

TENNESSEE CITIZENS FOR WILDERNESS PLANNING

Newsletter No. 102, April 24, 1980*

 ** "THREATS TO OUR NATIONAL PARKS" -- illustrated talk and discussion. **
 ** Dr. Richard Curry, Special Assistant to the Director, National Park Service **
 ** Wednesday, May 14, 7:30 p.m., Oak Ridge Public Library Auditorium. **
 ** Our Parks are threatened by air and water pollution, overuse, developments, **
 ** minerals exploration, etc. Dr. Curry will, in particular explore the impacts from **
 ** energy developments. All of us should be concerned. Bring a friend! **

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

1. STRIPMINING: MINERS WAGE A DIRTY FIGHT AGAINST IMPLEMENTATION OF LAW

A. State bill passes for second time

The Tennessee legislature on April 16 passed its second version of a state stripmine bill that it hopes will be in compliance with the federal Act. The first set of bills passed the Senate 3/12 and the House 3/20, i.e. following the submission of a state program to the federal Office of Surface Mining (OSM) on 2/27. OSM made a first review for completeness (with an informal public meeting in Knoxville on 4/15), then sent a list of 45 objections, which the state termed "minor." Based on these, the General Assembly came up quickly with 15 amendments. The final bill has, of course, no provisions for confiscation of wildcatters' equipment, having lost these earlier as a result of Sen. Albright's obstinate opposition. As a sop, wildcatting was changed from a misdemeanor to a felony. Conservationists and coalfield residents also lost their fight to have permits reviewed more often than every 5 years, to have minimum bond set at \$5000/acre, and to add two members (reps of the Dept. of Conserv. and of the conservation community) to the 5-member Board of Reclamation review. As a result of OSM objections, however, the provision that required 2 members of the Board to be members of the coal industry was changed to "representing" the industry but having no financial interest in it. -- Some SOCM members who closely watched the progress of the bills through the General Assembly commend the following: Senators Jim White, Ben Longley, Crockett, Avon Williams, Carl Koella, Bill Ortwein, Ed Davis, and Jim Davis; and Reps. Bill Carter and Chris Turner. McKinney led the fight for confiscation in the House. On the other side of the coin are the following, who voted against every strengthening amendment, even though they represent coalfield residents: Senators Buzz Elkins and Annabell Clement O'Brien (Bob Clement's aunt); and Reps. Jim Henry, Tom Wheeler, Shelby Rhinehart, Bob Beaty, and Mike Robertson. (Senator Annabelle Clement O'Brien lately orchestrated a media event to attack government regulation of stripmining.) We hope that if people on the first or second list represent your district, you'll drop them a line to, respectively, thank them or express your displeasure.

B. Further review of the state bill and its implementation

OSM will follow its process of reviewing for completeness (see A, above) with a substantive review. There will be several opportunities for citizen input. We are asking TCWP members willing to analyze the state bill to get in touch with Tom Johnson (Knoxville 974-4251 or 970-2304). We may also receive expert advice from the Citizen Coal Project in Washington. Almost as important as the state bill will be the regulations for its implementation, now being drafted by the TN Dept. of Conservation. We shall ask for public meetings on these. One of our major interests is in seeing how the state will implement the bill's section on declaring certain lands unsuitable for mining. This involves study and planning as a prerequisite, and we have for some time been urging the state to acquire staff for this purpose. The response has always been a promise to do so; the latest one, dated 3/24, expressed the hope that a position would be approved and filled in a matter of weeks. Several positions for other functions have been approved earlier, and many of these will be filled this year. The staffing will then be ^{further} increased if and when the state's permanent program is approved by OSM. Whether the staffing is adequate should be another matter for citizen scrutiny.

C. We think you should be outraged

The legitimate coal industry is frequently at pains to point out that they don't approve of wildcatting. But we haven't seen much horror expressed by FACT (the industry's publicity and lobby arm in Tennessee) over the recent wave of violence in Campbell County. FACT has sat back and allowed the media to turn their reporting into an attack on OSM, instead of on the violators. Item: two homes are burned of people who have dared testify adversely at permit hearings (see NL 99 13D). Item: wildcatter Robert Hatmaker, supported by a cheering crowd of buddies, breaks nose of lone OSM inspector 3/7/80, after chasing him in his car and blocking the road. Tennessee thus has dubious honor of becoming first state in which a federal inspector is physically injured. (R. H. had earlier assaulted a state inspector.) Item: Robert's brother, Lonnie Hatmaker brings employees and buddies to a permit hearing to heckle, insult,

and intimidate local residents testifying about landslide dangers from a proposed stripmine. Item: Lonnie physically denies access to inspectors on 4/2/80. There was much media play on this last one, with interviews of the Hatmaker crowd who blamed OSM regulations for financial woes with coal.

* WHAT YOU CAN DO: 1. Write a letter to your paper, with copy to your U.S. Rep (House Office Bldg., Wash. D.C. 20515) and point out: (a) that unregulated mining is very costly to all of us (for examples, see D., below); (b) that hundreds of operators are mining coal at a profit, and meeting the requirements of the Federal Act; (c) that any financial problems operators may have are not in the production, but in the selling of coal (there are 100+ million tons of coal, already mined, lying around unsold); (d) that OSM has an extensive Small Operators Assistance Program to help the littly guy meet the requirements of the law (the Hatmakers et al have made no use of what's available to them); (e) that the incidences of violence indicate that OSM is doing its job, in contrast to the lack of enforcement the operators have been used to; (f) that the legitimate coal industry should attack the violators instead of the enforcers. 2. Contribute to the Fire Fund for people whose homes have been burnt, and/or make a pledge to contribute in case another family were to be burnt out (Fire Fund, SOCM, P.O. Box 457, Jacksboro, TN 37757).

D. The real cost of stripmining: abandoned mine reclamation reveals the top of the iceberg

During the years when coal production was switching from deep mining to stripmining because it was "cheaper," many of us were trying to point out that the only reason this was so was that most of the costs (that should have been industry expense) were being born by others (now and in the future). Implementation of the Abandoned Mine Reclamation Fund, a provision of the 1977 Act, now reveals the top of the iceberg of these costs. Examples: \$907,000 for flooding caused by 1200 acres of nonreclaimed stripmines in Harlan County, KY (part of this is for a study of what to do); over \$2.2 million in the Little Kyger Cr watershed of Ohio where 6000-10,000 tons of sediment spill into the creek each year, rich bottomland is destroyed, and mudslides cover roads; \$280,000 to stabilize a 15-acre landslide in Pike Cy, KY; over \$1.5 million to save homes and a gasoline bulk plant threatened by a major earth slide resulting from spoil thrown over the downslope in W. Virginia; \$180,000 to save a road from caving in over an abandoned stripmine in Alabama. Incidentally, Tennessee will receive \$240,000 to compile data on abandoned-mine-land problems for inclusion in a national inventory. The study is to take a year, and the first set of data will be out in 6 months.

E. Other stripmine capsules

- TCWP's Tom Johnson on 3/27/80 testified at oversight hearings held by the House Interior & Energy Subcommittee on the subject of OSM's performance under the 1977 Act. He reports that Congr. Udall is valiantly resisting intense pressure to allow his committee to act on S.1403 (already passed by the Senate) which would pull the teeth from the federal law. Tom also met with OSM's Director of State Programs.
- By the time of the March 3 deadline, 24 of 27 coal states had submitted plans for state regulation. (Georgia, Alabama, and Washington will go with federal enforcement.) OSM is now reviewing these for compliance with the Federal Act. Texas' program has already been approved.
- OSM has a \$25-million program to assist Small Operators (i.e., those mining less than 100,000 tons/yr) in obtaining the hydrological and geological info they need for a permit application. Altogether, 194 labs have been qualified for this purpose, including 15 in Tennessee.
- The final guidelines for general reclamation requirements in the Abandoned Mine Land Program went into effect 3/6/80 (see D, above).
- On 4/9, the Taiwan Power Co. signed a contract in Knoxville to buy \$400 million worth of coal from this region.

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2. OBED: STEPS TOWARD ACQUISITION

A. The Wartburg hearing: support from Rep. Bouquard; some agitation for zoning



TCWP Pres. Lynn Dye, exec. director Tom Johnson, Ken Warren, and Ray Payne were among the people attending the March 18 Wartburg meeting on the Obed draft acquisition plan. They report that, during the evening, Rep. Marilyn Lloyd Bouquard's local representative, Howard Elliott, reaffirmed her strong support of the Obed Wild & Scenic River. Elliott then read a letter from her, written a week before to Secretary Andrus, in which she chides the Dept. of the Interior for having let 4 years go by without implementing the Act that adds the Obed to the Natl. Wild & Scenic River System: "Before I take my complaints to the Interior Committee [of the Congress], I want to give the Department one final opportunity to show some movement on this project." She then asks for specific answers to a number of questions, such as the timetable for acquisition, list of Dept. personnel engaged in various pertinent activities, what funds are needed for completion, etc. We understand that the letter has been very effective, not only in eliciting a response, but in getting the appraisal process speeded up (see B, below). We hope you will write to Rep. Bouquard (House Office Bldg., DC 20515) to express your thanks for her active support and to commend Howard Elliott. At the Wartburg hearing, also, a few landowners were vocal in favor of protecting the river by zoning instead of acquisition, with all developments, accesses, etc. to be in Catoosa. Howard Elliott, however, pointed out to them that "spot zoning" was against state law, and that a county-wide zoning plan would have to be enacted by the County Court to make their proposal realistic. It appears that the testimonies were emotional, rather than factual, and that these people passed up the opportunity to obtain information and discuss problems in a personal give-and-take, which was offered by the Park Service (NPS) when it set aside four full days of open houses throughout the county during the week preceding the evening meeting: noone came on 2 of the days, and a total of only 6 people showed up on the 2 others.

Since the main proponent of zoning at the hearing was Alan Bradshaw, a member of the County Court, NPS subsequently wrote to the Court to ask whether they were prepared to zone. The questions were very specific, e.g. would the county provide litter cleanup? protect river visitors and their property?, etc. The Court and the County Judge responded with a general re-affirmation of the zoning preference. The sentiment in the county, however, as also testified to by 3 local organizations, is for NPS acquisition. NPS has now rewritten the draft plan: Public use areas (accesses, overlooks, etc) will be acquired in fee, as No. 1 priority. Other parts of the project area will also be acquired, unless "adequate" protection can be provided by zoning.

B. Acquisition: staff changes

NPS has issued contracts to two appraisers of land and timber, and to one minerals appraiser. Landowners have been notified in writing that the appraisal process is being re-initiated and that they'll soon be invited to accompany the appraiser on a tour of their land. In the meantime, the NPS Land Acquisition Officer, Marion Turzai, was well impressed with the new appraisers. About a week ago, however, Mrs. Turzai moved to a job with OSM, a major promotion for her. Her replacement will be Bob Lesch, who'll start work June 1.

C. Minerals exploration in Catoosa

TWRA Exec. Director, Gary T. Myers, has responded to a letter from Tom Johnson by stating: "The Tennessee Wildlife Resources Agency does not have any immediate plans for coal exploration on Catoosa." He does not rule out other types of exploration, however. "If oil and/or gas drilling can be done on non-habitat sites and no impacts to surrounding habitat areas is 100% assured oil and/or gas exploration may be considered."

3. BIG SOUTH FORK: SCOTT STATE FOREST; NEW RIVER

A. State Forester balks at turning over state land

Scott State Forest lies within the legislated boundaries of the Big South Fork National River and Recreation Area. It had always been taken for granted that this area would be made

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available for the BSFNRRRA by donation from the state -- just as a portion of the Daniel Boone National Forest will be made available by the USFS. Now, the State Forester, Max Young, seems to balk at this idea and states "The BSFNRRRA has always been a federal project with no contribution from the states." The Master Plan for the BSFNRRRA relies heavily on the Scott State Forest for placement of "Bandy Creek" the main visitor area within the Park. If you think the State Forester's attitude is a selfish one (and may actually be at variance with past state commitments), write to Gov. Lamar Alexander (State Capitol, Nashville 37219), with a copy to Commissioner Ann Tuck, Tenn. Dept. of Conservation (2611 West End Ave, Nashville 37203).

B. New River problems

The New River is one of the two main stems of the Big S. Fork, and its lower portion is included in the authorized BSFNRRRA. The Act that established the Area asked for a special study on New River water quality problems. This study, contracted to Robert Kimball & Assoc, was completed a year ago, and its findings may shock you. The annual discharge of sediment, derived from 16,000 acres disturbed by mining, was found to be over 200,000 tons, with 41% coming from orphan mines and most of the remainder from active stripmines. Just as an example, the soil loss from 374 miles of haul roads amounts to over 700 tons per acre! What does all this do to the streams? Only 6 of 21 New River tributaries support cool-water fish species. Only 20 species of fish have been reported in the New River, in contrast to 62 species in the BSF. The report further states that, while the economy of the area is based on coal mining and forestry, local people benefit only very marginally, since most of the income generated leaves the area as profits.

4. FIVE STEPS FOR COUNTERING THE CORPORATIONS' ONSLAUGHT ON ENVIRONMENTAL LAWS

The beginning of the second decade after Earth Day finds industry heavily engaged in a sophisticated campaign to undo the regulatory programs that were achieved during the first decade in an effort to halt (or at least slow) environmental degradation. This industry onslaught on regulations takes two main avenues: (a) an advertizing and media campaign, and (b) extensive contributions to anti-environment political candidates. A few examples will give you the flavor.

- In sponsoring "Edward and Mrs. Simpson," the Mobil Corp. ran 6 three-minute commercials entitled "Fables for Now," danced by famous troupes, that depicted a society in which regulation was out of control. Selfish environmentalists, portrayed by monkeys, joined forces with government regulators intent on increasing their power. Together they place limits on the benevolent and paternalistic animals that provide the society with the "vim-and-vigor juice" it needs to survive. Among the things suggested in the "Fables" was that growth can be unlimited, that we depend on foreign oil because domestic regulations won't permit us to produce it in the USA, etc.
- Many of you have seen Mobil ads in various magazines that have cartoons, jokes, and epigrams with the same type of anti-regulation message. Gus Speth, chairman of the President's Council of Environmental Quality, recently referred to these sophistries as "the imMOBILization of truth."
- The Wall Street Journal has run a vicious editorial attack on the Natural Resources Defense Council, blaming the Nation's energy problems on NRDC litigations which, the Journal says, are spurred by "the fanaticism of a few environmentalists." This type of attack is likely to scare off foundation support on which NRDC heavily depends. (Send your contribution to NRDC, 122E42, New York, NY 10017).
- Political Action Committees (PACs) established by big corporations can donate up to \$5000 to any candidate in any one primary or general election. While the money must come from employees, the corporation can facilitate "giving" through payroll deductions, and it can directly finance PAC staff and office expenses. ENVIRONMENTAL ACTION recently selected the

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Filthy Five companies, which together gave \$714,131 to candidates in 1978 and, at the same time, are the most frequent violators of environmental laws (Dow, Internatl. Paper, Republic Steel, Occidental Petroleum [which also owns Island Creek Coal Co. and Hooker Chemical], and Standard Oil of Indiana). Interestingly, a list of 40 members of Congress who received contributions from at least four of the Filthy Five contains three Tennesseans -- Sen. Baker, Rep. Duncan, and Rep. Beard. That's 7.5% of the list, whereas Tennesseans represent only 1.9% of the Congress -- in other words, our State's representation among Filthy Five recipients is 4x greater than average.

X WHAT YOU CAN DO

1. Let candidates know that you are making the environment a major factor in your decisions on how to vote. If you like a candidate, give him an environmental reason of why you will support him/her. Send a contribution to his/her campaign if his/her election is in doubt. When you get a fund-raising letter for a candidate whose record or platform you don't approve of, don't just throw it away, but write back "I won't support you because of your stand on ... [some environmental issue]."
2. Send a contribution to the League of Conservation Voters (317 Pennsylvania Ave SE, Wash. DC 20003), which supports those candidates who have been most courageous on behalf of the environment and have, as a consequence, moved to the top of industry's hit list. Among those supported by LCV are Sen. John Culver (hero of the Endangered Species Act), Rep. Morris Udall (who's staving off an attempt to wreck the Stripmine Act), and Rep. Bob Edgar (the most effective damfighter in the Congress). Checks written to the "League of Conserv. Voters Campaign Fund" are tax deductible (as a political contribution) for up to \$100 per person, or \$200 per couple.
3. Write to your Congressional candidates and ask them to refuse campaign contributions from companies that break environmental laws, and especially from the Filthy Five .
4. Write to the TV Station in your area that ran "Edward and Mrs. Simpson" and ask that it balance the Mobil commercials by airing a response taped by FOE Media Action (Friends of the Earth, 124 Spear Str., San Francisco, Cal. 94105).
5. Write to your local paper pointing out that regulation won't go away until the problems do. The burden of government regulation could be reduced, but only if those who are agitating most strenuously against it would just take steps to eliminate the situations that create the need for regulation.

5. THE STATE: MOSTLY BAD NEWS

A. Death of Bottle Bill blamed on Gov. Alexander

"One of the best citizen lobbying efforts was gutted by Gov. Lamar Alexander." So starts the latest newsletter of the Tenn. Alliance for Container Legislation (TACL). The bill was voted favorably out of House Commerce Committee on February 6. Then, the day before the Senate Commerce committee was to vote, the governor sent a letter to the senators asking them to defer passing both the deposit bill and the litter tax (the latter being the bottling industry's smoke screen, which had already passed committee!). Gov. Alexander said, "we need to look at more comprehensive and imaginative ways to solve our litter problems ... I will initiate a study immediately ..." And, speaking of studies, the analytical trash pick up, in which several of you participated, netted a total of 27,787 lbs, of which 73.9% were throwaway cans and bottles. (481 people contributed 1,097 hours to pick up trash on 46 miles of road across the state.) A nationwide returnable system could save between 70,000 and 80,000 barrels of oil per day.

* WHAT YOU CAN DO: Write to Governor Alexander (State Capitol, Nashville, TN 37219) and urge him to insure fair representation for your viewpoint when he appoints the task force for his promised study.

B. Priority list of urgent state water quality problems

* This is being formulated by the Tenn. Division of Water Quality Control as part of the FY 1981 State-EPA Agreement. If you know of any urgent WQ problems, get in touch immediately with Ken Bunting, Div. of Water Qual. Control, Cordell Hull Bldg., Nashville 37219, Phone 615, 741-2275.

C. The Walden Ridge portion of the Cumberland Trail, will be wounded by the sand quarry after all. First, the Water Quality Control Division ruled that no NPDES permit was required. Now, the Anderson County Board of Zoning Appeals has caved in, despite opposition from local residents, a recommendation from the County Planning Commission, and the expressed concern of the Road Superintendent. It was one of the loveliest part of the trail, on a smooth rock crest, with views on both sides.

D. Plans for a trail on a Morgan County railroad bed are dead

Local rumors and misinformation have killed a good proposal. In 1978, the Tenn. Dept. of Conservation purchased an 11-mile stretch of abandoned railroad bed (including a 100 to 200 foot right-of-way on either side) and planned to develop it as a hiking and/or horsetrail, which might also form a link in the Cumberland and John Muir State Scenic Trails. However, at a hearing earlier this year, the local power structure (including County Judge, County Sheriff, Gov. Alexander's campaign chairman, etc.) joined local residents in protesting the trail. The reason given was that "undesirable" people from Oak Ridge, The Univ. of Tennessee, and Knoxville would use the trail and violate the rights of people living alongside. Drug use was mentioned by some. It is of interest that local people have encroached on the right-of-way by such activities as mining, cultivation, and siting of house trailers.

E. The Cumberland Plateau National Forest Proposal (see NL's 94,96) appears to be another project that's presently not going anywhere (though not due to local opposition). The nucleus of this forest would have been the 50,000-acre Carter Estate in Franklin County (adjoining Alabama).

F. (To end on a more cheerful note) State Energy Mobilization Board dead for the time being

A potentially devastating piece of legislation, the Tennessee Priority Energy Project Act SB 2335 (Crouch)/HB 2238 (Hillis), would have broadly exempted almost any energy-related activity (including mining, transportation devices, processing, manufacturing, etc. etc) from most laws (see also NL 100 ¶5); yet it received very little attention. Some of us called several legislators about this long and complex bill and found them to be rather surprised when informed about detailed features of the legislation. The sponsors finally agreed to defer the bill until after a national Energy Mobilization Board has been created, and then to re-examine the question of whether a state EMB is "needed." Some observers feel the bill is probably dead. (The proposed state EMB, incidentally could have commandeered staff from various state agencies to work at the bidding of the Board.)

6. MORE PEOPLE BECOME AWARE OF COLUMBIA DAM'S FOLLIES

A. Much movement on the water-quality issues

As you may recall, Commissioner Fowinkle granted the State's 401 certification (a prerequisite to the Corps' 404 permit) in spite of the fact that his staff had found very serious problems with the proposed reservoir's water quality. He based his ruling only on the quality of discharges from the dam. Several organizations petitioned to appeal the 401 certification to the Water Quality Control Board. TVA sent a lengthy statement opposing a hearing before the Board; they claimed that the appeal raised matters that were not within the jurisdiction of the Board, and that it was "untimely." However, a hearing has been granted and will be held May 2, 9:00 a.m. (Rm 16, Legislative Plaza Bldg, 6th Ave N and Union St., Nashville; for more info, call 615, 741-2275). It appears that Dr. Fowinkle has hired private counsel to represent him.

Another water quality development is that EPA's Region-IV Administrator wrote to the Corps' Col. Tener on 2/13/80, asking him not to issue a 404 permit until EPA staff had reviewed TVA water-quality modelling data on which, among other things, Fowinkle's conclusions about dam discharges are based. The data have been turned over to EPA. We have also heard that EPA considers it as a violation of the law for the State to abdicate its responsibility over reservoir water quality; and that this could make the State ineligible for federal funds.

B. Endangered Species

The U.S. Fish & Wildlife Service appears to be re-thinking recommendations concerning procedure to be followed with respect to two endangered mussel species. Successful transfer or conservation must be demonstrated (and this may take 5 years) before the dam is completed.

C. "60 Minutes"

On April 20, CBS aired an excellent "60-Minutes" segment on Columbia. They exploded all the claimed benefits, and had Congressman Robin Beard admitting that he "didn't know" such things as that the regular draw-down would, for 5 months of the year, leave 2/3 of the reservoir acreage as mudflats or dry ground. After Beard talked about having seen young people drown in floods, Harry Reasoner got him to admit that the only deaths had been from a non-flood related accident (car going over a bridge). Beard had to eat his words about farmers leaving the rich bottomland gladly, for the good of the project, by admitting that all 200+ families left under duress. The report also pointed out that the major claimed benefit, lake recreation, was nonsense in view of the fact that there were 9 other reservoirs within 50 miles. State Water Quality personnel were shown stating emphatically that the reservoir would smell and would be unusable for water supply. The program ended by pointing out that Columbia Dam was but an example of other pork barrel projects which, jointly, would cost the country about \$4 billion. If you saw and liked this program, tell your Senators and Representatives (Senate or House Office Bldg., Wash., DC 20510 or 20515).

7. NEW THREATS FROM HYDROPOWER DAMS; OTHER WATER PROJECT NEWS

A. Low-head hydro

Just when everyone was saying we had reached the end of the dam-builing era, the energy-crisis atmosphere brought with it a renewed push to develop dam resources. As we had reported earlier (NL 99 ¶7A), the Corps of Engineers is engaged in assembling a gigantic inventory of sites at which (a) non-generating dams could have turbines installed, (b) generation facilities could be upgraded, or (c) new dams could be built. In the meantime, as the Windfalls Profit Tax bill moved through the Congress and became a cinch to pass, legislators used it as a vehicle for adding tax breaks for hydropower development. Thanks to the efforts of the Am. Rivers Conserv. Council, a giant subsidy for new dams was deleted in conference committee, but the bill retained a 21% tax credit for retrofitting existing dams up to 25 MW capacity (with declining % tax credit for higher capacities up to 125 MW).

The threats are not over, however. First, other Congressional efforts may still bring financial and other incentives for new dams. Second, even the retrofitting of small dams is not necessarily environmentally innocuous, since it brings with it major construction activity, clearing for powerlines and substations, and probable release of toxic materials that has accumulated behind silted-in dams. For low dams, in general, consider the following:

(1) Environmental damage from dispersed small projects may well be cumulatively worse than that from a single large one. (2) Small dams have little storage capacity and are located on streams with variable flow. Consequently (a) no peak power is created; and (b) costly back-up systems must supply power when stream flows are low. This uneconomical situation will create pressure to build more dams upstream in order to manage flows. (3) Because the projects would be small and numerous, there would be pressure to use generic environmental impact assessment, instead of site-specific reviews.

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* TCWP is trying to have an early input into decision-making on lowhead hydro and will establish a dialogue on this subject with TVA, DOE, and the Corps. We need members who will help us in this effort. Please contact the editor if you have an interest.

B. Omnibus water projects authorization (the pork-barrel bill)

The Senate version, S.703, of the monstrous pork-barrel bill passed by the House in February (NL 100 9A) is still in subcommittee markup, and it looks as if a stripped-down version will emerge. The President promised a group of representatives from environmental groups that he would veto any bill that resembled the House version, and the Administration is lobbying along those lines in the Senate committee. Some House members are said to be contemplating a "trade" by offering the Administration a Water Resources Council bill (see C) in return for retaining as many pork barrels as possible.

C. The Water Resources Council is an integral part of the Carter water policy. One Administration idea is to have the WRC establish new standards for judging water projects, but the Congress wants veto powers over these standards. The Congress also wants an independent chairman for the WRC (selected from outside government), and the Administration has agreed to this latter feature.

D. Only token cuts in water projects budgets have been recommended by Congressional committees - \$100 and \$300 million on the House and Senate side, respectively, i.e. considerably less than 10% at best. (On the other hand, as we informed you in NL 101, cuts of 50-100% are being contemplated for the Land & Water Conservation Fund.) Let your representatives in Congress know that by merely putting a \$30 million-per-year ceiling on the 18 biggest projects, a savings of over \$560 million would be realized for 1981 (House or Senate Office Bldg., Wash, DC, 20515 or 20510). And talking of big pork-barrels, 50 Tenn-Tom promoters were up in D.C. recently, with taxpayers in Tennessee and 4 other states footing the bill for airfare and lodging (by way of state appropriations to the Tenn-Tom Authority).

8. TVA CAPSULES

A. Environmental leaders were hosted by TVA on April 23, spending 1½ hours in free discussion with the Board, then the rest of the day hearing and asking about TVA programs on land-use planning, coal-gasification demonstration plant, instream-flow improvement, nuclear-waste handling, and toxic or hazardous wastes. Chairman Dave Freeman stressed that this meeting was not just a token Earth Day gesture (the near-coincidence of dates not being premeditated), but the beginning of better interactions between TVA and the environmental community. (However, it is pleasant to reflect that, under the "old" TVA, Earth Day was a dirty word, and the idea of inviting environmentalists could never have been implemented.) TCWP members who attended (see ¶13) established contacts with some TVA staff people and asked to be included in more specific discussion of a number of topics, such as low-head hydro plans, non-structural alternatives to flood control, water supply, and recreation, and establishment of natural areas on TVA-owned lands.

B. Compliance with Clean Air Standards is the single most important activity TVA can undertake at this time to help protect the health and safety of the public in this region. To the extent that TVA cleans up the air, it is also "making room" for new industry. And, above all, it's obeying the law. These are points stressed by Dave Freeman and points that should be stressed by us to counteract the appeal to ignorance that is being made by some politicians who simply harp on the increase in power rates that will be brought about by the pollution-control measures (see also NL 100 ¶7). WRITE A LETTER TO YOUR PAPER TODAY. Point out also that pollution control costs represent only 5.5% of the total TVA budget, and that not paying these visible costs simple leads to worse "invisible" costs in terms of damage to our health, to crops, to materials, and in terms of foreclosing other development opportunities for the Valley. When TVA has completed its compliance program, it will have taken from the skies about 1,000,000 tons of pollutants every year.

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- C. Testimonies presented at recent TVA rate hearings on rate reform included one from TCWP's Tom Johnson. He points out that Tennessee, which ranks 27th in population is 10th in energy consumption, mainly due to the attractions of cheap power for energy-intensive industries. Among the reasons for the cheapness of the power is that some of the real costs of producing it -- those caused by air and water pollution and by unreclaimed stripmines -- did not get paid for years and years. Expansion of generating capacity will be very costly, and TVA is to be commended for seriously considering ways of holding down consumption, e.g. by reducing peak power demands. Other options outlined in the TVA report also show great promise for energy conservation, and it is hoped that implementation will proceed rapidly.
- D. TVA's river recreation involvement, at this time, is taking the form of acquiring access sites (NL 100 ¶ 7B), with development of these sites to occur later. The TVA Board authorized \$3 million to acquire 250 sites on 40 streams. About 20 sites on 6 rivers will be acquired in the first year (Clinch, Little-T upstream, Emory, Nolichucky, Tuckasegee, and Toccoa), and the total process will take 10 years. (For a copy of the plan, write Tom Berg, TVA Recr. Resources Branch, Norris 37828, or phone 615, 494-9800.) -- If you plan to float, or fish in, the Clinch, call a TVA recording for info on stream-flow and on water releases (subject to change without notice) from Norris Dam. The number 615, 546-0475 may be called on a 24-hr 7-day basis, but on weekends will repeat the Friday report.
- E. David Freeman was named Conservationist of the Year by the Tennessee Conservation League, and the presentation statement said, "Chairman Freeman has brought TVA back to its roots, working with the people of the Valley to improve our environment and economic well-being. Instead of being at odds with the conservation community, TVA is now working closely with conservationists in a broad range of programs." In spite of a few problem areas growing out of TVA's past sins, we feel Freeman truly deserves these words of appreciation.

9. LITTLE T: CHEROKEES' SUIT; WATER QUALITY

A. Cherokees lose

On April 15, the 6th Circuit Court of Appeals handed down a 2:1 ruling against the Cherokees. The majority opinion fully conceded that filling of the Tellico Reservoir would damage folklore and tradition, which are vitally important to any group of people; but held that these interests are not protected by the First Amendment. According to the court, the Cherokees had not demonstrated "that worship at the particular geographical location in question" was indispensable to their religious observances.

B. TVA seeks change in water-quality classification

TVA has appealed to the Tenn. Water Quality Control Board to reclassify the Little-T water quality so as to remove the "trout stream" designation. TVA claims that this is not a matter of softening the standards, but simply a reflection of the fact that the warmer waters of a reservoir won't support trout. At the same time, TVA admits that the classification change would be required before industry could discharge into the reservoir.

10. NATIONAL FORESTS: ANOTHER VERSION OF THE ANTI-WILDERNESS BILL; ROBBINSVILLE-T'PLAINS ROAD

A. A revised Foley bill is still a disaster

Rep. Foley's original anti-wilderness bill, HR 6070 (see TCWP Action Call 80A) had gathered 63 cosponsors with an average League of Conservation Voters score of 23%. However, the bill appeared doomed to die as the result of Senate opposition by Jackson and Talmadge. Foley then formulated HR 6607, which legislates instant wilderness status for the 12,400,000 acres recommended by the Administration in its RARE II proposal. However, it also instantly releases for commercial development the 36,000,000 acres that the Administration passed by in RARE II. With regard to the RARE II "further planning" category, HR 6607 would release for commercial development all areas that have not been studied by 1984 and legislatively designated as wilderness by 1986. Conservationists oppose blanket statutory release, because the RARE II study that led to the USFS's "not wilderness" designation was deeply flawed. Only area-by-area analysis will permit fair scrutiny of our remaining National Forest Wildlands.

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* WHAT YOU CAN DO: Write to your Representative (House Office Bldg, Wash. DC 20515) and Senators (Senate Off. Bldg., DC 20510) and ask them to oppose HB 6607, HB 6070, and the concept of statutory release in general.

B. Tellico Plains - Robbinsville Road in the Cherokee National Forest

Earlier roadcuts for this project had opened up Anakeesta rock formations whose acid runoff killed all life in several once pristine mountain streams. Mitigation attempts (dumping in of NaOH) appears to have had little if any permanent beneficial effect, since pH has again fallen to low levels. TCWP Exec. Director, Tom Johnson, on Feb. 21 attended a meeting between officials of the Federal Highway Adm. and the Tenn. Dept. of Water Quality to discuss preventive measures for the April 1 resumption of road building. Mean baseline pH has been established for each stream that might be impacted, and it was agreed that if pH were to fall 0.2 or more points below this baseline figure, construction would be halted. Further, a U.T. geologist will daily analyze newly exposed rock material to avoid any more cuts into the Anakeesta formation. -- As you may recall, we have been unable to proceed with our efforts to halt the road, because several conservation groups felt that this prerogative had been traded in some time ago for Mayor Hall's promise not to oppose the Citico Wilderness. Perhaps our efforts have at least resulted in preventing further stream pollution.

11. ENERGY DEVELOPMENTS WILL HURT

A. Proposed power plant conversions pose environmental threats

Senate and House Committees will be considering legislation (S.2470 and HR.6930) based on an Administration proposal to turn utilities away from the use of oil or gas. The program is in two parts: (a) \$3.6 billion in grants would pay 50% of the capital cost of converting 107 power plants at 50 stations in northeastern and mid-Atlantic states from the use of oil and/or gas to coal by 1985; (b) \$6 billion in loans would go to utilities nationwide for voluntary measures to save oil, e.g., by conversion to coal, nuclear, synfuels, or hydro, or by conservation measures. The proposal contains about \$400 million for pollution control, but the Administration has admitted that this would not resolve the acid-rain problem (see ¶ 11B, below) and has asked the Congress to hold hearings on that subject. The proposal largely echoes the recommendations of the President's Commission on Coal (which was originally set up to examine labor-management problems), chaired by Jay Rockefeller, the governor of West Virginia (a major coal state). Implementation of the proposal would increase the use of (mostly eastern) coal by 40-45 million tons/year by 1985. No wonder that eastern-coal-state senators and representatives are really pushing it. In addition to air quality problems, we can look forward to lots more stripmining.

B. Acid rain, the result of SO₂ and NO_x emissions, has greatly increased over the past 2 decades.

It results in crop losses, fish kills, damage to forests, and deterioration of materials. For our area, the following measurements recorded by 5 stations in the Smokies are of interest: 1960, average pH 5.6; 1970, aver. pH 5.0; 1979, aver. pH 4.1, with occasional precipitations as low as 3.3. The drop from pH 5.6 to 4.1 represents a 30-fold increase in acidity. The haze over the Smokies has changed from blue to white, indicative of sulfate aerosols (from steam plant emissions). (See ¶ 14 for a report on acid rain.) -- The legislative proposal summarized in ¶ 11A, above, is estimated to result in increased SO₂ emissions of 250,000 to 450,000 tons/year, and increase in NO_x emissions of 200,000 tons/year.

C. Carter moves to make Energy Mobilization Board less unacceptable

Creation of an Energy Mobilization Board (EMB) was an integral part of the Carter energy policy announced last summer. Since then, the two Houses of Congress have been adding their own touches, each one managing to embellish the general proposal with different horrible specifics. Consequently, the bill, S.1308, is still in conference committee. The House version gives the President authority with Congressional concurrence, to waive most laws upon the EMB's recommendation that a project go on "fast track." Both of the bills have "grandfather" clauses,

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but that of the Senate version is considered somewhat worse. Pres. Carter has been urged by environmental groups to personally intervene with the conference committee to break the dead-lock in favor of an EMB that would not possess either waiver powers or a broad grandfather clause. Recently, the President responded by sending a letter to the conferees, reaffirming his opposition to the House waiver provision.

D. Ronald Reagan on Alaskan oil reserves

Ronald Reagan has been quoted as follows (The New Yorker): "The U.S. Geological Survey says that the potential for Alaska alone is greater than the proven reserves of Saudi Arabia. And yet our government has taken 250,000 sq. miles of Alaska and has said, 'That's a preserve, you cannot even look at that to find out if there's oil underneath that ground.'" The truth: the U.S. Geological Survey, in fact, estimates that Alaska has proven reserves of slightly over 9 billion barrels of oil, and potential reserves of 12-49 billion barrels; while Saudi Arabia has proven reserves of 165 billion barrels. Thus Saudi Arabia's proven reserves are 3.4 to 13.8 times Alaska's potential -- a pretty big margin in the opposite direction from Reagan's statement. If all the potential oil in the U.S. -- including Alaska's -- were recovered, production would increase by 4 million barrels/day; currently, we import 8 million barrels/day.

12. REPORT CARDS FOR PRESIDENTIAL CANDIDATES

The League of Conservation Voters has assessed major candidates on 19 issue areas. We report here the scores for six of these areas for candidates still in the running. Capital letters indicate active role on issue

	Carter	Kennedy	Reagan	Bush	Anderson
Parks, wilderness, wild rivers	B	a	D	B-	a-
Water projects (e.g. dams) and development	B	c+	b-	C	b-
Protection of farm land, flood plains	B	a	F	a-	A-
Water pollution; wetlands	B+	a-	B	c	c+
Synthetic fuels	F	b-	c	c+	b
Alaska lands	A+	a	F	f	A

LCV makes no endorsements, but urges that voters consider candidates' chance of being elected, along with their records, which they summarize as follows:

Carter: Many good appointments and enlightened policies, but spotty implementation ...

Kennedy: One of best voting records in Senate; some excellent proposals on energy; has seldom led or taken initiative on other environmental issues.

Reagan: Generally unsympathetic to environmental concerns.

Bush: Some good initiatives as a Congressman ..., leader on population issues; poor campaign positions on energy and environmental regulations.

Anderson: Strong leader on land preservation; ... many good campaign positions, but past voting record is spotty.

13. TCWP ORGANIZATIONAL

--Don't forget our meeting with Dr. Curry, May 14 (see front page)

--Our Annual Meeting dates have been set. Mark your calendar NOW for October 24-Oct 26. We'll meet in a new place, the Cumberland Campground of the Methodist Church near Crossville. The buildings are new and nice, we will not freeze like last year. Anybody willing to help arrange the program, please get in touch with the editor.

--Kathy Oakes has replaced Joan Wallace as TCWP Secretary. Kathy works in the Environmental Sciences Division at ORNL.

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* --Several weeks ago, we sent you a questionnaire. Please fill it out (even if only partially) and return it. It'll help us a lot in getting to know the interests of our membership and in doing business.

--Have you paid your 1980 dues yet?

TCWP members have attended a number of conferences recently. Tom Johnson was at the Dam Fighter's Conference in D.C., following his participation in Stripmine Act oversight hearings (§ 1E). He made (and learned about) important Washington contacts. Much of the info covered in § 7 of this NL (plus lots of other info) comes from Tom's trip.--Lynn Dye, Lee Russell, and Louise Gorenflo were among about 20 environmental leaders who met with TVA April 23 (§ 8A). -- Tom J. got a grant to attend the Conservation Foundation's "Environmental Decade Conference," April 10-13, and spent an intensive 3½ days at Estes Park, Colorado (slushy snow outside). One of the recurrent themes was that Big Business is on the offensive against environmental gains (partly covered in § 4, this NL).

14. FLOAT A RIVER -- HELP ARCC!

The D.C.-based American Rivers Conservation Council is offering 40 raft or canoe trips this season, including 8 in our region (see below). Commerical outfitters who organize the trips turn over part (or all) of their proceeds to ARCC. Fees, ranging from \$12-35 for day trips, pay for all equipment, expert guides and boatmen, shuttle transportation, and meal(s) on these rivers: Amicalola, GA; Chattooga, GA/SC; Nantahala, NC; Fench Broad, NC; Nolichucky, NC/TN; New R., NC; Ocoee/Chattooga, TN/GA. All trips, except the last one, take place between June 8 and 16. Since some of the registration deadlines are quite early, however, write today to ARCC, 323 Pennsylvania Ave, SE, Wash. DC 20003.

15. PUBLICATIONS OF INTEREST

- "Environmental Quality," is the tenth, the thickest -- and the best one yet -- annual report of the Council on Environmental Quality (CEQ). It has 10 chapters (air and water qual., toxic substances, municipal solid waste, energy, natural resources, coastal ecology, land use, noise, NEPA, global environment, and economics), over 100 pages of appendices, and an extensive table of contents as well as index. (Supt. of Documents, U.S. Govt. Printing Off. Wash. DC 20402, Stock No. 041-011-00047-5).
- "Decision Series: Acid Rain," Dec. 1979. Write: Center for Environmental Research Info., U.S. Env'tl. Protection Agency, Cincinnati, Ohio 45268.
- "Forest Planning" is the Journal of the Nationwide Forest Planning Clearinghouse. This new magazine will provide citizens with the tools to help them understand the latest USFS, BLM, and other public forest planning efforts. The Clearinghouse was created by request of the Natl Wildlife Fed., The Sierra Club, and NRDC. The first 3 issues will be available at no charge (Write Nationwide Forest Planning Clearinghouse, Subscr. Dept., P.O. Box 3479, Eugene, Oregon 97403).
- A nationwide survey of State toxic substances programs has been conducted by, and is available from the National Wildlife Federation (NWF, 1412 Sixteenth St, NW, Wash. D.C. 20036). A good synopsis and comments by several experts have been published in vol. 1 No. 2 of the Report Series of the Tenn. Water Resources Research Center (428 S. Stadium Hall, Univ. of Tenn., Knoxville, TN 37916).
- "A Guide to the Wildflowers of the Mid-South," by Prof. Arlo Smith (one of the leaders in the fight to preserve Overton Park). 500 photos, easy identification keys, \$21.95.
- "The Big Business Reader: Essays on Corporate America," edited by Mark Green (director of Public Citizen's Congress Watch) and Robert Massie, Jr., exposes such abuses of corporate power as Love Canal, abusive agribusiness, and others of a less environment-related nature (\$4.95 from Big Business Day, 1346 Connecticut Ave, NW, Rm 411, Wash. DC 20036).
- "Farmers and Clean Water" are featured in EPA's latest Water Quality Management Bulletin, March 1980 (Write WQM Bulletin, WH-554, U.S. EPA, 401 M St., SW, Wash. DC 20460).

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--The Feb/March issue of DOE's "The Energy Consumer" features Community Energy Initiatives and Resources for Community Energy Projects. (Free from DOE Office of Consumer Affairs, Room 8G082, Wash. DC 20585).

16. CALENDAR

- May 14 Dr. R. Curry, Natl. Park Service to talk at TCWP meeting (see box on front page)
- May 17,18 Appalachian Alliance Mtg at LMU, Harrogate, TN (near Cumberland Gap). Findings of Appalachian Land Ownership Study will be discussed (Call SOCM, 562-6247).
- May 20 Prof. Ed Buckner speaks on Roane Mtn. preservation, sponsored by Audubon Soc, 7:30 p.m., Tenn. Valley Unitarian Church, 3219 Kingston Pike, Knoxville.
- June 1 Annual Bluegrass Benefit, SOCM, Jubilee Center, Knoxville. Several fine musicians, good food. Buy raffle tickets for a chance on a quilt and other prizes from SOCM (P.O. Box 457, Jacksboro, TN 37757, or call 562-6247).
- June 8-16 A series of float trips, sponsored by the Amer. Rivers Conservation Council, on the Chattooga, Nantahala, French Broad, Nolichucky, etc. Join any one, or all (at a package price) See ¶ 14.
- June 13-14 Conference on Rural Conservation, Washington DC. For info, write Mid-Atlantic Regional Office, National Trust, 1600 H Str., NW, Wash. DC 20006.
- June 16-19 U.T. (Knoxville) will host meetings of the Amer. Soc. of Limnology and Oceanography, with emphasis on fresh-water systems. (Contact Dr. Walker O. Smith, Dept. of Botany, UT, Knoxville 37916).
- Oct. 24-26 TCWP Annual Mtg. -- see ¶ 13. Mark your calendar.

ACTION SUMMARY

¶ No.	Issue	Contact	Message or Action
1C	Attacks by Stripminers	Your paper (copy to US Rep. & Sens)	"Regulation is essential, and is not harmful to miners"
2A	Obed implementation	Rep. Bouquard	"Thanks for support of Obed"
3A	BSF implementation	Gov. Alexander (copy to Comm. Tuck)	"Donate Scott State For. to BSFNRRRA"
4	Corporate attacks on envntl. regs.	Candidates, media, LCV	5 actions suggested on p. 6
5A	Bottle bill	Gov. Alexander	"Task force should contain conservationists"
5B	Water quality	Tenn WQ Division	Inform of urgent WQ problems
6C	Columbia Dam	US Rep and Sens.	Applaud "60 Minutes"
8B	AQ compliance by TVA	Media	"Pollution controls are economically sound"
10A	Forest wilderness	US Rep. and Sens.	"Oppose releasing lands from future wilderness consideration"
1B 7A 13	Stripmine bill, } hydro devts, annual mtg. }	TCWP	Volunteer your services

Come to our May 14 meeting!