

TENNESSEE CITIZENS FOR WILDERNESS PLANNING  
Newsletter No. 137, September 5, 1984\*

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\* 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. "LANDS UNSUITABLE FOR MINING" PETITIONS FOR FROZEN HEAD AND ELSEWHERE

### A. Status of our Frozen Head "522" petition

At the time of our last report (NL 136 ¶3), we expected to appear before the State Board of Reclamation Review to get a ruling on the appeal that the mining company had filed against Commissioner Word's decision to declare the area adjacent to the park as unsuitable for surface mining. A couple of postponements would have brought this Board hearing closer to the date of the federal take-over (Oct. 1), and there was some worry that the next step, Chancery Court action (since we expected to lose before the Board), could not be fitted in before Oct. 1, and/or might not be recognized as valid by the Office of Surface Mining in Washington. Our attorney has therefore decided against taking the state route; we shall have to go before a federal court in the near future and are preparing our case.

### B. We get small grant and heartwarming support from members

Among our preparations for the case have been attempts to raise money for legal fees and other expenses. We are now proud to report our success in receiving a small grant for our efforts. The Mary Reynolds Babcock Foundation has given TCWP \$2000 of "interim funding in support of the Frozen Head 522 Petition Project -- Phase II." This money, provided in response to an application submitted by TCWP's exec. director Sandra Edwards, came from the foundation's emergency funds, since there was no time for us to wait for the regular review process (which deals with larger sums). As part of our application, we stated that we were also appealing to our membership for financial support for this project. Demonstration of such member support is known to be a major factor in the success of grant applications. In fact, the response to our appeal has been most gratifying: to date, 64 families have sent in checks ranging from \$2 up. Frozen Head has many friends!

A couple of TCWP members who have left Tennessee sent a letter with their check. We quote part of it, because it should make the rest of us appreciate the treasure that is Frozen Head: "... nothing [where we now live] comes close, in our minds, to the wild feeling of hiking the boundary trail, or the magnificent view of the Cumberland Plateau from the summits. In winter, we often cross-country skied there and frequently found bobcat tracks. The spring wildflower hike was always a ritual which could not be missed. And it is all so marvelously close to Oak Ridge - Knoxville. Truly Frozen Head is a recreational and natural resource of the first magnitude, and we are more than happy to contribute ..."

### C. Other "522" petitions in Tennessee

Two years ago, the Tennessee Commissioner of Conservation denied a petition to have the Douglas Branch watershed in Campbell County declared unsuitable for mining. The citizens who had filed the petition appealed the ruling to the Board of Reclamation Review. The Tennessee Division of Surface Mining (DSM) then offered a compromise to settle the case without a Board hearing. This settlement, which has recently been accepted by the citizens, leaves very little acreage in the watershed open to stripmining, and that only with special restrictions. Potato Knob, the most critical area, would be completely off-limits.

A third 522 petition, which was filed about 10 months ago, requests that the North Chicamauga Creek watershed (near Chattanooga) be declared unsuitable for mining. This petition is still under review by the Commissioner of Health & Environment, and it is unclear how the outcome will be affected by the October 1 federal takeover of the surface mining program.

## 2. OBED AND BIG SOUTH FORK NEWS

### A. Obed funding prospects: hopeful, but not yet in the bag

Before the Congress adjourned for the Republican convention, the House had passed a Dept. of Interior Appropriation bill, and the Senate had reported a somewhat different version out of committee. The latter bill contains considerably less land acquisition funding than the former -- \$76 vs about \$100 million for Park Service acquisition, \$3.7 vs \$9.2 M for river-related acquisition (the Conservationists' Proposal had been for \$16.2 M). However, the Senate version unlike the House bill, does include \$0.5 M for the Obed National Wild & Scenic River (see NL 136 ¶1A), and it is now important to insure that this money stays in when the conference committee meets some time after the recess.

We have recently been in contact with all members of the Tennessee House delegation who earlier this year supported Obed funding in the House subcommittee. As a result, Representatives Cooper, Duncan, Lloyd, and Jones have again contacted the subcommittee chairman to urge that the House accede to the Senate version with respect to Obed funding; and, in response to contacts by several of our Nashville friends, Rep. Boner (a member of the House Appropriations Committee) is also lending his support and is optimistic about the outcome. Sen. Sasser and an aide of Sen. Baker's have promised to support the Senate version in conference. We hope you will express your thanks to all these people and urge their continued attention to the matter (addresses on p. 11).

B. Changing of the guard: new superintendent

On August 23, Doyle Kline left Oneida for Cape Hatteras National Seashore. He was superintendent for both the BSFNRRRA and Obed WSR from their start, and he accomplished great things during his 7½-year tenure. His many friends in TCWP wish him much success and satisfaction in his new job. The new superintendent for Obed and BSF will be Charles Vial, who is transferring from Fort Donelson National Military Park at the end of September. In the interim, Chief Ranger, Ron Wilson, and Chief of Maintenance, Bruce Gregory, will be in charge at park headquarters.

C. Volunteers sought for trail and office work

Under the VIP (Volunteers in Parks) Program, volunteers are being sought for two types of jobs: (a) maintenance of trails in the BSFNRRRA and Obed WSR, and (b) administrative assistance at the headquarters near Oneida. For the trail work, an individual or group should undertake to regularly hike and inspect a needed trail segment and carry out needed maintenance. NPS would provide training, material, equipment and out-of-pocket expenses (e.g., gas, food). The office job (ca. 8 h/wk) would involve clipping of articles pertaining to the Areas, and related items. Interested persons should call 615, 569-6389 or 6963.

D. Some abandoned mines in the BSFNRRRA to be reclaimed

Since mid-August, a TVA-supervised crew has been sealing openings to 60 old underground coal-mines and reclaiming about 25 acres of refuse piles that were discarded during long-ago mining operations. All of the work is being done in the McCreary County portion of the BSFNRRRA, and local people are employed in the reclamation work. The acidic gob piles will be limed and planted with shrubs and trees in the early spring. Selected mine openings will be gated, rather than sealed, to permit continued use by the endangered Indiana bat populations that have taken up residence in the abandoned shafts.

3. CHEROKEE NATIONAL FOREST WILDERNESS -- STILL ON HOLD

The Tennessee wilderness bill, for the southern portion of the Cherokee National Forest, passed the House on April 30 (NL 135 ¶3) but has not yet been marked up by Senate committees. The major hurdle to Senate action, the controversy over "release" language on all pending wilderness bills, was settled by a compromise that allows national forest lands not designated wilderness to be reconsidered for such designation every 10-15 years, but does not restrict the type of management in the interim. Two other causes for delay now remain: (a) Sen. McClure (R., Idaho), who is opposed to conservationist-supported versions of Idaho and Wyoming wilderness bills in the House, is holding other wilderness bills hostage in the Senate; and (b) Senate Committee staff, which wants to pass most remaining wilderness bills out of their committee in one package, is waiting for a couple of states to catch up. -- It seems that all we can do now is hope that the Senate doesn't run out of time.

4. STATE MATTERS

A. Natural Areas Program action plan

Conservation Commissioner Howell has directed the Ecological Services Division (see ¶4C) to prepare an action plan that will provide guidance for the administration of the Natural Areas Program. As a first step, the Division convened a task force meeting in Nashville on August 16. TCWP was invited to send a representative, and Sandra Edwards attended. Among topics discussed were criteria for natural area selection, acquisition methods, area monitoring, needed staffing

and funding levels, etc. A document summarizing discussion on each topic covered will serve as a draft Natural Areas action plan which will be submitted to the DoC Policy Group for approval. Since TCWP plans next year to play a major role in the nomination of areas for Natural Areas designation, the meeting was of particular interest.

#### B. River protection in Tennessee

Because this year's deletion of the Collins River has raised concerns about possible future attacks on the Tennessee Scenic Rivers (SR) System, an ad hoc citizens' committee was formed to study river protection in Tennessee. At the first meeting, which was held in Nashville on July 27, the group (a) reviewed factors that contributed to the loss of the Collins (not enough time allowed to build public trust in the Department of Conservation's Plan, insufficient commitment by the DoC leadership, blatant misrepresentations by a few local "rabble-rousers"), (b) examined landowner concerns (DoC's tendency -- demonstrated on the Hiwassee -- to overdevelop and to stress recreational use over preservation), (c) tried to define areas in which public education is needed (the prime purpose of the SRSystem is preservation of natural values, the SRAct will not displace any residents from the river corridor, etc.), and (d) considered possible amendments for the SRAct. TCWP was represented at the meeting by Bill and Lee Russell. Another meeting is scheduled for Sept. 5.

In the meantime, Gov. Alexander has announced plans to appoint a panel to review the SP program. Another SR-related news item: the U.S. Fish and Wildlife Service has proposed to designate the Conasauga (whose Tennessee portion is a state Scenic River) as critical habitat for three endangered fish species, the Amber Darter, Trispot Darter, and Conasauga Logperch. A proposed Corps of Engineers dam (Dalton Lake) would threaten survival of these species.

#### C. Department of Conservation news

- The Natural Heritage Division has been renamed Ecological Services Division. Its director is Sam Pearsall. The division now encompasses 9 programs, including Natural Heritage (primarily a data base), Protection Planning, Natural Areas, Rare Plants Conservation, Wildlife Habitat Assessment, and others.
- A Conservation Resource Center has been established within the Cultural Resources Division of the DoC. The Center administers a library (including many new titles), a film library, and slides that are currently being catalogued. For info, call Martha Slaton, 742-6567.
- Kathy Shaw is the new head of the DoC's Scenic Rivers Program. During the past 5 years, she was caretaker and ranger at Rednor Lake State Natural Area in Nashville. For more on state scenic rivers, see ¶4B, this NL.
- The September/October 1984 issue of *The Tennessee Conservationist* (the DoC's magazine) will include a directory of environmental, historical, and cultural conservation and preservation groups across the state. Goals, activities, and persons to contact will be listed for each group included in this comprehensive inventory. Subscriptions to the *Conservationist* are \$7.50 (DoC, 701 Broadway, Nashville 37203).

#### D. Wetlands study authorized

One product of the 1984 General Assembly that we failed to report earlier was a resolution mandating a study of wetlands and soil-erosion problems. The study committee will include a representative of the Tenn. Environmental Action Fund.

#### E. Hatchie River wetland preserve being protected

The Nature Conservancy has recently acquired 650 acres of Hatchie R. bottomland hardwoods and wetlands. After one year, the property will be transferred to the U.S. Fish & Wildlife Service which will incorporate the land into the new Lower Hatchie National Wildlife Refuge.

#### F. TCWP inputs in Tennessee Forestry Commission and other state matters

- Responding to an invitation by the Tenn. Forestry Association TCWP has proposed 3 candidates for the recently created Tenn. Forestry Commission (NL 136 ¶5B, NL 135 ¶10A). The TFA will present a slate to key legislators who might have an input into gubernatorial appointments. TCWP's nominees are Bob Luxmoore, Sandy McLaughlin, Jr., and Al Foster.
- TCWP has submitted 3 sets of written testimony for the second-phase review of the State Recreation Plan (NL 136 ¶5D). Don Todd, Lee Russell, and Sandra Edwards provided the comments.

- TCWP representatives participated in the planning meeting for the Natural Areas Plan (Sandra Edwards) (see ¶4A) and in the Scenic Rivers Study Committee (Bill and Lee Russell) (see ¶4B).

G. Environmental damage from dredging near Lake City

A major segment of Coal Creek, a tributary of the Clinch River, is being dredged and scalped downstream from Lake City. Following a 1959 flood, the creek was channelized, and, since the present work is described as "maintenance," no permits have been obtained and no environmental impact statements written. There has been considerable concern that heavy and long-lasting siltation of the Clinch may result from the erosion of the scalped banks of Coal Creek (they have been denuded 30 ft or more back from the banks). About \$195,000 in federal funds is being spent on this channel "maintenance" project, which may be in violation of water-quality laws.

5. STRIPMINE REGULATION IN TENNESSEE -- DISCOURAGING TIMES

A. The state wants to regain primacy -- with a weaker law?

Not long after the State of Tennessee (administration and legislature) had managed to throw out the baby with the bathwater -- scuttling a good law instead of acting to improve its implementation -- the Alexander Administration announced that a state program would be reinstated. Following a July 13 meeting between the governor, Interior Secretary Clark, Congressman Cooper, and others, the media were informed that agreement had been reached for the federal Office of Surface Mining (OSM) to return responsibility for strip-mine enforcement to Tennessee in 1986. If correctly quoted, this statement is puzzling indeed, since OSM can surely not commit itself to giving approval to a state law that has not yet been written (leave alone passed), to the regulations to be promulgated under the law, and to a state enforcement machinery of as yet unknown capability for implementing the law.

A Planning and Development Task Force has been set up within the Tenn. Dept. of Health and Environment, and a planning grant has been requested from OSM to fund a speedier effort. Headed by Steven Roberts, the task force is responsible for drafting a new state law and for revamping the remainder of the program. In response to a TCWP request for input into the law, Mr. Roberts wrote that the initial draft would be developed internally, and that the only opportunity for input would come between distribution of this draft and the writing of the final draft which would become the Administration bill for the January 1985 session of the General Assembly. There are strong indications that the Administration bill will be closely patterned on the federal Act (which is weaker in several respects than the recently repealed Tennessee law), and that it will be "enabling" legislation, i.e., very broad in its requirements, leaving almost all specifics to the regulations (which are determined administratively rather than legislatively, and thus less responsive to citizen action).

The stripmine industry has wasted no time in trying to win over legislators for the upcoming law-making. In June, 11 members of the House Conservation Committee (including its chairman) were taken on a stripmine tour by NERCO, a coal company, which treated the legislators to a picnic, dinner, reception, hotel lodging, and breakfast. It was only when the group's effort to also bill the state for "expenses" of the trip was discovered by a reporter that the coal company was repaid (Chattanooga Times 7/2/84).

B. The upcoming federal program looks like a toothless one

Preparatory to its October 1 installation of a federal stripmine program for Tennessee, OSM invited comments on its proposed regulations. At hearings held August 3, TCWP's exec. director, Sandra Edwards, and Board member, Don Todd, presented testimony, along with representatives of three other citizens groups. There was virtual unanimity in the dismay expressed over the proposed rules, which are simply the Watt-crafted regulations (see ¶6A) -- minimal and extremely vague. For example, the requirements for coal-haul road construction call merely for "appropriate limits" to prevent environmental damage. How will the details of construction, the where and how, be determined?

The TCWP statements, and those of several others, recommended that OSM adopt the present Tennessee program which is tailored to the special conditions of our state (steep slopes, heavy rainfall, the prevalence of wildcatters), has already met federal requirements, and is familiar to industry and citizens. One subject area in which OSM regs could be particularly harmful (and retention of Tennessee regs would be particularly desirable) is that concerned with designation of lands as unsuitable for surface mining. The OSM-proposed regs concerning fragile lands call for entirely subjective decisions relative to the operator's ability to repair and restore. Don Todd's testimony, in addition to pointing this out, also called on OSM to uphold the State's past decisions on 522 petitions (see ¶1, this NL).

Unfortunately, a subsequent meeting at the end of August between the new acting head of OSM and representatives of citizens' groups makes it appear likely that all the earlier testimonies were a waste of effort, and that OSM will consider no alternatives to the Watt regs. If the latter are indeed adopted as the program for Tennessee, this raises the strong suspicion that (as suggested by one witness on Aug. 3) the toothlessness of this federal program may be a deliberate attempt to pave the way for Tennessee to adopt nothing stronger, when the State re-applies for primacy. In any case, as another witness said, OSM is handing the Tennessee coal industry a regulatory windfall.

#### C. OSM will suspend Tennessee's Abandoned Mine Land Program

One of the many things the State didn't think about when it carelessly threw out its stripmine program was that it would also lose its well-managed and never-criticized AML program. Tennessee has received about \$1 million annually from the AML regular fund, which is fed by a tax levied on coal mined since 1977. Because of the large number orphan mines in the state, Tennessee was eligible for an additional \$2 million annually from the AML discretionary fund. While the first amount can be banked until Tennessee resumes primacy (if within 3 years), the second amount will be reallocated to other states and is irretrievably lost. In her testimony, Sandra Edwards called on OSM to run at least a federal AML program for Tennessee.

### 6. COAL MINING AND THE WATT LEGACY

#### A. Watt's horrid legacy of rewritten stripmine regs

One of Watt's first actions when he became Secretary of the Interior was to initiate a wholesale rewriting of the stripmine regulations that had been promulgated by the Carter Administration under the terms of the 1977 law. The Watt regs went into effect last year (9/14/83). A coalition of national and local groups promptly sued on the grounds that the new regs do not meet the requirements of the law. It is expected that a series of decisions will be handed down by the courts, the final one not until spring. The first two decisions, recently rendered by U.S. District Court Judge Thomas Flannery, both undo Watt's damage. Watt had wanted the states to control (a) stripmining on federal lands (over a million acres are currently under lease for such mining), and (b) coal processing that is not "at or near a minesite" (e.g., loaders, tipples, crushers, stockpiles -- all of which present a great potential for stream pollution). The fact that most states had been less than enthusiastic about controlling any coal-related activities prior to the 1977 law, and could now be expected to be non-energetic enforcers of these two sets of regs, was undoubtedly a major reason why Watt proposed these rule changes. Both of them were unequivocally overturned by Judge Flannery.

Among the many Watt regulations still to be acted on by the courts are some that would greatly loosen the law's requirement to restore land to approximate original contour, would diminish opportunities by coalfield citizens to participate in decision-making, and would permit stripmining on not yet federally-owned land within designated boundaries of parks and related areas (e.g., national wild & scenic rivers, wilderness). The next paragraph illustrates the danger of this type of interpretation.

#### B. OSM interpretation would permit coal mining in 90% of a West Virginia Wilderness

The 1977 federal Surface Mining Act (SMCRA) prohibits stripmining in wilderness areas (Sec. 522[e]), except where the operator holds "valid existing rights" (VER). One of the Watt-instigated revisions in stripmine regulations (see ¶6A) allows the VER determination to be made on a case-by-case basis. The Otter Creek Coal Co. (a subsidiary of Island Creek, which is

wholly owned by Occidental Petroleum) in 1924 purchased the mineral rights under 18,379 acres of what in 1975 was designated as the 20,000-acre Otter Creek Wilderness Area within the Monongahela National Forest. Under the terms of the Wilderness Act and SMCRA, the Otter Creek Co. was denied surface access in 1979 (the Co. also wants a preparation plant, refuse disposal sites, and haul roads, associated with 10 underground mines). Otter Creek sued, and the Court ordered the Co. to obtain a VER determination from the Office of Surface Mining. On July 23, 1984, OSM announced that the company does have "valid existing rights." Otter Creek Co. must now apply for permits from OSM and the Forest Service.

C. Other OSM problems persist, even after Watt's departure

The serious damage done to OSM by Watt was not restricted to his whose-sale wrecking of regs (§6A) and his appointment as OSM director of a man (James Harris) who had stated that he believed the federal law to be unconstitutional (he resigned this spring). The number of field offices was reduced by almost one-third, and the number of inspectors drastically cut from 222 to 69. Even after Watt's departure, the number of inspectors rose only by 13. Much publicity was given to new OSM attempts to collect overdue fines. But, by the end of June, only \$8 million had been collected out of \$87 million in assessed penalties; additional millions of \$\$ worth of penalties are yet to be formally assessed.

D. OTA report severely criticizes federal coal leasing program

The Office of Technology Assessment, in response to a 1983 Congressional request following last year's leasing abuses (NL 129 ¶9D), has issued a two-part report of a study of the federal coal-leasing program. The study finds, among other things, that the government failed to produce adequate data on environmental impacts of leasing and on coal resources. Most important, the amount of coal to be offered (16 billion tons over the next 5 years) was totally out of scale with market demands: the Dept. of Interior is evidently leasing coal for industry reserves, rather than for projected demand.

7. TVA NEWS

A. John Waters sworn in as Director. Confirmation hearings provide forum

John D. Waters' nomination to replace S. David Freeman on the TVA Board of Directors was confirmed by the Senate in early August. At the nomination hearings on 7/31, representatives of the TVA Board Appointment Coalition and other citizens' groups did not attack Waters but condemned the selection process, as illustrated by his nomination (NL 135 ¶8A). Input into Board appointments is the only avenue available to citizens for guiding TVA's overall direction. About 350,000 people (43 groups) represented by the Coalition had spent their own time and money to participate in this crucial TVA appointment. As a result of their exclusion from the process, "they are unsure whether Mr. Waters possesses a commitment to their concerns, and they are less sure that ordinary citizens will have a voice in TVA's policies." (From testimony of Bill Chandler, former TCWP exec. director, now with Worldwatch Inst). The confirmation hearing also presented a forum for statements on the beneficial role that can be played by a properly run TVA: the agency can be a groundbreaker for solutions to many public policy questions. Waters was challenged to continue the tenuous progress TVA has made in recent years in facing environmental problems and in establishing a partnership with the people. John Waters will be judged on his actions with regard to acid rain, energy conservation, and Columbia Dam. The nominee promised to make environmental protection a major priority (he mentions clean water as a special concern), but noted the need for "balance" with economic development.

B. GAO report documents Ocoee cost overruns

While most people are satisfied with last year's compromise between recreational river use and power generation, a recent General Accounting Office report confirms that the flume restoration project was a waste of money. The GAO report documents that TVA underestimated the cost of the project several times, but after each revision claimed a favorable benefit/cost ratio. The cost was estimated at \$4.7 million in the first draft EIS (8/78), at \$14.7 M in the final statement, at \$20 M at the time of Board approval (11/79); and total outlays on the project to date are \$36.4 M. The cost of Ocoee power, 3.64 cents per kwh, is higher than the 3.3 cents/kwh from other TVA power sources; but the former will decline with time, while the latter will

rise as coal prices do. Recreation users are paying for the 112-days-per-year shutdown in power generation: outfitters are levying a charge of \$2/customer for the first 8 years, and this will gradually rise to \$5/customer.

### C. TVA reclamation efforts

Helicopters are being used in efforts to reclaim old mine sites in two areas -- Copper Basin and the Toe River watershed. At Copper Basin (Polk Co. and adjacent regions in Georgia), about 32,000 acres were severely damaged by fumes from smelting operations and large-scale timbering almost 100 years ago. Over 8500 acres remain barren, and erosion is a major problem. Within the upcoming months, TVA will carry out an experimental seeding program on a small part of this area (140 acres) to establish a ground cover. If the trial is successful, a larger area will be treated. -- Another reclamation effort (part of a 3-year \$440,000 project) involves about 600 acres of abandoned mica mines in N.C., very close to the NE corner of Tennessee. Before reclamation, these orphan mines contributed a major silt load to the South Toe River. -- The Big S. Fork reclamation is described in ¶2D.

### D. Tellico Reservoir Development Agency gets new lease on life

When, 3 years after damming the Little T, TVA found itself unsuccessful in developing the land, it created TRDA. About 11,000 acres -- half the shoreline acreage -- were deeded to TRDA, which also received \$3 million from TVA in return for a promise to turn over to TVA 50% of the proceeds from any sale of land. State auditors have recently been very critical of the independence of TRDA. Despite this criticism, the Government Operations Committee voted on August 22 to extend TRDA's life for another 6 years.

## 8. NATIONAL NEWS

### A. About 80% of the National Park System could be opened to hunting

Starting with the 1916 Organic Act, which established the National Park System, a considerable body of law and longstanding administrative history indicate that the System is intended to serve as an enclave for the protection of wildlife. This intent is also implied by the specific authorizations for hunting and/or trapping that have been made by Congress for a few Park System units (certain national recreation areas, lakeshores, and seashores). The long-standing Congressional intent and administrative history were last year encoded in an NPService regulation that forbids hunting and trapping in the NP System except in the few cases where it is specifically permitted. Acting on this reg, the NP Service proposed to prohibit trapping in 11 units in which this activity had been practiced prior to the time at which the units were included in the NP System. This prompted the National Rifle Association (NRA), the wealthy lobby of gun manufacturers and users, to file suit against NPS on 4/30/84. If NRA wins, wildlife will no longer be protected (traps snare not only what they are intended to catch, but otters, cougars, and bald eagles as well), and human park users will be endangered by stray bullets or kept away from certain areas. But the most dangerous outcome of all is that NPS tradition would be turned on its head: instead of hunting/trapping being prohibited in all park units except where specifically permitted, it would be allowed everywhere except where barred by statute. About 80% of the 334 units of the NP System would be affected, including Grand Canyon, Zion, and Everglades. A coalition of 5 groups has intervened in the law suit on the side of the NP Service. Their joint resources are much smaller than those of the National Rifle Assoc. If you want to support them, get in touch with NPCA, 1701-18th St. NW, Washington DC 20009.

### B. Synthetic Fuels Corporation woes have local implications

The Synthetic Fuels Corporation's funds are being pared down. Earlier this year, \$2 billion was rescinded from SFC by the deficit-reduction bill, leaving \$13.26 for loan and price guarantees to new projects. On August 2, the House (in an attachment to the Dept. of Interior Appropriation -- see ¶2A and ¶8E) voted to rescind another \$5 billion (an attempt to rescind \$10 billion having failed). The Administration has proposed a \$9 billion rescission, and some Democratic Senators in the Senate will push for this; as a minimum, the Senate will go along with the House's \$5 billion rescission, which would leave \$8.26 billion. The SFC currently has no quorum -- additional directors will not be nominated by the President until the Congress has reached a compromise. -- The SFC's problems translate into local news. The Koppers Corp.,



which was planning to build a huge coal-to-gasoline plant at Oak Ridge, is getting out of the synfuels business altogether, and has also pulled out from a proposed peat-moss conversion plant in North Carolina. The Oak Ridge plant alone would have involved over \$1 billion in SFC loan and price guarantees.

### C. Clean Water Act extension

The Clean Water Act expired in 1982. It has now passed the House (405:11) but must still pass the Senate and get a Presidential signature. The House bill in several respects is stronger than the original Act of 1972; e.g., a provision has been added to increase research into non-point-source pollution of groundwater. Some of the adverse changes that threatened earlier this year were warded off, at least partially: the wetlands protection section (404) was not weakened, and the exemption from controls on reopening previously abandoned coal mines was modified. The problem now is to move the Senate bill past the attempts of a few senators to stall it.

\* WHAT YOU CAN DO: Write both your senators urging them to pass S.431 and S.2006 this year, and to oppose weakening amendments (address on p. 11). Sen. Baker, as Senate majority leader, is particularly important.

### D. Acid rain findings -- Tennessee is getting it too -- and prospects for legislation

Add these to your growing list of acid rain studies. (a) The Office of Technology Assessment finds that acid deposition is high in most states east of the Mississippi, and tree productivity in that region has declined. Without change in use patterns, natural ecosystems will be severely damaged. Sensitive aquatic resources would be protected by a 8-10 million ton/year reduction in SO<sub>x</sub>. The cost of such reduction would raise electric rates nationwide 2-5% average, but possibly 10-15% in a few midwestern states. (b) A National Wildlife Federation study shows that acid precipitation occurs across the whole country, including our region. (c) Bearing this out are measurements of rainfall acidity on the Cumberland Plateau, carried out by the Tennessee Air Pollution Control Division. The 1983 average pH was 4.5, i.e. 10 times the acidity of normal rainfall (pH 5.5). The maximum acidity recorded on the Plateau in 1983 was pH 3.5 (100x normal). This resembles the acidity of precipitation frequently recorded in the Smokies, where red spruce and Fraser fir stands are dying. Tennessee thus seems to be in a league with New England.

With time running out, prospects for action in the Congress appear increasingly dim. The Senate Committee bill (S.768, Mitchell) is unlikely to come to a floor vote unless there is movement of a bill in the House. There, however, H.R. 3400 (Waxman, Sikorski) lost 10:9 in subcommittee, though it had 130 cosponsors. Rep. Eckart of Ohio, whose swing vote caused the loss in subcommittee (NL 135 ¶11), promised that his own bill would get more support, especially of Midwesterners; H.R. 5794, however, attracted only 4 cosponsors (all Ohioans). The Udall-Cheney bill, H.R. 5370, in many ways resembles the Senate Committee bill and has 25 cosponsors. The National Clean Air Coalition has a postcard campaign in progress to stimulate action before the Congress adjourns. Send a card with your name, address, and phone No.(s) to Acid Rain Campaign, 530-7th St., SE, Wash. DC 20003, with a note saying "Yes, let our politicians know that I support the Campaign to Stop Acid Rain." (They will also send you printed cards if you are willing to distribute them to others.)

### E. Acquisition funds in the Dept. of Interior Appropriation

This bill is of local interest to us because of needed land acquisition for the Obed WSR (see ¶2A, this NL). Overall, things look as follows for USDI funds for acquisition of park, refuge, and wetland areas. (All figures are in millions.)

	<u>Reagan proposal</u>	<u>House bill</u>	<u>Senate bill (pending)</u>
Federal lands	175	229	165
State grants	0	75	75
Total	175	304	240

### F. Funding for endangered species programs

The House bill, passed some time ago, comes very close to the environmentalists' goals: the appropriations total about \$61 million, of which \$41 M is for land acquisition by the Fish &

Wildlife Service. In the Senate committee bill, which will probably come to a floor vote in September, this latter amount is only \$35 M. The Senate bill also includes language introduced by McClure (R., Idaho) that precludes use of funds to designate or manage grizzly bear essential habitat until after opportunities for public comment. Both bills include \$3 for listing of endangered and threatened species; the environmentalists' goal was \$4 M. There are nearly 4000 species awaiting review for listing; in 3 years, the Reagan Administration has listed only 35 of these.

G. The giant pork barrel wins -- Tenn-Tom to open January

The 234-mile Tennessee-Tombigbee Waterway, which cost the taxpayer \$2 billion, may open as early as January 1985. The railroad, which not long ago had joined citizens' groups in a court battle against this environmentally damaging and expensive project, has now bought into a major barge company and may soon be shipping on the waterway.

H. Gorsuch-Burford tries yet another job -- for NCPAC

The right-wing National Conservative Political Action Committee, NCPAC, is sponsoring anti-Ferraro TV commercials narrated by Anne Gorsuch-Burford. "Now there is a real scandal on Capitol Hill," says the commercial. NCPAC is headed by John Dolan, brother of Pres. Reagan's chief speechwriter, Anthony Dolan.

J. Public support for environmental programs is greater than ever

A comparison of Roper polls conducted between 1973 and 1983 shows recent growth in support for environmental protection laws. For the first time since 1973, the number of people who think laws have not gone far enough (almost 50%) exceeds by quite a margin the number who think laws are about right. Lowest of all (about 18%) is the frequency of respondents who think laws have gone too far.

9. ELECTIONS ARE COMING SOON

TCWP hopes to send brief questionnaires to candidates in each of the contested Congressional seats, Senate and House. Responses will be published. Because of lack of resources, we cannot survey the much more numerous candidates for Tennessee General Assembly seats. An exception will be the 33rd Representative District seat, contested by McNally and Hubbard. Because of the role played by McNally in state stripmine legislation, and because of the relatively high percentage of TCWP members living in this district, we shall attempt to question both candidates on their environmental stands.

\* In the meantime, be sure to register, and urge your relatives and friends to do likewise. If you can help in a more organized effort to register others, so much the better. One possibility is PROJECT VOTE, which may be contacted at 637-8018 (Knoxville).

10. TCWP HIKE TO TVA'S NEWEST SMALL WILD AREA -- WHITES CREEK, OCT. 6

Come hike with us in the area we encouraged TVA to set aside. TVA has made the trail; we've offered to maintain it. For about 4 miles, you can walk into hardwood coves, along the crests of ridges, and down to the shores of the Whites Creek embayment of Watts Bar Lake. Part of the return trail goes across Bowaters land (by their permission); it has recently been cut over, but we hope to watch it grow up over the years.

We'll meet Saturday, October 6, 9:30 a.m. at the trail head, a parking area at the shores of the lake. To get there via Rockwood: Take I-40 exit 347. Proceed south on US27 through Rockwood. On the far side of Rockwood, check your odometer where US 70 takes off on the right; 4.5 miles from that point, US 27 passes over two blue bridges, in tandem. A memorial (cross) is located between them (on the left). Almost exactly 2 miles farther along on US 27, you come to a cross-road where you should turn left (the sign reads Bethel Baptist Church, and there is an abandoned white house on the corner). Proceed about 1 mile to the lakeside parking lot. If you are coming from the south, go north on US 27 and proceed about 7 miles north of Spring City to find the Bethel Baptist Church sign, where you turn right and go 1 mile. Bring a lunch, water, family and friends.

11. OTHER TCWP MATTERS

- You should by now have received a separate mailing with detailed information about our Annual Meeting, October 19-21. We have an excellent program and are meeting in a new place. Be sure to join us. If you need extra copies of the announcement, call 483-1900, 482-2111, or 574-0860.
- The same mailing also contained a sign-up sheet for a walk-a-thon. This is a fundraiser for TCWP; fun and exercise for you.
- As noted in ¶1B of this NL, we have been overwhelmed with the broad response to our Frozen Head appeal. One great feature of the response was that it brought communications from friends who had moved away. Andy Butler and Sue Fisher write from Austin, TX, "Best of luck to all of our friends in TCWP in their continuing efforts to keep Tennessee's wilderness wild." We miss you guys!
- Bill Chandler, TCWP's first executive director, keeps being in the news with his publications. His latest, Worldwatch Paper #59, "Improving World Health: A Least Cost Strategy," has been summarized in a large number of newspapers. Not long before, his book "The Myth of TVA" caused quite a stir in the media. -- Another of TCWP's past exec. directors, Jenny Freeman, is currently traveling in the Northeast for the Clean Air Coalition. She was TCWP's rep on the TVA Board Appointment Coalition and testified at the John Waters confirmation hearing.
- Lee Russell and Sandra Edwards will lead the summarizing discussion at the Intergroup Meeting on Natural Areas (flyer enclosed).

12. ACTION SUMMARY

¶ No.	Issue	Contact	"Message!" or Action
2A	Obed funding	Sens., some Reps (see list)	"Thanks for continued support!"
2C	BSFNRRRA	NPS, Oneida	Volunteer for trail, office work
8A	Hunting in Park System	NPCA	Support law suit
8C	Clean water	Senators	"Pass S.431 and S.2006"
8D	Acid Rain	Clean Air Coalition	Send a postcard
9	Elections	A registration drive	Register; register others
10,11	TCWP events		Join our hike & Annual Meeting

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
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Dear Senator Doe Sincerely yours,	Dear Congressman/woman Doe Sincerely yours,	Dear Gov. Alexander Respectfully yours,
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To call, dial Congressional switchboard, 202, 224-3121

13. THINGS TO DO

- Sept. 21-23 "Voluntary Simplicity For The 80's," -- small-scale technologies and cooperative economics, Flatrock Community, Murfreesboro (Call 615, 895-2841)
- Sept. 26-28 "Environmental Research Needs in the Tennessee Valley Region," Knoxville, sponsored by TVA, EPA, Corps, DOE, EPRI (Call Myron Iwanski, TVA, 615, 632-6604)
- Sept. 28-30 "Tennessee Environmental Summit Conference," Appal. Center for Crafts, Smithville -- see enclosed flyer
- Oct. 19-21 TCWP ANNUAL MEETING -- see separate mailing sent last week
- Nov. 1-3 Southeast Trails Conference on "Volunteers on the Trails," Paris Landing State Park; sponsored by DoC, TVA, TTA. (Call Evan Means, 615, 483-5555).
- Oct. 6 TCWP hike, see ¶10

"Backpacking and Wilderness Survival" is a course offered by the U.T. Div. of Continuing Education, starts Sept. 20, \$50 (Call 615, 974-6688).

