

TENNESSEE CITIZENS FOR WILDERNESS PLANNING

Newsletter 125, November 14, 1982*

We bring you this somewhat abbreviated NEWSLETTER in order to help you concentrate your efforts on a few crises and/or opportunities that have recently developed. Please take action on at least 3 items of your choice.

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1. IMMEDIATE THREAT OF WIDE-SPREAD OIL AND GAS DEVELOPMENT IN BIG SOUTH FORK AREA

We have learned of politically generated extreme pressure from high up in the Corps of Engineers (Asst. Secretary Gianelli's office) to permit large-scale oil and gas drilling in the Big South Fork National River and Recreation Area. It appears that our best, and perhaps only, chance of stopping this is via Senator Baker, and we are therefore urging you to contact the Senator (and perhaps others -- see below) and encourage him to intervene. Your communication need not be long or complex, but time is of the essence.

For your info, some details follow.

- a. Land acquisition in the BSNRRA is approaching 70%. In a few transactions, the Corps has allowed the owner to retain mineral rights. However, these are not our major concern here. The problem we are facing is with that part of the area for which the government has acquired mineral, as well as surface, rights. The pressure from Gianelli's office is to lease these rights (for potentially tens of thousands of acres) to a Louisiana oil company.
- b. Those of us who might have thought that oil and gas drilling made a relatively minor intrusion on the landscape radically changed their minds when they saw aerial shots of Hurrigan Ridge in the BSNRRA. This region of owner-retained mineral rights looked like a disaster area -- honeycombed with eroding dirt roads and pock-marked with clearcuts.
- c. The legislation under which the BSNRRA was authorized establishes two management zones: the Gorge Area and the so-called Adjacent Area (essentially, the uplands). Oil and gas extraction is permitted only from the latter (presumably for owner-retained mineral rights). While the Adjacent Area includes some relatively "uninteresting" landscape, it also contains spectacular rock formations (arches, pinnacles) and many incredibly beautiful "rockhouses" (undercut sandstone bluffs) with their own delicate ecosystems.

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- d. It is ridiculous for the government to go to the expense and effort of acquiring mineral rights for the purpose of achieving the objectives for which the BSFNRRRA was created (conservation of natural, scenic, recreational, etc, values) -- and then turn around and lease these rights.
- e. Planning for trails, protection of fish and wildlife, and interpretation of geological and cultural resources is still quite incomplete. After this planning has been completed, at some later time, it may turn out that there are a few sites where oil and gas drilling might be relatively innocuous. But, if permitted right now, the mineral developments would almost certainly preempt these other activities which are essential for the primary objectives of the area.
- f. There are many indications that the Nashville District of the Corps is quite opposed to the leasing request. The pressure comes from the very top -- the Asst. Sec. of the Army in Charge of Civil Works. In turn, Gianelli's office is responding to pressure from Louisiana Congressman Breaux, head of a subcommittee whose jurisdiction affects the Corps.
- g. Oil and gas drilling on public lands are governed by Bureau of Land Management regulations. More stringent restrictions can be added by the surface management agency -- in this case the National Park Service (NPS). However -- very significantly -- top levels in the Corps are refusing to use NPS regs. The Nashville Corps office has been ordered to come up with special regs immediately, and has even been forbidden to coordinate with NPS or to make provisions for public review.

Suggested actions

- 1. The highest priority is the letter to Senator Howard H. Baker, attn. Jim Range, Senate Office Bldg., Washington, D.C. 20510. It need not be long, but send it soon!
- 2. If possible, send a copy to Col. Lee Tucker, District Engineer, Nashville District, U.S. Army Corps of Engineers, P. O. Box 1070, Nashville, TN 37202. Add a cover note requesting that your letter be forwarded to Asst. Sec. Gianelli's office.
- 3. If possible, send a similar letter to Congressman-elect Jim Cooper, P. O. Box 684, Shelbyville, TN 37160. Copies to your own Congressperson (House Office Bldg., Washington, DC 20515), Senator Jim Sasser (same address as Baker), and your local paper.

2. SAY "NO" TO FROZEN HEAD STRIPMINING!

Frozen Head State Natural Area, blessed oasis in the stripmine-ravaged Cumberlands, is seriously threatened by a major stripmine operation on its boundary. A visitor entering the Flat Fork Valley would begin to see the mining scar from as far away as Highway 62, and the disturbed area would intrude into his field of vision while he was driving up the valley toward the park. Even worse, the mine site would be visible from about half the park area itself, and the noise of the heavy equipment working would ruin the feeling of peace and remoteness which Frozen Head visitors now cherish so much. The proposed operation would drain into water courses that run through the park and join Flat Fork Creek upstream from the picnic area and playground. Even if siltation could be prevented through heroic efforts (which is doubtful in view of the steepness of the terrain), the certain sight and sound pollution by themselves are more than enough reason to prohibit this stripmine. In a recently conducted survey of over 100 cars visiting the park, 30% of respondents said they would not visit again if the stripmining took place, and another 51% said they'd visit less often.

WHAT YOU CAN DO: (a) Write to Commissioner Charles Howell, III (Tenn. Dept. of Conservation, 701 Broadway, Nashville, TN 37203) and urge him to deny the permit for any stripmining adjacent (or near) Frozen Head State Natural Area which would be visible from Flat Fork Valley. The Tenn. Surface Mining Act of 1980 gives him the authority to do so. (b) Send a copy of your letter to Duane Wyrick, Supt., Frozen Head (Wartburg TN 37887). (c) Write a letter to the editor of your paper to show how concerned you are about protecting this resource.

3. COAL EXPLORATION IN PICKETT: STATE'S FURTHER ACTIONS WILL NEED WATCHING

The Tennessee Division of Surface Mining has quietly granted an exploration permit for core drilling to determine the coal deposits underlying the Pickett area. Mineral rights under

Pickett State Park and Forest (the Park is only a small portion of the total Pickett area) were retained by Stearns Coal Co. when it donated the land to the State in 1933. The Shamrock Mining Co (leasing the Stearns Coal) recently applied for permission to drill 52 holes, and was given permission for eight. It should be recalled that an interagency committee set up a couple of years ago by Gov. Alexander failed to develop a policy on mineral exploration and leasing on state lands. Thus, the events in Pickett are potentially precedent-setting. Even without this broader implication, the present situation could develop into a bad threat. Pickett is one of our most beautiful state areas; and parts of it drain into the adjacent Big South Fork NRRRA.

The big question, of course, is what will happen if coal is found. Perhaps the state could not legally have prevented the mineral owner from exploring (although the manner in which the permit was granted may be questioned). However, there is little doubt that the state has the right to deny permission to stripmine. The basis for this right is the Tennessee Surface Rights Law, passed a few years ago (with the active help of SOCM), and since upheld by the State Supreme Court. Under this law, no mining is permitted without written consent of the surface owner -- in this case, the State of Tennessee.

WHAT YOU CAN DO: Write to Commissioner Charles Howell, III (Tenn. Dept. of Conservation, 701 Broadway, Nashville, TN 37203) and urge him not to permit surface mining in Pickett State Park and Forest -- or in any state lands under the Department's management -- regardless of how much coal is found.

4. LET'S URGE CONGR. DUNCAN TO INTRODUCE A CHEROKEE WILDERNESS BILL

The public comments submitted to the Forest Service by the 9/27/82 deadline for the Citico Creek and Big Frog Mtn. proposals were overwhelmingly pro-wilderness (about 20,000 pro to 11,000 anti-wilderness signatures) and included many substantive, site-specific letters, as well as form letters and petitions. Numerous organizations and individuals were active in this effort, which was superbly coordinated by Will Skelton for the Cherokee Natl. Forest Wilderness Coalition. The coalition also submitted a 64-page review and critique of the Forest Service's EIS. A very pleasant surprise was the submission of a unanimous statement from Tennessee government agencies in support of wilderness.

On 10/19/82, Coalition representatives met with Congressman Duncan to present him with copies of the pro-wilderness comments, an information summary, and a draft bill. The Congressman appeared to take quite an interest in the subject and told the wilderness folks that they had "made a convincing argument." He added that, by the beginning of the 1983 Congressional session, he would make up his mind which way to go on the issue. Therefore, now is the time to write to him. Here are points to make.

- a. Urge him to introduce a bill to designate the following Cherokee Natl. Forest areas as wilderness: Citico Creek, Big Frog Mtn., Little Frog Mtn., and Bald River Gorge.
- b. Of the 621,531 acres of the Cherokee NF, only 3 small areas, totalling 8,069 acres (1.3%) are currently designated as wilderness. For the portion of the Cherokee that lies south of the Smokies, the proposed additions would bring wilderness to 14.7%, a reasonable amount.
- c. The proposed areas are essentially roadless and contain little commercially valuable timber. No recreation areas or campgrounds would be closed. Hunting and fishing would be allowed.
- d. These areas are the jewels of the southern Cherokee. To prevent them from being sacrificed to clearcutting, oil and gas drilling, and road construction, they must be legislatively protected by wilderness designation.

It is particularly important for Rep. Duncan to hear from the people in his own District (e.g., Knoxville, Maryville). Please write as soon as possible (The Hon. John Duncan, U.S. House of Representatives, Washington, DC 20515).

5. CORPS PROPOSES TO STOP CONTROLLING STRIPMINE WATER POLLUTION

The "404" permit process has been a highly important avenue for regulating stripmining activities for the purpose of protecting water quality. (Sec. 404 of the Clean Water Act requires the Corps of Engineers to issue "dredge and fill" permits.) Now, the Corps of Engineers is proposing to write a generalized, statewide Regional Permit (RP) which would take the place of individual permits for discharge of material associated with coal-mining operations.

Such a general RP would fail to take account of specific local, or topographical conditions (e.g., steep slopes). It would not be evaluated for 5 years; during such a long period, irreparable harm could be done, or large-scale mining might move into our state. It contains no special provisions for fragile watersheds, or for waters that have been recognized as having national significance, e.g., the Obed or Big South Fork. Perhaps most dangerous, the State of Tennessee's Division of Surface Mining, which would be left as the sole reviewer of stripmine permit applications, has no program comparable to Sec. 404 evaluation and enforcement, nor is it adequately staffed or equipped to take on this additional function. Thus, the proposed RP would result in a major net loss of water-quality protection.

TCWP has requested that a public hearing on the proposal be held in East Tennessee. The Corps has responded that such a hearing will be conducted "if it is determined that the specific issues raised are substantive, that there is a valid interest to be served by the hearing, or if there is sufficient public interest to warrant it". Please get in touch with us (see bottom of p. 1) if you would be willing to attend such a hearing.

6. YOUR INPUT NEEDED FOR LAME-DUCK SESSION

The Congress will return on November 29 to work on appropriations and some other left-over bills. The lame-duck session brings opportunities and also dangers (e.g., hidden destructive riders on unrelated bills). Any bill not passed by both Houses at the end of the session must start from scratch next year. Of the many issues important to TCWP, we have selected four top priority items about which we hope you will communicate to the Congress. Even single-sentence postcards will do; or contact your senators or rep while they're still at home (see phonebook for nearest big city). Addresses to write to are: Senators Howard H. Baker and Jim Sasser, Senate Office Bldg., Washington, D.C. 20510. The Hon. _____, House Office Bldg., Washington, DC 20515.

A. Parks protection bill needs to pass Senate

HR 5162 passed the House on Sept. 29 by a huge margin (319:84) over the objections of the Reagan Administration (including NPS Director Dickenson), and was sent to the Senate. Reps Duncan, Bouquard, Gore, Boner, Jones, and Ford voted for it, Quillen against, Beard absent. While this bill is not as strong as the original Seiberling version, it is still worthy of your active support. The bill requires that proposed federal actions inside or outside of park boundaries be reviewed regarding their potential impact on park resources, that NPS prepares a biennial "State of the Parks" report to Congress on the natural and cultural resources of the parks, and that a plan to research these resources be developed. It also provides for \$25,000 grants to local governments to develop land-use plans for the areas around parks.

✱ WHAT YOU CAN DO: Urge Senators Howard Baker and Jim Sasser to get HR 5162 to the floor and to vote for it. (Address above)

B. Prohibition against oil leasing in wilderness needs to pass Senate

On 8/12/82, the House voted overwhelmingly (340:58) to ban oil and gas drilling in wilderness areas. On 9/23/82, a Senate subcommittee held hearings on an identical bill, S.2801, sponsored by Sen. Henry Jackson. A temporary leasing ban for all minerals in wilderness and wilderness-study areas was attached to the continuing appropriations resolution, but will expire in

mid-December 1982. The urgent need for passing S.2801 is underscored by the following Administration action: The Forest Service (USFS) intends to process 1,100 pending lease applications for wilderness areas by 10/1/83, so that BLM will have 3 months to act on USFS recommendations prior to the 12/31/83 cut-off set by the Wilderness Act of 1964. Obviously this is an all-out effort to open wilderness to oil and gas drilling.

WHAT YOU CAN DO: Urge Senators Baker and Sasser to get S.2801 to the floor and to vote for it. And while you're about it, urge them also to oppose changes in the Defense Production Act which would encourage hardrock mineral mining in certain wildernesses. (For addresses, see above)

Protection for "Study Rivers" needs to be extended

Several rivers that were studied under the terms of the Wild & Scenic Rivers Act of 1968 (WSR Act) were protected until 10/2/82. However, Congress has been slow in acting on the study recommendations, and these rivers are now in jeopardy. For 5 of the 18, in fact, there are active dam proposals.

WHAT YOU CAN DO: Congress must be urged to pass an amendment to the WSR Act which will extend the study period on 18 rivers until 10/2/85. Contact your representative and both Senators (see above for addresses).

Pork-barrel water projects

It is highly probable that the Energy and Water Appropriations bill will be passed during the lame-duck session. Amendments will be offered to delete funding for some of the most wasteful and destructive water projects, including the Tennessee-Tombigbee Waterway. Both House and Senate members should be urged to support such amendments.

7. "GREEN VOTE VICTORY"

Thus read an AP-story headline two days after the election. Environmentalists had a much higher success rate than any of the other interest groups active in the campaign process. Whereas in past elections the League of Conservation Voters (LCV) was the only political arm of the environmental movement, this year there were 5 groups (Sierra Club, Friends of the Earth, Environmental Action, and Solar Lobby each had PAC's, in addition to LCV). Over 150 candidates were supported financially and/or through thousands of volunteers. LCV had a success rate of about 75%, and the Sierra Club better than 80% (compared with 64% for organized labor, 61% for women's groups, 41% for Big Business, 17% for Jesse Helms' Congressional Club). Among the most important outcomes were those affecting the House Interior Committee -- Udall, Burton, and Weaver (all of whom had been considered vulnerable) won and N. C.'s Hendon (anti-wilderness) lost, the survival of good Senate committee chairmen Stafford and Chaffee (both had problems because they're Republicans), the defeat of N. M.'s Schmitt (who had the lowest LCV rating in the Senate), and the reelection of Senators Mitchell, Metzenbaum, and Riegle, and of Reps Edgar, Kostmayer, Seiberling, Yates, Wolpe, Kastenmeier, Wirth, Waxman. The painful blows were the losses of Toby Moffett and Jerry Brown, and the failure to unseat Sen. Hatch. The overall high success rate of the green vote makes it a force to be reckoned with in 1984, and will hopefully influence the actions of the Congress and the Administration between now and then.

8. TCWP NEEDS NEW EXECUTIVE DIRECTOR

Jenny Freeman resigned in September, and we are looking for a half-time staff person (hours flexible). No. 1 requirement: dedication to and enthusiasm for TCWP causes. Job includes: writing letters and comments; establishing and maintaining contacts with pertinent congressional offices, government agencies, and environmental groups; testifying at certain hearings; membership development; fund raising. If you are interested or know anyone who might be, contact Lee Russell (see bottom of p. 1, this NL), or Ray Payne [615, 574-0288 (work), 693-6944 (home)].

9. TCWP ANNUAL MEETING REPORT; 1983 BOARD

The following people will serve TCWP in 1983.

President:	Bill Russell	Directors:	Chuck Coutant
Vice President:	Miriam Guthrie		Ron Foresta*
Treasurer:	Charlie Klabunde		Ray Payne*
Secretary:	Ruth Young*		Lee Russell
			Don Todd

*New since 1982

Nominating Committee: Reid Gryder, Ken Warren, Lynn Dye Wright

Altogether 41 people enjoyed our Annual Meeting weekend at Pickett. All 4 speakers were stimulating and informative (fuller accounts in a later newsletter). The superb sunny, warm weather allowed us to enjoy great hikes on Saturday afternoon and Sunday (including one on a new trail in the Big South Fork NRRRA). The food was delicious, plentiful, and efficiently prepared (even though Tom Johnson started cooking breakfast at 1 a.m. because he had his watch on upside down). We also enjoyed the entertainment -- Galapagos movies, folk dancing, two fat little puppies (Flip and Flop) who came to visit, and camp cleanup! -- We hope you are already marking your calendar for next year's Annual Meeting: October 28-30 at the Fall Creek Falls group camp.

10. ACTION SUMMARY

¶ No.	Issue	Contact	"Message" or Action
1	Oil leasing in Big S. Fork	Sen. Baker (attn. Jim Range); etc.	"Do not rush into oil leasing!"
2	Frozen Head stripmining	Comm. Howell	"Deny permit!"
3	Pickett coal exploration	Comm. Howell	"Do not permit surface mining!"
4	Cherokee Wilderness	Rep. Duncan	"Introduce bill!"
5	Stripmine water pollution	TCWP	Volunteer attendance at hearing
6 A	Parks Protection bill	US Senators	"Support HR 5162!"
6 B	Oil leasing in wilderness	US Senators	"Support S.2801!"
6 C	Study-rivers protection	US Rep & Sens	"Extend study period!"
6 D	Pork-barrel projects	US Rep & Sens	"Delete funding!"