



## 12. ACTION SUMMARY

No.	Issue	Contact	"Message" or Action
1A	Big S. Fork	Sens. Sasser, Gore; Rep. Cooper	"Thanks for enacting transfer and appropriation!"
3C	Tenn. wetlands	State legislators	"Oppose wetlands-draining bill!"
3D	Water Qual. Control Board	Gov. McWherter	"Appoint Ray Norris as conservation rep!"
4A	Cherokee Natl Forest	Gov. McWerter and Sen. Sasser	"Do not spend \$\$ for destructive road access to Ocoee River!"
6B	Alternatives to oil development in fragile areas	Pres. Bush Sen. Gore Sen. Sasser  US Rep	"Lead country in reducing oil consumption!" "Thanks for support of Bryan bill; persevere!" "Sorry you opposed Bryan Bill; change your mind!" "Co-sponsor bill to save auto fuel!"
7A	Ancient Forests	Sen. Gore US Rep and Sens	"Thanks for support!" "Support Ancient Forest Protection bill!"
7C	Wildlife Refuges	Fish & Wildlife Serv. US Rep	"Put me on mailing list for workshops!" "Support Studde's or similar Wildlife Refuge protectionbill!"
7D	Corps of Engineers land	Asst. Sec. of Army US Rep and Sens.	"Do not sell or develop Corps' recreation lands!" Send Copies
7F	Dolphin-safe tuna	US Senators	"Support international ban on driftnets!"
8A	Oak Ridge greenbelt	City Council meeting Nov. 19	"Do not let annexation disrupt integrity of the greenbelt!"
8B	Oliver Springs landfill	Anderson Cy Comms. Gov. McWherter	"Resist pressure for out-of-court settlement!" "Issue Exec. Order to stop destruction of State Scenic Trail!"
9A	TCWP meeting	Dec. 12, 6:30 pm	Attend and bring friends
1	Big S. Fork:	TCWP	Volunteer for one or more of these activities
3A	State Scenic Rivers,		
9B	TCWP's anniversary		

Senator John Doe  
United States Senate  
Washington, DC 20510

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

Governor Ned McWherter  
State Capitol  
Nashville, TN 37219

Dear Senator Doe  
Sincerely yours,

Dear Congressman/woman Doe  
Sincerely yours,

Dear Gov. McWherter  
Respectfully yours,

To call a Representative or Senator, dial Congressional switchboard, (202) 224-3121

To find out about the status of federal bills, call (202) 225-1772

## 1. BIG SOUTH FORK LAND ACQUISITION NOW POSSIBLE

### A. Bills pass to transfer BSNRRA from Corps to NPS and to appropriate funds for acquisition

It was a cliff-hanger that took us to the very last day of the Congressional session, but the long and complicated struggle to make possible the completion of land acquisition for the BSNRRA has ended in success. Senators Sasser and Gore, and Congressmen Cooper and Rogers (Kentucky) each played a role in this success -- details below.

**BACKGROUND:** In order to complete the land acquisition that is essential to the integrity of the Big South Fork NRRRA, it was necessary that control of the Area be transferred from the Corps of Engineers (CoE) to the National Park Service (NPS) (see NL177 ¶1A for details). Administrative transfer (which is provided for by the 1974 authorizing legislation, and which both parties have signed off on) was insufficient by itself to permit land acquisition by NPS since the authorizing Act (which had envisioned completion of the Area by the CoE) prohibited the use of Land & Water Conservation Fund money, the NPS' sole source of acquisition funds. Therefore a legislative transfer was also needed.

**RECENT EVENTS:** The strategy decided on earlier this year was to add transfer language (drafted by NPS, with input from us) as an amendment to this year's Water Resources Development Act. (the latest in a series of biennial authorizations for CoE navigation and flood-control projects). This, in fact, occurred in the House; however the Senate bill was passed without the BSNRRA transfer amendment.

Questions concerning proper committee jurisdiction then surfaced in the House. Therefore, in mid-September, Congressman Cooper decided to introduce a free-standing BSF transfer bill (equivalent to the WRDA amendment) for consideration by the National Parks and Public Lands Subcommittee of the House Interior Committee. True to Chairman Vento's promise of fast-track consideration, a hearing was held Sept. 25, just 6 days after the bill was introduced. TCWP submitted testimony, as did the Tennessee Sierra Club, the National Parks & Conservation Association, Reps. Cooper and Rogers, and the National Park Service. We are particularly grateful to NPCA, who presented well-researched oral as well as written testimony despite being alerted by us only a few days before the hearing. The House bill passed very soon after the hearing. Rep. Cooper having obtained a waiver of jurisdiction from the Environment & Public Works Committee. In the Senate, jurisdictional problems became critical in view of the imminence of adjournment, but Sens.

Gore and Sasser finally managed to get a Senate bill passed on the very last day of the session.

In the meantime, Sen. Sasser had managed to include in the Interior Appropriation bill some FY1991 funding that was contingent on the transfer bill's passage. The sum was somewhat decreased during the course of the budget negotiations, and ended up as follows: \$1 million for land acquisition, \$0.5 M add-on for NPS operations in the BSNRRA, and \$0.5 M for the infrastructure for the Kentucky lodge (Rep. Roger's had already passed this in the House). The operations add-on is very important, not only because NPS will have to perform some of the functions previously performed by the Corps, but because land acquisition has to be preceded by a Land Protection Plan that must now be generated by NPS as quickly as possible.

**JOBS FOR THE FUTURE:** We must now support NPS in the speedy generation of the Land Protection Plan, and we must have input into this plan, since it will develop acquisition priorities as well as addressing possibly controversial issues (e.g., the O&W, see ¶1B). We must also begin early in the next session to generate support for additional appropriations for land acquisition: the present \$1 M, while providing an important tool in the door, represents only a fraction of what will be needed. Finally, because the total acquisition will still take some time, we may have to work with The Nature Conservancy and similar organizations that are in a position to do "pre-acquisition" of critical tracts.



**WHAT YOU CAN DO:** (a) Write to Sens. Sasser and Gore and to Rep. Cooper (addresses on p.2) and express your thanks for their efforts in passing the transfer legislation and securing the appropriation. (b) Offer your help to TCWP for the jobs that remain to be done (see above).

### B. Future of the O&W right-of-way

The 1974 authorizing Act provided for a study of, and recommendation for, use of the railbed of the former Oneida & Western RR (which runs along Pine Creek and North Whiteoak Creek). Over the years, the Corps carried out numerous studies, with recommendations ranging from bicycle path to restoration of rail service. Nonewas approved at the Washington level and forwarded to the Congress. Following another series of more recent hearings (NL174 ¶1D) another recommendation may yet be forthcoming, but the Park Service is expected to provide a position paper that may take a different point of view.

Scott County has been pushing for an automobile road along the whole length of the right-of-way, which it claims to own. Recently, Scott

County demolished the attractive walkway which the Corps had constructed across the O&W Bridge, thus again making it possible for cars to traverse the bridge. In addition, the county wants to construct a new bridge over the North Whiteoak Creek, which would extend the intrusion of motorized vehicles to the west side of the BSF. We obviously will have a lot of work to do on this issue and, as always, will welcome volunteers.

## 2. FROZEN HEAD UPDATE

It's been 8 months since the Office of Surface Mining (OSM) granted our "522" petition and declared the 5,250-acre Flat Fork watershed unsuitable for surface coal-mining operations. Our joy was somewhat marred when on June 20 the Emory River Land Co. (ERLC), which claims to own coal reserves in the watershed, appealed OSM's decision to the US District Court, on the grounds that the designation constituted a "taking without just compensation." Once again, we had to call on the services of our attorney, Carol Nickle, who on August 31 filed a Motion to Dismiss, partly on the grounds that the ERLC appeal was filed in the wrong court. Subsequently, OSM also asked the Court to dismiss the ERLC complaint on grounds similar to those presented by us.

On October 15, ERLC asked the Court to overrule our Motion to Dismiss. Two weeks earlier, however, ERLC's attorney had *privately* approached OSM to offer a deal. Thus, ERLC would "accept the sum of \$3,722,470 as ... compensation for its coal reserves. ... In return [ERLC] would not challenge the [OSM] Director's decision, and the unsuitability designation would remain in force and in effect. Further, [ERLC] would agree not to seek a change in the designation in the future." OSM's response was essentially to ask ERLC to substantiate the amount of compensation they requested. We feel it would set a bad precedent for OSM to compensate ERLC, since it would imply that the granting of a "522" petition constitutes a "taking." Another eventuality to be on the lookout for is that the case may be transferred to Claims Court, where we would not be a party unless we intervened. In the meantime, however, it is comforting to know that the OSM decision on our petition remains intact.

## 3. TENNESSEE RIVERS

### A. The long road toward implementing the Tennessee Scenic Rivers Act

It took 19 years from passage of the 1968 Tenn Scenic Rivers Act for the Dept of Conservation to emerge from its state of inaction and start thinking about ways to protect the designated rivers. The transformation was brought about by the State Attorney General's 1989 Advisory Opinion, which held that the Commissioner of Conservation has a legal

responsibility to establish boundary areas along State Scenic Rivers, and to apply certain land-use restrictions within these boundaries (NL172 ¶2A). An extra little impetus came from House Joint Resolution 561, passed this spring, which requests the Dept of Conservation (DoC) to promulgate regulations specifying procedures to establish boundaries along scenic rivers, and to outline "alternative implementation methodologies, including acquisition, zoning, and other techniques for achieving preservation of riparian lands within Scenic River Corridors." HJR 561 also directs DoC to submit the draft regs to the General Assembly before promulgating them.

DoC has been working with deliberation. During the summer, Bob Allen, DoC's Scenic Rivers Administrator, organized workshops with the Scenic Rivers Advisory Council and with representatives of various interest groups. It was decided that the next step had to be better definition of the task. To this end, a group is meeting on Nov. 13 to receive advice from a panel of experienced river-preservation experts and to generate a proposal to take to the public. DoC will subsequently schedule public listening sessions, probably in parts of the state where there has been prior management experience and landowner contact (Hatchie, Hiwassee, Harpeth Rivers).

This type of public participation effort that is in the offing has the potential for building a grassroots constituency for the Tennessee Scenic Rivers program. With this in mind, TCWP exec director, Jenny Freeman, applied to the National Rivers Coalition for a seed grant to produce a Tennessee rivers brochure (NL177 ¶2C). The \$1,000 grant (financed by REI) is being supplemented by another \$1,000, contributed jointly by TCWP and TSRA (\$500 each), and the brochure is now well on its way toward completion.

**WHAT YOU CAN DO:** We need more of you to volunteer to get brochures distributed to appropriate recipients and to perform other educational services. Contact us (address on p.1); and thanks to those of you who have already offered to help.

### B. Rivers assessment: we submit proposal for foundation grant

The designated State Scenic Rivers represent but a small proportion of Tennessee's rivers that are potentially worthy of some form of protection. To provide a better idea of opportunities, needs, and problems will require an assessment of all rivers in the state. However, State government has not provided funds for such a project. Therefore, we decided to attempt to move the process forward with private funding. TCWP's exec director, Jenny Freeman, recently succeeded in getting the

Tennessee Scenic Rivers Assoc (TSRA) to agree to collaborate with TCWP in an effort to secure funding.

The two groups have jointly written a proposal for a foundation grant to support a coordinator (working for 18 months) and an assistant (working for 12 months) to generate the assessment. Some of the work would be carried out by resource task groups comprised of expert volunteers. It is our hope that the State would at least provide office space, and computer and phone access. The proposal was submitted to a major Tennessee foundation, which has already exhibited enough interest to arrange for meetings with our representatives. No decision is expected before mid-December.

Talmadge Crichtfield, a member of the Obion/Forked Deer River Basin Authority. OFDRBA's main activity has been the channelization of rivers, and the authority has a long history of Water Quality Control Act violations, including wetlands drainage without necessary water quality permits.

By contrast, Ray Norris, a retired Vanderbilt professor, has for several years been extremely active in water-quality issue. He has served as president of the Tenn Scenic Rivers Assoc, and is currently organizing the Izaak Walton League's Save Our Stream Initiative for Tennessee. It should be obvious which of these two men is the one more qualified to serve as conservation representative on the Water Quality Control Board. Our governor needs to hear from you! (address on p.2)



**C. Another fight looms over Tennessee's wetlands**

During the past 200 years, the lower 48 states have lost an average of 60 acres of wetlands every hour! Another fight now looms over the fate of the state's wetlands, most of which are in West Tennessee. Wetlands are essential to the environment -- as wildlife habitats, as resuppliers of ground water, as substrates for valuable hardwood forests.

The 1990 General Assembly deferred action on two opposing bills: a wetlands destruction bill (SB 2187), which would automatically provide state permits for several types of wetland-draining activities; and a protection bill (SB 1937/HB 1732), which would substitute environmentally sensitive Stream Obstruction Removal Guidelines (SORGs) for channelization. Both bills were referred to a study committee, but the Tennessee Farm Bureau (the main wetlands-draining proponent) has not waited until the 1991 session to push its case. Recently, 1,000 of its members met with Gov. McWhorter, who expressed considerable partiality to their point of view, and who imparted the "joyful" news that the Corps of Engineers is removing 60 million acres of croplands, nationwide, from wetlands-protection status.



It will be important for us to inform our individual state legislators (see Political Guide) about the value of wetlands, and to urge their opposition to the wetlands-destruction bill.

**D. Governor appoints wetlands foe to Board**

The Tennessee Water Quality Control Board has one slot for a conservation representative. Various groups (including TCWP) have urged appointment of Dr. Ray Norris, a highly qualified candidate (see below). To everyone's consternation, Gov. McWhorter instead appointed

**4. CHEROKEE NATIONAL FOREST**

**A. Damaging road proposed through Cherokee NF**

The Tennessee Dept of Transportation (TDOt) is proposing to build a potentially very damaging road through the Cherokee NF. This road, which is touted as a safer and faster access to the Ocoee River (with its commercial raft trips) than the present valley road, US 64, would follow the crest of the mountains and cut through prime bear habitat. This portion of the Cherokee, in fact, is home to one of the largest bear populations in East Tennessee, as well as to turkey and many species of smaller birds. The mountain-top route is environmentally highly fragile, especially so since the rocks and soils in the area, when cut through, will probably cause a very acid run-off. TDoT, which has a distinctly poor environmental record -- most recently on the Footlights Parkway -- will undoubtedly attempt to make this a fast road, wide and fairly straight, thus compounding the damage.



**WHAT YOU CAN DO:** Since road proponents are seeking federal as well as state funds for this road, you can write both to Gov. McWhorter and to Sen. Sasser telling them why you believe that no money should be spent on this project. Addresses on p.2.

**B. Cherokee capsules**

- A recent amendment to the Cherokee NF Land and Resource Management Plan (LRMP) incorporates new direction concerning wilderness. Specifically, the amendment adds direction for the management of air resources, threatened and endangered species, and wildfire. The USFS has stated that the amendment is not a significant change in the LRMP. You may obtain a copy from John F. Ramey, Supervisor, Cherokee NF, PO Box 2010, Cleveland, TN 37320.

- This year's Cherokee NF Conference will be held Dec. 1, 8:30-3:00, at the UTK Plant Science Bldg on the Ag campus. These annual conferences allow the USFS to report accomplishments, air future plans, answer question, and discuss issues. Following an opening session featuring Forest Supervisor John Ramey and Congressman John Duncan, Jr., Mike Murphy will discuss monitoring and evaluation. The rest of the program consists of presentations by different branches of the NF (timber, wildlife recreation, etc), a panel of citizens representing diverse interests, and booths at which District plans can be commented on. Call 476-9729 for further information.
- Kirk Johnson reports that in the Shawnee NF in Illinois and the Ouachita NF in Arkansas, clearcutting has been virtually stopped and is being replaced by selective cutting methods and seed-tree harvests. Kirk urges the Cherokee NF (in Tennessee) to adopt similar policies. This would improve biological diversity and visual sensitivity as well as eliminating below-cost timber sales, which cost the Cherokee NF \$2,750,000 in 1989 alone.
- Interest is growing in developing the Tennessee portion of the Benton MacKaye Trail in the Cherokee NF; the Georgia portion is complete. See ¶11 for BMK-Trail-related events.

#### 5. ABANDONED MINE LANDS FUND IS REAUTHORIZED

The Abandoned Mine Lands (AML) fund, which would have expired in 1992, has now been reauthorized, though not nearly for as long a period as had been hoped. The bill that passed the House in October 1989 would have extended AML funding until 2007; but the bill that was finally enacted became part of the Budget Reconciliation process, its provisions deemed to contribute to deficit reduction for 3 years (through 1993). The provisions of the reauthorization resemble those of the original 1977 Act (SMCRA) by requiring current mining activities to pay a reclamation fee (35 cents/ton of surface-mined coal, 15 cents/ton of deep-mined coal) into the fund, which is used for reclamation of mines abandoned prior to 1977. Of the monies collected, 50% are returned to the state where the current mining was done (provided that state has its own stripmine regulatory program, which Tennessee does not), and 50% go into the Secretary discretionary share of the AML.

By passing as part of the budget-reconciliation package, the AML reauthorization avoided triggering off certain threatened attacks on SMCRA. Thus, Sen. Wendell Ford had promised to kill any AML extension unless SMCRA was amended so as to permit re-mining

of abandoned sites and to limit the operator's liability for any damage caused. Sincere-mining is likely to increase acid mine drainage, such an amendment could have done great harm (see NL 176 ¶1B).

#### 6. PROPOSED HARMFUL OIL DEVELOPMENTS, AND HOW TO RENDER THEM UNNECESSARY

##### A. Oil-development pressures for our most fragile areas

"Iraq has invaded ANWR [the Arctic National Wildlife Refuge]" was the apt headline in a recent Conservation Fund publication. Oil industry interests, with Administration backing, are exploiting our loss of Iraqi and Kuwaiti oil to build a national hysteria in favor of opening up potential domestic oil reserves that are currently off-limits because of environmental constraints. No talk in those quarters of energy efficiency or alternative fuel sources (see ¶6B).

The most dangerous onslaught came from an amendment attached to the Defense Authorization bill by Sen. Murkowski (R-Alaska) just one day after Iraq invaded Kuwait. Under this amendment, which fortunately did not make it through conference committee, the President could bypass laws like the Endangered Species Act, or the National Environmental Policy Act, and could override any bans on oil development in Wilderness, Wildlife Refuges, etc, any time the amount of foreign oil the USA consumes exceeds 50% of its total oil consumption during 6 out of any 12 consecutive months. These conditions, which are not as rare as you may think (in fact, according to Land Letter, the 50% threshold was exceeded five times in the past 12 months) would trigger a Presidential "action plan" which includes a "schedule of leasing" that opens up tracts in the order of their oil & gas potential. This provision is obviously aimed at ANWR, though the Outer Continental Shelf areas that were recently protected by a 10-year moratorium on new drilling are also obvious targets.

The 1980 Act that established ANWR decreed that the Refuge's 1.5-million acre coastal plain must be studied prior to being either designated Wilderness (like the remainder of ANWR) or opened to oil exploration. The 1987 Interior Dept report on ANWR, which recommended the latter, is still being challenged in court on the basis that USDI ignored the findings of its own experts. USDI estimates that there is a 19% chance that the Coastal Plain may hold 3.2 billion barrels of oil. The Prudhoe Bay area, which currently accounts for 1/4 of US domestic oil production (but for only 1/8 of its use, the rest being exported) is estimated to decline to half its current production levels within a decade. Even if ANWR were opened to exploration today, it would take 7-10 years for it to yield significant amounts of oil.

Thus, tying ANWR exploitation to the current crisis is clearly a ploy. Saving oils faster than drilling it

It is anticipated that Alaska's Sens. Murkowski and Stevens will early in the next session introduce a bill that would specifically open ANWR to oil exploration. Sen. Ted Stevens has called ANWR "nothing but a frozen, barren desert." Many of us, however, agree with Rep. Morris Udall, who calls it "a sacred place" -- not just because it is America's Serengeti, with an incredible concentration of wildlife, but because it is one of our few remaining large wild lands, the largest in this ecosystem.

The Murkowski amendment, and new bills that will probably be introduced, are not the only threat to fragile areas. The Administration is looking elsewhere too. Thus, US Forest Service has produced an "idea document" which states that environmental regulations are "slowing or blocking" extraction of an estimated 7 billion barrels of oil in National Forests. And environmentalists are fair game for attack. Thus, right-wing columnist Pat Buchanan has called them "Saddam Hussein's unwitting collaborators." Tennessee's own Rep. John Duncan, Jr., blamed US oil insufficiency on "environmental extremists" who "locked up our efforts to develop our own oil for too long."

#### B. What are the alternatives to opening fragile areas to oil exploitation?

A cartoon reproduced in the latest Greenpeace magazine shows a general talking to a soldier under the broiling sun of the Arabian peninsula: "I know it's hot out here in the desert. But you better get used to it, because we have to neutralize Saddam and free up the oil supply -- so we can use the oil and produce carbon dioxide, which will feed the greenhouse effect. And then it'll be like this everywhere, so you better get used to it."

Cutting down on US oil consumption would not only reduce the likelihood of international crises: it would slow advent of global warming, reduce the risk of disastrous oil spills, decrease the quantity of polluting road run-off, and cut down on the huge amounts of land consumed by automobile use. A few figures are instructive. Our domestic oil consumption is 16 million barrels (mb) per day; of this, 6 mb/day (37%) are used for cars and light trucks. Increasing energy efficiency for this portion of our oil needs could thus effect great savings. Unfortunately, we have recently been going in the opposite direction: the average miles per gallon for cars sold in 1988 was 28.6, but that for cars sold in 1990 was only 27.6. The recent bill (S 1224, Bryan) that would have required the "Corporate Average Fuel Economy" (CAFE) to be increased to 40 mpg by the year 2005, an achievement that is

technologically feasible even now, would have saved 2.8 mb/day, i.e., almost one-half the oil currently consumed by cars and light trucks, and 40% of the amount of oil we currently import (namely, 7 mb/day). [If the CAFE were raised to 45 mpg, we would save about 50% of the currently imported oil.]

How does this compare with the amounts of oil we could expect to extract if we were to invade environmentally fragile areas? Based on the USDI assumption that altogether 3.2 billion barrels of oil are recoverable from ANWR (see §6A), we would recover only 0.29 mb/day over the life of the reserves. From California's offshore oil fields (again based on USDI estimates), we would recover 0.27 mb/day. Either one would thus yield only about one-tenth of the oil that could be saved under the proposed Bryan bill (2.8 mb/day).

Unfortunately, the Bryan bill was opposed by the Administration and by auto industry advocates, and was prevented by a filibuster threat from ever coming to a vote. While Sen. Gore was a strong advocate of the Bryan bill, we are sorry to have to report that Sen. Sasser opposed it. A similar measure will undoubtedly be brought up again early in the next Congress.

An increase in CAFE is not the only way to save on oil consumption. The number of vehicles on the road needs to be decreased through public transportation and through ride sharing (industry and government could help by establishing incentives for this); the use of clean-burning alternative fuels should be expanded (the government could institute regional demonstration projects); fast inter-city rail service should be instituted or upgraded. [Other measures, such as lowering the speed limit or imposing a realistic gasoline tax, are currently too unpopular to be achievable.]

Presidential leadership is clearly called for in having us kick our fossil-fuel habit. This certainly has not been forthcoming, so far. As the *Atlanta Journal Constitution* recently wrote, "It's almost as if the President considers conservation un-American and less than macho. He still lives by the credo that Americans can produce and consume their way out of any problem, a credo that sees conservation as the act of a wimp."



**WHAT YOU CAN DO:** (a) Write to Pres. Bush and tell him that it is a wise leader (and not a wimp) who espouses energy conservation. (b) Thank Sen. Gore for his support of the Bryan bill and urge him to push for a similar measure in 1991. (c) Express your disappointment to Sen. Sasser for his having opposed the Bryan bill, and point out to him why decrease in oil consumption is so important. (d)

Urge your Rep. to co-sponsor a House version of an automobile fuel-savings bill.



**TCWP has scheduled an expert speaker on energy efficiency for December 12 -- see ¶9A**

**7. OTHER NATIONAL NEWS**

**A. Ancient Forests, the spotted owl, and citizen lawsuits**

Recently, the ancient forests of our Pacific Northwest, already sorely stressed by fragmentation through clear-cutting, were further threatened by legislation sponsored by Sen. Hatfield and some of his colleagues that would have led to even more excessive levels of timber cutting. Even more dangerous were provisions in the Hatfield bill to manage all national forests strictly for their commodities (at the expense of wilderness, wildlife, etc), and provisions that would have badly weakened the legal rights of citizens to challenge federal actions that threaten national forests (see NL178 ¶7). In the debate on the Hatfield bill (most parts of which were defeated), Senator Gore distinguished himself in defending the ancient forests and the spotted owl habitat.

Already in 1989, an attempt had been made (via sections added to the Interior Appropriations Act) to limit citizens' access to the courts in cases pertaining to timber cuts in national forests; in September of this year, these sections were declared unconstitutional by a federal appeals court. A month earlier, 20 senators, Sen. Gore among them, wrote to Senate Appropriations chairman Robert Byrd requesting that citizens' access to the courts not be hampered by legislation. The letter to Sen. Byrd also suggested that timber-sale levels (set via the appropriations process) should be based on sustainability of an entire forest ecosystem, rather than, as heretofore, on sustainability as defined merely in terms of timber production.

[Incidental intelligence: The Pacific Yew, which grows within the ancient forests of the NW, produces a chemical, taxol, that has been found effective in the treatment of ovarian cancer. Several organizations and cancer researchers have petitioned Sec. Lujan to list the Pacific Yew as a threatened species.]

A bill enacted in August, which will help reduce timber demand on ancient forests, bans the export of logs cut on all federal and state lands in Oregon and California; and of 75% of logs cut on federal and state lands in Washington state. Sen. Gore was a supporter of this bill, which will also help the local

economy by diverting timber that would have been shipped overseas to mills using local labor.



**WHAT YOU CAN DO:** Thank Sen. Gore for his strong support of ancient forests and the spotted owl habitat. Ask both Senators and your Representative to support the Ancient Forest Protection bill when it is reintroduced next year, and to oppose any measure similar to that advocated by Sen. Hatfield this year. Addresses on p.2.

**B. Clean Air legislation signed in to law**

The overwhelming margins by which the conference committee bill passed both Houses of Congress in the closing days of the session belie the months upon months of struggles, bargaining, and tradeoffs. The bill takes up 1,100 pages, with sections on attainment and maintenance of air quality standards, motor vehicles and fuels, toxic air pollution, acid rain control, permits, enforcement, protection of the ozone layer, and clean air research. It's obviously too complex for us to do it justice in this Newsletter. However, we offer a 14-page summary by the congressional Environmental and Energy Study Conference, which we will be happy to send to anyone who supplies a self-addressed, stamped (45 cents) envelope.

**C. National Wildlife Refuges need help**

Our country's 455 National Wildlife Refuges occupy over 90 million acres. Unfortunately, according to three recent independent studies, more than 60% of these refuges now permit activities that are harmful to wildlife, such as oil & gas drilling, mining, trapping, logging, grazing, ORV use, water skiing, and military air exercises. In 1989, the Fish & Wildlife Service (FWS) drafted an EIS for Refuge management, but was forced to scrap it. Prior to drafting a new EIS, "Refuges 2003," FWS will hold a series of workshops around the country in order to develop proposals for inclusion in the management plan. For this reason, it is very important that the workshops be attended by people who have a concern for the many problems facing the Refuge system. Among issues that must be faced are water rights and quality, the protection of biological diversity, land acquisition needs, etc. FWS should also be urged (a) to involve the public in making decisions on whether uses proposed for Refuges are compatible with wildlife, and (b) to perform a comprehensive review of Refuge lands for possible wilderness designations.



**WHAT YOU CAN DO:** (a) Notify FWS that you want to be on the mailing list for "Refuges 2003" workshops. Write Natl Wildlife Refuge Planning Team, USFWS, Dept of the Interior, Mail Stop-670 AR-50, 1849 C Street, NW, Wash., DC 20240. (b) Urge your Congressman/woman to support legislation in the next session that is similar to, but



stronger than, last year's HR 4948 (Studds) -- see NL178 ¶8E).

**D. Corps of Engineers' lands may become Disneylands**

The Corps (CoE) is second only to the USFS in the amount of acreage managed as outdoor recreation areas. Over 4,000 such areas, covering 11.7 million acres of reservoirs and surrounding lands, are maintained and operated by the Corps with an annual budget of \$160 million. Several months ago, Secretary of Army Civil Works, Robert Page, ordered the Corps to carry out a study to develop several alternatives for reducing the size of the recreation expenditures. Based on a number of surveys, which critics charge were not broad enough, the Recreation Study suggested a number of options, including selling lands to developers, transferring management of CoE lands to developers, providing financial incentives to developer, relaxing current development regulations, etc. All in all, it sounds as though what's in the offing would be the antithesis of the Corps' purpose, which is stated as follows in their recreation brochure: "Facilities are carefully planned to promote the use of project land and water while preserving the natural environment."



**WHAT YOU CAN DO:** (a) Express your views to Robert W. Page, Asst Sec of the Army, Civil Works, Room 2E570, Pentagon, Wash., DC 20310-0103, Phone 202-696-8986. (b) Indicate that you are sending copies to your US senators and representative.

**E. Notes on federal agency actions**

- The Bureau of Land Management now requires that reclamation bonds be posted for any exploration mining that involves over 5 acres of BLM lands per year.
- The US Interior Department's Inspector General recently issued a report pointing out the severe inadequacy of the endangered species program. According to the report, it could cost \$4.6 billion to protect all presently known endangered species, but the FWS has an annual budget of only about \$33 million. Even the listing process -- the first step toward protection -- is way behind: about 50 species have been listed, but there is a backlog of over 600 applications, and probably another 3,000 endangered species that haven't even got to the application stage.
- The recently passed Dept of Defense (DoD) appropriations bill contains an initiative that should help coordinate environmental activities on 25 million acres of DoD lands. This so-called Legacy Program establishes standard procedures for inventorying the environmental resources of DoD

lands, sets up a program for rehabilitating degraded habitats, and establishes educational programs for the public and training for DoD personnel.

**F. 'Dolphin safe' tuna: labeling law passes**

Do these figures shock you? The USA has set an allowable limit of 20,500 dolphins to be killed annually during tuna-fishing operations, though US kills last year dropped to "only" 12,643. Dolphin kills by foreign vessels last year rose 40%, to 84,000. A 1988 law required us to impose an embargo at the end of 1989 on any nation whose dolphin-killing rate was twice the US rate. The Commerce Dept, however, has failed to impose such embargos because foreign nations have been slow to supply data on their dolphin kills; but a federal judge recently ordered a ban on tuna imports by 5 nations until they can prove they are killing fewer dolphins than the maximum set by the 1988 law.

The good news is that the Biden/Boxer bill that sets standards for tuna-can labeling (see NL177 ¶8C) was passed near the end of the Congressional session. Earlier this year, the major tuna canners (*StarKist, Chicken of the Sea, and Bumble Bee*) had announced that they would not sell tuna that was caught by setting purse-seine nets on dolphins. This was a big step in the right direction, but consumers still had to buy tuna on faith. For example, as Earth Island Institute's Dolphin Project discovered, Bumble Bee was still buying albacore caught in driftnets, which kill dolphins on almost as large a scale as do seine nets.

With passage of a labeling law, observers will now need to be stationed on boats; currently, some packagers label their tuna "dolphin safe" merely on the basis of a letter from the skipper of the tuna boat. To make the system work, observers would have to be on foreign vessels as well as US ones; the great bulk of the tuna fleet is under foreign registry. Also badly needed is an international treaty banning driftnet fishing (as well as purse-seining) of dolphin. The 1989 Tarawa Declaration, an international accord that would ban large driftnets in the South Pacific, has not been signed by the USA. When the Congress returns for the new session, ask your Senators to support an international ban on driftnets as well as on purse-seine fishing on dolphin.



**8. OAK RIDGE AND VICINITY**

**A. An annexation request and the Northern Greenbelt**

In September, Ronald Asher submitted a request to the Oak Ridge Regional Planning Commission for the annexation of a 49-acre strip for

a 52-house subdivision north of the City boundary and bordered by North Illinois Ave (Highway 62) in the northeast and Reservoir Road in the west. Nowhere in the original notice was there any mention of any possible impact on the Northern Greenbelt, which, in the area in question, lies south of the City boundary. However, TCWP member Lily Rose Claiborne one of the developers of our North Ridge Trail, suspected that there might be such an impact and attended the Planning Commission meeting.

Subsequently, Chuck Coutant, on behalf of the TCWP Board, wrote to the Planning Commission chairman, expressing three concerns: (a) that the greenbelt be recognized and protected; (b) that any road access from West Outer Drive to the annexed area not cross the greenbelt (access could be provided from Reservoir Road and/or Highway 62); (c) that the continuity of the North Ridge Trail (a National and State Recreation Trail) not be broken (e.g., by utility corridors which the developer is requesting from the City).

On October 25, the Planning Commission, on recommendation of City staff, voted unanimously to recommend annexation of the parcel as well as of the right-of-way along Reservoir Road (which would become an extension of Mississippi Ave). The developer, Asher, said that this would be the access to the parcel, and that no roads cutting through the greenbelt would be requested. The Planning Commission also recommended that the impact on the greenbelt from installing utilities be minimal, with any land disturbed restored to its original condition; and that the North Ridge Trail be moved (??) if its integrity was endangered. All he wanted, said Asher, was a 4-inch sewage line that would cut across only 3 feet of the trail. (Someone pointed out that verbal assurances of this type may not be worth much in the long run.) City staff estimates that there will be a net financial loss to the City of about \$48 per house in the proposed subdivision.

The Planning Commission recommendation must still be acted on by the City Council. The public hearing and first reading of this issue will take place Monday, Nov. 19 at 7:30pm in the Municipal Bldg Courtroom. We hope you can attend to show your support for greenbelt integrity. If you can't attend, call City Council members before the meeting.

**B. It's not too late to take action against landfill that would affect Cumberland Trail**  
(Based on a report by Margaret Olson)

The Tenn. Division of Solid Waste Management recently issued a permit to build a landfill on a 250-acre site just outside Oliver Springs. This landfill (which would accept trash from

all counties in Tennessee as well as from surrounding states), in addition to many other adverse impacts, would eliminate a 3-mile section of the Cumberland Trail (CT), a State Scenic Trail established in 1971. Quite apart from the impact on the CT itself (the local topography makes re-routing near-impossible), this would set a very bad precedent for the entire Tennessee Trails System.

The Anderson County Commission has disapproved the site and filed suit against Remote Landfill Services, Inc: a temporary injunction is in place against further development. However, a Pennsylvania-based company (Chambers Development Corp) has committed to buying the landfill permit and leases, and is trying to get the Anderson County Commission to drop the lawsuit and settle out of court. We must urge the Commission to hold firm. A recent protest hike over the potentially affected section of the trail drew 85 hikers and produced media coverage.

\* **WHAT YOU CAN DO:** (a) Call one or more of the Anderson County Commissioners and urge them to resist any pressure for an out-of-court settlement. In Oak Ridge, call Jerry A. Creasy, Jacqueline Holloway, Alan Robinson, George Bullock, Robert L. Jolley, or Robert Terry Weaver. Their names are in the phone book, but if you have trouble reaching them, or if you need the names of non-Oak Ridge Commissioners, call Margaret Olson (483-0605) for information. (b) Urge Gov. McWherter to issue an Executive Order to stop development of this destructive landfill. Address on p.2; or call 594-6072, his Knoxville office.

**C. Scenic canoe trails for Oak Ridge**

On behalf of TCWP, Chuck Coutant has laid out two scenic canoe trails in the Oak Ridge area. One, departing from Solway Park, is at the southern margin of the Haw Ridge peninsula; the other winds among the islands opposite the Oak Ridge Marina. Both trails are in areas protected from power-boat traffic and wind through wetland habitats filled with wildlife. Trail markers and descriptive brochures are being prepared in cooperation with TVA and the O.R. Recreation Dept.

**9. TCWP NEWS**

**A. TCWP Meeting Dec. 12 features talk on energy conservation and its implications**

As you can read elsewhere in this Newsletter (#6), decreasing our oil consumption is infinitely preferable to opening our environmentally fragile areas to oil extraction. This and other aspects of energy conservation and energy efficiency have become very hot topics in the light of the current Persian Gulf crisis.

Eric Hirst, a leader in energy-efficiency research (and a long-time TCWP member) will talk to us on this subject at a meeting on Wednesday, December 12, 1990, 6:30 p.m., Oak Ridge Library Auditorium. See the flyer enclosed with this NL for more details about the program. We hope you will come and bring friends.



Our annual meeting at Monteagle had to be cancelled because of low pre-registration. This undoubtedly resulted in great pain from the fact that, after we had taken pains to avoid a scheduling conflict, TEC had to change the date for their big 20th-anniversary celebration so that it fell on the same weekend as the one we had reserved. In turn, when we learned this, we gave up on arranging a program of attractive speakers -- the feature that usually stimulates attendance at TCWP annual meetings. The brief business meeting, including election of next year's Board, that would have been held at Monteagle will now be held in conjunction with our December 12 program. In addition, we hope to have some refreshments for you to enjoy.

**B. TCWP's 25th year coming up**

In June of 1991, TCWP will be 25 years old. We are beginning to plan now for events with which to celebrate our anniversary year. Volunteers to help with this planning would be greatly appreciated. Call us (see p.1).



**C. Capsules**

TCWP members Bill and Lee Russell attended Senator Gore's visit to Jamestown on November 3 at which he announced the recent enactment of the Big South Fork transfer and appropriations bills (see ¶1, this NL). They personally thanked the senator for his role in getting this legislation passed.

Here is the final accounting for TCWP's special Cedar Barrens fund (see NL 178 ¶10 for summary of fence-building effort). The total money collected for the fund (including the \$100 from the ORHS Bios Club and the \$250 Bechtel Earth Day contribution) was \$1,050. We spent about \$119 in connection with the March 1988 JJHS rally (during the Cedar Barrens protection campaign), and \$972 for the cedar fencing material (all labor was volunteered). This means that only \$41 had to be taken from TCWP's general funds to balance the account.

Several TCWP members have volunteered to serve as interviewees in a telephone poll designed to gauge Oak Ridge attitudes about curb-side pickup for recyclable material. The city's contract with BFI for garbage pickup will expire in June 1991, and the public works department wants to examine the

possibility of combining recycling with garbage pickup in a new contract.

The Tennessee Environmental Council, as part of its 20th anniversary celebration, presented 11 lifetime-achievement awards. Two went to TCWP members Bill and Lee Russell, the others to state employees Mack Prichard, Ruth Neff, and Bary Sulkin, and to private citizens Gary Davis, Stan Murray (posthumously), Arthur Smith, Marjorie Raines, Chester McConnell, and John Williams. Most of these are also TCWP members.

We are grateful to the following who assembled NL 178: Dick Anibrose, Oddy Curtiss, Marion Gaiber, Harry and Sylvia Hubbell, Charles Klabunde, and Louise Markel.

**10. APPEAL FROM COSTA RICA**

This appeal is being published because your editor has visited Costa Rica and knows how much this fantastic little country has to lose. Two rivers, the Reventazon and the Pacuare are threatened by four proposed hydroelectric dams and a tunnel that would divert water from one river to the other. No studies have been made that consider adverse impacts, such as the loss of biodiversity, virgin rain forest, and eco-tourism revenues. The Costa Rican Assoc. for the Protection of the Rivers (Apdc 4600-100, San José, Costa Rica; 506-23-1925) invites us to write or call it we need more information, to send a financial contribution, and to write to President Rafael Angel Calderon and/or to the Minister of Natural Resources, Energy and Mines, Hernan Bravo, of San José, Costa Rica.

**11. ACTIVITIES, ORGANIZATIONS  
READING MATTER**

December 12, 6:30, TCWP meeting -- see 19A and flyer

Benton MackKaye Trail events are scheduled for December 3 (a BMT slide show) and Dec. 8 (trail maintenance). Call Kirk Johnson, Chattanooga, 615-892-6609.

The Southern Appalachian Highlands Conservancy is again this year selling Christmas cards and notecards with photographs of the scenic Roan Highlands. Write SAHC, PO Box 4092, CRS, Johnson City, TN 37602.

The Environmental Action Fund, the lobbying arm of the Tennessee environmental movement, is holding a fundraiser on Nov. 16. Too late for you to go, but EAF will accept contributions any time (PO Box 22421, Nashville, TN 37202).

- Americans for the Environment (1400 16th Street, NW, Wash. DC 20036) sponsors workshops and provides educational materials to teach citizens how to use the electoral process for promoting environmental issues. A recently developed manual is "The Power of the Green Vote," \$15.
- COOP AMERICA attempts to change the economic system to one that values environmental quality. It helps its members to buy environmentally safe products, invest in "green" businesses, and boycott environmental outlaws. For more info, write 2100 M Street, NW, Suite 403, Wash., DC 20077-6784
- Carrying Capacity Network, Inc. is a nonprofit organization providing critical information and services to other nonprofit organizations and activists concerned about our environment, population growth, and resource use. For more info, write 1325 G Street, NW, Suite 1003, Wash., DC 20005-3104.
- "Steering a New Course," about transportation in the USA (see ¶6B, this NL) and "Cool Energy: The Renewable Solution to Global Warming" are two reports available (for \$9.50 each) from Union of Concerned Scientists, 26 Church Street, Cambridge, MA 02238.
- "The Simple Act of Planting a Tree: Healing Your Neighborhood, Your City, and Your World," (\$12.95 from Jeremy P. Tarcher, Inc., 5858 Wilshire Blvd., Los Angeles, CA 90036) is a manual for stimulating communities to generate urban forests. Royalty proceeds go to Tree People.
- "The Status of Water Quality in Tennessee" is the Tenn Dept of Health & Environment's 1990 report on a statewide assessment of stream, lake, wetland, and groundwater quality. Either the full technical report or a summary may be obtained from the Techn. and Adm. Services Sect., Div. of Water Pollution Control, TDHE, T.E.R.R.A Bldg, 150 North Ave, North, Nashville, TN 37247-3420.
- The final "Rules of TDHE, Tennessee's General Water Quality Criteria and Stream Use Classifications for Interstate and Intrastate Streams" have been published and the Final Rulemaking Hearing on them will be held December 13.
- "The Climate System" is the first of a series of informative and highly illustrated booklets on climate and global change intended for public education. The series is a joint effort of the Office for Interdisciplinary Earth Studies (University Corp for Atmospheric Research, POBox 3000, Boulder, CO 80307-3000) and the NOAA Office of Global Programs. Booklets will be issued every 6 months and distributed to secondary schools and universities.
- "Women in Natural Resources" is a 10-year-old quarterly magazine that blends technical articles with articles about the personal and philosophical aspects of working women (Univ. of Idaho, Bowers Laboratory, Moscow, ID 83843).

TCWP Meeting

Eric A.Hirst

Energy Division, Oak Ridge National Laboratory

"Energy Efficiency: Alternatives to Harmful Energy  
Developments"

TIME: Wednesday, December 12, 1990; 6:30-8:45

PLACE: Oak Ridge Public Library Auditorium

REMAINING PROGRAM: Short TCWP business meeting,  
including election of next year's Board and Nominating  
Committee

REFRESHMENTS WILL BE SERVED

The recent loss to us of Iraqi and Kuwaiti oil has given fuel to renewed oil-industry pressures to open some of our most fragile (and presently protected) lands and oceans to development. But there are alternative solutions, which would not only leave these areas untouched, but would slow the advent of global warming and of other types of environmental deterioration.

Eric Hirst, a long-standing TCWP member and a Corporate Fellow in the ORNL Energy Division is well equipped to discuss these issues knowledgeably. His work on energy conservation and energy efficiency are nationally renowned. The talk will be illustrated by slides.

Bring your friends!



