5000 per acre.
 - (c) Provisions for confiscating wildcatters' equipment.
 - (d) A strong Sect. 522 for designating certain Lands Unsuitable for Stripmining. --
- In addition, the state Administration appears to be losing its interest in enforcement. Thus,
- (e) There is a report that the Water Quality Control Division is not budgeting money for FY1980 for monitoring stripmine effluents. Dept. of Conservation will not be able to pick up the slack.
 - (f) The state is neither vigorously planning to assume its primary enforcement role, nor is it applying for all the federal aid possible to encourage an orderly assumption of enforcement. (An example of funding for which the state has failed to apply is that required for Sec. 522 planning -- an effort essential to the protection of water quality in the Obed, among other things.)

What you can do:

Write to your state legislator (Senator and Rep.) and to Gov. Alexander, and discuss points (a) - (f), above. We have enclosed another copy of the list of Senate and House members' addresses. Scan the list of cities and towns to find your legislators. If you are not sure which of several listed for the same city is yours, call 525-0338 for Knoxville, and 741-2069 for other cities. Gov. Alexander's address is State Capitol, Nashville, TN 37219. Please write or phone; if we don't act now, all our years of effort for good stripmine legislation will be wasted!

4. RESULTS OF TCWP ELECTIONS

The following were elected at the Annual Meeting, October 13, and will serve in 1980

PRESIDENT:	Lynn Dye	DIRECTORS:	Andy Butler	NOMINATING COMMITTEE:	
VICE PRES.	Grimes Slaughter		Lee Russell		Dee Jared
SECRETARY	Joyce Wallace		Bill Russell		Ruth Slusher, chair
TREASURER	Charles Klabunde		Paul Somers		Phyllis Sweeton
			Don Todd		

Tennessee Citizens for
Wilderness Planning

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For The Preservation and Enjoyment of Our Wild Lands and Waters

November 25, 1979

130 Tabor Road
Oak Ridge, Tenn. 37830
Telephone 615-482-2153

THE LETTER YOU WRITE CAN BE YOUR CHRISTMAS PRESENT TO A RIVER. DEADLINE DEC.7.

Are you mad and sad about the loss of the Little T? Have you read all those editorials saying Tellico would undoubtedly be TVA's last dam? Perhaps the writers forgot about Columbia. The local powerstructure and moneyed interests there are working very hard through political channels -- perhaps all the way up to the White House -- to bring about completion of a dam that is one of the real boondoggles of all time and would destroy a magnificent river, the Duck. Columbia Dam is only 20-30% complete: WE CAN STOP IT! The opportunity is NOW. The deadline is very short (Dec. 7, 1979).

TCWP is sending this appeal for action by first-class mail to those of its members and friends who, we feel, are most likely to take action. We are counting on you to write a short letter -- even a postcard will help -- as your Christmas present to a flowing river, to the rockbluffs and ledges and the magnificent old trees along its banks, to the animals in and around it, and to the farms that would be inundated.

Under the terms of Sec.404 of the Federal Water Pollution Control Act, the Corps of Engineers must issue a permit to TVA for all activities in the riverbed of the Duck River. Without this "404" permit, TVA cannot complete the dam. The Corps is holding a hearing Nov.27 at Columbia on whether to issue the permit. The hearing record will remain open until Dec. 7.

The question to be addressed at the hearing is whether TVA's proposed activity is in the "public interest," and this public interest includes economic, social, and environmental considerations. The interested public includes U.S. citizens no matter where they live -- all would be paying for this boondoggle with their taxes. Even though Columbia Dam would violate the Endangered Species Act, the best arguments against the project are economic.

Here is a sample of how your letter might start:

Mr. John Case
U.S.Army Corps of Engineers, Nashville Distr.
P. O. Box 1070
Nashville, Tennessee 37202

Dear Mr. Case,

Please include the following comments as part of the official record of the hearings held Nov.27,1979 on whether or not a Sc.404 permit be granted to TVA for the construction of Columbia Dam on the Duck River.

[~~Then~~ state your arguments. They need not be long. On the ^{next} ~~back of this~~ page is a Fact Sheet to remind you of some of the problems about Columbia Dam. You can use one or more items from it, or draw on your own experience.]

If possible, send a copy of your letter to Pres. Carter, The White House, Washington, DC 20500.* Send another copy to the letters-to-the-editor column of your local paper. THANK YOU!

*Also to Senators H.H. Baker and
Jim Sasser, U.S. Senate, DC 20510

Lee Russell

Please ^{see next} ~~turn~~ the page!

COLUMBIA DAM FACT SHEET

(Slightly modified from material provided by Frank Fly)

1. Navigation Benefits: NONE (no locks in dam)
2. Electric Power Generation: NONE (no generating capacity in dam)
3. Improved Use of Marginal Lands: NONE
4. Reforestation Plans: NONE
5. Flood Control:
 - (a) Municipal: Columbia, Riverside, 20 structures
 - (b) Agricultural: Inundate 12,000 acres of prime agricultural lands to protect 9000 acres of farmland downstream from flooding.
6. Shoreline Development: Required flood-storage capacity will reduce Columbia Reservoir from 12,000 acres to 4,000 acres 5 months per year: 8,000 acres of mud! "Shoreline" developments could be over a mile from shore for almost half the year.
7. Water Quality Control: Pollution dilution.
8. Water Supply Needs: Exaggerated; based on false population and demand projections. (Population of Columbia increased 2% past 6 years, yet TVA predicts 78% increase in demand for water during next 6 years.) Water-grid system could be connected to existing Normandy and Tim's Ford Reservoirs to meet all area needs.
9. Fish and Wildlife Habitat: 24,000 acres destroyed.
10. Transportation: Costly relocation of roads and bridges.
11. Industrial Development: Speculative. Project would guarantee minimum flow of only 150 cfs, while most water-consuming industries require 400 cfs minimum. Industry has not even used available sites on Tennessee and Cumberland Rivers that do provide the 400 cfs minimum.
12. Recreation: Need rivers, not lakes. Within 50 miles of project, there are 9 reservoirs of 160,000 surface acres and 3,000 miles of shoreline. Duck ideally suited for family canoeing and canoe camping; 289 miles of Duck within one hour's drive from Nashville. Recreation development based on free-flowing river could economically equal reservoir-recreation development.
13. Agricultural losses: \$6.1 million annually -- more than all claimed benefits combined. Agricultural use of land perfectly compatible with river recreation.
14. Benefit/Cost Ratio: Columbia Dam has never had a b/c ratio greater than 1.0 -- even by TVA's own computations. Latest computation, by President's Screening Committee in 1977, gave a b/c ratio of 0.8/1.0. Latest cost estimate: \$153 million.
15. Cost Overrun: In excess of 100%
16. Displacement of residents: 1540 persons; additional schools, churches, cemeteries, stores, archaeological sites.
17. Land Acquisition: 42,000 acres, to impound only 16,000 (Columbia and Normandy combined). Price paid per acre, Columbia site, approximately \$550.
18. Legal Violations: Endangered Species Act, water quality laws, National Historical Preservation Act, NEPA, etc.
19. Eutrophication: Duck River waters are rich in phosphates and other nutrients. Impoundment is very likely to lead to algal blooms, low dissolved oxygen, and high bacterial levels that make future swimming and sport fishing problematic. (See also item 7.) TVA could be creating a 12,000-acre sewage lagoon!
20. Alternatives: Water-grid system; flood-plain zoning; development of agricultural land, wildlife habitat, and river recreation; municipal and industrial water treatment plant construction assistance.

