

TENNESSEE CITIZENS FOR WILDERNESS PLANNING  
 Newsletter No. 129, May 26, 1983\*

1.	Smokies consolidation . . . . .	p.	2
	A. Inholdings eliminated		
	B. New superintendent		
2.	Obed Wild & Scenic River implementation . . . . .	p.	2
	A. Congressional support		
	B. Land Protection Plan		
3.	Big South Fork news . . . . .	p.	2
	A. Oil leasing?		
	B. Bandy Creek ground breaking		
4.	State capsules. . . . .	p.	3
	A. Howell resists Watt		
	B. Fate of bills		
	C. Acquisition funds		
	D. Endangered species habitat		
	E. Health & Environment		
	F. Oak Ridge mercury losses		
	G. Frozen Head trails		
	H. Billboards		
5.	Stripmine regulation: how is the state doing? . . . . .	p.	4
	A. Bad report from OSM		
	B. Bad report from Comptroller		
	C. State law weakened		
	D. OSM soft on industry?		
6.	Rivers, water projects, wetlands -- mostly in Tennessee . . . . .	p.	5
	A. Collins Plan		
	B. Wetlands		
	C. Natl. W & S Rivers		
	D. Ocoee		
	E. Columbia Dam		
	F. Little T		
	G. Tenn-Tom		
7.	TVA doing well. . . . .	p.	7
	A. Good air quality		
	B. Power savings		
	C. Magazine misquotes us		
	D. Staff reorganization		
8.	The nation's parklands: acquisition and protection . . . . .	p.	7
	A. Watt's war on acquisition		
	B. Parks Protection bill		
9.	The give-away of public lands or their resources. . . . .	p.	8
	A. Anti-"privatization"		
	B. Grasslands		
	C. Wildlife Refuges		
	D. Coal give-away		
	E. Massive leasing		
10.	Wilderness here and elsewhere . . . . .	p.	9
	A. Cherokee bill		
	B. RARE III		
	C. Undoing removals		
	D. Benton MacKay trail		
	E. Award to Seiberling		
	F. ORVs in WSA		
	G. Voting record		
11.	Air quality . . . . .	p.	10
	A. Blue becomes gray		
	B. Acid rain: spread costs		
	C. More acid rain		
12.	National capsules . . . . .	p.	11
	A. Alaska hunting		
	B. Amer. Cons. Corps		
	C. End. Spp. appropriations		
	D. Administration indicted		
	E. "Protect!" say people		
	F. Regs/growth: compatible		
	G. Ruckelshaus		
	H. Synfuels		
	J. Beach Boys		
13.	Contacts with Congressional delegation. . . . .	p.	13
14.	Tom Johnson -- in memoriam. . . . .	p.	13
15.	Activities. . . . .	p.	13
16.	Publications of interest. . . . .	p.	14
17.	ACTION SUMMARY. . . . .	p.	14

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

## 1. SMOKIES CONSOLIDATION

### A. Inholdings eliminated

In mid-April, the Park Service was given the go-ahead to proceed with the acquisition of the major remaining inholdings in the Smokies. These inholdings, totaling 2344 acres, are located north of Fontana Reservoir in the Eagle Creek watershed. For decades, they have been owned by Cities Service Inc., which, earlier this year, finally declared a willingness to sell them (NL 127 ¶8). Acquisition is considered to be particularly important, because these lands have formed a major base for poaching within the Park. In addition to the Cities Service tracts, there remained 7 small inholdings, totaling about 266 acres. Most of these are being eliminated by re-drawing Park boundaries so as to exclude these parcels.

### B. New superintendent

John Cook began his duties on 4/18, taking over from Jerry Eubanks, assistant superintendent, who had been in charge since Dave Beale's retirement. Cook has served as associated NPS director in D.C., regional director for the SW Region, and, most recently, regional director for Alaska. Both he and the deputy regional director for Alaska were removed from there at the same time -- the first time in history that this has happened. According to a recent article by Robert Cahn, word is that the Administration did not consider Cook and his deputy responsive enough to demands for more intensive use of Alaskan park resources.

## 2. OBED WILD & SCENIC RIVER IMPLEMENTATION

### A. Broad support from Tennessee's Congressional delegation

TCWP submitted a testimony for the record of the recent hearings of Congr. Seiberling's subcommittee on Public Lands and National Parks on the subject of parklands acquisition delays (see ¶8A, this NL). In it we pointed out the need to complete the Obed acquisition process without further delays, the threat to the resource from adverse developments, and the continuous roadblocks to implementation that have issued from Sec. Watt's USDI. We sent copies of our testimony to each member of the Tennessee Congressional delegation, urging each to contact (a) Rep. Seiberling on behalf of speeding up acquisition, and (b) Rep. Yates (chmn, Interior Appropriations Subcommittee) on behalf of including \$1 million for the Obed in the FY 1984 Land & Water Conservation Fund appropriation. The response has been extremely gratifying: 5 of our 9 Representatives, to date, have written highly supportive letters to both chairmen (Seiberling and Yates), have sent us copies of their letters, and (most) have sent us copies of the responses they got. These actions on behalf of the Obed were taken by both Democrats (Representatives Lloyd, Gore, and Ford) and Republicans (Reps. Duncan and Sundquist; Duncan even wrote to USDI). TCWP has expressed the organization's gratitude, and we hope some of our members will individually express their thanks as well (addresses on p. 14).

### B. Land Protection Plan in the works

One of Sec. Watt's roadblocks to land acquisition is to require each unit of the National Park System to prepare a "Land Protection Plan" that must be approved by Washington. The No. 1 stated purpose of this plan is "to determine which tracts of land need to be in public ownership, as well as what means of protection, other than acquisition, might be available to protect other lands within the river corridor to achieve the purposes established by Congress." An outline of the plan has been made available and comments are being solicited. Additional comments can be made when the draft is issued.

We should like to ask TCWP members who have a strong interest in the Obed to get in touch with us (see bottom of p. 1, this NL) so we can inform them on actions that may be required from us.

## 3. BIG SOUTH FORK NEWS

### A. What's the real story on federal oil leasing?

A Knoxville News-Sentinel story of May 5 quotes Senator Baker's chief aide as saying that the Interior Department will recommend against oil and gas leasing in the Big South Fork NRRRA. Local Corps of Engineers personnel say the whole BSF leasing question will probably die a bureaucratic death. Both of these statements sound encouraging. But, within the Dept. of the Interior, there seems to be an on-again off-again pressure from on-high to initiate the federal leasing, and noone wants to confirm the News-Sentinel story. TCWP has alerted area Congressmen

to the possible problem, and especially to the danger that someone may try to amend the authorizing legislation. The drilling would be particularly harmful because the area in which most of the leasing would occur (Troublesome Cr. and No Business Cr. watersheds) is one that has been highly recommended for wilderness designation in a U.S. Forest Service RARE-II study.

B. Bandy Creek Recreation Area groundbreaking

This is the second BSFNRRRA groundbreaking we have attended (the first one was for the Leatherwood Ford Bridge 2 years ago), and it was the second one that was moved indoors because of heavy rains. It was gratifying to see how popular a project this has become: one U.S. Congressman speaking (Cooper), another sending a message to be read (Gore), 3 state senators (Victor Ashe, Anna Belle O'Brien, Tommy Burnett), one state representative (Davis), a local development group, band, scouts, flags, crafts, barbecues. One might almost forget that not so many years ago we almost got lynched when we proposed that the free-flowing river be preserved in a park-like setting. We hope our politicians will learn a lesson in how parkland support grows -- even the Smokies were bitterly opposed locally at the beginning.

Among literature available at this groundbreaking for the Area's major campground was a 1983 Interim Trails Guide for the BSFNRRRA, a Paddling The Gorge Registration Form (with map of rapids), and a big color map. All may be requested from the Superintendent, BSFNRRRA, P. O. Box 477, Oneida, TN 37841.

4. STATE CAPSULES

A. Commissioner Howell stands up to Watt

It seems that the federal government retained mineral rights under about 8500 acres of forestland that it donated to the State of Tennessee back in 1955. This land became a state forest, adjacent to Standing Stone State Park in Overton and Clay Counties. True to form, Secretary Watt's Bureau of Land Management (BLM) awarded 3 oil and gas leases in the Standing Stone State Forest, and notified the State only afterward. Conservation Commissioner Charles Howell not only asked BLM to cancel the three leases, but also requested that the agency take no further action on another 5 lease applications that have been submitted. Comm. Howell deserves our thanks for this strong action (Tenn. Dept. of Conservation, 701 Broadway, Nashville 37203).

B. Fate of various bills

The General Assembly adjourned for the year on May 12. Here, we summarize the outcome of some of the bills described as pending in NL 128 ¶4A.

- a. Hazardous waste: a compromise "superfund" bill was passed. This bill contains most of the recommendations of a Safe Growth Team task force, but some strengthening features of the Environmental Action Fund bill were added. On the other hand, the funding level was markedly reduced to only \$2 million (50% from industry, 50% from public financing).
- b. Parks and Recreation Resources Trust Fund (a video-game tax, etc. for parkland acquisition): no action
- c. Tennessee Conservation Corps: passed, but without funding. The Corps will be established in July 1984, when it is possible that certain federal funds can be made available for this purpose.
- d. Septic tank improvements: deferred to a study committee
- e. Stripmine law: a weakening amendment was passed (see ¶5C, this NL)

C. General Assembly kills natural areas acquisition funds

As part of the Dept. of Conservation's capital budget appropriation, Gov. Alexander requested \$1 million for the Natural and Cultural Areas Acquisition Fund. This was to have been the first installment of a \$9 million appropriation, spread over 5 years, to acquire sites with unique biological, historical, archeological, or geological qualities. Unfortunately, this item was deleted by the House and Senate Finance Committees. Another effort will be made next year.

D. Endangered-species habitat being protected

The Nature Conservancy has received a \$5 million gift (which must be matched by \$10 million raised directly) to acquire endangered species habitat. Two of the projects under this

program are located in Tennessee: Barnett's Woods (near Clarksville) and Hubbard's Cave (in Warren County). The former area, 40 acres in size, is a forested ravine containing a large number of plant species, including some classified as "threatened" at the federal or state level. Hubbard's Cave houses colonies of 150,000 hibernating gray bats and of Indiana bats (both species are endangered) as well as 6 other species of bats. Hubbard is thus one of the most important bat caves in all of North America. The fund-raising campaign for the two areas is virtually complete. Nationwide, the Nature Conservancy hopes that the 3-year campaign will save 150 species at 75-150 sites. The effort was spurred by evidence on the shocking rate at which species loss is occurring: it is now estimated that, by the late 1980's, one species will be disappearing per hour!

#### E. A higher profile for environmental programs

Legislation passed in this session of the General Assembly changed the name of the Tenn. Dept. of Public Health to Tenn. Dept. of Health and Environment. This is a fitting change for a department that has long regulated air and water quality, solid waste, radiological health, etc., and in February was given the Division of Surface Mining and the Div. of Water Resources as well (NL 127 ¶7A). These various Divisions are under the Bureau of Environment, headed by Michael T. Bruner, Asst. Commissioner of Health and Environment. Another legislative act, which drops the requirement that the Commissioner must be an MD, cleared the way for the confirmation of Jim Word as Commissioner of Health & Environment.

#### F. Hearings to be held on mercury losses at Oak Ridge

The magnitude of the loss is almost unbelievable: 2,400,000 pounds of mercury, worth \$7.2 million, lost from the Y-12 weapons plant between 1950 and 1963, when the metal was used in the lithium deuteride production process. About 1,900,000 lbs. are not accounted for (some of it lost from faulty joints, valves, etc.), another 475,000 lbs were spilled into East Fork Poplar Creek (which runs through Oak Ridge), and 30,000 lbs were lost into the atmosphere. This information is contained in a recently declassified 1977 report. Hearings to be held at Oak Ridge, have been tentatively scheduled for June 27 by two subcommittees of the House Science and Technology Committee. The subcommittees, are chaired by Reps. Al Gore, Jr, and Marilyn Lloyd, respectively.

The discoveries have stimulated a lot of questions. How can such a huge (and expensive) amount of material have been lost? Why was the city of Oak Ridge not notified? Would the whole problem have come to light had it not been for the unauthorized sampling of the creek carried out by a biologist formerly employed at Oak Ridge National Lab? Did any other toxic materials get out into the environment? Should federal facilities be allowed repeated violations of NPDES permits (740 Oak Ridge violations reported in the past 8 years are considered to present but the tip of the iceberg, according to a recent Knoxville News Sentinel article). Hopefully some of these matters will be discussed at the upcoming hearing.

#### G. An Adopt-a-Trail program in Frozen Head is being sponsored by the manager of this State Natural Area. About 60 miles of foot trail need to be watched for signs of erosion, litter, fallen trees, etc, which must then be reported to the park office. If you are interested in adopting ✕ any one or more trail segments, call Duane Wyrick, 615, 346-3318.

#### H. Tree cutting to reveal billboards

As we informed you earlier (NL 128 ¶4D), an Administration-backed bill was passed that allows billboard owners to clear tall vegetation from 500 ft of the right-of-way. Some of the people who are really upset by this are trying to prevent whole-sale tree slaughter. They invite interested persons to a meeting of Knoxville Green on June 15, 12 noon, at the Tenn. Valley Unitarian Church (call Gene Burr 573-8554 for further info). Two avenues are being investigated: (a) The Tenn Administrative Procedures Act, which calls for promulgation of regulations and public hearings (the Tenn. Dept. of Transportation has been approached), and (b) federal law that prohibits removal of federal plantings on highways (the FHA is being approached).

### 5. STRIPMINE REGULATION: HOW IS THE STATE DOING?

#### A. State gets a bad report card from OSM

Noone can say that the federal Office of Surface Mining (OSM) under director Richard Harris has

distinguished itself as a champion of stringent stripmine regulation (see, e.g., ¶5D). Even this lenient OSM, however, recently found the state of Tennessee's stripmine-law enforcement to be badly flawed. An April 8 letter from Harris to Gov. Alexander points out that, of the 164 permits issued since 8/10/82, when Tennessee was given primacy to administer the federal law, 160 did not comply with the requirements of the Act. For example, permits were issued to operators who had not corrected existing violations on the site, or were issued prior to technical review and approval. Unless the various deficiencies are corrected, in accordance with an OSM-formulated timetable, the state may lose about \$1.3 million in federal stripmine funds. Responsibility for the state's Division of Surface Mining (DSM) has recently passed from the Dept. of Conservation to the Dept. of Health and Environment, and several major personnel changes have been made (NL 128 ¶5B). On May 21, Dr. Mike Bruner, head of the Department's Bureau of the Environment, met with representatives of groups concerned about stripmine damages to outline the ways in which the state is improving its performance. Don Todd represented TCWP.

B. State gets a bad report card from its own Comptroller

DSM has been criticized several times in the past for its bonding procedures, but has done nothing about it. Now, again, there is a Comptroller's report, this one for 1982. It finds (among other things) that (a) performance bonds are set too low (cost to reclaim one acre has averaged \$2,700, but DSM has set many bonds at, or little above, the \$1500 minimum required by law); (b) bonds forfeited as early as the mid-1970's have not yet been collected, and altogether more than \$2 million in forfeited bonds remain uncollected. The "new" DSM is attempting to address these problems, and some staff members are developing recommendations for each step of the bonding process. These recommendations will be reviewed by a bonding task force that has on it representatives from various interest groups, including environmental organizations. The Tenn. Environmental Council (an umbrella group, of which TCWP is a member) has two representatives on this task force.

C. The state stripmine law has been weakened

The General Assembly passed SB833/HB901, which lifts the restriction on issuing permits to operators who have not corrected prior violations at another site. Now, a permit may be granted if the operator is merely "in the process" of correcting a violation to the satisfaction of the enforcing agency. This amendment puts an extra burden on DSM: it'll have to decide which violations are being corrected to the Division's "satisfaction."

D. OSM said to be negligently soft on industry

The following statements were recently made by a former Interior Dept. lawyer: (a) OSM has filed virtually no criminal actions against violators of the Stripmine Act (he himself was fired when he attempted to prosecute such a violator). (b) OSM has failed to collect about \$100 million in fines and reclamation fees that were supposed to have been paid by operators.

6. RIVERS, WATER PROJECTS, WETLANDS -- MOSTLY IN TENNESSEE

A. Collins State Scenic River model Protection Plan

The Tenn. Safe Growth Team's contract with the Tennessee Environmental Council (TEC) has finally been approved. TEC will work with the Dept. of Conservation (DoC) on research for, and preparation of, a Collins protection plan. In addition, the state has received Land & Water Conservation Fund money for constructing two simple access sites (canoe put-in and car parking). Further evidence of DoC's interest in this State Scenic River is the appointment of a Collins River Ranger (who works in another DoC Area part-time). His regular contacts with riparian landowners should help to maintain good local feelings about the project. Commissioner Charles Howell and the Safe Growth Team deserve our thanks for these earnest efforts to revive the State Scenic Rivers program at long last. (Addresses, respectively: TN Dept. of Conservation, 701 Broadway, Nashville 37203; and Suite 1600, James K. Polk Bldg., Nashville 37219).

B. Wetlands recommendations

The Tennessee Safe Growth Team (SGT) has set up a task force, chaired by Day Lohmann, to develop recommendations for State action in wetlands protection and floodplain management. An inventory of Tennessee wetlands is being completed under funding by the SGT, TWRA, and the U.S. Fish &

Wildlife Service. -- On the federal scene, TCWP has written to each member of Tennessee's Congressional delegation, urging him/her to resist any weakening of Sec. 404 of the Clean Water Act. To date, we've heard from Rep. Ford who writes: "I pledge to oppose any proposals that would result in the loss of any additional wetland acreage." -- The Mellon Foundation has given The Nature Conservancy \$25 million (to be matched by another \$25 million from direct fund raising) to initiate a five-year National Wetlands Conservation Program.

C. The Administration is trying to choke the National Wild & Scenic Rivers System

In deciding whether to recommend addition of a river, or river segment, to the National Wild & Scenic Rivers System, each administration since 1968 (when the WSR Act was passed) has used the findings of the extensive studies authorized by the Act. Rivers were recommended for Congressional action if they had been found to have significant scenic, recreational, geologic, fish and wildlife, historic, or cultural values. Not so in the Reagan Administration, which has now added a second set of considerations to determine whether a river is "suitable" (in addition to "eligible"). Findings that make a river unsuitable are: private ownership of riverbanks (almost universal in the Eastern U.S.), acquisition costs, mineral or timber resources in the corridor, local landowner opposition (never totally absent). Some of our most eminently eligible and "remarkably outstanding" river segments could be lost as a result of these broad "suitability" considerations. Since some of our Tennessee rivers are likely to be affected by this new policy, it is important that you express support for lawful growth of the National WSR System to your U.S. Representative and Senator (see p. 14).

D. Ocoee lawsuit

About a year ago, a U.S. District court at Nashville ruled that the state of Tennessee lacks authority to require a federal agency, TVA, to obtain a water-quality permit for drying up the Ocoee whenever it diverts water through the hydroelectric plant. The state appealed this 1982 decision, supported, this time, by *amicus curiae* briefs from EPA and the Justice Dept (EPA having recently won another court decision to the effect that dams are non-point sources and fall under state jurisdictions). The 6th U.S. Circuit Court of Appeals at Cincinnati heard the case on May 16, 1983, but the ruling is not expected for several weeks. -- During the General Assembly session, Senators Ashe, Longley, Elkins, and Henry introduced Senate Joint Resolution No. 48 to urge the governor to seek Congressional help in making TVA keep the Ocoee flowing for more than the 80 days/year offered by the agency. The House sponsor was Steve Bivens.

E. No appropriation needed to complete Columbia Dam

In the course of a Senate subcommittee oversight hearings on the TVA budget, TVA Manager Willis said that the agency would resume work on Columbia Dam as soon as the U.S. Fish & Wildlife Service is satisfied with TVA's relocation of endangered mussels. Because unexpended funds are plentiful, TVA would need no new appropriation for this project.

F. Where the Little T used to flow: industry and solid-waste disposal

Though industrial development was one of the chief benefits that was supposed to result from the inundation of the Little T, it has taken 3½ years for the first industry to decide it wants to locate on Tellico Reservoir. Sea Ray Boats has bought 40 acres at \$3300/acre, and will build fiberglass motor boats.

Loudon County requested to put its landfill on Tellico Reservoir property, but the contract that, some time ago, transferred TVA-acquired land to the Tellico Reservoir Development Agency (TRDA) prohibits such a landfill. The contract does, however, permit solid waste disposal in industrial TRDA areas along the reservoir, provided the waste is generated locally.

G. Tenn-Tom may get completed without an FY 1984 appropriation

Alabama Congressman, Tom Bevill's appropriations subcommittee has earmarked \$180 million of unexpended Corps of Engineers funds for completion of the Tennessee Tombigbee Waterway. If this use of the money is approved by the full Congress, the project might be completed by late 1985. The major plaintiffs in court action against Tenn-Tom have now withdrawn from the suit: the L & N railroad early this year, and two national environmental groups (NRDC and EDF) within the past few weeks.

## 7. TVA DOING WELL

### A. TVA performs above requirements for air pollution control

The allowable SO<sub>2</sub> (sulfur dioxide) weighted emission rate for TVA's coal-fired steam plants is 3.82 lb per million Btu heat input. TVA has been performing significantly better than this. In March, about 13% less than the allowable amount of SO<sub>2</sub> was emitted by the overall system, and the cumulative difference between actual and allowable emission over the past 7 months has been about -10%. TVA should be commended for this achievement in letters to the press or to our legislators. What a change from the agency's attitude a few years ago, when it set itself above the nation's air quality laws!

### B. GAO report praises TVA for power savings

The General Accounting Office (the investigative arm of Congress), in a recently released report, has high praise for improvements made by TVA during the past three years; these improvements will avoid almost \$8 billion in power-operating and construction costs by 1990. Among the areas in which TVA has performed much better than before, according to the GAO report, are power-demand forecasting, the emphasis on alternatives to the building of new generating capacity, and coal-procurement procedures.

### C. We are quoted out of context

A U.S. NEWS AND WORLD REPORT article (5/23/83) on the occasion of TVA's 50th anniversary has the following passage: "'TVA,' says William Russell, president of the Tennessee Citizens for Wilderness Planning, an environmental group, now stands for 'Tennessee Valley Arrogancy.'" The words "says" and "now" certainly imply that the Russell statement was a recent one. In fact, it was made almost 11 years ago(!) in reference to Chairman Wagner's ignoring Governor Dunn's request that Tellico Dam be stopped. Another sentence in the article reads "Environmentalists call the TVA one of the nation's worst air and water polluters." Again, the magazine is using the wrong tense. In the past few years, TVA has really tried to repair the damage done by the agency under past Boards, as we have often reported in the TCWP NEWSLETTER, including this one (also see, e.g., NL 126 ¶9 and NL 127 ¶5F). In fact, TVA has testified in the Congress on behalf of strong re-authorization of Clean Air and Clean Water Acts (NL 120 ¶11, NL 126 ¶10H). In addition, we have been pleased by TVA's fledgling efforts to establish natural areas (NL 128 ¶10) and to encourage enjoyment of free-flowing river segments (NL 126 ¶9B, 9C). This doesn't mean we love everything TVA does: e.g., Columbia Dam might be stopped if TVA were to publicize an honest appraisal of what a boondoggle it is.

### D. TVA will have a new Natural Resources Manager

On June 11, Dr. Tom Ripley will leave his position as head of the Office of Natural Resources to work on special projects in the TVA General Manager's office. Maurice G. Msarsa will become acting manager until a permanent replacement is selected. The Office of Natural Resources, created in 1969, deals with programs in forestry, fisheries, wildlife, reservoir operation, and environmental education.

## 8. THE NATIONS PARKLANDS: ACQUISITION AND PROTECTION

### A. Watt's war on parklands acquisition, and Congressional defense efforts

For the third year in a row now, Congress is having to fight to keep the parklands acquisition process alive in the face of a two-pronged attack by an Administration that seems determined to kill it. One prong is directed at funding, the other at the administrative process of buying the lands for authorized park system units.

In his very first year, Watt tried to rescind moneys already appropriated for the Land & Water Conservation Fund (LWCF) in the Carter Administration. He also attempted to divert the LWCF from parkland acquisition into a park-facility improvement program. Congress stopped him on both counts in 1981, but it took an incredible amount of the effort of many citizens, including TCWP members. Each year, he has tried to zero-fund acquisitions, and, each year, the Congress appropriated money for the LWCF despite Watt's failure to ask for it. Recently the House even voted to give NPS an additional \$30 million for acquisition (i.e., additional to the LWCF appropriation voted late last year) in the FY83 Supplemental Appropriations bill. It is by now

becoming abundantly clear that USDI is refusing to spend these specifically appropriated funds (which, incidentally, do not derive from the tax-payer but from offshore oil-lease revenues); Watt may thereby be violating the Impoundment Control Act. Hearings recently held by Rep. Seiberling's subcommittee (Public Lands & National Parks) revealed that, in FY 1982, only 51% of the appropriated funds were spent, and, half-way into FY 1983, less than 15%.

The hearings also brought to light the other methods by which USDI is fighting parklands acquisition. One, which we have reported earlier (NL 126 ¶3) is to take away from NPS professionals in the field the authority for completing land transactions, and to require Washington approval by Asst. Sec. Arnett (who rejects many requests for trivial reasons). Another device was to declare a moratorium on acquisitions until after a park unit has developed a Land Protection Plan and had it approved in Washington (see ¶2B, this NL). This Plan must explore the feasibility of methods other than fee-simple acquisition for "protecting" the land. Watt has even considered de-authorization of some of the newer park units, particularly the "urban" parks (Golden Gate, Gateway), which he calls "playgrounds [that] should be maintained by those that play in them."

While Rep. Seiberling's subcommittee addressed these various Watt-imposed roadblocks, Rep. Yates' subcommittee (Interior Appropriations) was working on the LWCF appropriation for FY 1984. Markup is tentatively scheduled for June 7, and it is likely that the level will be about the same as last year's appropriation (\$150 + 75 million for federal and state portions, respectively -- NL 127 ¶9B). The Appalachian Trail Conference testified that \$9.1 million would substantially complete AT protection; and TCWP sent testimony on Obed funding (see ¶2A, this NL).

#### B. Parks Protection bill, starting on its way again, needs support

The tremendous and varied threats to our National Park System, some of which were documented in the State of the Parks report of a couple of years ago, stimulated the Parks Protection bill, which last fall made it through the House overwhelmingly (319:84) but too late to be brought up in the Senate (NL 125 ¶6A). In this session, the process is starting earlier. H.R.2379 is nearly identical to last year's bill. It requires that federal actions inside or outside park boundaries be reviewed regarding their potential impact on park resources, that NPS prepare a biennial report on conditions of natural and cultural resources of the parks, that a plan to study resource problems be formulated, and that NPS develop a program for informing park visitors of resource threats. It also authorizes grants of up to \$25,000 to local governments to develop land-use plans for the areas around parks. -- The full House will probably vote on H.R.2379 in June. Urge your Congressperson to support this bill (see p.14 for address). The entire Tennessee House delegation, except Quillen and Beard, voted for last year's Parks Protection bill.

### 9. THE GIVE-AWAY OF PUBLIC LANDS OR THEIR RESOURCES

#### A. A bill to stop the "privatization"/"assets management" give-away of public lands

The Administration's efforts to sell (at fire-sale prices) huge acreages of National Forest and BLM lands (NL 128 ¶8A), and perhaps even Park Service lands (NL 127 ¶3), has troubled Congressmen of both parties. Said Republican James Jeffords of Vermont: "I think that the Administration feels that the federal government shouldn't own anything but guns." Senators Chafee and Bumpers have introduced S.891, the Federal Land Retention Act. This bill provides for a thorough assessment of a tract's public-benefit values before sale can be proposed. Opportunities for public comment must be provided for each sale proposal. The federal government is required to offer the tract first to state or local governments for use as a park or for other public purposes. When consolidation of federal land holdings is an objective, land exchange must be given priority over land sale.

WHAT YOU CAN DO: Urge both your Senators and your Rep. to give strong support for S.891 (see p.14 for addresses)

#### B. Another type of area threatened by "privatization"

While 3.2% of national forest lands have been proposed for sale, almost 30% of National Grasslands will be lost if the Administration has its way. There are 19 such Grasslands, totalling 3.8 million acres; Reagan proposes to sell 1.1 million of these acres. The Grasslands were



acquired in the 1930s because they had been seriously damaged by overgrazing and poor management. Their restoration has since provided plant preservation, wildlife habitat, control of soil erosion, and even oil and gas production.

C. Bill threatens the National Wildlife Refuge System (NWRS)

Sec. Watt has made an agreement to turn over to the State of Texas the Matagordo Island Wildlife Refuge (home of 10 endangered species, including the whooping crane). This action clearly violates the National Wildlife Systems Administration Act which allows only the U.S. Dept. of the Interior to own and manage NWRS lands. Watt could thus be taken to court. But wait! some members of Congress are trying to make Watt's action legal. If S.696 (Bentsen, Tower)/H.R.1935 (Wright, Patman, Breau, Dingell) were to become law, the Secretary would have authority to transfer any NWRS lands out of the system. Tell your U.S. Senators and Representatives to oppose this dangerous precedent-setting bill.

D. Powder River coal leases: it was more than just a fire sale, it was arson!

That was the description given by Rep. Edward Markey, chairman of the House Oversight Subcommittee, and many others in the Congress shared his sentiment. The story of the Dept. of Interior's coal leases in the Powder River basin (Montana-Wyoming), which lost the government \$100 million, came out as a result of an 8-month study by the House Interior Appropriations Subcommittee, published in April in a 121-page report. The findings were subsequently confirmed and extended in a GAO report. The Powder River offering of 23,500 acres with 1.6 billion tons of coal was the largest in the nation's history. USDI established an "entry-level" bid of half the fair market value; there was barely any competition, and most of the coal went at this low price, losing the government between \$60 and \$100 million, according to the Congressional reports. Moreover, it turns out that there had been a leak of confidential estimates of the lease value to industry officials prior to the bidding. Yet, even though USDI was aware of this leak, it insisted on holding the sale anyway.

E. Massive leasing program harms the environment and the U.S. Treasury

The Reagan Administration has in one year, 1982, leased more tons of coal (1.7 billion) and more acres of oil and gas (90% of it without competitive bidding) than the Carter Administration proposed to lease in four years. It has, further established an oil-leasing program involving 200 million acres of coastal waters annually for the next 5 years. And USDI wants to issue 140 coal leases by the end of 1984; while, over the past 62 years, only an average of 10 per year have been issued. Some leases have been awarded for next to nothing, e.g., for an annual rental fee of \$1/acre.

America's coal reserves are estimated at 475 billion tons, of which the government owns 34%. It makes no financial sense, say the experts, to flood the market with coal and oil so rapidly, especially in times when the economy is in bad shape. This can only lead to a bad loss to the U.S. Treasury. The leasing frenzy does not produce energy -- coal companies already have a 200-year supply of federal coal. Instead, it produces speculation. There is also likely to be a major detrimental effect on the environment from such massive leasing programs. As a recent LePelley column puts it: the environment is like a pottery piggy bank: you can't get any money out of it unless you ruin it.

## 10. WILDERNESS HERE AND ELSEWHERE

A. No movement yet on the Cherokee Wilderness bill

Congressman Duncan has not yet agreed to introduce the Cherokee wilderness bill for Big Frog, Citico Creek, Little Frog, and Bald River Gorge (see NL 127 ¶1A). We are trying to arrange another meeting with him (see ¶13, this NL). If you have not yet written to him, please do so now and urge him to introduce the Citizens Wilderness Proposal for the lower part of the Cherokee (see p.14 for address).

B. Now comes RARE III: problems and opportunities

Since the Administration has essentially discarded the RARE-II findings by deliberately standing a recent California court decision on its head (NL 127 ¶1B), the Forest Service is theoretically embarking on the RARE-III process. It now appears that there will, however, be

tremendous delays in getting the planning underway. In the meantime, the USFS does not intend to prevent timbering or other developments in roadless areas, unless appeals are filled for specific ones. One implication of the discarding of RARE II that could potentially work to our advantage is that, under RARE III, the USFS will have to consider all roadless areas, including those recommended for non-wilderness in the prior review.

C. A bill to undo Watt's BLM-wilderness cuts

The Watt Christmas massacre removed wilderness-study-area (WSA) status from about 800,000 acres of BLM lands (NL 127 ¶1C, NL 128 ¶8C). Several of these WSAs (and additional ones threatened by a Watt-ordered inventory) offer protection to adjacent national parks and their watersheds, and provide scenic vistas or hiking corridors for these parks. Now, Rep. John Seiberling has introduced H.R. 1214 that would transfer 31 WSAs, totaling 75,000 acres, from BLM to the National Park System. All are adjacent to 12 national parks within 7 states; 10 of them (12,700 acres) are adjacent to Zion National Park, and those of you who know and love Zion will realize how important they are. Urge your Congressman/woman to co-sponsor H.R. 1214 (address on p. 14).

D. Negative Forest Service ruling on the Benton MacKaye Trail

The Regional Forester on April 15 published a Decision Notice on this proposed 230-mile loop trail. He has opted for the No Action alternative "other than management currently taking place." Thus, the BMT will be constructed in the Chattahoochee NF of North Georgia, but will not be extended into Tenn. or N.C. Reasons given are that need for a long loop trail has not been established, and that the BMT relies too heavily on existing trails with special identities.

E. Congressman John Seiberling receives Wilderness Society Award

The society's highest honor, the Ansel Adams Conservation Award, was presented to Seiberling in December. Pres. Jimmy Carter was the previous recipient. John Seiberling who chairs the House Interior Subcommittee on Public Lands and National Parks, has taken an effective leadership role in parks-protection and wilderness issues. He is currently working to counteract the various underhanded ways in which the Dept. of Interior is trying to undermine authorized parklands acquisitions (¶8, this NL).

F. Watt allows motorcycles in wilderness-study areas

He is lifting an 8-year-old ban on motorcycle racing in the California-Nevada desert. One proposed race (Barstow-to-Las Vegas) would traverse 5 wilderness-study areas.

G. How Tennesseans voted on a wilderness bill

A bill to include 2.3 million acres of California national forest lands in the national wilderness system (and free another 4.3 million acres for logging or developments) recently passed the House. Prior to final passage, the House overwhelmingly defeated an amendment that would have cut the wilderness acreage in half and brought about other changes advocated by commercial interests. Voting against the amendment (i.e., in the environmental interest) were Reps. Cooper, Boner, and Gore. Voting for the amendment (i.e., against wilderness) were Reps. Quillen, Duncan, and Sundquist. The remaining three were absent.

## 11. AIR QUALITY

A. "The world is rapidly becoming a gray planet"

Those are the words of astronaut Paul Weitz, commander of the recent space shuttle Challenger flight. In 1973, Weitz had an earlier flight into space in Skylab 1. Air pollution in the decade since then has greatly increased. "It was appalling to me to see how dirty our atmosphere is getting ... our environment apparently is flat going downhill ... we're fouling our own nest." Weitz said that the heavy pall of pollution was hanging over all of our planet's land masses.

B. Acid-rain reduction without unfair distribution of costs

At the root of much of the controversy in the Congress is the circumstance that acid rain isn't caused locally. Thus, the argument has been that the already economically depressed Midwest

shouldn't have to bear the burden of higher utility bills resulting from emission controls designed to protect the Northeast and Canada. Recently, the Congressional Research Service (CRS), at the request of Sen. John Glenn of Ohio and several House members completed a study on distributing acid rain mitigation costs. The CRS analyzed the capital costs required to fund various amounts of reductions in SO<sub>2</sub> and NO<sub>x</sub> emissions over various numbers of years. The study finds that a 1 mill/kwh fee on electricity generation would cover costs of a 10-million ton reduction over 12 years if new control technologies are available, but only an 8-million ton reduction if they are not. Such a 1 mill/kwh fee would lead to an electricity rate increase of less than 2%. The Mitchell/St. Germain bill calls for a 10-million ton reduction over a 10-year period, and other bills are being drafted to distribute the cost.

### C. More on acid rain

The Appalachian Power Co. last year inserted into its billings a note to power customers, asking them to "spend 20¢" for a letter to their Congressman opposing acid-rain control legislation, which, APCO said, would result in "sharp" rate increases. Several groups have now asked that the utility pay for a future bill insert in which the groups could present the opposite argument.

The TVA Board has approved \$110,000 to study the causes of fish malformations in a North Georgia lake. While the normal frequency of smallmouth bass with malformed spines is about 2%, the frequency of such fish in North Georgia was 21-27% last year. Rain samples in the region last fall showed a greater-than-tenfold increase in acidity.

Two items on the light side: (1) A federal judge has ruled that the U.S. government must stop requiring the Canadian acid-rain films to bear the disclaimer that they are prepared by a "registered foreign agent." Since TCWP showed one of these films at a public meeting last year, we are presumably no longer stigmatized as peddling political propaganda. (2) The Ohio Mining & Reclamation Assn. has written to Prime Minister Trudeau, claiming that U.S. suffering caused by Canadian "booze" exports are a "far bigger concern ... [than] whether certain lakes in Canada have fish."

## 12. NATIONAL CAPSULES

### A. Alaska: oppose the anti-parks bill!

This is our third appeal to you (see also NL 127 ¶2, NL 128 ¶7), so if you have not acted yet, please do so now. Ask both your Senators to oppose S.49, the Stevens bill, which is still in the Sen. Energy Committee. Proponents of this bill (a group of wealthy trophy hunters) are trying to convince Congress that this is a pro- versus anti-hunting issue. It isn't! About 92% of Alaska is already open to sports hunting. What's at stake is the integrity of the whole National Park System, because the bill would downgrade "national park" to "national preserve" status, and thus set a dangerous precedent for the entire U.S. The latter designation permits not only hunting and trapping but also oil and gas leasing. That's why Sec. Watt is for S.49 and why you are probably against it. If so, let your Senators know today that no compromise is possible on S.49 -- even a smaller area than that proposed in the original bill violates the integrity of our national park system. (For address, see p.14).

### B. American Conservation Corps still needs to pass in the Senate

The ACC, modeled on the highly regarded CCC of the Roosevelt era, would provide jobs for 100,000 young people in the 15-25 year age range. Among such jobs would be tree planting, trail maintenance, wildlife protection, etc. Early this year, the House passed the ACC bill, H.R.999, by a huge margin, and now an amended version of that bill has been voted out by the Senate Energy Committee. Major differences remain to be worked out between the House and Senate bills.

### C. Endangered Species need appropriations

Last year, the Endangered Species Act was not only renewed by Congress but, in some respects, improved. The Act will, however, not be able to accomplish its purpose unless the funding level is considerably increased over that requested by the Administration. Tennessee has a

\* Senator (Sasser) and a Representative (Boner) on Appropriations Committees. These need to be contacted by you and told that the Endangered Species appropriation needs to be about 37% higher than the Administration request (about \$57 million instead of \$42 million), and must include state grants (since, for the 3rd year now, the Administration has zeroed the federal matching funds for state programs). In addition, there is an urgent need for a Land & Water Cons. Fund appropriation of \$55 million for additions to the National Wildlife Refuge System (the Reagan budget asks for zero). For dire predictions on species losses -- unless we do something--see ¶4D, this NL.

D. A documented indictment of Administration policies on the environment

The much publicized scandal at the EPA was only the top of the iceberg of the deliberate mis-handlings that are occurring throughout the Administration with respect to environmental and health protection activities. Even should Mr. Ruckelshaus revitalize EPA, there are at least a dozen other important agencies in which terrible damage is being done by disproportionate budget cuts, curtailment of mandates, and collusion of the regulator with the regulated. In a March press conference, 9 major national environmental groups issued fact-filled background papers on what's happening in 13 government agencies, and they proposed 10 environmental initiatives for Pres. Reagan (examples: halt the Administration's "privatization" campaign; halt the war on wilderness; announce a five-year program to eliminate the backlog of parkland acquisitions etc.). These materials are contained in a 28-page booklet, "The American Environment Under Attack: What Next?" A copy can be obtained for \$1 (see ¶16, this NL).

Did you see the recent Oliphant cartoon in which a fat cigar-smoking industrialist, in process of tossing yet another barrel onto a dump pile, says to a companion: "There's your domino theory -- Burford falls, then Watt falls, then the Reagan Administration falls, and before we know it we'll be fighting those Commie environmentalist perverts on the streets of America!"

E. People want environment protected regardless of cost

In the past 19 months, there has been a noticeable rise in support for environmental regulation. A New York Times/CBS survey asked for sentiments on the following statement: "Protecting the environment is so important that requirements and standards cannot be too high, and continuing environmental improvements must be made regardless of cost." The proportions of people agreeing went from 45% in the September 1981 to 58% in April 1983. This increase in positive responses affected all subsets of the sample: even "Conservatives" went from 25 to 54% ("Liberals" from 55 to 71%), and Republicans from 39 to 49% (Democrats from 49 to 62%).

F. Environmental regs don't hamper growth

A recent study by the Conservation Foundation concludes that there is no evidence to support the often made claim that environmental regulations have impeded growth, or driven industry from tough-control to lax-control states or even to foreign countries. The study concludes that "The right to pollute is not an important locational determinant. In fact, there is growing evidence that firms are placing increasing importance on quality of life in looking for prospective sites so that a 'pollution haven' strategy may turn new industry away." The report criticizes the Reagan Administration's attempts to inject politics into the issue of environmental regulatory reform.

G. Ruckelshaus confirmed, but questions remain

William D. Ruckelshaus was confirmed 5/18/83 as EPA Administrator. He had been EPA's first Administrator, serving under Nixon from 1970 to 1973. In 1975, he joined the Weyerhaeuser Corp. (forest products) and was Senior Vice President of the company when nominated by Reagan for his second EPA stint. Weyerhaeuser was one of Environmental Action's "Filthy Five" in 1981, at a time when Ruckelshaus had responsibility for the company's environmental program. Despite this, Ruckelshaus is, in general, considered to be more supportive of environmental laws than was Anne Gorsuch-Burford, and he is a man of stature and administrative ability. During the confirmation hearings, environmental leaders and news commentators raised questions about whether he has any desire to reverse the Administration's emphasis on easing the "regulatory burden" on industry. Evidence to the contrary comes from a January 1981 letter to Vice Pres. Bush, head of the Regulatory Reform Task Force, in which Ruckelshaus states that, as first EPA Administrator he feels culpable for "most of the bad things done to business by

environmental regulation over the last decade." He offers to "do anything I can to help you construct a program of regulatory reform." Later in 1981, he again wrote to Bush and to members of a House committee, stating that the Clean Air Act was "causing our society to spend large sums of money for marginal benefits and thus should be changed." During the confirmation hearings, Ruckelshaus gave ambivalent answers on whether he would seek a larger EPA budget. On the other hand, he promised to start cleanup on the worst toxic dumpsites without waiting to determine who would pay for it. Environmental leaders hope that, the adverse indications notwithstanding, Ruckelshaus' integrity will cause him to lead EPA in the faithful execution of environmental laws.

#### H. Synfuels development could be expensive for the taxpayer

In 1980, the Synthetic Fuels Corporation expected that its program would cost the taxpayer little or nothing. In mid-May of this year, the SFC presented its new estimate to the Congress: about \$8.3 billion by 1994 to launch a synthetic fuels program. Of this, \$6.3 billion would be spent on price supports, and \$2 billion would be due to losses from government loan guarantees.

#### J. Some sad lessons from all that fun about Watt and the Beach Boys

In her 4/15/83 column, entitled "Swing and swat with Jimmy Watt," Ellen Goodman makes some excellent points. "It is a lot riskier to attack musicians than to attack the environment. The Friends of the Beach Boys are in much higher places than the Friends of the Beaches ... there is now a larger constituency for music freaks than eco freaks, for the sound than the silence ... The thing to remember is that a bunch of slightly paunchy middle-aged men called the Beach Boys came out of last week's jam session with a lot of new bookings. Want to make a follow-up hit for the air, the water, and the earth? Play it again, Jim."

### 13. CONTACTS WITH THE TENNESSEE CONGRESSIONAL DELEGATION

Within the last two months we have met with various members of Congress, or their representatives, to inform them of opportunities to avert problems or to take positive actions in matters affecting Tennessee's and the nation's natural environment. Jim Doncaster, Bill, and Lee Russell met with Sen. Sasser's representative in April. On May 13, we organized a meeting with Rep. Gore for which representatives of 7 groups were present. (We were impressed by the breadth of Gore's knowledge, his detailed acquaintance with specific issues that concerned us, and his willingness to go to bat for environmental causes.) The following week, several of us met with Rep. Cooper. And Jim<sup>Doncaster</sup> is now in process of setting up a meeting with Rep. Duncan. For each of the sessions, we prepared packages of background materials to leave with the people we met with.

### 14. TOM JOHNSON -- IN MEMORIAM

Tom Johnson died on May 17 at 42. For those of us who knew him, it is a personal loss almost too hard to bear. The whole environmental community is left infinitely poorer. Tom performed wonders as TCWP's executive director, and even after he left to go into private law practice at Bristol, he continued to give valuable service. He was our representative on the Citizens' Oversight Committee, observing TVA's compliance with the air quality settlement (and he turned over his consultant fees to us); he prepared and argued our lawsuit against James Watt; and, only a short while ago, he helped formulate, and then filed, the "522" petition to declare the Flat Fork watershed at Frozen Head unsuitable for mining. Not only was Tom a lawyer, but he also had a Ph.D. in Biology. He was brilliant, and dedicated, and gentle, and giving. People like that should live forever.

### 15. ACTIVITIES

- June 18 An informational workshop on surface mining, 9:45-3, EDT, at the Rockwood Library. This is being organized by SOCM, and will cover the law, regs, and their enforcement. Potluck lunch at noon.
- June American Rivers Month should encourage support for public river protection programs. Our state coordinator is the Tenn. Scenic Rivers Assoc., P.O.Box 3104, Nashville 37219

17. ACTION SUMMARY

¶ No.	Issue	Contact	"Message!" or Action
2A	Obed	Reps. Duncan, Lloyd, Gore Sundquist, Ford	"Thanks for support!"
2B	Obed	TCWP	Tell us of your interest
4A	State park oil	Comm. Howell	"Thanks for resisting leases!"
6A	Collins River	Comm. Howell and SGT	"Thanks for river support!"
6C	Nat'l W & S Rivers	US Rep and Sens	"Add eligible rivers!"
7A	TVA's air compliance	US Rep and Sens.; media	"Well done!"
9A	"Privatization"	US Senators	"Support S.891 (Chafee/Bumpers)!"
9C	Wildlife Refuges	US Rep and Sens	"Oppose S.696/HR.1935!"
10A	Cherokee wilderness	Rep. Duncan	"Introduce bill!"
10C	BLM → NPS transfers	US Rep	"Co-sponsor HR 1214!"
12A	Anti-parks bill	US Senators	"Oppose S.49 or 'compromise'!"
12C	Endangered Species	Sen. Sasser, Rep. Boner	"Increase funding!"

Senator John Doe  
United States Senate  
Washington, DC 20510

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

Governor Lamar Alexander  
State Capitol  
Nashville, TN 37219

Dear Senator \_\_\_\_\_  
Sincerely yours,

Dear Congressman/woman  
Sincerely yours,

Dear Gov. Alexander  
Respectfully yours,

¶ 15, continued

- June-Nov The Amer. Rivers Cons. Council offers raft, canoe, or kayak trips on Eastern or Western rivers. For info, write ARCC, 323 Pennsylvania Ave, SE, Washington DC 20003
- June-August The Smoky Mountain Field School, organized by the Gt. Smoky Mtns Natl. Park in cooperation with U.T.; consists of workshops, emphasizing outdoor exploration, and some classroom work. For info, call 974-6688 (UT)

16. PUBLICATIONS OF INTEREST

- "American Environment Under Attack: What Next?" is the updated indictment of the Reagan Administration's environmental policies (see ¶12D, this NL). \$1 from the National Audubon Soc. (attn. Jane Daniels, 950 Third Ave, New York, NY 10022)
- "Environmental Opportunities" is a monthly newsletter sponsored by the Antioch/New England Graduate School. It lists job opportunities, internships, conferences, and educational offerings (\$3.50/issue, \$36/year, from P. O. Box 670, Walpole, NH 03608)
- "Our Public Lands: An Introduction to the Agencies and Issues," 17 pp, \$1.00; and "Media Handbooks: A Guide for Activists," 42 pp., \$1.75, are among recent Sierra Club publications. Order from Sierra Club Info Services, 530 Bush St., San Francisco, CA 94108
- A map of the National Wild & Scenic Rivers System is available, free of charge, from the Division of Rivers and Trails, National Park Service, USDI, Washington, D.C. 20240
- An "Acid Rain Teacher's Activity Guide" (specify #79678) and the booklet "Acid Rain:" both for \$1 from the Nat'l Wildlife Fed. (1412-16th St, NW, Washington, DC 20036).
- "Where Have all the Wildflowers Gone?" is a region-by-region guide to threatened or endangered wildflowers, 256 pp. MacMillan Publ. Co., \$15.95.
- "RIGHTS: Yours and Theirs -- A Citizen's Guide to Oil and Gas in Appalachia," by Dave Liden, now from the Appalachian Alliance (P.O. Box 66, New Market, TN 37820. Cost \$3). Describes the rights of landowners in Appalachian states when a company decides to drill for oil and/or gas.
- "The Synfuels Manual: a Guide for Concerned Citizens," 306 pp, \$12.45 is published by the Natl. Resources Defense Council (1725-I Street, NW, Wash. DC 20006). Citizens can have significant impact on the Future of the Synthetic Fuels Corp (see ¶12H, this NL)
- Big South Fork publications of various kinds that are available from the Park Service or the Corps are listed in ¶3B, this NL.