

TENNESSEE CITIZENS FOR WILDERNESS PLANNING

Newsletter No. 107, October 13, 1980*

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ENCLOSURE: Stripmine petition (see ¶ 5A)

* Editor: Liane B. (Lee) Russell, 130 Tabor Road, Oak Ridge, TN 37830. Ph. 615, 482-2153. Star in margin means "Action Needed." Don't be overwhelmed -- check the ACTION SUMMARY!

1. GOVERNMENT REORGANIZATION MAY HURT STATE RIVERS, TRAILS, NATURAL AREAS PROGRAMS

The Alexander administration appears to have developed a passion for government reorganization, particularly in the natural-resources area. While a Department of Natural Resources is still being talked about, smaller reorganizations are constantly being undertaken. One of these, the move of The Natural Resource Areas Programs from the Dept. of Conservation's Planning to the Parks Division -- combined with a reduction in force -- is of particular concern to us, since it involves the state scenic rivers, trails, and natural areas programs. In a phone conversation with Lee Russell on 9/30, Asst. Commissioner Tim McCall gave essentially two reasons for this action: (a) to remove programs that have some management functions from a planning to a "managing" Division, and (b) to concentrate the efforts of these programs on TORAS (TN Outdoor Recreation System) units, i.e., to get them out of anything that involves private land, unless such land is a TORAS unit.

Citizen conservation and environmental groups are concerned that the programs may lose their identity, visibility, and clout as a result of the disruption of the Unit and the move to a recreation- and development-oriented Division. Field staff will be dispersed and line authority lost. The badly needed interaction with the Heritage Program (which is staying in the Planning Division) will be jeopardized. If you are concerned about these programs and do not want to see their importance diminished, communicate these concerns to Governor Alexander (State Capitol, Nashville 37219), with one copy to Commissioner Ann Tuck (TN Dept of Conservation, 2611 West End Ave, Nashville 37203) and another copy to your state rep and senator (Tennessee General Assembly, State Capitol, Nashville 37219).

2. CANEY FORK IS STUDY RIVER IN HOUSE-PASSED BILL

On Sept. 22, the U.S. House of Representatives passed HR 8096 which would add 4 river segments to the National Wild & Scenic Rivers System and designate 14 others for study as potential future additions. Among the latter is the "Caney Fork, Tennessee: the main stem from Tennessee State Road 4251 to its headwaters," about 35 miles. The committee report lists as principal sponsoring Member the "Administration," but Rep. Gore was apparently a strong supporter of this amendment. One unfortunate deletion from the bill was the Stanislaus in California. -- Senate action on the bill will probably come during the post-election session, which starts Nov. 12. Before then, it is very important that you communicate with Senators Sasser and Baker (Sen. Office Bldg. Wash. DC 20510; or call their District offices during recess, see phone books for major TN cities). Urge support for the legislation, and specifically for The Caney Fork as a study river (if you know the river, give reasons why it's worthy of protection). Ask Sens. Baker and Sasser to communicate their support to Senators Jackson and Bumpers.

3. COLUMBIA DAM: CONFLICTS WITH NATIONAL SIGNIFICANCE

A. The Corps of Engineers and the EPA

As you may recall (NL 103 ¶3B), the outgoing Nashville District Engineer, Col. Tener, recommended that the Corps grant TVA the "404" permit for completion of the dam, pending withdrawal of EPA's objections on the water-quality issue. Higher levels in the Corps hierarchy tried to undercut EPA's position by pointing out that the state permit (Comm. Fowinkle's "401" certification for the Dam) had not been officially withdrawn, even though the Tennessee Water Quality Control Board (WQCB) had decided to hear our appeal (NL 103 ¶3A). EPA's Region-IV Administrator, Rebecca Hammer, however, held firm (she deserves our sincerest thanks -- 345 Courtland St., Atlanta, GA 30308), and so did higher levels of the EPA. The agency will not remove its objections until after it has had the opportunity to review information derived from the upcoming WQCB hearing (see ¶3B, below). EPA considers the issue to be of national scope because it will test whether standards developed under the Clean Water Act are applicable to impoundments or only to their discharges. The Corps says that if no EPA decision has been made by Feb. 28, it will grant the 404 permit.

There are some interesting sidelights to the EPA-Corps confrontation. The Division Engineer made a peremptory demand, unaccompanied by supporting material, that Ms. Hammer withdraw the EPA objection within 20 days. Ms. Hammer countered that she would not start counting the 20

days for her decision until she had received Col. Tener's report. The latter turned out to be a beauty: filled with multiple documentation against the dam, yet ending with a recommendation for it. (For an excellent analysis, see the Tenn. Environmental Council Special Report of 8/80.) In referring the issue to EPA-HQ, Ms. Hammer skillfully points out this discrepancy: "His [Col. Tener's] analysis seems to demonstrate that there are very limited benefits associated with the substantial costs of the project." Col. Tener was grilled at hearings of the House Subcommittee on Env't., Energy, and Natural Resources and made to admit that this TVA project is so bad that it would not have been approved had it been evaluated under Corps standards.

B. Water Quality hearing to be mid-December

The Tenn. Water Quality Control Board (WQCB) hearing will be held at Nashville, beginning Dec. 15; it may go on for over a week. You are urged to attend at least part of this hearing, which should be very exciting (Call Joe McCaleb, 822-1610, for details on time and place.) Two preliminary rulings of the WQCB are of importance: (a) TVA has the burden of proof that water quality will be acceptable; the citizens groups do not have the burden of proving that WQ will be bad; (b) the December event will be a full evidentiary hearing which will not be restricted to WQ but can include all other issues, such as socioeconomic considerations. -- Both sides are presently busy taking discovery depositions. Rep. Moffett (D-Conn.) has charged that TVA's plan to call 18 additional pro-dam witnesses is designed to protract the hearings and thus delay the EPA decision-process so as to miss the Corps' Feb. 28 deadline and thereby bring about a 404 permit. Lawyers working for the citizens' groups include Jim Tripp and others from EDF, Frank Fly (Murfreesboro), Joe McCaleb (Nashville), and Jim Robertson of Wilmer & Pickering (1666 K Street NW, D.C. 20006). All deserve our expression of sincere thanks. All moreover are in dire need of money. Remember, this is going to be one of our most important events in years. Earmark your check "Duck River," make it out to TCWP, Inc., and mail to the address at the bottom of p. 1.

C. 1981 Appropriations bill has money for Columbia Dam

The monstrous pork-barrel appropriations bill, HR 7590, which was passed in September (see ¶11A, this NL) contains about \$17 million for Columbia Dam construction. Congress included this money despite the fact that TVA did not ask for any funds because construction holdups (due to the 404 Permit situation) have prevented the agency from spending money it already had. The committee report (not the bill itself) also contains language to the effect that the money should be spent notwithstanding environmental laws and administrative holdups. On Sept. 27, TCWP and several individual members sent mailgrams to the President urging his veto of HR 7590; however, the bill was signed (see ¶11A).

4. STATE CAPSULES

A. The pressure for mineral leasing on state lands (see NL 103 ¶2) is still on. The public is definitely not being involved in any decision-making, but gas, oil, and coal companies are constantly inquiring about leasing lands in wildlife management areas, state forests, parks, etc. The Dept. of Finance & Administration (F&A) is proposing to set up an "Oil, Gas, and Mineral Leasing Board" in which F&A would have a big voice. The Board would make recommendations to the State Bldg. Commission, a highly political body, and a lease would be proposed to the land-holding agency in question, which would thereafter have only 30 days in which to review the proposal and comment on it. There are no provisions for public input. Write to Gov. Lamar Alexander (State Capitol, Nashville 37219) and remind him that there are better ways of raising state revenues than by destroying our parks, forests, rivers -- lands that are held by the state as a public trust.

B. Reorganization may be detrimental to your health

The Alexander Administration's passion for reorganization has already resulted in two actions that appear to be detrimental to environmental interests: the "consolidation" of the Surface Mining Division (¶5Ab) and the move of the Natural Resource Areas Unit (¶1). Additional moves are probably in the making, as indicated by the recent appointment of Austin Gaines (formerly director of the Tenn. Law Enforcement Planning Agency) as Asst. Commissioner for Natural Resources Regulation in the Dept. of Conservation (DoC). Presently, the only Division *over*

reporting to Gaines is Surface Mining, but a State Planning report proposes that various regulatory divisions from the Public Health Dept. be moved to Conservation, specifically air and water quality, solid waste, and radiological health. Presently, DoC can't even handle its single regulatory program, stripmining!

- C. Water-quality woes. In a recent interview with Ruth Neff, Elmo Lunn, Director of the Water Quality Division declared that state-imposed personnel and budget ceilings pose a threat to all programs. He's disappointed by the lack of progress in implementing the "208" plan (non-point sources). The mandated cuts also prohibit development of new programs, e.g. one addressed specifically to the protection of ground water, perhaps the most vulnerable of our natural resources. Availability of ground water is threatened by contamination, overpumping, and surface alterations that change run-off patterns. Mr. Lunn says the state lacks staff and adequate expertise in this area, which should be given very high priority. -- The Water Qual. Division is suffering not only from budget problems but also from the Alexander administration's passion for reorganization (§4B), which has resulted in a move of stripmine-related WQ personnel to the Conservation Dept. (§5Ab). This, and the above-mentioned personnel limitations, have led to a loss of 32 positions(!) from a department that was already bare bones.
- D. Wildlife Observation Area (WOA) designation needs support. The Tennessee Wildlife Resources Agency has proposed the establishment of WOAs across the State to educate the non-hunting public about wildlife at little or no expense to the state. The first area nominated as a WOA was Savannah Bay on Chickamauga Reservoir near Chattanooga, an excellent place to study wetland-associated fauna on about 800 acres of TVA lands. In spite of an informative public meeting, local landowner opposition has developed, based on the misinformation that landrights and recreational use would be affected. TVA action has been stalled as a result of this, but TVA may now be ready to act if it receives sufficient favorable comment. Write immediately to Norman Allgood, Mngr. of Properties, Central District, Div. of Land & Forest Resources, TVA, P.O. Box 606, Athens, TN 37303
- E. Beverage container deposit legislation was advocated in recent TCWP testimony (prepared by Bill Baird) commenting on the Division of Solid Waste Management's draft plan. It is important that you write to the Governor NOW, while his staff is formulating a bill to be introduced in the upcoming legislative session (The Capitol, Nashville 37219). Point out that a deposit on bottles and cans deals with litter at the source, has worked well in other states, will not cost the state any money or establish a new bureaucracy, and will enhance any other plan that deals with solid waste. Your letter is particularly important in view of the fact that the Governor's staff, charged with coming up with draft legislation, has made many more anti-deposit than pro-deposit contacts.
- F. Statewide trash pick-up November 15 will have the Boy and Girl Scouts as major sponsors, but lots of state and federal agencies cooperating. It's an excellent media event to show the need for deposit legislation. Contact scouts in your area or write TACL (1720 West End Ave, Suite 600, Nashville 37203) for information.
- G. The Corps is inviting comment on the Old Hickory Lakeshore Management Plan, which has been in operation for 7 years. This plan established 322 lakeshore miles (out of a total of 440) on which no docks may be placed (existing ones are being phased out), and mowing/landscaping is usually prohibited. The Corps proposes that the Plan be retained in its present form. You may comment on this proposal by October 31, or request a public hearing (US Army Corps of Eng., Recreation-Resource Mngt. Branch, P.O. Box 1070, Nashville 37202)
- H. The Nolichucky draft study by the U.S. Dept. of the Interior recommended that no action be taken to include the river in the National Wild & Scenic River System. The beautiful undeveloped gorge segment was considered too short, and the pastoral segments were not considered "outstandingly remarkable." Tom Johnson, in testimony on behalf of TCWP, pointed out how questionable these conclusions were. We hope the USDI recommendation has been revised for the final report (which we have not yet seen).

J. A National Environmental Research Park was dedicated on 13,000-acres of the Oak Ridge Federal Reservation on October 2. The area will be used by the Oak Ridge National Lab to study the effects of energy-technology-related environmental problems, e.g., acid rain, transport of pollutants through ecosystems. The designation also ensures that large tracts of wooded land will remain undeveloped. Rep. Lloyd Bouquard deserves our thanks for her help in bringing about establishment of the NERP.

5. STRIPMINING

A. Should the State of Tennessee be given primacy in enforcing Federal law?

TCWP Board members studied the State's past performance and concluded that it was, at best, inadequate. At a July 21 hearing at Knoxville, Tom Johnson and Lee Russell testified to this effect, documenting their testimony with many specifics. (Send 28¢-stamped, self-addressed envelope to editor if you want a copy.) Both recommended federal enforcement. A number of recent developments have reinforced this view.

- a. Gubernatorial appointments to the 5-person Board of Reclamation Review include two coal-mine-industry representatives, and a lawyer from a firm that represents coal interests. Health Commissioner Fowinkle, who is automatically a member, has, in the past, attended very few Board hearings. A list of environmentalists submitted for consideration as "citizen" representatives (two slots) was ignored when the Board appointments were made.
- b. Water Quality Division (Dept. of Public Health) staff that deals with stripmine permits and inspections was transferred to the Div. of Surface Mining (Dept. of Conservation), with a resultant loss of 13 positions (the aim: a staff that is "lean and responsive"). The two-step permitting and inspection procedure -- which does so much to protect both land and water resources (with expertise in both fields being essential) -- has always been a target for industry attack, especially since WQD standards have been more stringent. It seems clear that, working through the State, industry has won. The new, consolidated Surface Mining Division (still under C. C. McCall) is being moved to Knoxville to be "closer and more responsive to the coal industry."
- c. Recently, the state has issued a number of permits without giving the public the ^{required} 30-day comment period during which an application can be examined and a hearing requested. A SOCM-initiated suit on the matter is pending but some out-of-court settlement will probably be agreed to.
- d. A state stripmine inspector who had cited the Carbonex Coal Co. for numerous violations was reassigned after DoC officials were hosted in the company plane. [The Carbonex attorney, Fred Thompson of Watergate fame, ^{is said to} have close ties to the Alexander administration (according to News-Sentinel reporter David Lyons), having cleared up the clemency scandal Alexander inherited.] Carbonex has not paid any coal severance tax since 1979 and has a shady corporate history.
- e. Of 99 notices of bond forfeiture issued since 1972, 71 remain outstanding (uncollected or unreclaimed). Bond has been collected for only 28 sites, and only 5 of these have been reclaimed, with bids being taken on 4 others. Total record: 5 out of 99 in 8 years!

In the first round of review, the U.S. Dept. of Interior recently gave the State partial approval (approving most of the law but not the regs). The critical second round is still to come. (Virginia's, West Virginia's and Ohio's plans were recently turned down.) We urge you to consider the evidence; if you agree that federal enforcement is the answer, collect some signatures on the enclosed petition sheet and return it to the address at the bottom.

B. Federal Stripmine law survives another assault

For over a year, Congressman Udall had held off House consideration of a 1979 Senate bill, S.1403, which would have gutted the Federal Surface Mining & Reclamation Act of 1977 (see NL 98 ¶2). This summer, some coal-state senators, led by Robert Byrd and Howard Baker, made a sneaky attempt to get around Udall's steadfastness by attaching the text of S.1403 to a totally unrelated and noncontroversial bill (on maritime vessel tonnage), which the House had already passed, and which did not involve Udall's Interior Committee. The Senate passed this bill in late August, with both Baker and Sasser voting for it. They did this in the face of constituent mail from TCWP and others, and even of editorials condemning the "sneaky" action

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(e.g., Knoxville News Sentinel of 8/25/80). Response from Tennessee Representatives was much more encouraging, especially in the case of Gore, Ford, and Boner. However, the matter never came to a test in the House, because the vessel tonnage bill went to a House conference committee (containing many Interior Committee members) and was sent back to the Senate unaccepted as amended. It is unlikely that any further action will occur before the end of this session; but be on the lookout next year!

Several attempts have been made to declare parts of the federal stripmine law unconstitutional through court action. One, in Tennessee, has failed. U.S. District Court Judge Robert Taylor, Knoxville, this summer dismissed a motion by Scott and Campbell Cy coal companies. He ruled that the federal law does not violate either property rights or equal protection provisions.

C. More and more coal mining to come

- a. The Phillips Coal Co. during the summer approached state agencies in connection with a possible lignite mining operation in West Tennessee (lignite is soft, low-BTU coal). Surface mines would range from 8000 to 50,000 acres(!) in size. Wetland areas and bottom-land hardwoods would be involved whose reclamation is probably impossible. Flood storage of adjacent rivers would be reduced. Moreover, a major recharge area for W. Tenn aquifers would be affected, thus impacting water supply, about 80-90% of which comes from well water. Lignite lends itself to coal gasification, so a plant has been proposed for Memphis.
- b. The U.S. is a major coal exporter. Canada buys half of the bituminous coal we produce. The biggest increase in the export market is that for steam coal sold to the Common Market countries; most of this coal comes from Appalachia. -- Three TN coal companies will deliver 11,300,000 tons of coal to the Taiwan Power Co. over the next 10 years. (From Energy Daily, abstracted in Solar Beat)

D. Stripmine capsules

- A nationwide toll-free telephone service has been initiated by the Office of Surface Mining (OSM) Region II office (in Knoxville) to handle questions or complaints. If you're calling from Tennessee, the number is 1-800-332-9150; from elsewhere it is 1-800-251-9302. The lines are open 24 hours a day, 7 days a week.
- Once more, arson was the retaliation against Campbell County residents who had dared oppose wildcat mining in the area. The SOCM Fire Fund was set up to aid victims of such cowardly * deeds. Send your contribution to SOCM, Box 457, Jacksboro, TN 37757
- OSM has made an additional grant of \$422,200 to Tennessee for the balance of 1980. This brings to \$982,600 the total awarded to Tennessee for state enforcement of the federal law.
- OSM has awarded Oak Ridge National Lab nearly \$3 million through Dec. 1981 to continue work on the national inventory of abandoned coal mine lands. Funds come from a portion of fees collected from active operations.
- OSM will spend up to \$325 million to clean up a public water supply in Grundy Cy., TN, which was polluted by abandoned mines. This is, so far, the largest reclamation project for our state.

6. BIG SOUTH FORK NEWS

The Corps is proposing to build a big and high concrete bridge at Leatherwood Ford. Objections to such a structure are that it is unnecessary (there is a low bridge already there, even though it is occasionally under water), that it is out of character (except at a few crossings, the Gorge Area portion of the BSFNRRRA is designed to be wild in character), and that its construction will use up funds that could presumably be put to better use in land acquisition and/or natural-resource preservation for the Area. The deadline for requesting a public hearing on the proposal (9/5/80) has passed. TCWP received no notice from the Corps on this subject.

Updates on BSF threats: (a) As a condition for permitting the Stearns Mining Co. coal preparation plant on a BSF tributary in Kentucky, EPA is requiring that no surface water leave the settling ponds, except under unusual rainfall conditions. In addition, the groundwater is to be monitored. (b) One big factor in stopping the proposed logging on Koppers' property in the gorge was refusal by the state to allow the timber road to cross a corner of Scott State

* Forest. Conservation Commissioner Ann Tuck deserves our gratitude on this matter (TN Dept. of Cons., 2611 West End Ave, Nashville 37203).

Tom Johnson, representing TCWP at a recent meeting of the Ohio River Basin Commission, testified that the BSFNRRRA water-quality problems were being neglected by the Commission as a result of ORBC's assumption that abandoned-mine programs alone can take care of everything. Tom tried to convince the commissioners that the federal stripmine Act was a necessary first step in mitigating the WQ effects of current (and expanding) stripmine activities on BSF tributaries. He was greatly outnumbered by mining-interest representatives who argued for relief from the back-to-contour provision of the federal Act which, they claim, prevents subsequent use of the stripped land for development.

7. ALASKA: THE DEADLOCK MUST BE BROKEN

Steps have been taken to break the deadlock that has hampered further progress since passage of the Senate bill on August 19. This deadlock was brought about by the refusal of Senators Stevens (R-Alaska) and Jackson (D-WA) to negotiate with the House people for a compromise bill. Just before the election recess, however, Congressmen Udall and Evans introduced HR 8311, a package of strengthening amendments to the Senate version which, if accepted by the Senate, will in turn make the bill acceptable to the House sponsors. The Udall-Evans compromise package retains the special provisions awarded to industry and the state of Alaska in the Senate bill, but restores some of the more conservation-oriented provisions of the House bill. -- It is now up to us to convince our legislators to adopt this sincere and reasonable compromise. Time is getting very short for this Congress. We are also up against a campaign spawned by a \$5.7 million appropriation by the Alaska legislature which has funded media blitzes (including 10,000 press kits) and provided travel money for prominent Alaskans to visit and "educate" the lower 48 states. To counteract this campaign, please make one more big effort toward convincing your legislators to pass a bill that will protect Alaska's finest areas without locking up resources.

* WHAT TO DO: 1. Ask your U.S. Representative (House Office Bldg., Wash. DC 20515) to co-sponsor and support H.R. 8311. 2. Ask your Senators (Senate Office Bldg., Wash. D.C. 20510) (a) to support a similar bill in the Senate, (b) to urge their colleagues, Sens. Jackson, Hatfield, and Stevens to go along with this compromise. 3. Thank Sen. Jim Sasser who, in several Senate votes during the summer, consistently supported a protective bill (Sen. Baker voted with the opposition, except in the final vote on the bill itself.)

8. IT'S NOT TOO LATE TO HAVE INPUT IN THE CHEROKEE FOREST PLAN

* The Cherokee National Forest is in the midst of a comprehensive planning process, mandated by the 1976 Natl. Forest Management Act, that will guide resource use for a 10-year period. As a first phase of the planning effort, the Cherokee Forest Supt. solicited suggestions about issues to be addressed in the plan (NL 103 ¶4A). Tom Johnson, on behalf of TCWP, submitted a 5-page comment, with attachments, in time for the original June 30 deadline. He was one of only ca. 200 persons who responded, out of 4000 who were invited to do so. Since then, it was announced that the Forest Service is being flexible about the cut-off date and will continue to accept issues information throughout the process. A list of issues to be addressed in the plan is being developed and will be distributed. If you have any input (identification of issues, or comments on issues) or want to be added to the mailing list, (to receive the preliminary issues list) write to Cherokee National Forest P.O. Box 400, Cleveland, TN 37311, or call Cleveland 476-5528, or Knoxville 524-7782. If you want a copy of TCWP's comments, send a stamped (28¢) self-addressed envelope to the editor.

9. TVA: AIR-QUALITY DECREE; ACCOUNTABILITY; ETC.

A. TVA violates spirit of cooperation on air-quality consent decree

The air-quality (AQ) consent agreement between TVA and citizens group + EPA is still languishing, with Judge Wiseman being pressured by electric distributors (and former TVA Chairman Red Wagner) not to sign it. A pretty good spirit of cooperation between TVA and citizens' groups had developed over the past couple of years during the process of arriving at the agreement

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and trying to get it signed. Two months ago, however, TVA took a unilateral action that violated this spirit. The agency decided that scrubbers were not the most cost-effective way to achieve compliance at the New Johnsonville steam plant, and proposed to switch to low-sulphur coal. However, instead of discussing this matter with the citizen-group plaintiffs, TVA picked a time when both of our attorneys were on vacation, and merely communicated a unilateral TVA decision to Judge Wiseman. This type of communications difficulty underscores the need to create the citizens implementation committee, which plaintiffs have asked for and intervenors (probably cued by Red Wagner) have fought against. It is to be hoped that TVA will stand firm on getting the citizens committee included in the settlement.

B. TVA's accountability: Congressional review

A recent General Accounting Office (GAO) triannual (1977-79) assessment of TVA concluded that the charter needed amending to "better reflect national energy priorities" and to assure public involvement in policy making. Rep. Al Gore (D-4) subsequently organized a late September meeting between the TVA Board and Valley congressmen, expressing a desire to increase TVA's "accountability." Among the matters to be discussed was the accuracy of TVA projected need for additional capacity, especially in the light of actually slackening demand for electricity.

C. TVA's accountability: citizen action

Another approach to bringing about TVA accountability is being made by the recently formed Tennessee Valley Citizens Forum. The Forum will seek to bring together groups affected by TVA policies for the purpose of exchanging and acquiring information. It is hoped that this will create a citizenry capable of more effective actions. A TVCF core group is meeting October 11 to discuss plans for a quarterly magazine, an annual conference, and a community training program. If you want more information, contact Lynn Dye Wright, TCWP President, who attended the meeting (376-3916 or 574-7378) or Louise Gorenflo (Crossville, 788-2736).

D. TVA quotes

- Rick Morgan says he will "bring stability" to TVA's Office of Community Development. He is the third manager to be appointed for that office and was formerly director of TVA's Land and Forest Resource Division. The internal reorganization that led to the formation of OCD in Feb. 1979 caused some grumbling among old-type TVA staff, and the departures of the two previous OCD heads, Sharlene Hirsch and Hortense Dixon, were surrounded by controversy.
- Chairman S. Dave Freeman has an interesting "China Diary" in the summer issue of the TVA magazine "Perspective." He visited the People's Republic in connection with a U.S. agreement to help develop Chinese hydroelectric power potential, particularly on the Three Gorges section of the Yangtze River. "They [the Chinese planners] seem to have no comprehension of potential problems or real costs, and refuse to consider alternatives," he writes. "The big dam would produce a half billion tons of silt per year, require relocating some 2,000,000 people ..., and kill fish like the 'Chinese minnow' (which weighs half a ton) ... [I] took a ... trip through the first of the Three Gorges of the Yangtze, an area that would definitely be a national park in the U.S. Spectacular!" In talks with the head of the Chinese Planning Commission, Freeman was able to "raise serious questions about the Yangtze project and the need for more attention to nonpower programs, environmental concerns, economic evaluations and the like." U.S. participation in the project is to continue.

10. THE HYDRO "REVIVAL"

A. The Corps' National Power Study now lists 12 sites in Tennessee

The Corps of Engineers National Hydroelectric Power Resources Study (NL 102 ¶12A) progresses relentlessly. One of the stated study objectives is to "determine preliminary feasibility of increasing hydropower through new sites (Note!), added generation facilities and uprating existing systems." Another is to "recommend to Congress a national hydroelectric power program," although (it is stated elsewhere) the study "will not recommend projects for authorization" (it will recommend some for study, though). For a hearing on August 26, the Corps had prepared an "active inventory" of about 225 sites for the southeast region and Puerto Rico. Of these, 12 were in Tennessee -- some shrinkage, at least, from the earlier list of 22 (hopefully our testimony helped -- see NL 103 ¶12A), and not so bad when compared with about

60 for N.C! Of the 12, 3 are existing or partially-existing dams (Woods Res., Normandy, Columbia), and 9 would be new, involving the Clinch, Powell, French Broad (3), Holston, Nolichucky, Elk, and Mississippi. Tom Johnson submitted TCWP testimony for the Aug 26 hearing, questioning, among other things, the projected annual growth rate (through Year 2000) in peak power demand. This rate was forecast by private utilities at 7.8% for the US, listed in the Corps report as 4.1% for the SE (the 1979 projection) and is now conceded to be only 3% (the 1980 projection). Overcapacity in the U.S. may hit 43% this year.

B. Hydromania in Congress needs to be squelched

Several hydro-dam promoting provisions were slipped in this year as parts of other legislation. Thus, the synfuels bill (Energy Security Act) now classifies 30 MW dams as "small-scale" and thus qualifying for low-interest loans (note that a 30 MW dam could be 200 ft high on a smallish river); the bill also waives licensing (and thus hearings) for projects up to 5 MW. The Oil Windfalls Profits Tax law provides several tax advantages for hydropower installation. -- Unless Congressional attitudes can be changed by us, these nonprominent and seemingly innocuous amendments will pose a great potential for river destruction in the next few years.

WHAT YOU SHOULD DO: Tell your U.S. Rep. and Senators that you don't like to see this type of legislation slipped quietly into large omnibus bills without hearings at which the implications can be examined. The total power potential of hydro (retrofitted and new) is tiny in terms of the total energy picture; and hydro could not replace the 90% of our oil consumption that does not go toward making electricity.

11. WATER PROJECTS BOONDOGGLE

A. The recently passed 1981 Appropriations Bill for Energy and Water Development revived 3 hit-list projects: Columbia Dam (#3, this NL), Yatesville (KY), and Orme (Arizona). The bill, further (a) ~~weakens~~ the Water Resources Council, ^{by not} including funds for the Independent Project Review, (b) adds new construction starts that have not been studied for feasibility, (c) funds famous boondoggles like Tennessee-Tombigbee and Dickey-Lincoln (see #11C, below). TCWP urged Pres. Carter to veto the bill, but the timing (so close to election) made a veto politically impossible.* -- The Tenn-Tom project recently got a boost when a U.S. District Court judge in Mississippi dismissed virtually all counts in the suit against the Corps brought by an environmental coalition and the L & NRR.

**In signing, he noted that elements of the bill depart significantly from his Water Policy.*

B. Impoundments contribute to Tennessee's Water Quality problems

There are only 23 rivers or (or river portions,) in the National Wild & Scenic River System but there are some 50,000 dams in the U.S.! Tennessee has only 1 of the former, but a fair proportion of the latter. This may be one reason why our State's water quality problems are considered to be "severe" in the April 1980 report of the U.S. Water Resources Council ("State of the State: Water Resources Planning and Management"). The report identified a "severe water quality problem, exacerbated by TVA and Corps of Engineers impoundments."

C. Water-project-related voting record

We did not summarize Senate key votes in our pre-election NL 106 because there is no senatorial election in Tennessee this year. But here are some you can save up for 1982 and 1984

Senator	Vote No. (explanation below)				
	1	2	3	4	
Howard Baker	-	-	+	+	+ = in the conservation interest
Jim Sasser	-	-	-	-	- = against the conservation interest

- 1 Chaffee amendment of 6/28/80 to delete \$58 million of funding for the Tennessee Tombigbee Waterway from the 1980 Supplemental Appropriation. (failed 36:47)
- 2 Chaffee amendment of 9/10/80 to delete \$200 million for Tenn-Tom from the 1981 Water Development Appropriation (failed 37:52)
- 3 Cohen amendment of 9/9/80 to cut funding for the proposed Dickey-Lincoln Dam in Maine (defeated 37:47, with 8 anti-dam Senators absent)
- 4 5/7/80 vote on Cohen amendment to cut \$500 million from the 1981 budget allocation for water projects (passed 54:40)

over

We also report here 3 water-project-related House votes.

- 1 Vote 6/18/80 on Pritchard and Edgar amendment to delete funds for Tenn-Tom from 1980 Suppl. Appropri. (lost 185:230): all 8 Tennessee Reps scored "--"
- 2 Vote 6/25/80 on Pritchard and Edgar amendment to delete 1981 funds for Tenn-Tom (lost 196:216 -- note how close!): Ford not voting, the other seven scored "--"
- 3 Vote 6/25/80 to delete 1981 funds for O'Neill irrigation unit, Nebraska (failed 202:211): Ford "+", Boner "+", the other six score "--"

12. NATIONAL NEWS

- A. The Nongame Fish & Wildlife Conservation Act finally became law after very different House and Senate bills were reconciled. U.S. Fish & Wildlife Service funds will be apportioned to state agencies for the planning and implementation of comprehensive nongame wildlife programs and certain special nongame projects. The amount is very small: only \$20 million to all 50 states over a 4-year span (average, \$100,000/state/year). The Act directs the USFWS to report to Congress on alternative funding sources within 30 months. Perhaps this may eventually lead to an excise tax on such items as bird feeders (a user-pay concept), which conservationists tried in vain to include in this year's bill
- B. Energy Mobilization Board legislation bit the dust when the House voted on June 27 to send the bill back to the conference committee (Quillen, Duncan, Beard voted to recommit). Though this event took place some months ago, we nevertheless report it (a) because it was such an important victory, and (b) because of the danger that a similar bill may be brought up early in the next session of Congress. The victory against this dangerous bill, which could have resulted in waiver of hard-earned environmental laws (NL 103 ¶13A), was brought about by an unusual alliance of environmentally-concerned Representatives and Conservative Republicans who saw in the EMB Even More Bureaucracy. To guard against resurrection of a similar bill in the next Congress, tell your Representative and Senators to oppose any measure that waives existing law in the name of expediency.
- C. Rupert Cutler during the summer resigned his position as Asst. Sec. of Agriculture for Natural Resources and the Environment and became a senior V.P. of the National Audubon Soc. Earlier in his career, Cutler was assistant exec. director of the Wilderness Society.
- D. Environmental groups and philanthropy. The combined revenue of all the more than 150 national organizations in the environmental field is estimated to be not much more than the amount taken in annually by the Amer. Cancer Soc., according to Carl Bakal's book CHARITY USA. "Philanthropy's contribution to the environmental and conservation organizations is relatively small considering ... the magnitude and importance of the problems with which they deal -- problems that should concern our government far more than they now do."
- E. Seals: The Seal Rescue Fund item reported in an earlier NEWSLETTER (NL 103 ¶14H) has been disputed by TCWP member Jane Orleans. Jane, who has been to the Pribilof Islands, believes that it would be dangerous to the welfare of the seal population not to renew the Northern Pacific Fur Seal Treaty (as the Fund urged), since this would lead to the resumption of pelagic operations by other nations and indiscriminate killing of both sexes. The presently allowed harvest is strictly limited to excess males.
- F. Roots of Big Government. EPA Administrator Douglas M. Costle had some interesting thoughts on that matter in a speech at Harvard. "It is both fashionable and easy to say that Big Government creates Big Regulation ... The much larger truth is that a Big Society -- made so, above all, by technological change -- has spawned problems that none of us, in government or industry, could have anticipated" (e.g., ozone-layer destruction, acid rain, space satellites). The following phenomena, he thinks, explain the sudden increase in regulation: (1) Unprecedented population growth: what once required 3,000,000 years has, in our lifetimes, been telescoped to 15 years); (2) huge magnification in size and scope of our "tools" of potential destruction (e.g. 250,000-ton oil tankers); and (3) new synthetic chemicals not encountered in our evolution. Critics of Big

Government are well supplied with stories of absurd regulations (and there are several such), but they never mention such examples as financial regulations which have dropped the rate of bank failures from 40% (before 1934) to 0%.

- G. \$\$ can help save wilderness. The battle to save Alaska has drawn heavily on the resources of such groups as the Wilderness Society at a time when 36 million acres of wilderness in other states are in danger of being lost forever. These are the lands that were released from wilderness consideration in the RARE II review of 62 million acres of roadless acres. There is a quiet move by mining, timber, and oil interests to force development of these lands before the Congress makes any designations (note: Congressional designation need not follow the RARE II recommendations). Congress must get our message, not only that of industry. To help bring this about, you can support The Wilderness Society (1901 Pennsylvania Ave, NW, Wash. DC 20006).
- H. Appalachian Trail. Senators Sasser and Baker a few months ago joined with 14 other members of the Senate in directing a letter to Sen. Robert Byrd expressing support for funding Appalachian Trail acquisition at a level at least comparable to past figures (i.e. higher than recommended in the President's budget). The appropriation involved is the Land & Water Conservation Fund land-acquisition budget for fiscal 1981.
- J. The largest wilderness unit in the lower 48 states was created in July when Pres. Carter signed the Central Idaho Wilderness Act. The Act (a) establishes the 2,239,000-acre River of No Return Wilderness, (b) adds 100,000 acres of the long-disputed Magruder Corridor to the nearby Selway-Bitterroot Wilderness, (c) includes 127 miles of the Salmon River in the Wild & Scenic Rivers System and protects another 43 miles of it from dams and dredging. The Congressional leaders most responsible for this major Act were Sen. Frank Church and Rep. John Seiberling.

13. TCWP NEWS

Tom Johnson, TCWP's executive director for the past year, has gone into law practice in Kingston. He hopes to gain courtroom experience to become an even abler advocate of environmental causes. Tom has made immeasurable contributions to TCWP's effectiveness, and has become one of the most highly respected members of Tennessee's environmental community. He is superb in researching an issue, putting his findings into words, knowing whom to contact, and doing it -- tirelessly and at the sacrifice of his own time. Above all, he cares very deeply for the things that most need caring about. TCWP is fortunate indeed in having had this association. Luckily Tom is staying in the state, and we'll see more of him. He'll maintain a special interest in the "areas unsuitable for mining" provision of the federal stripmine law as this relates to the Obed.

Tom Johnson and Lee Russell are on the 16-person Board of Directors of the recently formed Conservation Voters of Tennessee

For the record: the TCWP public meeting announced in NL 104 for the "first week of September" was, in fact, held Sept. 10 at the Oak Ridge Public Library auditorium. TCWP member Owen Hoffman, formerly a ranger-naturalist, talked on "Trends in the Management of Our National Parks"

We've learned with great sorrow of the death on July 25 of Louise Bradley Currey, long-time active member of TCWP. Mrs. Currey's youthfulness, energy, enthusiasm, and willingness to tackle hard jobs fired up many of us who were younger only in years. She led a very full life that made the lives of others a lot better.

14. SYN-FUELS: DEVELOPMENT AND ITS PROBLEMS

Probably the most environmentally damaging of all synthetic fuels to produce is shale oil. The "national goal" of replacing 400,000 barrels per day* of imported oil with shale oil would require a mining effort more than a quarter again the size of the entire coal mining industry, yet produce only 1/20 the energy of coal.

* We can easily save more than that by recycling -- see #16, third publication listed.

An omnibus energy bill, which creates a synthetic fuels corporation, was signed into law June 30. Thanks partly to the efforts of a coalition of conservation and environmental groups, this new law provides "only" \$16.8 billion for the corporation, instead of the \$88 billion originally proposed, and restrictions have been placed on the corporation's power. The same law also provides \$2.45 billion for a variety of renewable resource and conservation programs. All Tennessee Representatives voted for the bill, except Beard (against) and Boner (absent).

A \$700 million coal liquefaction plant has been proposed for Tennessee by the Koppers Co. of Pittsburgh, PA. Koppers sought a \$4 million grant from DOE for a feasibility study for the synfuel operation, but this sum was not included in a list of 110 projects approved in July under the new energy law. In the meantime, Campbell County and Oak Ridge are competing for the plant, with local politicians heavily involved; and the state is trying to smooth things over saying, in effect, "don't ruin our chances for getting a plant somewhere in East Tennessee."

15. INTERGROUP CONFERENCE, NOVEMBER 7-9

An excellent program has been planned by the organizers of the 1980 conference (TEC and TN Audubon Council). Saturday, Nov. 8, is full of talks and workshops. State Rep. Bill Nolan starts the day (8:30) by speaking on hazardous wastes in Tennessee. Then there are 3 concurrent workshops (leaders in parentheses): (a) hazardous waste (Betsy Loyless), (b) government reorganization (Ruth Neff), and (c) synfuels (Mayo Taylor). Gov. Alexander has been invited to speak at lunch. After that, a talk from Jay Reed, Audubon Regional Rep, followed by more workshops: (d) endangered/nongame species (Bob Farmer), (e) rivers, trails, natural areas (Lee Russell), (f) effective lobbying (Rosemary Conrad), (g) communications (surprise guest) After dinner, one talk about TVA (Dick Couto) and one by a TVA director (Richard Freeman). The meeting is at the Cumberland Camp, Crossville, same place as this year's TCWP annual meeting. If you need info on cost of lodging and/or meals, write TEC, P.O. Box 1422, Nashville 37202, or call 251-1110.

16. PUBLICATIONS OF INTEREST

- "Tennessee Toxics Bulletin" is published under an EPA grant by the Tenn Environmental Council's Toxics Program. To get on the mailing list, write TEC, P.O. Box 1422, Nashville, TN 37202
- "Flowing Free" with "Update 1980" is now available for \$4 from the River Conservation Fund (323 Penn. Ave, SE, Wash. DC 20003). If you already have the original book, get the 16-page update alone for \$1. It covers current agency structure for handling wild & scenic rivers, Pres. Carters 1979 river-preservation directives, etc.
- "Recycling News" is a newsletter published, starting Sept., by the National Recycling Coalition whose founding members include the Sierra Club, Natl. Audubon, LWV, United Auto Workers, and others. One interesting bit of info: if recycling increased 50% in the steel industry and tripled in the paper industry, we would save energy equivalent to 500,000 barrels of oil per day -- i.e., more than the aimed-for production of oil shale (see #14) (Write 45 Rockefeller Plaza, Rm 2350, New York, NY 10020)
- Return to Returnables, a national network of groups that are working to pass bottle bills, publishes an informative newsletter. To subscribe, write to Natl. Wildlife Fed. (1412-16th St., NW, Wash. DC 20036).
- The Sept. issue of "The Energy Consumer" is devoted to Transportation and Energy. The section on bicycles gives useful and practical ideas of what to push for in your community (Dept. of Energy, Off. of Consumer Affairs, DC 20585)
- "A Nuclear Waste Primer," a new booklet by the League of Women Voters, aims to offer the non-expert a brief, balanced introduction to the problem (\$1.75 from Publication Sales Dept., LWV, 1730 M St. NW, Wash. DC 20036)
- "The Global 2000 Report to the President: Entering the 21st Century" is the report of a 3-year study ordered by Pres. Carter in 1977 to establish a foundation for longer-term planning. CEQ, the State Dept, and 12 other agencies enlisted dozens of expert advisors for this study. Order from U.S. Govt. Printing Office, Wash. DC 20402 (Summary Report, S/N 041-011-00037-8, \$3.50. Two more detailed volumes are \$13.00 and 8.00, respectively)

- Four new EPA pamphlets of interest: (a) Hazardous Waste: No Quick Winners" (OPA 110/0), (b) "Hazardous & Waste -- 15 Years and Still Counting" (OPA 98/0), (c) Pollution's Invisible Victims" (OPA 119/0) and (d) the "Drinking Water Bulletin" of June '80 (explains the 1974 Safe Drinking Water Act). Order any or all from U.S. EPA, Region-IV, 345 Courtland St., Atlanta, GA 30308.
- "Citizen Action News" is a TVA newsletter available by writing Citizen Action Office, TVA, Knoxville, TN 37902
- "Preserving Farmland through Federal Income Tax Incentives," by A. B. Daugherty, appears in the 3/80 National Tax Journal.
- "Explorers Ltd. Source Book" (an encyclopedia of all sorts of outdoor sports), \$7.95; and the "Canoeing and River Touring Bibliography" \$2.00, are available from Adventure Bookshelf, Box 6169, Long Island City, N.Y. 11106

ACTIVITIES

- Tennessee State Parks are sponsoring a photo contest. You may submit color slides or color prints of any size taken in our parks at any time. Prizes are: 1st canoe, 2nd tent, 3rd Chattanooga Choo Choo weekend, 4th bike. Deadline is Nov. 15, 1980. For more particulars, write Judy Nokes, Div. of Parks, TN Dept. of Cons., 2611 West End Ave, Nashville 37203.
- The Audubon Expedition Institute is a travel-camping program operated by the Natl. Audubon Soc. for graduate, undergraduate, or high school credit. The 1-3 year course is in its 12th year of operation. Write N.A.S. Expedition Inst., 950 Third Ave. New York, NY 10022
- TVA is proposing to conduct a series of Saturday tours departing from major cities. Knoxville departures, for example, go to Raccoon Mtn. Pumped Storage, Tellico Dam, Kingston Steam Plant, Norris Forestry Lab. To get the complete list and/or to express an interest in participating, write Ms. Dawn Ford, Citizen Action Off., TVA, 400 Commerce Ave, Knoxville 37902
- The Turtle Rescue Fund is trying to save badly endangered sea turtle species. To find out more, write Center for Env'tl Educ., 1925 K St. NW, DC 20006
- The status of any House or Senate bill can be checked by calling 1-202-225-1772. You must know name, number, or subject of the bill. For calling any Rep. or Senator, the switchboard No. is 1-202-224-3121

CALENDAR

- Oct. 24-26 TCWP Annual Meeting, Cumberland Camp, Crossville (Call Lynn Dye 376-3916, or Lee Russell 482-2153)
- Nov. 7-9 Annual Intergroup Conference, Cumberland Camp, Crossville, See ¶15
- Nov. 9 SOCM Benefit Concert - Si Kahn; 8:00 pm, Laurel Theater, 16th & Laurel, Knoxville
- Dec. 15-? Columbia Dam hearing before Water Quality Control Board, Nashville (see ¶3B)

Stripmine petition enclosed

ACTION SUMMARY

¶ No.	Issue	Contact	"Message" or Action
1	State natural-resource areas	Gov. Alexander (copies to Ms. Tuck, state legislators)	"Do not diminish importance of state rivers, trails, natural areas!"
2	Caney Fork	Sens. Baker, Sasser	"Support Wild & Scenic Rivers study!"
3A	Columbia Dam	Rebecca Hanmer, EPA	"Thanks for standing firm!"
3B	Columbia Dam	TCWP	Contribute to legal fees
4A	Mineral leasing	Gov. Alexander	"Don't destroy state parks, rivers, etc!"
4D	Wildlife Obs. Areas	TVA	"Support WOA designation!"
4E	Deposit legislation	Gov. Alexander	"Advocate deposit legislation!"
4F	Litter pick-up	Scouts	Participate
4G	Old Hickory	Corps	Support Lakeshore Mngt. Plan
5A	Stripmining	SOCM	Get petition signatures
5D	Stripmining	SOCM	Donate to Fire Fund
7	Alaska	U.S. Reps & Sens.	"Support HR 8311!"
8	Forest Plan	Cherokee Natl. Forest	Send issue comments
10B	Hydro projects	U.S. Reps & Sens.	"Examine hydromania implications!"
12B	Fast track	U.S. Reps & Sens.	"Oppose waiver of laws"
12G	Wilderness	Wilderness Soc.	Contribute

CONSERVATION LEADERS ENDORSE CARTER FOR RE-ELECTION

Jimmy Carter has been endorsed by 23 of the country's top conservationists, who, while speaking as individuals, are presidents or leading officers of Audubon, Wilderness Soc., Sierra Club, NWF, FOE, ARCC, NRDC, EDF, EPC, etc., etc. Their statement, in part, reads: "He has done more than any other president to protect the natural wonders of Alaska, to control strip mining, to abate pollution, to promote energy conservation and solar energy, to conserve wild life on public lands, and to oppose wasteful and environmentally damaging public works projects."

TO THE SECRETARY OF INTERIOR, CECIL ANDRUS

WHEREAS the Tennessee regulatory agencies have never adequately enforced stripmining laws in Tennessee, and have never been free from political and financial pressures that interfere with enforcement,

AND WHEREAS the residents of the Tennessee coalfields and all those who enjoy the scenic and recreational benefits of the Cumberland Mountains have suffered from the lack of enforcement,

AND WHEREAS the state has historically ignored citizen complaints and attempted to limit citizen participation in implementing and enforcing state strip mining laws,

AND WHEREAS the state has failed to adequately prepare for implementation of the Designating Lands Unsuitable for Strip Mining Program (Sec. 522),

AND WHEREAS the state has not followed the spirit of the Federal Surface Mining and Reclamation Act since they have shown no concerted effort to involve the public in the development and implementation of the strip mine regulations,

AND WHEREAS WE, THE UNDERSIGNED CITIZENS OF TENNESSEE, believe that the proposed state program does not guarantee improvement over the past record of poor enforcement and little citizen participation,

WE THEREFORE urge you as Secretary of the Department of Interior to assume enforcement of the Federal Surface Mining and Reclamation Act in Tennessee.

NAME:

ADDRESS:

NAME:	ADDRESS:

PLEASE RETURN TO: SOCM, Box 457, JACKSBORO, TN 37757

