1. ACTION CALL: two threats to integrity of BSNRRA  p. 3
   A. Roads  B. Deferred areas

2. Will Congress have to force USFS to protect Roan Highlands?  p. 5

3. Appeal of Cherokee National Forest Plan  p. 5
   A. Reasons for Appeal filed  B. USFS road budget

4. Resource damage in the Smokies  p. 6
   A. Exotic hogs  B. Acid precipitation

5. Tennesseans Outdoors: the Commission at work  p. 6
   A. Federal issues  B. State issues

6. Other State news  p. 7
   A. Lavender Bridge agreement  C. Stream listing opposed
   B. House Mountain study  D. Conservancy acquisitions

7. Columbia Dam once more proved unjustifiable  p. 8
   A. 0.5 ratio to OMB  B. Dam alternatives  C. Frank Fly award

8. TVA: Board vacancy and other news  p. 9
   A. The Board  R. Envtl. Constituency Mtg  C. Capsules

9. Coal and Oil in Tennessee  p. 10
   A. Abandoned Mine Lands  B. Oil-well pollution

10. Rivers and wetlands in the nation  p. 10
    A. WSR Act additions  C. Wetlands  E. River ideas
    B. Small hydro  D. Tenn-Tom

    A. Arctic wilderness  D. Voting records  G. LWCF rescissions
    B. Americans Outdoors  E. Entrance fees  H. Critical BLM lands
    C. Endangered Species  F. Park overflights  J. Coal leasing

12. TCWP news  p.

13. Candidates for primary respond to questions  p.
    A. 33rd House District  B. Gubernatorial

14. Things to do and things to read  p.

15. ACTION SUMMARY  p.

*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!
### 15. ACTION SUMMARY

<table>
<thead>
<tr>
<th>No.</th>
<th>Issue</th>
<th>Contact</th>
<th>&quot;Message&quot; or Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>Big S. Fork NRRA</td>
<td>Sens. Sasser, Gore</td>
<td>&quot;Il river accesses are permitted; any additional ones are unneeded and harmful!&quot;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rep. Cooper</td>
<td></td>
</tr>
<tr>
<td>1B</td>
<td>Big S. Fork NRRA</td>
<td>Sens. Sasser, Gore</td>
<td>&quot;Urge Corps to complete acquisitions!&quot;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rep. Cooper</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Roan Highlands</td>
<td>Sens. Sasser, Gore</td>
<td>&quot;Pass bill directing tract acquisition!&quot;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rep. Cooper</td>
<td>&quot;Cut USFS road budget!&quot;</td>
</tr>
<tr>
<td>3B</td>
<td>National Forests</td>
<td>Your US Senators</td>
<td>&quot;Submit your recommendation for TVA Board!&quot;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Have input into topics to be addressed</td>
</tr>
<tr>
<td>8A</td>
<td>TVA Board</td>
<td>White House</td>
<td>&quot;Protect Henry's Fork against &quot;hydro!&quot;</td>
</tr>
<tr>
<td>8B</td>
<td>TVA Env'tl. Mgr.</td>
<td>TVA</td>
<td>&quot;Co-sponsor HR 4922!&quot;</td>
</tr>
<tr>
<td>10A</td>
<td>Rivers and WSR</td>
<td>Sen. McClure, Symms</td>
<td>&quot;Oppose S2347!&quot;</td>
</tr>
<tr>
<td>11A</td>
<td>Arctic wilderness Act</td>
<td>Your US Rep</td>
<td>&quot;Oppose S2204/Support S2130&quot;</td>
</tr>
<tr>
<td>11C</td>
<td>Endangered Sp.</td>
<td>Your Senators</td>
<td>&quot;Critical-lands process needs action!&quot;</td>
</tr>
<tr>
<td>11E</td>
<td>Entrance fees</td>
<td>Sen. Wallop</td>
<td></td>
</tr>
<tr>
<td>11H</td>
<td>Critical BLN Lands</td>
<td>Sen. Bodeli</td>
<td></td>
</tr>
</tbody>
</table>

Senator John Doe
United States Senate
Washington, DC 20510

Dear Senator Doe...
Sincerely yours,

To call, dial Congressional switchboard, 202, 224-3121

Governor Lamar Alexander
State Capitol
Nashville, TN 37219

Dear Gov. Alexander
Respectfully yours,

---

**Clarification**

In NL 148 V28, pertaining to the Big S. Fork NRRA, we mentioned the developments at Blue Heron "for which the Corps is seeking a $9 million appropriation for the FY 1987 budget." A subsequent letter from the Corps took issue with this statement, and provided the breakdown for about 2/3 of the $9 million: $3,845 M is Blue Heron-related, and $2,279M for mineral rights and other acquisitions. We detailed breakdown was given for the remaining ca $3M, but it includes some money for a Blue Heron ranger facility.

14. THINGS TO DO AND THINGS TO READ - Continued (from p. 16)

- "Meeting of the Minds" Oct. 7-8 at Cumberland Mtn. State Park, Crossville, cosponsored by the Tenn. Recr. & Parks Assn., Tenn. DoC, TNRA, and TVA; will emphasize conservation education. Contact Donna Reed, TVA, Norris 37828 (Ph. 632-1570).

- "TVA and the Tellico Dam: 1936-1979; A Bureaucratic Crisis in Post-Industrial America," by W. B. Wheeler and M. J. McDonald, concludes that TVA failed to keep in touch with the changing moods and concerns of Americans. (pp. 34-50 from U.T. Press, Box 6525, Ithaca, NY 14850)

- River conservation publications available at big discounts: "Assessment of State River Conservation Programs (1984), 233 pp, $8 (was $25). Each state is analyzed; minimum criteria for a successful state river program are set forth. "Winning Strategies (1985), 112 pp., $5 (was $10). Describes the many paths to saving a river. (From ARCC, 322-4th St, NE, Wash. DC 20002).

1. ACTION CALL

Two threats to integrity of BSFNRRA: your help urgently needed

TCWP played a major role in formulating and passing an excellent law (PL 93-251, Sec. 108) for the protection of one of the very few undeveloped areas in the eastern U.S., the Big S. Fork watershed. We all have an interest in seeing this law fully implemented and not jeopardized. Unfortunately, problems have arisen on both of these scores. With your help (a couple of letters from you), they can be overcome.

SUMMARY OF THE PROBLEMS (details below)

1. The Scott County Board of Commissioners has passed a resolution (and sent it to Rep. Cooper and Senators Gore and Sasser) requesting an amendment to PL 93-251 that would open up (or keep open) to vehicular traffic 5 (!) roads into the main gorge that, by law, are to be maintained for non-vehicular traffic only. This would totally destroy the undisturbed wilderness character of the BSF gorge and negate the purpose of the legislation.

2. The acquisition of certain large acreages within the authorized boundary of BSFNRRA has been formally and indefinitely "deferred," funds being used for developments instead. If left unprotected these fragile and highly scenic lands could quickly and irrevocably be destroyed by adverse developments (coal, oil, construction).

A. THE ROAD THREAT

Background

PL93-251, Sec. 108, established two management zones for the BSFNRRA; the "gorge area" and the "adjacent area" (uplands). While all sorts of developments are permitted in the uplands (e.g., campgrounds, roads, wildlife clearings, oil drilling), the "gorge area" is to be maintained with the least possible degree of man-made intrusion. Thus, mining, drilling, prospecting, timber cutting, structures, and motorized land or water vehicles are expressly barred -- with a few specified exceptions.

The major exceptions are 11 specified road crossings or river accesses (6 and 5 in TN and KY, respectively) including 7 that involve the BSF itself and 4 that involve tributaries. These 11 permitted vehicular river accesses certainly provide plenty of opportunity for people of all kinds -- including the very old and very young, the handicapped, and the non-rugged -- to get to and enjoy the rivers. The resolution by the Scott County Board of Commissioners (BoC) totally ignores the fact that these groups of people are already being served by 11 permitted vehicular river accesses; the BoC cites service to these groups as one of its major justifications for the roads it proposes. The other justification given is access to cemeteries. Only a small fraction of the BSFNRRRA's 29 cemeteries are located in the Scott Cy portion, and, further, the Park Service has a written policy of providing guaranteed access to families and friends.

The roads proposed by the Scott Cy BoC would penetrate the gorge of the BSF itself in 5 additional places in Tennessee (i.e., altogether 7). [Note: the resolution actually requests 6 roads; but one, to Station Camp, is already permitted by law.] This would bring the noise of cars and motorcycles, air pollution, and a great deal of human impact to points separated by only 2 to 3 river miles within the BSF gorge, as well as to a 2 mile stretch right along the river. That is, of course, totally contrary to the intent of the legislation (see above).

The amendment not only would maintain these extra road for vehicular traffic but would put them under "exclusive possession and control of Scott County." This would clearly create an intolerable jurisdictional problem for the enforcement of Park Service regulations.

What needs to be done

Two actions are needed: (a) to convince our elected representatives that PL 93-251 should not be amended in accordance with the Scott County resolution; and (b) to convince the Corps
of Engineers (which is in charge of BSFNRRA land acquisition) to acquire from the county whatever right-of-way it owns in the 5 roads. Only then will the Park Service be able to close them to vehicular traffic as required by the law. We hope very much that you will write to Senators Sasser and Gore, Rep. Cooper, and Col. E. Starbird (addresses at end of memo). Both issues (a) and (b), above, in this paragraph can be addressed in one communication. The same letter can go to all 4 addressees, and it needn't be long -- the main point being that if the gorge area had any more than its 11 permitted river accesses the values that the law attempted to protect (and which make the BSFNRRA unique) would be totally destroyed.

B. THE DEFERRED AREA ISSUE

Background

In order to remain within the authorized spending limit of $103.5 million and at the same time build a number of developments (Leatherwood Ford Road and Bridge, Bandy Creek Campground, Blue Heron Recreation Area, etc.), the Corps designated at least 7 areas totalling 13,635 acres (95% of these in Tennessee) as "deferred" areas which would not be acquired until the spending authorization (i.e., permission to spend, not actual funds) was raised by amendment. Even after this happens (and it may come about this year, to the tune of ca $52 million), appropriations must still be obtained, and the Corps has given every indication that such appropriations will be requested by them for further developments (Bear Creek Lodge, etc), rather than for land acquisition.

Of the 7 deferred areas, the largest and most important is a 9452-acre area lying roughly between and around North White Oak Creek and its Laurel Fork. It is a beautiful wilderness threatened by pressures for coal and oil extraction and second-home development. It is unlikely that it would cost more than $8 million to acquire this area. Thus, $44 million or so in authorization ($52 minus 8 million) would remain available under which to seek appropriations for developments, to say nothing of acquisition of the other 6 "deferred" areas.

The North White Oak Creek gorge is the site of the abandoned O & W railbed (which, on the east side, runs up the BSF, then up Pine Creek). PL 93-251, Sec.108(e)(7) requires the Corps to "study the desirability and feasibility of reestablishing rail transportation on the abandoned O & W railbed or an alternative mode of transportation." Some prominent local citizens are currently recommending that this mode of transportation be a rubber-tired tram for park visitors, with the road closed to any other motorized traffic. We see no major objection to this. A lack of opposition on our part may help us get local good will toward acquisition of the North White Oak Creek - Laurel Fork "deferred" area.

What needs to be done

Since spending priorities are formulated administratively by the Corps, they can be influenced by what the Corps hears from Congress. Therefore, your communications should be directed to Sens. Sasser and Gore and to Rep. Cooper (addresses below), asking them to urge the Corps to make land acquisition their first priority in BSFNRRA spending when the $52 million increase in spending authorization comes about. Send a copy to Col. E. Starbird. Please keep correspondence on this issue separate from letters you write about the road issue (above).

ADDRESSES

Senator Jim Sasser
United States Senate
Washington, DC  20510

Senator Al Gore, Jr.
United States Senate
Washington, DC  20510

The Hon. Jim Cooper
U.S. House of Representatives
Washington, DC  20515

Col. Starbird, District Engineer
U.S. Corps of Engineers
P. O. Box 1070
Nashville, TN  37202-1070

SUMMARY OF NEEDED ACTION

Only two letters need to be composed, one on each of the two issues. Each letter can be short. Please send us copies -- they will help us greatly in following up on these issues.
2. WILL CONGRESS HAVE TO FORCE USFS TO PROTECT ROAN HIGHLANDS?

The 200-acre Peake tract on Grassy Ridge Bald in the magnificent Highlands of the Roan is one of very few remaining areas where the Appalachian Trail (AT) must traverse private land. Between 1969 and 1985, the Forest Service (USFS) tried to negotiate a willing-seller purchase with the Peakes, but the heirs asked for 8 times fair market value. At long last, the USFS initiated condemnation proceeding in 1985 (trial expected Dec. 1986), but, in keeping with Reagan-administration anti-government-ownership policies, included only the 54-acre trail corridor itself. (USFS Chief Peterson conceded that "the entire tract would be a valuable addition to the Pisgah Natl. Forest.")

While Mr. Rex Peake, the former owner, dearly loved the land and would never have hurt it, his heirs are evidently of a different mind, because a couple of months ago they bulldozed two destructive and highly visible roads across their tract. NC laws against erosion may have been violated. "It's as if you were looking at a painting and then someone took a razor blade and slashed through it -- right at eye level," says Ron Tipton, SE regional director of the Wilderness Soc. While the Peakes say they are merely trying to get at some fir seedlings to be sold as Christmas trees, many people believe (and some have quoted accordingly in the press) that this action was taken to force purchase of Peake land at any price. More recently, hikers have been forced off the AT at the site by individuals throwing rocks and sometimes brandishing firearms.

Both Senators Sasser and Gore have been outraged by these developments and have written to USDA Sec. Richard Lyng and USFS Chief Max Peterson urging that a Declaration of Taking for the 200-acre tract be issued, which would immediately protect environmental integrity and human safety (condemnation is a much slower process). Under-Secr. of Agriculture Peter Myers will not even consider a Declaration of Taking. Consequently, Senators Sasser and Gore are prepared, jointly, to introduce legislation that would specifically provide for the purchase of the Peake tract by the government. Sen. Jesse Helms (R., NC) has written to us that he would contact Sec. Lyng on our behalf, "concerning his decision not to initiate a Declaration of Taking."

WHAT YOU CAN DO: (a) Thank Senators Sasser and Gore (addresses on p. 2) for the active interest they have taken in protecting one of the "most outstanding scenic areas in the Eastern U.S." (Sasser quote). Urge them to follow through on legislation that will direct the USFS to acquire the 200-acre tract. (b) Write to Sen. Helms, Chmn of the Senate Agriculture Comm., as well as to your Congressman/woman, asking them to take similar action. (c) Send copies of your letters to George Dunlap, Asst. Sec. for Natural Resources (USDA, 14th St. and Jefferson Dr., SW, Wash. DC, 20250).

3. APPEAL OF CHEROKEE NATIONAL FOREST PLAN

A. We file Reasons for Appeal

Our April 29 notice of appeal of the Cherokee National Forest Final Plan (NL 149 4A) was followed on July 3 by our filing of the Statement of Reasons. TCWP is one of 5 appellants, jointly with the Wilderness Society, the Tennessee Chapt of the Sierra Club, the Tenn. Audubon Council, and the Smoky Mtns Hiking Club. As of two weeks ago, 35 of the 44 final Land Resource Management Plans for national forests across the country had been (or were being) appealed. The Cherokee appeal provides a test case for key sections of the National Forest Management Act on such issues as the extent of clearcutting allowed (68% of the harvest in the Cherokee would be done by clearcutting according to the Forest Service Plan), the continuation of below-cost timber sales (in recent years, the Cherokee has lost $62 per $1 spent for timber management), the amount of new road construction permitted (under the Plan, ca 240 miles of new roads would be built in the next 10 years), and protection of roadless areas in categories other than wilderness.

Several timber-interest and hunting-oriented groups are reported to have intervened on behalf of the Forest Service: the TN Forestry Assn, TN/KY Sect. of the Soc. of Amer. Foresters, TN Conservation League, and TN Valley Sportmen's Club. The Tennessee Wildlife
Resources Agency came out in support of the Plan (clearcutting increases deer populations for hunters — though it eliminates many other species), but Commissioner Howell valiantly resisted pressures to have the TN Dept. of Conservation do likewise. He deserves our admiration. The NC Multiple Use Council wants even more timber harvest than projected in the Plan.

B. Forest Service road budget
In the past 5 years, the USFS has vastly overreached its road-construction targets while neglecting other goals (e.g., protection of wildlife, soil, and water resources; construction and maintenance of hiking trails). Last year, the House cut $50 million from the $196 million the USFS had requested for roads, but the Senate failed to support this cut. This year, again, it appears as if the Senate could be the stumbling block to reduction in USFS road funds, unless Senators can be convinced that the agency is neglecting its other tasks while ploughing away with excessive construction. We hope you will contact your Senators on this matter. Sen. Sasser is a member of the Senate Appropriations Committee, which is expected to mark up the bill in September.

4. RESOURCE DAMAGE IN THE SMOKIES

A. Park Service moving to control exotic hogs
In response to a TCWF letter that urged a strict wild-hog-control policy for the Park — uniform for the TN and NC portions — NPS Director William Penn Mott recently informed us of a just-initiated 3-year control project. The program is funded at $240,000 through a special appropriation for critical resource preservation needs; it will be in effect 1986-88. Components of the program are: (a) strong emphasis on direct control of the hogs; (b) protective fencing at the most resource-sensitive areas; (c) completion of a study to find the most effective bait for hog trapping; and (d) continuing monitoring of plants and animals to provide a thorough understanding of changes that will occur as hog numbers are reduced. Dir. Mott concedes that while the goal is total elimination of this exotic species from the park, realistically this may be achievable only in key areas. Therefore, control will be a continual effort for several years.

B. Acid precipitation damage in the park is increasingly apparent, not only in the streams (e.g. high acidity and increased aluminum concentrations in Cosby Creek) but also through its effect on bird populations. A 36% decline in the number of bird species has been noted, and much of this can be attributed to the death of spruce and fir forests which, in turn, is probably caused by acid precipitation and other air pollution.

5. TENNESSEANS OUTDOORS: THE COMMISSION AT WORK

A. Tennesseans Outdoors reports on federal issues
On April 25 , the Governor's Commission on Tennesseans Outdoors submitted its recommendations to the President's Commission on Americans Outdoors. These recommendations addressed 6 groups of issues that require federal solutions (see B., below, for state issues). A selection from these recommendations is presented here. (1) Land acquisition. Deferred purchases should be completed in the Big South Fork NRRA, Obed WSR, Cherokee NF, Chickasaw Natl Wildlife Refuge; Carter Mtn should be considered for the National Forest System; federal funding help will be needed to acquire outdoor recreation land as population increases in the Sun Belt. (2) Funding sources. The Land & Water Conservation Fund should be continued as a true trust fund; TVA's recreation budget should be reinstated; a recreation equipment excise tax to fund areas for dispersed outdoor recreation (e.g. backpacking, canoeing) should be considered; similarly, user fees to pay for more concentrated recreation; the income-tax deduction for charitable contributions should be kept. (3) Environmental Quality. Needed are: multi-state compacts for clean rivers, federal action on non-point-source pollution, extension of the federal Surface Mining Act, reauthorization of the Clean Air Act. (4) Management goals. Equal consideration for recreation in
multiple-use management; use of volunteers. (5) Coordination, information, and values. Need for a quasi-public organization to speak for outdoor recreation interests; initiation of study to establish value of outdoor recreation, so that it may be weighed properly alongside other national priorities. (6) Liability. Tort reform is needed to relieve suppliers of recreation from the liability crunch.

B. Tennesseans Outdoors now addressing state issues
Having made its federal recommendations, the commission is now focussing on matters that can be addressed in Tennessee. The issues -- based on suggestions received from listening sessions, letters, etc. -- have been grouped and are being studied by 6 committees: Coordination and Education; Land, Water, and Management; Recreation Funding; Environmental Quality; Local Recreation; Liability. A seventh committee, Implementation, will follow through on the final report, which is expected in September. The findings will then be taken to the people of Tennessee. Look for this topic in the TCWP Annual Meeting program.

6. OTHER STATE NEWS

A. Lavender Bridge complaint settled by agreement
A hearing had been scheduled for July 16 on the water pollution complaint filed by TCWP, TSRA, and Victor Ashe against the Tenn. Dept. of Transportation (TDOT) in connection with last year's construction of a new Lavender Bridge on White Creek, a tributary of Clear Creek (NL 149 12B). Several witnesses had already been deposed by TDOT, and others (including TCWP's) questioned by telephone, when it became apparent to several of the participants that all parties stood to gain if the case could be settled by a meaningful agreement. The lead action on this was taken by TSRA's Pres. Ray Norris, with the help of a lawyer member of TSRA, Dave Broemel. Sandra Edwards was the liaison for TCWP. As we go to press, the agreement is being circulated for signatures by all parties. It specifies that TDOT shall designate responsible officials to act as liaison with TDHE (Tenn. Dept. of Health & Envt.) in matters relating to erosion control, and that TDOT will selectively monitor field implementation. TDOT must, further, obtain a water quality permit from TDHE prior to advertising for bids for each project, and must notify TDHE when the permitted construction begins. TDHE shall designate personnel to evaluate erosion-control plans required by the permit. TDOT and TDHE must notify TSRA, TCWP, and Victor Ashe of the various personnel involved, and must send us a written report on implementation of the order.

This agreement can be highly meaningful if we keep up our vigilance. It ensures that TDHE will not shut its eyes to transgressions when a sister department of the state is involved, and that TDOT will be conscious of its environmental obligations.

B. House Mountain studied in connection with Natural Areas Act
House Mountain, the highest point in Knox County, though listed as a component of the State Natural Areas System, is still in private ownership. The state has been gun-shy about acquiring the mountain, ever since its 1979 attempt to do so generated local hostility. This year, a willing seller, who wanted the area protected (and who has since died), offered 524 acres at less than market price (NL 147 12A), and there was thus renewed pressure for the state to do something. The "something" is a study, decreed by House Joint Resolution #546, which passed this spring. According to a recent letter to us from Gov. Alexander, "the most effective protection mechanisms may or may not include state ownership of the area. The study findings will guide decisions in that regard." A hearing will be held soon, and the DoC's recommendations are expected in October.

C. State opposes listing of outstanding streams
The Tenn. Division of Water Pollution Control (DWPC) recently responded to public comments received earlier this year in connection with proposed revisions to Tennessee's Water Quality Criteria and Stream Use Classification. (Federal law requires that such a review process be undertaken every 3 years.) Among several comments submitted by
TCWP was the suggestion that outstanding natural resource waters (e.g., designated national and state scenic rivers, as well as undesignated ecologically or scenically important streams) be identified and protected by the State's antidegradation statement. The DWPC response recommended against a listing of outstanding natural resource waters because "significant political opposition has been mounted against such designation in the past."

D. Land acquisitions by The Nature Conservancy in Tennessee

Though we try to bring you all news of Nature Conservancy (TNC) acquisition for Tennessee, it seems that we missed two 1985 ones. Another 127 acres were added to 645 previously protected by TNC in the Lower Hatchie National Wildlife Refuge (the land was conveyed to the U.S. Fish & Wildlife Serv.). Near Reelfoot Lake, 23 acres were acquired and conveyed to TNRA as part of a buffer for the Reelfoot Natl. Wildlife Refuge. For other 1985 TNC acquisitions in Tennessee, see NL 141 *4B, NL 142 *28, and NL 143 *5B. A 1986 acquisition is reported in NL 144 *5B.

7. COLUMBIA DAM ONCE MORE PROVED UNJUSTIFIABLE

A. The 0.5/1.0 benefit/cost ratio is submitted to OMB

On July 1, TVA transmitted to OMB a hefty 7-volume report on the newest economic analysis of Columbia Dam. OMB had requested that this analysis be conducted in accordance with guidelines approved by the President in 1983.

TVA estimates the remaining cost necessary to complete the project at $158 million, based on a 6-year construction period (1987-92), and estimates the remaining benefit/cost ratio at 0.5/1.0 under the current 8.5/8% discount rate. The pro-dam Upper Duck River Development Agency (UDRDA) calculates remaining costs at $50 million less than TVA's estimate, and benefits almost 4x greater, arriving at a benefit cost ratio of 2.2/1.0.

In his transmittal letter to OMB, Chairman Dean writes: "The TVA analysis uses the 1983 guidelines and necessarily views the project from a national economic perspective since the Nation's taxpayers will provide funding for the project. The UDRDA analysis is largely a look at project benefits from the region or local viewpoint. The two perspectives are inherently incompatible, and we know of no way to totally reconcile the two analyses."

In acknowledging that the TVA analysis had "dealt a serious blow to the prospect of finishing this project," Sen. Cooper writes: "The legislative status of the Columbia Dam remains unchanged, and it appears unlikely that any new initiative will take place."

B. Suggestions for alternatives to the dam

The collection of written comments and the transcript of the hearings make fascinating reading. The comments are overwhelmingly opposed to completion of the dam, and they come not only from organizations and cities, but from individuals in little communities all over Tennessee. Quite a bit of the opposition comes from Columbia itself.

Also noteworthy is that many testimonies go beyond opposing the dam to suggesting alternatives that might benefit the region. The TCWP testimony, for example, recommends developing the free-flowing Duck as a scenic river. The TSRA, TCWP, Sierra Club, and other testimonies suggest using as blueprint the "no-impoundment" alternative from the 1979 TVA report to OMB. This calls for a minimum 50 ft greenbelt easement on either side of the stream, river access for recreational use, a hiking trail, an environmental education center, demonstration of non-erosion agricultural practices, etc. Frank Fly (see C, below) is now actively working on promoting such alternative use of the Duck River.

C. Frank Fly named 1986 River Conservationist of the Year

Frank has, for the past 13 years, been the leader in the fight against the Duck River dams, and his intelligence, fact gathering, and eloquence have been major factors in
preventing completion of the Columbia Dam. The River Conservationist award is made by Perception, Inc., a SC supplier of whitewater equipment. Frank's nomination was made by TSRA and supported by a number of groups, including TCWP.

3. TVA: BOARD VACANCY AND OTHER NEWS

A. Appointment to the Board vacancy: who is being considered
The TVA Board Appointment Coalition, which represents 43 organizations (including TCWP) in the seven TVA states, sent its consensus recommendations to the White House on May 28: Bill Chandler, (correspondence research analyst and formerly TCWP exec. director supported by 100% of the organizations), Tenn. Conservation Commissioner Charles Howell, and Robert Potts (Univ. of Alabama). Darlene Scoggins was opposed. The brief response, a month later, by the Dir. of Presidential Personnel says: "As you know, it is the President's prerogative to select candidates for this Board. Although we do not sanction personnel review commissions in strange characterizations of our Coalition!), your recommendations will be taken into consideration." The letter responding to TCWP's recommendation of the same 3 candidates was longer and friendlier, but equally noncommittal. It is now over 5 months since Richard Freeman resigned, creating the Board vacancy.

It is important that individuals as well as groups be heard from. We hope you will write a short note to Robert H. Tuttle (Dir. of Presidential Personnel, The White House, Wash. DC 20500) to make your recommendation(s). The Board needs someone who is sensitive to environmental quality, someone to reawaken the unique and enlightened mission that TVA reflected in its earlier days.

In the meantime, rumors of other possible candidates surface. One is former Alabama governor Bob Jones, reportedly being urged by Alabama Sen. Jeremiah Denton to let his name be proposed. John O'ling, a TVA nuclear safety manager, has reportedly been recommended by Connected Sen. Helmers Bledridge. The TVA Board Appointment Coalition will try to interview anyone who has been formally recommended.

One of TVA's current directors is among the major defendants in a lawsuit by the federal government against several people who were closely involved with the failed John Sevier Savings and Loan Co. According to a Knoxville News-Sentinel article of 6/28/86, Waters is among defendants accused of civil fraud, civil racketeering, conspiracy, arranging loan kickbacks, "enjoying deposits to their personal benefit," etc. If anything comes of these charges, the WAC vacancy would arise on the TVA Board.

B. Environmental Constituency Meeting, Sept. 21-22
This year, for the second time, the Valley Environmental Network (TVEN) helped to shape the program for TVA's upcoming Annual Environmental Constituency Meeting. (TVEN is an informal group that grew out of the former citizens' oversight committee that had monitored TVA curriculum with the Virginia Coalition.) Three issue papers are being developed (interest due late August); and, during the meeting, workshops will be held on these topics (and any other ones that may be brought up) to focus recommendations to the TVA Board and General Manager. The topics are: (1) Water Resources -- Managing the River System for Today's Needs (Doug Cameron); (2) Hazardous Waste -- A Regional Solution (Bob Woodall); (3) Energy Conservation -- Impacts on TVA's Future Power System (Mayo Taylor). The preparers of the issue papers would welcome your input. For their address, suggestion of additional topics, information on time and place of meeting, etc., call Martha Reitano, TVEN Staff, 615, 632-6686.

C. Capsules
- Due to a $1 million (8%) cut in TVA's conservation and energy management budget, about 80 TVA employees in that area will be laid off in the new fiscal year.
- When the President's budget request to roughly halve TVA's non-power budget came before the Senate Appropriation's subcommittee on Energy and Water Development, Chairman Mark
Hatfield (R., Ore) said "We cut [TVA] by $67 million to cripple the operations and spend $70 million to try and cripple a government [Nicaragua]"

- During the past 4 years, TVA's support for acid rain legislation has stood out as an exception to the general position of the electric utility industry. A recent letter from Chmn Dean to a Congressional committee, however, expresses some reservations about the Waxman bill, HR 4567 (NL 149, 87J). Among TVA recommendations are: credit to power producers for pollution reductions achieved through energy conservation and alternative energy sources; and adoption of the "pollution pays" principle.

- TVA lands now host 10 of 39 officially designated wildlife observation areas in Tennessee, and the single such area in Kentucky. The 39 Tennessee sites were established by TWRA (TN Wildlife Resources Agency) for public viewing of unusual species or of exceptionally high concentrations of wildlife in natural habitats. For info on areas on TVA lands, call 1-800-362-9250 (or 1-800-251-9242 from other Valley States); for the other 29 areas, call TWRA regional offices.

9. COAL AND OIL IN TENNESSEE

A. Abandoned Mine Land funds will pay for 18 projects

Now that Sen. Sasser has been able to pry loose a little of the Secretary of Interior's discretionary money under the Abandoned Mine Lands program (NL 149 §5B), there will be altogether $3 million (including $1 million state money) available over the next two years. The federal money will go to the state under a cooperative agreement, and will be administered by the state. A plan of projects to be included was announced a month ago at a meeting between OSM director Jed Christensen and Tenn. Commissioner of Conservation Charles Howell. Altogether 18 reclamation projects, involving 900 acres (about 2% of Tennessee's abandoned minelands), will be carried out in 8 counties. Sites range in size from 1 acre (sealing shafts and portals in Putnam Cy) to 302 acres (Fork Mtn., Anderson Cy). Campbell and Scott Counties have the largest numbers of sites, 6 and 5 respectively. The 9 projects that are federally funded are directed toward repairing threats to public health and safety, while the 9 state-funded projects are oriented more toward environmental damage.

B. One oil-well polluter fined: the tip of the iceberg

Three years of water pollution from 26 oil and gas wells have finally been punished by a fine (incidentally, the first case of personal liability for a corporate officer). The wells are located in the Stowers NW Field near Deer Lodge in Morgan County, where brine wastewater was dumped into creeks, badly degrading the quality of Stowers Creek, a tributary of Clear Fork, one of the main stems of the Big S. Fork. The fine may be appealed.

10. RIVERS AND WETLANDS IN THE NATION

A. Wild & Scenic Rivers Act additions: 3 or 8?

In early April, the House voted overwhelmingly to protect 8 river segments totalling 400 miles, by including them in the National Wild & Scenic Rivers Act, either as designated or study rivers. Two components of this package, however, ran into trouble in the Senate. Therefore, separate Senate bills are being introduced for non-controversial rivers. To date, there are bills for the Great Egg Harbor R. (56 mi) in NJ, the Saline Bayou (19 mi) in LA, and Black Creek (21 mi) in MS. While these are highly worthy bills that deserve your support, it would be preferable to have the entire 8-river package considered by the Senate; otherwise, some of the other rivers will fall by the wayside. One is the Henry's Fork in Idaho. If you are familiar with this magnificent river, urge Sens. McClure and Symms to protect it from the 6 hydro projects that are proposed for it.

B. An opportunity to curb the mushrooming of "small hydro" projects

Legislation passed in the late 1970s to promote the use of alternative energy sources encouraged hydropower projects, the idea being to promote installation of generators on
existing dams (retrofitting). Instead, there was an avalanche of applications to build new hydro dams: over 5000 were filed between 1978 and 1985. Many are for rivers in potential wilderness, state parks etc. There is now an opportunity to remedy this situation via amendments to two federal Acts. The amendments are contained in a good House bill, HR 44, and a virtually meaningless Senate bill, S.426. A conference committee will be meeting throughout the summer to reconcile the differences between these bills. HR 44 makes environmental protection a primary purpose of the Federal Power Act -- on par with energy development. It also allows natural resource agencies to have a stronger voice in FERC (Fed. Energy Regulatory Commission) licensing decisions.

WHAT YOU CAN DO: Write your congressman/woman and both senators and ask them to contact the conferees and support the environmental provisions of HR 44.

C. Wetlands protection: broadened by court, narrowed by Corps

Concerning a groundwater-fed wetland area in Michigan that was slated to be filled in for development, a US Court of Appeals had earlier ruled that the protection of Sec. 404 of the Clean Water Act did not apply since the area was not regularly inundated by "navigable waters." The case was appealed by a number of groups, and the Supreme Court recently ruled unanimously that Sec. 404 encompasses wetlands created by groundwater saturation as well as by surface-water inundation. On the other side of the coin, the Army Corps of Engineers, administrator of Sec. 404, has changed its policy so as to make it difficult to deny permits for developing wetlands if the builder says he has no alternative sites. If this policy is implemented, all wetlands are in jeopardy. They are already disappearing from this country at the rate of 400,000 acres per year.

D. Tennessee-Tombigbee Waterway still performing way below prediction

This giant ditch, which had for years been fought in vain on environmental and economic grounds, began operations in January 1985. The underperformance that we reported earlier (NL 145 ¶12D) continues. In 1985, the Tenn-Tom carried 1.7 million tons, only 6% of the 27.3 million predicted for the first year. By March 31, 1986, it had carried only 2.5 million tons altogether, with coal being by far the predominant cargo (crushed rock next). Though the Tenn-Tom offers a shorter route than the Mississippi, it is more expensive to shippers because it handles only 8 barges per tow (instead of 50), and speeds attained are only 3-3.3 mph (instead of up to 14 mph).

E. New river ideas presented to PCAO

Among new ideas presented to the President's Commission on Americans Outdoors (see also ¶11B, this NL) by the Amer. Rivers Conservation Council were these: state-conducted river inventories in each state; ranking of river segments and watersheds in the USA by a number of criteria; a registry of significant rivers; a national endowment for rivers, used to acquire highly-ranked riparian zones; new funding sources for rivers (90% fed. endowment, 10% state and local); a permanent Natl Office of River Conservation in the USDI; a federal policy favoring non-structural solutions to flooding.

11. NATIONAL ISSUES

A. Your Representative can help protect matchless arctic wilderness

The Arctic National Wildlife Range on the north coast of Alaska was established in 1960 in recognition of the area's unsurpassed wildlife and wilderness values. During the 1970s, the House twice voted overwhelmingly for wilderness designation of this area's coastal plain, which is the calving ground for North America's second largest caribou herd. When the Alaska National Interest Lands Act (ANILCA) was passed in 1980, the size of the original Range was more than doubled to become the Arctic National Wildlife Refuge. Most of what had been the original Range was added to the National Wilderness Preservation System, but a critically important 1.5 million acres of coastal plain was omitted, since there was no information on the area's oil and gas potential.

Oil and gas development would destroy the caribou calving grounds (and thus, the herd) and adversely affect polar and grizzly bears, the reintroduced muskoxen (once extinct in
Alaska), moose, wolves, foxes, aquatic mammals, including the endangered bowhead whale, and many species of birds and fish. Recognizing the unique wildlife values and the fact that this is one of the most extensive and diverse undeveloped landscapes in North America, Reps. Udall, Seiberling, and Jeffords have introduced HR 4922 that would designate the coastal plain of the Arctic Refuge as wilderness.

WHAT YOU CAN DO: Ask your Representative to cosponsor HR4922. Point out that this issue has been extensively debated in the past, and that the House has voted twice before to protect the area as wilderness.

B. President's Commission on Americans Outdoors: priority issues

Listed below are the 5 major issues on which the PCAO will probably make recommendations in its final report. Under each, we paraphrase thoughts expressed by PCAO Senior Advisor Paul Pritchard, who is Pres. of the Natl Parks & Conservation Assoc. We certainly hope the Commission heeds his advice, but have no idea how likely they are to do so.

(1) Funding. The single most important recommendation PCAO can make is for a Trust Fund for land acquisition as a successor to the Land & Water Conservation Fund, which expires in 1989.

(2) Institutional leadership. Creation of a new institution should not be the centerpiece of PCAO's recommendations. Any such new institution should not be able to dictate policy on the lands of federal agencies.

(3) Outdoor ethics. This must go further than anti-littering and anti-vandalism campaigns; it must include a reverence for nature.

(4) Basic resources. One of the most important recommendations PCAO could make is for a regular and quantitative assessment of the status of the resource base (air, land, water). As the population grows, there is a critical need to continue to increase our recreational land base through land acquisition, particularly in the southeast.

(5) Quality of services. Many of the "conveniences" provided by the private sector are ones which a large proportion of the public does not need or want when visiting public lands.

C. Endangered Species Act threatened by weakening amendment

Because an endangered species might get in the way of a couple of Senators' favorite dam project, the Act has become endangered by a proposed amendment. Construction of the Stacy Dam in Texas would kill over 3/4 of the remaining population of the endangered, non-poisonous Concho Water Snake. Hence, Senators Lloyd Bentsen and Phil Gramm have introduced S 2347 that would ignore the Act's carefully developed provisions for making difficult choices between conservation and development, and would summarily exempt the snake from the Act, thus setting a highly dangerous precedent. Your Senators should hear from you on this matter.

D. Environmental voting records of Tennessee Congressmen

The League of Conservation Voters has compiled scores based on 12 key votes in the House in 1985. Those for Tennesseans are listed below, together with scores for the two previous years.

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Quillen (R-1) | 17 | 11 | 6 | 42 | - | -
Duncan (R-2)  | 8 | 25 | 21 | 42 | 25 | 30
Lloyd (D-3)   | 26 | 21 | 33 | 42 | 25 | 30
Cooper (D-4)  | 75 | 73 | 91 | 75 | 81 | 57
Boner (D-5)   | 50 | 56 | 61 | 42 | 25 | 30

For 1985, the average score for Congress in general was 52, and that for Southeastern delegations was 40. Two of our Congressmen (Cooper and Ford) thus did considerably better than average and deserve our appreciation.

E. Park entrance fees: good and bad bills

An Administration bill, S.2204, would increase National Park entrance fees by $10 and raise $74 million. Only $14 million of this would be used to "enhance" 337 park units;
the rest would go into the general Treasury ($15 million), or be used to offset budget
cuts for 5 existing park programs. By contrast, Sen. Durenberger's S2130 would raise
fees a maximum of $5 and would dedicate all of the money collected to a strong 10-year
program aimed at protecting and enhancing the natural and cultural values of the
National Park System.

WHAT YOU CAN DO: Oppose S2204/support S2130. Write to Sen. Malcolm Wallop, Chmn, Sub-
committee on Public Lands, 308 Dirksen Senate Office Bldg, Wash DC 20510; send copies
to your own Senators (address on p. 2). Give examples of resource needs and/or threats
at National Park System units near you.

F. The skies over some national parks are unbelievably congested
At Grand Canyon, there are 50,000 sight-seeing flights a year -- 58 per hour(!) during
peak season. In Hawaii, tourist helicopters fly into Haleakala Crater 30 times a day
(over 10,000 times/year). On June 26, a House Subcommittee voted a permanent ban on
sight-seeing flights below the rim of Grand Canyon, and limited the elevation at which
aircraft could fly above Haleakala and Yosemite. This bill is still far from passage.

G. Administration tries LWCF rescissions
Not only has the Administration tried to zero out the Land & Water Conservation Fund year
after year, but when the Congress goes ahead and appropriates anyway, the Administration
then tries to rescind this money. This year there has been an attempt to rescind $36
million of the state portion of LWCF, and $27 million of the federal portion.

H. BLM not protecting environmentally critical areas in 9 states
In response to a TCWP letter urging identification and protection of Areas of Critical
Environmental Concern (ACECs) on BLM lands (NL 149 ¶8F). BLM (Bureau of Land Management)
informed us that they had designated 212 ACECs totalling 1.8 million acres. What BLM
failed to point out, however, is that two-thirds of these areas are in California (77)
and Oregon (63). We stand by our statement that, by the end of 1985, only 66 small ACECs
had been designated in 9 states. Thus, Arizona had zero areas in 12.5 million BLM acres,
Nevada only 4 small ones in 48 million BLM acres. The numbers for seven other states
range from 7-14 each. Does this sound like coherent national policy? BLM is not off the
hook: its efforts in recent years have, in fact, been directed toward issuing mining and
grazing permits, rather than toward designating areas of environmental concern on the
incredibly varied and often magnificent BLM lands. Your letters are needed to Donald
Hodel, Sec. of the Interior, USDI, Wash. DC 20240.

J. Will nation's coal be given away?
A Senate committee recently voted to give the Sec. of Interior discretion to set royalty
rates for coal mined from federal lands. If enacted, this provision would bypass a 1976
law that set the rate at 12.5% for stripmined coal in order to give the nation some re-
turn for the wealth taken by private business.

12. TCWP NEWS

- Marge McCormick is TCWP's new representative on the Board of the Environmental Action
  Fund. Paul Somers had kindly held this job for several years. Marge wants to draw
your attention to the announcement of the EAF fundraising event (see ¶14, this NL).
- Under Martha Ketelle's leadership, NL 149 was sent not only to our regular distribution,
  but to about 500 nonmembers whom we sought to acquaint with our publication. This has
  resulted in a number of new memberships.
- Thanks a million to the following volunteers who assembled the last NEWSLETTER: Martha
  Ketelle, Lionel Edney, Myrtle Seno, Doris Gove, Dee Monte, Murray Evans, Linda Ewald,
  Dick Ambrose
- Miriam and Francois Kertesz and Flossie Cosgrove recently mailed out our preliminary
  annual meeting announcement. We hope you will return the (nonbinding) form as soon as
  possible. We must get a fair idea of how many people to expect if everyone is to be
  accommodated at the historic Beesheba Springs Hotel.
13. CANDIDATES FOR PRIMARY RESPOND TO QUESTIONNAIRE

After the August primary, TCWP will mail questionnaires to the candidates in the most important contests so that we can bring you the response in good time before the general elections in November. Relative to the primary, we now bring you two sets of responses: one from the Democratic contenders for the State House seat vacated by Randy McNally (the Republican candidate is unopposed), the other from Democratic gubernatorial candidates (again, the Republican is unopposed). The former responses come from a questionnaire we composed jointly with SOCM and from subsequent interviews with the candidates, who kindly met with us for 1 1/2 hours each in the TCWP office. The latter responses come from a TEC-prepared questionnaire. In each case, in the interest of space, we report only on those questions that are likely to be of greatest interest to TCWP members.

A. Democratic candidates for the 33rd Dist. State House Seat

This district spans a major part of Anderson Cy, including all of the Anderson Cy portion of Oak Ridge. Candidates are JoAnn Garrett and Harold Jernigan. Garrett has served on the O.R. School Board, on the Committee of 50, and as local representative for Congresswoman Lloyd. She was a League of Women Voters lobbyist for the Tennessee legislature. Jernigan has been an Oak Ridge City Councilman for 19 years.

1. Only in the past three years have annual funds been appropriated to implement Tennessee's Natural Areas System. What is your position on the following:
   a. An annual appropriation of $2 million for acquisition of designated Natural Areas?
   b. Adequate funding to staff the program?

   Garrett: Support both, subject to available funds
   Jernigan: In general, I am favorable, but can't say yet. The needs must be weighed against other public needs and available state revenues.

2. Tennessee was the first state in the nation to pass a comprehensive law to protect selected scenic rivers, but in 18 years very little has been done to implement this law. What would be your position on the following:
   a. Creation of a Division of Scenic Rivers in the Department of Conservation?
   b. Adequate funding to begin implementing the Scenic Rivers Act?

   Garrett: Creation of a Division of Scenic Rivers in the Dept. of Conservation would be of value if it did nothing else but initiate an education program that would help people understand the Scenic Rivers Act. Such an education effort would go a long way towards implementing the Act.
   Jernigan: I favor preserving and cleaning up scenic rivers

3. The Pentagon has determined that the National Guard Training Center at Spencer is not needed. Would you oppose any proposal to build this center?

   Garrett: Would oppose, unless national need could be demonstrated
   Jernigan: I would certainly question the need for the center, especially if the Pentagon is negative towards it.

4. Several of Tennessee's state forests contain significant ecological and scenic resources. What is your position on legislation that would:
   a. Prohibit clearcutting ("even-age management")?
   b. Prohibit surface mining?
   c. Require the forestry division to conduct or sponsor systematic studies to identify State Forest areas for addition to the Tennessee Natural Areas System?

   Garrett: Favor prohibiting clearcutting and surface mining in state forests. Yes or part (c).
   Jernigan: In favor, parts (a), (b), and (c).

5. Oil and gas drilling usually causes substantial disturbances to the land around the site. Do you favor laws that would:
   a. Require the reclamation of surface disturbances?
b. Require developers to post adequate bonds to ensure reclamation?

Garrett: Yes, to both
Jernigan: Yes, to both

6. Do you favor the state attempting to regain primary responsibility for stripmine regulation, which was lost in 1984?

Garrett: Yes, (Regaining of Abandoned Mine Land Funds is just one example why we need this.)
Jernigan: I would favor the regulations being under the jurisdiction that would provide the best control.

7. Tennessee state law prior to 1984 had special provisions because of the special geography in Tennessee. Would you favor including the following provisions, which were in the previous state law, in any future state stripmine bill?

a. Prohibiting mining within 100 feet of perennial streams?
b. Prohibiting blasting within 500 feet of an occupied dwelling?

Garrett: Yes, to both [Note: As a League of Women Voters lobbyist, Garrett worked hard for both of these provisions -- and more -- in 1984]
Jernigan: Yes, to both

8. Briefly state what you consider to be the greatest environmental threats and the greatest environmental opportunities for Tennessee.

Garrett: Tennessee's natural scenic beauty and abundant water resources (streams, lakes and underground reservoirs) are the two greatest environmental assets of the state, and their threatened degradation is the greatest threat to the environment.
Jernigan: Greatest threat: abandoned industrial burial sites and unregulated stripmining. Greatest opportunity: to implement programs that would correct these problems.

Note: The winner of this Democratic primary contest and the Republican candidate will have another chance to answer questions prior to the general election.

B. Democratic candidates for governor

The candidates are Public Service Commissioner Jane Eskind, Nashville Mayor Richard Fulton, and House Speaker McWherter.

Fulton, having been a U.S. Congressman, has accumulated a series of League of Conservation Voters scores which we have dug out of old TCWP NEWSLETTERS for three consecutive elections (the scores are generally for the previous year).
1970: 63; 2nd highest in field that ranged from 27-66 for Tennesseans
1972: 63; highest in field that ranged from 0-63. Field & Stream "scorecard" gave him 61-78; tied for 1st place.
1974: 59; highest in field that ranged from 0-59.

A past performance for McWherter is cited where it pertains to one of the questions (Natural Areas).

1. Natural Areas Funding. The current administration has supported three consecutive appropriations of $2 million/year for acquisition of natural and cultural resources. Do you believe there is a need to fund additional State acquisitions of lands for natural, cultural and recreational areas? If so, what funding mechanisms will your administration favor?

Eskind. I applaud the current administration and the General Assembly for efforts to preserve natural and cultural resources. I do not believe there will ever cease to be the need for concerted efforts to preserve our natural environment and our cultural heritage. Such efforts will be continued during my administration.

Fulton. Two million dollars is a very, very small amount of the state budget and I would certainly continue to fund appropriate acquisitions of natural, cultural and recreational
areas. I feel that it is also important that we take good care of our existing natural, cultural and recreational areas.

McWherter. I have supported the program for the acquisition of cultural and natural areas in the General Assembly. The idea works well, and should be continued.

[Editor's historical note: When Natural Areas acquisition funding was before the legislature in 1985, it came under strong attack from Speaker McWherter and was in jeopardy. TCWP had to send a special ALERT to its members on 3/19/85 (between NL 140 and 141), to try to undo the damage. Consult your files. The TCWP ALERT began as follows: "A clipping from the Nashville Banner is included to give you some feel for the way in which House Speaker Ned Ray McWherter has chosen to attack the appropriation for Natural and Cultural Areas..."]

2. Strip Mine Primacy. Do you believe the State of Tennessee should attempt to regain primacy for enforcement of federal regulations to control surface mining and reclamation?

If so, what measures would you take to assure adequate enforcement?

Eskind. I have very grave doubts concerning the Federal Government's performance in the area of environmental protection and reclamation. Further, activities in the Washington are never an excuse for those at the state level to abrogate responsibilities vested by the legislature. I am not happy with Tennessee's past enforcement efforts: the Eskind administration will increase aggressive investigation and enforcement in all areas. I am ready to be held accountable for any responsibility I accept -- including surface mine regulation and reclamation.

Fulton. Ultimately, the State of Tennessee should try to regain control of surface mine regulation. However, before that is done we must be certain that the state regulators are in a position to provide equally as effective regulation as the Federal government.

McWherter. I will initiate efforts to regain primacy of the surface mining program during my first 100 days in office. Losing primacy has cost Tennessee millions of dollars in reclamation funds, and has hampered efforts to manage adequately the surface mining program. This is one area which never received the attention of the present administration, and which calls out for some aggressive management.

14. THINGS TO DO AND THINGS TO READ

- Job openings
  1-3. Lead Teacher and 2+ Teacher/Naturalists for GSM Institute. Contact: Great Smoky Mountains Inst. at Tremont, Townsend, TN 37882

  4-6. Habitat Ecologist, Habitat Specialist, and Data Manager for the Georgia Natural Heritage Inventory. Contact: Shelley Rodman, Director, Heritage Operations, The Nature Conservancy, 1800 North Kent St., Suite 800, Arlington, VA 22209


  8. Exec. Director, Jackson Hole Land Trust. Contact (by 8/8/86): Jackson Hole Land Trust, Box 2897, Jackson, WY 83001


  10-11. These two jobs were announced in earlier NL's. We don't know whether openings are still available. Exec. Dir., Tenn. Envtl. Council, Call 615, 321-5075. Natural Areas Administrator, TN Dept. of Conserv. 615, 742-6545.

- Envtl. Action Fund, Annual Fundraiser/Cocktail Party, Sept. 12, 6:30-8:30 pm, Belle Meade Mansion, Nashville. EAF is our lobbying arm and highly worthy of your support. Call Nancy Gilliam 615, 292-2915 or 726-1766. If you can't attend the fund raiser, consider sending a contribution (EAF, P.O. Box 22421, Nashville 37202).

- A National Forum on BioDiversity, to be held Sept. 21-24 in Washington, will address the rapid destruction of the Earth's natural habitats and its potentially devastating global consequences. For info, write Natl Forum on BioDiversity, Directorate of Intl Activities (S1 302), Smithsonian Inst., Wash., DC 20560.

Continued on Page 2 below ACTION SUMMARY.