

TENNESSEE CITIZENS FOR WILDERNESS PLANNING

*Newsletter No. 43, October 5, 1971

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1. STRIPMINE ACTION: NEWS, NEWS, NEWS

A. The national scene: TCWP's position on pending legislation

Hearings on proposed federal stripmine legislation began Sept. 20-21 in Washington, but because of other pressing legislation, only Congressional and administration witnesses have been heard so far, while public and industry testimony was postponed until October or November. TCWP, which had expected to testify Sept. 23 or 24, has already sent in a written statement and will probably be on hand with an oral one when the hearings resume. The written statement is in seven major sections including a detailed one on suggested provisions for federal legislation and an analysis of pending bills. Our summary states, in part:

"Our extensive studies lead us to the conclusion that on, or near, the steep slopes of Appalachia even the most advanced techniques now used are inadequate to prevent serious off-site damages. We therefore believe that federal legislation should include (a) the immediate prohibition of new stripmining, and rapid termination of existing stripmining, on slopes greater than 15° from the horizontal, or where spoil would be deposited on such slopes; and (b) the strong regulation of all remaining surface mining. We also advocate provisions for reclamation of orphan mines and for citizen class action suits.....Of the bills currently pending, only those by Hechler (H.R. 4556) and Hays (H.R. 6482) can, in our opinion, effectively and quickly control stripmining. A law incorporating the best features of both would contain the provisions we consider essential."

In an attempt to determine how much impact a ban of stripping on slopes greater than 15° would have on coal supplies in this region, we have obtained from TVA a tabulation of their 1970 coal purchases. On the conservative assumption that all of the surface-mined coal from Tennessee, eastern Kentucky, Alabama, and Virginia came from slopes steeper than 15° (undoubtedly an overestimate), the total contribution still turned out to be only about 17%. This type of ban is therefore feasible and represents a necessity if we are to keep the Appalachian region from turning into an ecological and human disaster area.

During the first two days of hearings, it became apparent that Subcommittee Chairman Edmondson and Committee Chairman Aspinall favor weak controls; and, to the disappointment of conservationists, CEQ Chairman Russell Train praised the Administration bill, which would take no direct action at all for two years, and, even after that, bring no improvement for several states, probably including Tennessee. However, the public has not yet been heard from, and, according to Rep. Aspinall, already 40,000 letters have been received in support of the Hechler bill which would abolish stripmining altogether.

Senator Baker, in an interview for the Nashville Tennessean, reiterated his opinion (see Newsletter No. 42, Item 3) that stripmining on steep and moderate slopes be banned. Please let him hear of your support for this position and encourage him to endorse the TCWP testimony. The Senator is also interested in promoting legislation for

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* federal rehabilitation of orphan mines. Write to your Representatives also, preferably before the October hearings (probably Oct. 21), to ask for endorsement of the TCWP testimony.

B. The state scene: prospects look a little brighter

Early this summer, Governor Dunn and Conservation Commissioner Jenkins made a whirlwind stripmine tour starting from Lake City. Although conservation groups were not invited or consulted (while one well-known mine operator rode in the governor's car), and although the tour did not include a view of damage to streams or of typical landslides, and although the only legislator to come along was Rep. Bowman (who had earlier prevented passage of the citizens' bill) -- the governor nevertheless did get to see a little bit of stripmining first-hand. We have since heard a rumor that the Conservation Department has contracted with a Vanderbilt engineer to draft a stripmine bill. They have also given a grant of \$5000 to the Tennessee Environmental Council and asked them to provide research on stripmine legislation of other states.

TCWP has had several meetings with individual state legislators during the summer. On Sept. 22, Representatives Ashe and Edgar announced that they will push "for meaningful strengthening of Tennessee's stripmine laws" when the legislature reconvenes.

The Nashville Tennessean ran an 8-day front-page series on stripmining Sept. 12-20, authored by Bill Greenburg, with excellent pictures by Jack Corn (cuttings available for inspection). The articles, based on months of intensive research, brought to light economically, as well as ecologically, shocking situations. The Christian Science Monitor ran a 3-part stripmine series 8/30-9/3/71; and an earlier 3-part series appeared in Scripps-Howard papers (see Newsletter No. 41, item 6A). While the general public is thus being made aware of the evils of the situation, at the same time the mountain people -- more directly affected than anyone else -- are beginning to make their voices heard, after years of believing that their plight was hopeless for lack of allies.

Intensive research this summer by a group of Vanderbilt Law School students brought to light the fact that large land companies (most of them based out-of-state) own over 33.3% of the land area, and over 75% of the mineral wealth of the 5 major coal-producing counties of Tennessee, yet account for less than 4% of the property tax revenue of these counties, which are among the poorest in the state. Citizens from these counties have filed a complaint with the State Board of Equalization, asking that coal resources be assessed as part of the land value. To avoid the danger that coal taxation might tend to accelerate the rate of stripping, Gilbert Merritt, Jr., attorney for the complainants, suggested a formula be devised so that assessment would be based in part on the rate of coal extraction. The Board has ordered a hearing for Nov. 15 in Nashville.

2. DUCK RIVER: THE FIGHT IS GETTING HARDER BUT EVER MORE WORTHWHILE

The more we look into the details of this dam project, the more obvious it becomes that its "justification" is unbelievably full of holes and could never get to first base on its merits alone. In spite of this -- or probably because of this -- political forces have gone all out to bulldoze it through. The latest blow is an endorsement from the governor (see below).

In Newsletter #42 we listed just a very few of the reasons for questioning TVA's claimed "benefits". Another interesting fact that has emerged is that over 1/2 of the total reservoir area (2/3 of the Columbia Reservoir) would be bare mud during

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part of the year -- a total of about 9000 acres. Since one of the big claimed benefits is water supply downstream, and since summer is a time of low rainfall, much of this drawdown would occur during the main recreation season: yet supposed recreation benefits are chalked up as 25% of the total benefits. Also, re supposed water supply benefits: a recently released state report indicates that Coffee County (one of the four affected) is among the best in the state for natural ground water supply; the TVA report states that the river will meet all of Shelbyville's needs for the foreseeable future; and Columbia could be served by a small tributary impoundment.

At the August 24 hearings at Columbia, pro-dam forces testified to a wealth of misinformation (e.g. the river was drying up; they had to have the dam to give them water), which TVA presiding officers did not correct. TVA had ignored requests by citizens from the Normandy impoundment area, where anti-dam feelings run high, to hold another hearing there, but many of these citizens made the lengthy trip to Columbia after working hours and spoke during the evening session. By then the press had gone home. In addition, the order of testimony was shifted during prime press time in the morning to pack in as many pro-dam statements as possible. Most of the well-prepared factual testimony by environmental groups was left to the afternoon or evening. Anti-dam organization testimony included TCWP, TSRA (with a battery of academic witnesses), Sierra Club, Wilderness Society, Duck River Preservation Association, Coffee County Farm Bureau, Tullahoma League of Women Voters, Clean Teens, etc. After the hearings, the Game and Fish Commission commented unfavorably on the dams..

Pro-dam forces evidently panicked when it was revealed during the hearings that Commissioner Jenkins had included the Duck among 4 rivers listed in response to a BOR request for rivers that would qualify for study under the National Wild and Scenic Rivers Act. Congressman Evins immediately asked Interior Secretary Morton to exclude the Duck. Last week, Gov. Dunn and Commissioner Jenkins wired Sec. Morton to the same effect and endorsed the dams. We find it strange (a) that Comm. Jenkins would have done so after so recently supplying the Duck for the BOR list, and (b) that Governor Dunn would have done so before the Environmental Impact Statement was filed, leave alone evaluated. We hope that you will let both of them know promptly how you feel about this situation.

Gov. Winfield Dunn
Attn. Lee Smith
State Capitol Bldg.
Nashville, TN 37219

Commissioner Wm. Jenkins
Tenn. Dept. of Conservation
2611 West End Avenue
Nashville, Tennessee 37203

In the meantime CEQ will be evaluating the impact statement, and it is highly important that they hear from you. Write immediately to

Judge Russell Train, Chmn. Attn. Steve Sloan
Council on Environmental Quality
722 Jackson Place, N.W.
Washington, D.C. 20506

It would be a tragedy to let this outstandingly beautiful river fall victim to one of the most unjustified pork-barrel projects in history, so ACT TODAY, and tell your friends about it too.

3. JOIN EDF

Increasingly, our conservation battles have to be taken to court, where the National Environmental Policy Act has finally given us the chance to circumvent powerful political machinations and to have pork-barrel projects examined on their real "merits". All of you are familiar with the Environmental Defense Fund's victories in halting the Cross Florida Barge Canal and securing a permanent injunction on the Gilham Dam

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project on the Cossatot. Two weeks ago, EDF was successful in obtaining a temporary injunction against the Tennessee-Tombigbee Waterway (Newsletter #41, Item 5), the \$387 million project that would greatly increase stripmining here for coal shipments to Japan. Even closer to home, EDF is now actively fighting the battle against Tellico Dam; and it is likely that they will help on other fronts also.

Here is one organization that absolutely complements and in no way competes with other environmental organizations. If you can join only one group (aside from TCWP), JOIN EDF! We are enclosing a brochure. (Write "TCWP" after your name.)

4. ALASKA: 350 MILLION ACRES PUBLIC LAND AT STAKE

The Alaska native claims bill, H.R. 10367, cleared committee without the land-use planning provision conservationists had so strongly recommended. It may get to the floor the week of Oct. 18, and could represent a tremendous give-away of almost half of our public lands there to private interests, without control of subsequent development and exploitation. All of us who have a share in this public land must inform our Congressmen and Senators that future use must be planned in the public interest. The bill should be amended to (a) order the Sec. of Interior to identify and reserve land before selections are made, and (b) empower the Secretary to control how and by whom public lands are to be used or developed. Under existing laws, such as the 1872 Mining Act, (believe it or not) anyone could tear up these lands in any way they wished. Incidentally, the Senate bill, S. 35, does set up a land planning commission but this would not act until after selections are made and is thus of little use.

5. CONTINUE URGING PRES. NIXON TO SIGN EXECUTIVE ORDER ON WILDERNESS

If you have not yet done so, it is not yet too late to urge Pres. Nixon to sign the Executive Order on Wilderness (Newsletter No. 42, Item 4). This would safeguard the remaining potential wilderness lands from development until hearings under the Wilderness Act can be completed. In addition -- and very important -- the Order also gives protection to "de facto wild lands" in National Forests. There has been strong opposition to this from the USFS, but if enough citizens express their feelings, the President may listen. Write today to the President, The White House, Washington, D.C. 20500.

6. NEWS ABOUT TCWP BOARD MEMBERS

- A. Vice President, Bob Lefler, has moved to New York state where he'll be teaching at Paul Smith College. (His full address: Easy St. (sic), Paul Smith's, N.Y. 12970). Bob, who has been incredibly active in TCWP (stripmining, trails, Big S. Fork) will be very sorely missed. We are happy to announce that Prof. Ed Clebsch, board member for several years, has agreed to replace Bob as Vice President. Last night, Oak Ridge City Council appointed TCWP's suggested nominee, Lily Rose Claiborne, to take Bob's place on the Environmental Quality Advisory Board.
- B. Past President, Lee Russell, was an invited speaker at the 12th Biennial Sierra Club Wilderness Conference, Washington, Sept. 24-26. It was the first of these conferences to be held in the east, and there were over 1100 registrants. Lee spoke on rivers campaigns in Tennessee and also helped conduct a workshop session. Prior to the meetings, she had conferences with members of CEQ, NPS, BOR, OMB, and Secy Morton's staff, met with EDF, and consulted with assistants to Senators Baker and Cooper.

7. OUR ENDANGERED FORESTS: TIMBER MANAGEMENT BILLS

A major Congressional decision is imminent regarding the fate of the nation's forest resources, including over 8 million acres of de facto wilderness. During the summer, three field hearings were held by the Senate Public Lands Subcommittee with regard

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8. CALENDAR

Note: The Trails Progress meeting, announced in our last Newsletter for Oct. 9, has been postponed until January.

- Oct. 9 Land Between the Lakes, day hike; Sierra Club (George Hernal, Nashville 741-2776)
- Oct. 16-17 Big S. Fork fall color float, TCWP, TSRA, TVCC. Start Leatherwood 9 a.m. EDT, to Blue Heron or Yamacraw (25-30 miles, 1-3 portages). For info on driving directions, equipment required, and shuttle, call Lee Russell, Oak Ridge, 482-2153, or Dottie Adams, Goodlettsville, 865-5018.
- Oct. 23 Honey Creek Pocket Wilderness, dedication hike; starts 9:30 a.m. EDT, (over)

6-8 hrs, rugged. TCWP is glad it drew Bowaters' attention to this beautiful area and is happy Bowaters will preserve it. (C.Streetman, Calhoun 336-2211; or Lee Russell, Oak Ridge 482-2153)

- Oct. 23-24 Joyce Kilmer - Slickrock Creek. TCWP, Sierra Club, SMHC. Meet Oct. 23, 1 p.m. EDT at Joyce Kilmer parking area for Rededication; then choice of several hikes or back-packs. Sunday at 4 p.m., Carl Reiche will have a most dramatic announcement and an unveiling at the memorial plaque. (Ray Payne, Knoxville 588-0866)
- Oct. 25 Air pollution symposium, 7:30 p.m., U.T. Student Center
- Oct. 27 Knox Clean Air League dinner, 6 p.m., and address, 7 p.m., by Asst. Director Public Affairs, EPA. S & W Cafeteria, Knoxville, thru line and Rm. 5
- Oct. 30 Frozen Head State Park fall color hike. TTA, TCWP. Meet 9:30 a.m. EDT at caretaker's cottage. (Don Todd, Wartburg 346-3113)
- Oct. 30 Savage Gulf hike, SMHC. Meet 9:45 a.m. EDT at trail head for choice of $8\frac{1}{2}$ mi. rock-hop or easy hike. (Charlie Klabunde, Oak Ridge 483-8055, or Mack Prichard, Nashville 741-3251)
- Nov. 4 Virgin Falls day hike. Sierra Club. (J.D.Rion, Old Hickory 847-2912)
- Nov. 13 Laurel-Snow National Recreation Trail ceremony and hike (C. Streetman, Calhoun 336-2211)
- Nov. 13-14 Reelfoot Lake overnight camp, Sierra Club. (Henry Hall, Memphis 901,357-4175)
- Nov. 18 ENERGY 2000 workshop (stripmining), sponsored by Environment 2000. Shiloh Room, U.T.University Center, Knoxville, 7:30 p.m. (Annette Anderson, Knoxville 546-8867)
- Jan. 29-30 Winter trip to Mt. Le Conte, TERC Hiking Club. (Don Kreh, Kingsport 239-5278)