

TENNESSEE CITIZENS FOR WILDERNESS PLANNING

\*Newsletter No. 46, January 23, 1972

Having an important meeting announcement for you, we take this opportunity to send you another newsletter even though it is only 17 days after the last. Also enclosed are the following:

- A. A list of members of the 87th General Assembly, in case you lost the one we sent last year. We hope you will use it to express your voice on stripmine legislation (see item 2 below).
- B. A petition blank that we hope you can get filled up and return to us. (Don't worry if you have to return it only part-full).
- C. Your dues statement, which I mistakenly announced for the previous newsletter. Please pay up as soon as you can.

Index

1. TCWP Stripmine Meeting to air "1972 Citizens' Bill" .....	p. 1
2. Stripmine legislation: "1972 Citizens' Bill" is completed; two other bills to be introduced .....	p. 2
3. Conservation groups agree on Big South Fork legislation .....	p. 2
4. Another Little-T victory .....	p. 3
5. Let's use a unique opportunity to prevent unnecessary dams and channelization in the future .....	p. 4
6. President should get your letters on clear cutting .....	p. 4
7. Another Overton Park victory; funds needed .....	p. 4
8. Second state trails seminar .....	p. 5
9. Calendar .....	p. 5


1. TCWP STRIPMINE MEETING TO AIR "1972 CITIZENS' BILL"

Time: Sunday, January 30, 7:30 p.m.

Place: Oak Ridge Civic Center, AB Meeting Room

Program:

- (1) Film, "The Ravaged Land" (15 minutes, sound-color). In this new film (just purchased for TCWP's Harvey Broome Film Series), the economic roots of the stripmine problem are summarized, and author Harry Caudill presents a suggested 3-pronged solution (which closely resembles the approach taken by the Citizens' Bill)
- (2) J. W. Bradley, Petros, President of SOCM, will describe the problems faced by residents of stripmine areas.
- (3) Bill Christopher, Petros, will sing his own song about stripmining.
- (4) The "1972 Citizens' Bill"-to be presented by members of the stripmine committee:
  - Philosophy behind the bill
  - Outline of its main features
  - Comparisons with the administration bill
  - Comments by legislators

 We should like everyone to become informed on this important legislation, SO COME AND BRING YOUR FRIENDS.

---

\* Editor: Lee Russell, 130 Tabor Road, Oak Ridge, TN 37830, Ph. 615, 482-2153

*Big Star in margin means "Action Required"*

2. STRIPMINE LEGISLATION:\_"1972 CITIZENS' BILL" IS COMPLETED;  
TWO OTHER BILLS TO BE INTRODUCED

On January 20, TCWP's final text of the "1972 Citizens' Bill" came off the press -- the result of many hundreds of man-hours of research and complicated drafting. The bill is considerably stronger and more far-reaching than the 1971 Citizens' Bill. It is internally consistent, practicable, and fair. The most important amendments it proposes for the weak 1967 law would accomplish the following: outlaw any coal stripping where overburden is placed on slopes steeper than 15°; outlaw surface mining that would impair the safety, usability, or value of private or public buildings, waterways, and scenic areas; require greatly speeded up and improved reclamation and revegetation; ensure citizen participation through hearings; protect citizens' rights through provisions for class-action suits and for compensation for off-site damages; provide for rehabilitation of orphan mines and prospecting sites; and provide for bonds adequate to ensure rehabilitation of current operations. Senator Baird and Representatives Bissell and Murphy have already indicated a desire to sponsor the bill.

Two other bills will be introduced: (1) The newly formed organization of Upper Cumberland residents, SOCM, announced at a big Lake City meeting Thursday that it will have a bill to outlaw coal stripmining after present permits expire. (2) The Administration announced on January 21 that they will introduce the bill on which they have been working for some time. Since our repeated requests to see this bill or its drafts have, so far, been unsuccessful, we can judge its contents only from news stories. Its good features appear to be as follows: reclamation and revegetation schedules would be tightened; the Commissioner would be given power of immediate suspension of permits; and, prospecting would be subject to the same regulations as stripmining. All of these features are, of course, contained in the Citizens' Bill also. The news stories, however, say nothing about whether the Administration bill contains the following provisions, which conservationists and mountain residents consider essential: limitation of mining on steep slopes; revenue for reclamation of orphan mines; citizen participation through hearings; compensation for off-site damages (e.g. from blasting); and the right to class-action suits. If these features should indeed be lacking from the Administration bill, it would not then be the strong legislation that it has been claimed to be.

✱

We urge you to express your feelings on stripmine legislation to your legislators-- Senate and House (see enclosed list). The session starts February 7, and this will be a "hot" issue.

3. CONSERVATION GROUPS AGREE ON BIG SOUTH FORK LEGISLATION

Representatives of 10 conservation organizations met January 8-9 and jointly arrived at a position regarding their recommendations to be made to Senators Baker and Cooper who are drafting a bill to protect part of the Big S. Fork watershed. Based on these deliberations, a 3-page position paper with 5 detailed appendices was subsequently written by Lee Russell and has received the signatures of all 10 attending organizations plus, to date, three additional ones. It was mailed to Senators Baker and Cooper on January 19, and conservationists will meet with these Senators in Washington on January 28.

The position paper stresses that the unique assets of the watershed are its wilderness character and the deeply cut gorges and valleys (with their waterfalls, "rockhouses",

January 23, 1972

and arches) of the tributaries as well as of the main streams. In addition, sufficient surrounding land should be acquired to safeguard the wilderness character of the valleys from incompatible developments and pollution. The Tennessee area recommended by the conservationists corresponds, with a few relatively small exceptions, to that outlined for the National Park proposal in the Interagency Report. Including the Kentucky addition, the total area encompasses about 180,000 acres (only 1/3 the size of the Gt. Smoky Mtns. NP) of which about 30,000 acres are already in public ownership.

As to the management designation of the area, the conservationists' first choice is National Park which, in addition to giving the best protection to natural values, was shown by the federal study to have the greatest local economic impact relative to cost. In the event that NP designation is deemed impossible (because of hunting demands) the position paper asks for an alternate designation whose management criteria are at least as protective of natural and wilderness values as is normally the case in NP designation. Tell your friends about the conservationists' proposal. Senators Baker and Cooper and Congr. Joe Evins will appreciate hearing from a lot of people.

#### 4. ANOTHER LITTLE-T VICTORY

In Knoxville, On January 10, the Environmental Defense Fund won its suit against TVA. Federal Judge Robert L. Taylor concluded "that the weight of reason and authority requires TVA to comply with Section 102(2)C of the National Environmental Policy Act with regard to its Tellico Dam and Reservoir project." TVA has had more than two years in which to file the environmental impact statement required by the Act, and has still not done so. In the meantime, construction on the project has continued. Accordingly, Judge Taylor granted a preliminary injunction halting further construction. Judge Taylor elicited promises from both TVA and EDF attorneys that there would be no unnecessary delay in hearings on the merits of the project if a permanent injunction is sought. A significant feature of the victory is that TVA had earlier succeeded in getting the case moved, first out of a Washington, D.C. court, then out of an Alabama court to Knoxville, where it wanted it; but, after all of that, still lost the case.

Many persons have expressed themselves saddened by the fact that an agency which claims to be environmentally enlightened has been ignoring the National Environmental Policy Act for over two years and finally had, to be taken to court at the expense of a citizen group and forced to comply. It is also shocking to many people in government circles in Washington that TVA is completely rejecting Governor Dunn's request of December 7, 1971, that the project be discontinued.

If you have not joined or contributed to EDF, now is the time to help them and show your appreciation for the fine, straightforward, and clean way in which their attorney, Jon "Rick" Brown, handled the Tellico suit. (EDF, 162 Old Town Road, East Setauket, New York 11733. Dues start at \$10, students \$5. All membership

contributions are tax-deductible.) Also, it is not too late to express your appreciation to Governor Dunn for his courageous stand. Finally, don't forget to do something with the enclosed petition blank.

## 5. LET'S USE A UNIQUE OPPORTUNITY TO PREVENT UNNECESSARY DAMS AND CHANNELIZATION IN THE FUTURE

The Water Resources Council (WRC) has just published proposed new Standards governing the water development projects of the Corps of Engineers, TVA, etc. The Standards will determine which projects can go forward and which cannot in the years to come.

The public has been invited to comment on the proposed Standards. Construction interests which support the dam-building agencies will be trying to force the WRC to rewrite sections of the Standards which they don't like. Concerned citizens have until March 31, 1972, to express their views. Your letter is crucial in making the public's voice heard.

Your letter should stress the following points.:

- 1) that you want the "discount rate" set at a realistic level of 100, the "opportunity cost of capital". I.e., the taxpayer should get as much out of a federal project as he would if the money had been invested by the private sector. This realistic discount rate would immediately show up many destructive water projects as economically unsound.
- 2) that you want the new Standards with a high discount rate to apply to all uncompleted water resource projects no matter when they were authorized in the past (some were authorized at discount rates as low as 2-5/8%).
- 3) that you want priority given to preserving environmental quality--one stated purpose of water resource planning that is apt to be forgotten. Mention particular rivers of concern to you and ask that they be protected.
- 4) that you want the "regional development" account dropped because it leads to serious neglect of the real costs to the nation.
- 5) that you as a citizen want to have a voice in early stages of planning water projects in your area.
- 6) that you want local beneficiaries of water resource projects to pay a far greater share of the costs of these water projects.
- 7) that you want public hearings on the proposed Standards held around the country so that people can express their views. As of now, hearings have only been scheduled for Washington, D.C.

Ask that your comments be made part of the official record on the proposed Standards, and address your letter to: Director, Water Resources Council, 2120 L Street, N.W., Washington, D.C. 20037. Remember the March 31 deadline.

## 6. PRESIDENT SHOULD GET YOUR LETTERS ON CLEAR CUTTING

A Presidential order to restrict clear-cutting almost came about but was apparently dropped. The order, drafted by the Council on Environmental Quality, would not have permitted clear-cutting on public timber lands except under a set of conditions for which specific guidelines were to be developed within a year. Reportedly, following strong pressure from timber interests, Sec. of Agriculture Butz argued that such an order would be "premature". Express your opinion to the President, with copies to your congressman. Quick action is necessary to stop the abuses of clear-cutting and wanton over-cutting of our public forest lands.

## 7. ANOTHER OVERTON PARK VICTORY; FUNDS NEEDED

Another step in the attempts to preserve Overton Park, Memphis, from I-40 has met with success. Several months ago, the Supreme Court reversed the decision of lower

January 23, 1972

courts and remanded the case to District Court to be finally heard on its merits. On January 5, this District Court remanded the case to Sec. of Transportation Volpe, ordering him to comply with the Department of Transportation Act of 1966 which requires the consideration of "feasible and prudent alternatives". In the opinion of many, the route determination should now be subject to the provisions of the National Environmental. Policy Act.

\* We want to remind you, once more, that a victory in the Overton Park battle will make every park safer from highways AND that legal battles are expensive. Make checks payable to "Citizens to Preserve Overton Park, Inc." or, if you want tax deduction, to "Sierra Club Foundation" (and mark "for Overton Park"); send to Mrs. Anona Stoner, Secy, 192 Williford Street, Memphis, TN 38112.

#### 8. SECOND STATE TRAILS SEMINAR

The second trails seminar (the first was held April 1970) will be conducted at Cumberland Mountain State Park (near Crossville) Saturday February 19, 9 a.m.-9:30 p.m. CST. The Tenn. Trails Assn. and the Dept. of Conservation are joint sponsors. Progress will be reported and implementation of the Trails System Act planned. TCWP will be on the program twice: (a) with a report on the North Ridge Trail (Lily Rose Claiborne, 2:15 p.m.) and plans for the Cumberland Mountain Segment of the Cumberland Trail (Charlie Klabunde, 5:00 p.m.) By the way, volunteers are still needed for the latter; call Charlie, 483-8055 or the editor, 482-2153. On Sunday, Feb. 20, two hikes will be led along sections of the Cumberland Trail. If you need overnight accommodations at the Park, write before Feb. 15 to TTA, P.O. Box 733, Oak Ridge, TN.

#### 9. CALENDAR

January 30 - TCWP open meeting on stripmine bill (see Item 1), Oak Ridge Civic Center (AB Meeting Room), 7:30 (call Claiborne, 615, 483-3250)  
 January 29 - Collins River float, TSRA (call C. Tidwell, Nashville, 615, 292-9086)  
 February 6 - Walden Ridge hike on Cumberland Trail, SMHC and TTA (call John McIntyre, Oak Ridge, 615, 482-1713)  
 February 12 - Harpeth River float, TSRA (call Bill Mitchum, Nashville, 615, 269-9759)  
 February 19 - Second Trails Seminar (see Item 8), Cumberland Mountain State Park, 9a.m.  
 February 20 - Hikes on Cumberland. Trail (see Item 8).  
 February 25-27 - Eagles Workshop, Kentucky Dann Village State Park (call Charles Rippey, Ky. State Naturalist, 502, 564-4260)  
 March 12 - North Ridge trail hike in Oak Ridge Greenbelt: this is the trail TCWP made! SMHC and TCWP (call Jean Bangham, Oak Ridge, 615, 483-9862)