

TENNESSEE CITIZENS FOR WILDERNESS PLANNING

Newsletter No. 61, March 25, 1974

It's been quite a month! We have had two tremendous victories -- on the Big S. Fork and Duck; received a \$2500 grant from EPA to conduct a workshop; been organizationally joined by another big environmental group. In spite of all this, this Newsletter is full of new important action suggestions for you. Let the victories prove to you that your actions DO lead to very concrete achievements! Do not be discouraged by the multitude of problems that are brought to your attention in these pages. Resolve to pick out just two of the ones that are of vital importance to Tennessee -- Obed, Duck, Eastern wilderness, stripmining, landuse planning -- and TAKE ACTION. Then, if you have time, go back and look for the other stars in the margin and do as much as you can.

1. Two TCWP meetings: April 9 and May 2. p. 1,11
2. Big S. Fork National River and Recreation Area established by law. p. 2
3. Victory in Duck River lawsuit: political follow-up needed. p. 3
4. Wilderness in Eastern national forests at critical legislative stage. p. 3
5. Obed: we must work for real protection instead of overuse. p. 4
6. Land-use planning bill needs your help now. p. 5
7. Stripmining: an ambivalent state bill passes; the federal bill is in limbo;
TCWP will organize a water quality workshop. p. 6
8. EACOR becomes part of TCWP. p. 8
9. Efforts to protect non-game species in Tennessee p. 8
10. Tellico Dam: appeal is lost. p. 9
11. Buffalo River study: information meetings held p. 9
12. Organizational (Film Committee news; questionnaire; Northridge trail in
USDI Yearbook; members' comments; dues reminder) p. 9
13. ARCC helps us; needs help p. 10
14. Federal Capsules (TVA pollution control payments; attempts to use energy crisis
for the wrecking of environmental laws; House reorganization; lifting of
DDT ban; oil shale) p. 10
15. Calendar p. 11
16. How to write your Congressman; and list of abbreviations. p. 12

1. TCWP MEETING APRIL 9: ON CAVE WILDERNESS

Because ORNL scheduled its bimonthly colloquium for the same night on which we had announced our next TCWP meeting, we had to postpone the latter (especially in view of the fact that the ORNL Colloquium featured Ed Nephew talking on stripmining). Our phone committee worked hard and I hope all of you were reached before March 28. The new date for our meeting is

Tuesday, April 9, 8:00 p.m.

Oak Ridge Public Library Auditorium (same place as announced in NL #60)

Bill Deane, a professional photographer will give a slide show on underground wilderness and present the case for preserving this wilderness. Please come out for this fine program, and bring your friends. FOR ANNOUNCEMENT OF MAY 2 MEETING, TURN TO p.11

VICTORY !!!

2. BIG SOUTH FORK NATIONAL RIVER AND RECREATION AREA ESTABLISHED BY LAW

It is not often that our victories are as concrete and as apparent to the world as this one. The bill creating the 125,000-acre Big South Fork National River and Recreation Area was signed into law March 7. We heard from a couple of very well-informed sources

over

that had it been vetoed again (as it was in October 1972), the Corps would almost certainly have revived the Devils Jumps Dam proposal -- this time with pump-storage added -- as a project to be seriously considered in these times of energy needs; so the struggle might have had to start all over again.

Instead, we may truly rejoice over what the new law provides for. The area takes in the entire Big South Fork of the Cumberland River; its Clear Fork stem from Peters Bridge downstream; the New River stem approximately from the Highway-27 crossing downstream; No Business Creek, Parch Corn Creek, Station Camp Creek, the Laurel Forks of both Station Camp and North Whiteoak Creeks in their entirety; and major portions of North Whiteoak Creek, Williams Creek, and Bear Creek, as well as the lower ends of a large number of other creeks; and upland areas between these gorges. Written into the language of the Act are strictly protective management criteria for the gorge areas, such as: no paralleling roads and no new road crossings; no timber cutting; no extraction of coal, oil, gas, or minerals; no structures except day-use facilities within 500 feet of existing road crossings; no motorized transportation (except on existing road crossings); only primitive campgrounds, accessible by water or on foot. More development is allowed in the uplands (termed "adjacent areas" in the Act), but even here there are important restrictions, e.g.: no stripmining; deepmining only if the adit is outside the project boundary; drilling for petroleum products only under strict regulation; no timber cutting except for public use and administrative sites. The Act also calls for historical restorations adjacent to Rugby and at the abandoned Blue Heron Mine, the construction of 2 lodges, and the formulation of a comprehensive plan for the upper New River to minimize siltation and acid mine drainage. Acquisition and development of the area are to be accomplished by the Corps of Engineers; and after this is "substantially completed," jurisdiction is to be transferred to the National Park Service.

Passage of this legislation is a fine climax to an effort that began almost 8 years ago, represents perhaps thousands of man-hours of citizen effort and much expended adrenalin, and is documented by a filing-drawer full of our output as well as that of the Government Printing Office and many people in between. Just for the record, we should enumerate the highlights: the fight against the Devils Jumps Dam and against alternative dam proposals (eliciting expert evidence, testimony at hearings, involvement of the media, etc.); getting the river included in both state and federal scenic rivers bills, only to see it removed in each case just before passage of those bills; working through Senators Gore and Cooper to get the Interagency Study of alternatives-to-the-dam authorized; input into the study, which input included not only the providing of much scientific, historical, photographic, etc. material and guide service on field trip, but the successful agitation in favor of enlarging the study area and getting NPS involved; formation of a Big S. Fork Preservation Coalition of 21 conservation groups (Lee Russell, coordinator), and formulation of a position paper; getting Senators Baker and Cooper interested in sponsoring legislation based on the Coalition's position; working with the Senators on the language of such legislation; mustering support from other members of Congress and from the state.

These are just the barest highlights, but we want to record them not only to make you proud of TCWP but to encourage you in sticking with other endeavours that may at first look nearly hopeless. Just think: it is due to us that 125,000 beautiful acres will now be preserved, millions of living things will be kept alive, and that our grandchildren will be able to experience the wilderness of the gorges which -- but for us -- might have been lost forever under hundreds of feet of water!

* Naturally we couldn't have done it without able help in the Congress, and I hope you will express your sincerest thanks to Senators Baker and Cooper. Rick Herod, in Sen. Baker's office, was the able staffer who carried the ball and was most cooperative.

Although passage of the legislation was, in a sense, a climax, it is far from the end of the job. We shall have to take an active and vigilant part in the master-planning process, and work for speedy appropriations so that the land acquisition can proceed with haste before degradation of the area occurs. (If you hear of any such degradation, please let us know without delay.)

3. VICTORY IN DUCK RIVER LAWSUIT: POLITICAL FOLLOW-UP NEEDED

March 7 was indeed a red-letter day: not only was the BSF bill signed, but Judge Neese on that day ordered all work on Normandy and Columbia dams halted as of March 30 until TVA files an acceptable environmental impact statement (EIS). In a 26-page opinion, the judge found that TVA and Chmn. Wagner "did not reach their decision to proceed with the construction of this project after a full, good faith consideration of the environmental factors..." The judge also found that TVA suppressed significant information accumulated by its own experts on farm losses and relocation costs, and that the effect of this administrative decision was disclosure of the benefits but not of the real costs of the dams; and that the EIS did not adequately discuss the true impact of the project on recreation and on wildlife. Last week, TVA asked to be permitted to continue construction, pending the filing of a supplementary EIS, but Judge Neese has set the hearing on the TVA request for April 1, i.e. after the date of the stop order. Attorneys for the plaintiff interpret the stop order to require a revised EIS that will have to go through the full review process, i.e. draft, agency comments, hearings, etc., before it is finalized.

In the meantime, we must inform our legislators of the now substantial information to the effect that this project can simply not be economically justified. Even at the time of the public hearings in August 1971, anti-dam testimony established that the EIS (then a draft) did not contain facts on true losses, e.g. recreation losses. The trial has now revealed that TVA had such facts available but suppressed them. Figures accumulated by TVA's own experts, but excluded from the EIS, were brought out at the trial to prove that the addition of suppressed "unavoidable losses" from farm sales and farm-dependent businesses to project costs that were cited by TVA, was sufficient to make cost exceed TVA's own figure for benefits (which some consider inflated). On top of this, other costs were suppressed, e.g., those pertaining to wildlife losses, recreation losses, and relocation expenses. It was also brought out in the court testimony of TVA officials that the project which, in 1972, was estimated to cost \$78.5 million, would now cost \$120 million. These dams will not generate power; on the contrary, energy will be consumed in building them. Please inform your Congressman, your Senators, and Governor Dunn of these important facts TODAY and tell them you want this project stopped permanently! (see item 16.) The court victory only buys us time. Final victory must be on the political front.

4. WILDERNESS IN EASTERN NATIONAL FORESTS AT CRITICAL LEGISLATIVE STAGE IN BOTH HOUSES

Things are finally beginning to move in the House, and the Senate bill is still threatened by possible surgery in the Agriculture Committee. Fast action is required from us on both fronts. If this bill does not pass between now and the fall, we'll have to start all over again with a new session of Congress.

The Public Lands Subcommittee of the House Interior Committee is holding hearings March 26 and April 2 on H.R. 13455 (Haley, Melcher, Hosmer, Steiger), which is equivalent to S.316 (the excellent Senate bill we have been keeping you informed on), and also on H.R. 10469, a much less desirable bill supported by the Administration. H.R. 13455 would designate 19 eastern National Forest areas for immediate wilderness status, and 39 more for study, for a total acreage of over 600,000 acres. Three "instant" areas and two study areas are wholly or partly in Tennessee, namely: Joyce Kilmer-Slickrock (15,000 acres), Cohutta (34,500 acres), and Gee Creek (2570 acres) in the "instant" category;

over

Citico Creek (14,000 acres adjacent to Slickrock) and Big Frog (4,500 acres near Cohutta) for study. Furthermore, the bill contains management provisions that protect both instant and study areas (the latter for 10 years) in a manner consistent with and, in some respects (no mine leasing, no grazing), superior to the 1964 Wilderness Act. The Administration bill contains 5 areas fewer and about 90,000 acres less than H.R. 13455. Moreover, the Administration (in practice, the Forest Service) wants discretion to terminate wilderness management for study areas before Congress even has a chance to consider the Service's finding of supposed non-suitability. The Administration bill, also, would write into law the view that a wilderness must have always been "pure" for it to qualify for protection under the 1964 Wilderness Act. If you can possibly be in Washington April 2, call us for arrangements (615, 482-2153). If not, please send a short statement to the Hon. John Melcher, Chairman, Subcommittee on Public Lands, House Interior Committee, 1324 Longworth Bldg, Washington, D.C. 20515, and ask that it be included in the record of the April 2 hearing. Be sure also to send a copy to your own Congressman. and to Rep. Lamar Baker, who has supported wilderness. Ask to have Cohutta enlarged to take in the lower Conasauga R. In the Senate, S.316 is still reposing in the Agriculture Committee (see NL #58, item 5), and the chairman, Sen. Talmadge, has now requested each of the 44 Senators who represents a state with an area named in S.316 to comment on it. We probably have until April 3 to call or wire our own Senators (a Public Opinion Message of 15 words costs less than \$2) to express our support for S.316 without change*. The compromises were all worked out in Interior Committee and this is the bill most people agree on. Senator Talmadge, Senate Agriculture Committee, U.S. Senate, D.C. 20510, should get the same message. *except to enlarge Cohutta, see above

5. OBED: WITH YOUR HELP WE CAN GET REAL PROTECTION INSTEAD OF CRASS OVER-USE

After considerable delays, arising partly from the fact that the Southeast Regional office of BOR will not answer letters from us directly but refers them to Washington, we have finally been allowed to see a review draft of the Obed River Wild and Scenic River Study. In many aspects this is excellent. However, as we had guessed from oral information, and reported in NL #60, item 2B, this study -- contrary to earlier BOR statements and in the face of overwhelming public testimony -- recommends management by TVA and the State. "Because of their previous experience in cooperative projects with the State of Tennessee, present activities in the Obed River area [? stripmining, ed.] and interest in diversifying outdoor recreation opportunities in the region, the TVA is the Federal agency proposed..." Does this really address itself to the objectives of the Wild and Scenic Rivers Act, which are to preserve "vestiges of primitive America"?

Another really frightening discovery we made in the perusal of the report is that it recommends a visitation figure (580,000 annually on only 15,644 acres) for this fragile resource that is almost 4 times greater per acre than the use of such heavily visited areas as Land Between the Lakes and the Great Smoky Mtns. National Park! Even the figure of 175,000 which was presented in the task force's Information Brochure last August drew heavy and unanimous criticism at the hearings for being too high. Instead of being lowered, it has been raised over 3-fold! (Note that in our January phone conversation with SE-BOR, we were allowed to believe that it had been left unchanged.) This figure is based on 32 people on every mile of trail, 32 people on every additional mile of land, 20 canoeists and 20 rafters on every mile of water, 5 people camping plus 5 people picnicking on every acre, etc. -- and all this happening every third day of the year, on the average (and this figure does not even include peak periods such as Labor Day!) An official from one of the reviewing agencies, when his attention was drawn to this figure, commented "An individual would have to carry his own rock to stand on or his own tree to sit under." Can there be some connection between such unbelievable visitation figures and the recommendation that the area be managed by TVA, an agency whose experience has only been in mass recreation? Did the post-hearing raising of the figure come about as a result of recent meetings between TVA and BOR?

Do not despair: we can have a strong input into what actually goes into the legislation to establish the Obed Wild and Scenic River if we let our Congressmen and Senators know NOW that we (1) support statutory preservation under the 1968 Act, and fully agree with the Report's finding that the Obed and its tributaries "possess outstandingly remarkable scenic, recreational, geological, and fish and wildlife values and qualify for inclusion in the national wild and scenic rivers system"; (2) want the area to be managed by the National Park Service and the State; (3) want the legislation to insure that the fragile resource won't be overused and that its wilderness character will be preserved; (4) want him to sponsor or support legislation to this effect. Please write as soon as possible to Senator William E. Brock and to Congressmen LaMar Baker and Joe L. Evins (see item 16 for addresses). Send copies to Governor Dunn, Sen. Howard Baker, and your own congressman (if different from Baker or Evins). The Obed system is right at the top of the list of Tennessee's unspoiled resources. With your help, we can protect it!

6. LAND-USE PLANNING BILL NEEDS YOUR HELP NOW

We were frustratingly close to achieving important land-use planning legislation, when setbacks occurred both on the federal and state levels. All of us who see how critical is the need to plan wisely for our land resources should spend a few minutes of our time on the effort to rescue the threatened legislation.

Federal level: On February 26, the House Rules Committee by a vote of 9-4 (in which Rep. Quillen voted with the majority) decided to "postpone indefinitely" any floor action on the Land Use Planning and Assistance Act of 1974 (H.R. 10294). Efforts are now being made to obtain a reversal of this decision and secure passage by the House. A new coalition made up of representatives of the National Governors Conference, the National Association of Counties, the League of Cities, Conference of Mayors, and the National Legislative Conference has joined this effort. However, well-organized opposition (coordinated by the U.S. Chamber of Commerce) has developed, and Rep. Steiger and others, including Rep. LaMar Baker, are offering a substitute bill (H.R. 11325) which in several respects fails as potentially effective land-use legislation. (H.R. 11325 has been described as "merely an infusion of federal funds for 'business as usual.'")

It is extremely important that Rep. Quillen be encouraged to reconsider his position and vote to release H.R. 10294 to the House floor. Surely we cannot permit 9 congressmen to deny the other 426 members of the House the chance to vote on a major bill that has been considered for 3 years and twice passed by the Senate! There will be further hurdles when the bill does reach the floor. Most congressmen have so far only heard from the opposition. The remainder of the Tennessee delegation should therefore be strongly encouraged to vote for the bill. Letters are urgently needed NOW in support of H.R. 10294.

Briefly, H.R. 10294 provides for federal grants to states for the purpose of developing and implementing land-use planning and guidance systems. In order to qualify for grants, states programs must meet certain criteria aimed at insuring that land-use decisions of greater than local concern be planned and reviewed by the state, rather than left solely to local zoning boards.

Many misconceptions have surfaced in recent weeks about what H.R. 10294 will and will not do. Those interests that seek to defeat it have been actively circulating half-truths and untruths about the substance of the legislation, and we must communicate with our Congressmen to set the record straight and to dispel those myths.

Myth No. 1: This bill will give the Federal and State governments authority to confiscate private property without compensation. Fact: H.R. 10294 does not alter property rights, and in fact reiterates the Constitutional protection against a "taking" of property without compensation.

over

Myth No. 2: This bill will lead to Federal planning and control over State and private land. Fact: This bill does not include any authority for Federal planning of State or private land. The bill anticipates that States will differ in their approaches to land use planning and only requires that the States develop an adequate planning process and consider certain criteria in their decision making.

Myth No. 3: This is a "no-growth" bill conceived by ecologists to halt development. Fact: Just the reverse; this bill will facilitate orderly, planned growth, cutting out multiple levels of bureaucratic red tape. Lack of planning is what has led to moratoriums on growth and vexatious litigation in many areas.

Myth No. 4: This legislation is another "NEPA" which will lead to more Federally imposed requirements on States to protect the environment, thus adding to the energy crisis. Fact: This bill adds nothing to NEPA requirements nor does it give Federal agencies additional authority over State and local decision making. On the contrary, it is by ignoring our planning problems that we increase the Federal presence, perhaps after the fact, in the form of EPA or other agency regulations.

H.B. 10294 recognizes the need for growth and for the development of our resources -- it will facilitate planning and development in such matters as new energy sitings and reclamation projects. The goal is to put the right thing in the right place.

On the state level, the bill (H.B. 1623, S.B. 1654) that would create the Tennessee Land Use Commission "to study, assess, and develop viable solutions to land use processes in Tennessee" appears, as of this writing, to have practically no chance of passage: it has been stalled in the House Calendar Committee and in the Senate Finance, Ways and Means Committee, with probably only a week of the session left to go.

7. STRIPMINE NEWS: LEGISLATION; WATER QUALITY AND AN UPCOMING WORKSHOP

A. Federal legislation

The House bill is still in full Interior Committee mark-up and will probably not get to the floor until the end of May. An attempt to substitute a weak Administration bill lost 21:19, and several weakening amendments have been defeated; and most of the environmentalists' efforts have had to go into the beating back of these attacks. We need to urge the Interior Committee to hold on to the presently strong features of the bill, particularly (a) the requirement to restore approximate original contour, with highwalls eliminated; (b) the prohibition against placing spoil on the downslope; (c) the mechanisms for designating certain lands unsuitable for stripmining; (d) the stringent re-vegetation requirements; and (e) the Seiberling amendment, which would create a \$2.50/ton fee to be paid into a fund to reclaim abandoned mines, but against which strippers could write off the cost of reclamation, while deepminers could write off costs incurred in complying with the Coal Mine Health and Safety Act, Black Lung Benefit payments, and the cost of backfilling shafts. In addition, we should urge the Committee to add features we believe to be particularly important for stripping as we know it, e.g., a slope limitation (TCWP's official position is 15°), and consent of the surface owner (not to be replaceable by the posting of a special bond). Address your letters to the Hon. James Haley, Chmn., House Committee on Interior and Insular Affairs, House Office Bldg., Washington, D.C. 20515. Send copies to Congressmen Morris Udall and Philip Ruppe at the same address, AND to your own Congressman. As the time for floor action approaches, your Congressman should hear from you again; or see him when he's home for the Easter recess. Tell him what stripping has meant to you, ^{to} the people who live near the mined areas, to our mountains, and to our streams; and remind him that 97% of the nation's coal reserves can only be obtained by underground mining.

B. State bills

Governor Dunn on March 20 signed an Administration-sponsored bill that amends the 1972 Tennessee Surface Mining Act in a number of ways, and had been widely publicized as a strengthening measure. In actuality, the bill is a very mixed bag of goods. It does

require that an operator obtain a water-discharge permit (or a letter from Water Quality Control stating that no discharge will take place!) before he can apply for a stripmine permit; but the writ-of-mandamus decision we had won earlier (NL #59, item 3) had already established this procedure. And, in any case, it appears that water discharge permits are presently being granted almost automatically, and there is no subsequent monitoring or corrective action. The bill also includes various minor improvements, such as the requirement that the newspaper notice be published within 30 days prior to (instead of "within 5 days of") the filing of the permit application (thanks to a TCWP-supported amendment successfully handled by Sen. Ray Baird and Reps. Watson and Ed Williams); an increase in the bond; authority for the Commissioner to issue blasting regulations "designed to.... prevent off-site damage" (note: this is, however, far from mandating that such damage be prevented); and some "housekeeping" changes. On the negative side, however, the bill abolishes the requirement that the faces of all coal seams be covered, and substitutes "covering the faces of all coal seams which can be covered with available spoil". The only reason for the original overburden being no longer available would be if it had been pushed down the outslope! Sen. Ray Baird and Rep. Bissell tried to get rid of this harmful provision, but were unsuccessful against strong Administration efforts. Another bad feature of the new bill is one that eliminates bond (and therefore operator responsibility) "for land upon which overburden is deposited if, in the opinion of the Commissioner, the deposition of such overburden amounts to reclamation of a previously mined area." An even more harmful provision along these lines that was originally in this year's bill was, however, averted by agreement between TCWP and Administration spokesmen. A similar agreement also led to the elimination of the Administration's proposed change from "strictly control" to "minimize," in reference to erosion, damage to adjacent lands, and water pollution. As in past years, Sen. Ray Baird deserves our thanks for his energetic efforts to improve the bill, and the initiative he displayed in maintaining contact with his constituents on this matter.

The Senate has passed, and the House will this week consider a bill to raise the coal severance tax from 10¢/ton to 20¢/ton. Rep. Keith Bissell and Sen. Ray Baird are the prime sponsors. Unfortunately, a provision was rejected that would have returned one-half the money collected to the geographical area in which the coal was taken, for repair of damaged roads, etc.

C. TCWP to sponsor EPA regional water-pollution workshop with emphasis on stripmine runoff
An EPA Region-IV training institute on the 1972 Water Amendments was held in Atlanta March 15-17. Lee Russell was an invited delegate but designated John Williams to go in her place. Prior to the institute dates, we were asked to apply for a \$2500 grant to hold a follow-up workshop in Tennessee; and, at Atlanta, John was informed that this grant had, in fact, been awarded to us. Our workshop will probably be held early in June in East Tennessee and will emphasize water quality problems arising from stripmining. We hope to bring in expert speakers from the academic community and from government in order to find out what has been and what can be done; and to invite participation from representative citizens who will learn how to take an active part in the enforcement of existing laws. John will need a great deal of help in organizing the workshop, and we hope several of you will call him or me to offer your services (615, 562-6609, or 562-3396, or 482-2153).

D. Miscellany

In response to a request from Senator Baker, the Soil Conservation Service has completed a study on stripmine-caused siltation in the New River. TCWP is requesting a copy. According to a newspaper story, the report shows that over one million tons of soil are lost from the watershed annually and end up in the New River. We figure this to be the equivalent of over 50 huge coal-truck loads of dirt per day!

We should appreciate it if those of you who are willing and able to collect water samples from creeks and rivers affected by stripmining would contact John Williams (LaFollette

615, 562-6609 or 562-3396) for instructions. This will help us in getting our state law enforced and will provide data needed by various agencies.

A large environmental symposium sponsored by various Chattanooga groups, and to be held on the Univ. of Tennessee campus there, will feature a stripmine panel organized by Lee Russell Friday, April 5, 10-11:30. Come if you can. (Grote Auditorium on the U.T.C. campus)

8. EACOR BECOMES PART OF TCWP

The officers of EACOR (Environmental Action Council of Oak Ridge) have decided, and the TCWP Board has agreed that EACOR will continue its important work as the Oak Ridge Environmental Action Committee of TCWP. A mailing to this effect went out to all EACOR members on March 15. Both organizations view this as a move for efficiency and more effective action. The people who have been active in EACOR will remain active on the same issues while, at the same time, being able to utilize TCWP's existing machinery and established channels of communication for their work. EACOR, in merging with TCWP, has brought with it a treasury, and EACOR members who are now being added to the TCWP rolls will therefore not have to pay TCWP dues until 1975. Welcome to all you new members!

9. EFFORTS TO PROTECT NON-GAME SPECIES IN TENNESSEE

The Non-game and Endangered Species Task Force had its first official meeting Feb. 19, and elected Dr. George Murphy of MTSU as chairman and Dr. Ruth Neff as secretary. TCWP's official representative is Monty Halcomb. This group, formed to advise the Game & Fish Commission (now reorganized, see below) in the development of a program to protect non-game animals, will help establish and implement policies, create an awareness and concern for a non-game program, and consequently develop public and legislative support. Three subcommittees were formed: Funding, Education & Enforcement, and Inventory (of wildlife and habitat). Two detailed reports of the Feb. 19 meeting may be borrowed, on request, from our files.

A federal Act, the "Endangered Species Act of 1973," provides for agreements between the federal government and state wildlife agencies for the protection of endangered and threatened species. On the state level, representatives of the Tennessee Sierra Club and other groups, working with G & F staff, adapted model legislation worked out elsewhere to draft the "Tennessee Non-Game and Endangered or Threatened Wildlife Species Conservation Act of 1974." (SB 1655, Henry; HB 1954, Moore). This act would authorize public information programs, provide for identification of threatened indigenous Tennessee species, and authorize funds. It has passed the House and is on the Senate "consent calendar" for March 27.

The Tennessee Game & Fish Commission was renamed and reorganized by an Act signed three weeks ago. It has been replaced by a Wildlife Resources Commission and a Wildlife Resources Agency. The latter will take over all the activities of the G & F Commission, with the exception of the following functions which are reserved for the Wildlife Resources Commission: appointment of the Agency's executive director, approval of the Agency's budget, the making of rules and regulations for the management of fish and wildlife, and the establishment of policy objectives to guide the Agency in the development of its program. Executive Director of the Agency is Harvey Bray. Two weeks after the meeting of the Non-game Task Force reported above, Larry Richardson, G & F naturalist, was put in charge of the Agency's Non-game and Endangered Species Program.

10. TELlico DAM: APPEAL IS LOST

On February 22, the Sixth Circuit Court of Appeals at Cincinnati upheld Judge Taylor's Oct. 25 ruling that TVA's environmental impact statement met the requirements of NEPA and that the injunction on dam building was to be lifted. This is a sad blow indeed for the gallant plaintiffs (APLTR and EDF) and for all friends of the beautiful Little Tennessee. The loss of magnificent farm land here, especially when added to the real agricultural losses on the Duck River (see item 3) is outrageous.

11. BUFFALO RIVER STUDY: INFORMATION MEETINGS HELD

The Buffalo is the other Tennessee river (besides the Obed) listed in the study category of the National Wild and Scenic Rivers Act, and a BOR-led task force has been on the job for several months. On March 13 and 14, public information meetings were held at Waverly and Waynesboro. Local landowners expressed themselves as almost universally hostile to scenic-river designation, fearing loss of landowner rights. They feel that they themselves can protect the river. However 7000-8000 acres have apparently been recently sold for incompatible developments! This same type of landowner sentiment some years ago resulted in major portions of the river being removed from the State Scenic Rivers System. Undoubtedly the feelings are genuine -- though based on misinformation as to what the Act would do -- but one wonders to what extent they are being cleverly fanned by outside developers who want to make a profit on incompatible uses. There will probably be further hearings when the study is completed later this year. In the meantime, if you want to help with the study or comment on it, write to Regional Director, SE Region, Bureau of Outdoor Recreation, 148 Cain Street, Atlanta, Georgia 30303.

12. ORGANIZATIONAL: NEWS ABOUT TCWP; HELP NEEDED; COMMENTS FROM MEMBERS

- *** The Harvey Broome Memorial Film Series committee invites you to a film previewing (for possible purchase) on April 21, 3:00 p.m. in the Oak Ridge Library Auditorium. The committee will also discuss producing a slide show with coordinated sound on tape. Margo Spore has temporarily taken over chairmanship of the committee from Elizabeth Peelle.
- *** The questionnaire we enclosed with a newsletter last summer brought good response from throughout the state, except from the Oak Ridge-Knoxville area. Pat Tyrrell has recently sent a new special mailing to members in that area. Please return the questionnaire, if you have not already: even if you don't feel you can volunteer to help at this time, we still need the information for our rosters.
- *** This year's USDI yearbook "In Touch With People" features the story of TCWP's North Ridge Trail, which is now a National, as well as State Recreation Trail. Bill and Lee Russell and Lily Rose Claiborne are mentioned. The article contains 3 color photos by Bill R.
- *** Here are some good comments from members re Newsletter. Richard Wilson of Memphis suggests we reserve a corner for agency abbreviations. This is herewith provided on p.12. Save it where you'll find it again. Roger and Jane Smith write from a year in Greece: "I can truthfully say we both read it [the Newsletter] from back to front (vice versa really).... I wish Greece had some people working for it like you...." Blanche Taylor writes from Athens (not Greece, but Tennessee!): "I am very grateful to you for all the work and effort.... I feel very apologetic that I do nothing but contribute a little money and some letters to the solons..." Don't feel apologetic, Blanche, that's exactly what gets the results!
- *** And talking of money, how about dues from the rest of you? According to our treasurer, a pretty sizable percentage is as yet unpaid. Please do save us the effort of repeated reminders, and send your dues today to Charles Klabunde, 219 E. Vanderbilt Drive, Oak Ridge, TN 37830. If you still have NL #60 you'll find a tear-off coupon at the bottom of p. 1. If you've lost it, send your dues anyway. (\$6, regular; \$10, husband + wife; \$1, student; \$2, corresponding; from \$15 up for higher membership classes. Everything in excess of \$2 is tax deductible.)

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13. AMERICAN RIVERS CONSERVATION COUNCIL HELPS US; NEEDS HELP

X The ARCC is only one year old this month but has already done impressive work for national wild and scenic rivers legislation -- a little of it reported in our earlier Newsletters, and some of it in very direct support of our own efforts on the Obed and Big S. Fork. (Some of you may have met ARCC's acting director, Bill Painter, or Steering Committee Chairman, Brent Blackwelder, when they came down from Washington to testify at the two sets of Obed hearings.) During its first year of life, ARCC has been working on an unbelievably low operating budget, based on slave wages for its director. To help ARCC to continue and to expand, send your contribution to ARCC, 324 C Street S.E., Washington, D.C. 20003.

14. FEDERAL CAPSULES

--Hearings were held February 26-28 and March 5-7 on H.R. 11929, a bill signed by all Tennessee Congressmen, that would amend the TVA Act of 1933 "to provide that expenditures for pollution control facilities will be credited against required power investment return payments." TVA claims that failure to do so would lead to a prohibitive rise in power costs to its customers, and implies that pollution-control equipment would otherwise simply not be installed. (Donald Walters of EPA's Air Quality Office has called TVA "one of the most reluctant of all utilities" concerning installation of scrubbers.) Opponents of the bill object to making the rest of the country pay for cheap power costs in the TVA region; and they point out that until the energy consumer has to pay for the real cost of energy production, there will not be any energy conservation and consequently a waste of our resources. The bill was favorably reported by the House Public Works Committee.

--Coal burning may be the largest source of mercury in the environment. One single 700-megawatt power plant annually released 1500 lb of mercury to the air. The Air Pollution Control Association, which carried out the study, suggests that SO₂-removal devices might remove the mercury vapor also.

--"How to Challenge Your Local Electric Utility: a Citizen's Guide to the Power Industry," 90 pages, is available for \$1.00 from the Environmental Action Foundation, 720 Dupont Circle Bldg, Washington, D.C. 20036.

--The energy "crisis" has, as you know, been used for all it's worth to weaken environmental laws. Columnist Jack Anderson recently reported White-House-level strategy sessions to discuss the possibility of suspending NEPA for projects relating to energy, or of changing the environmental guidelines to produce similar results with less uproar. Apparently, only Russell Peterson, head of CEQ stood up for environmental concerns at the meeting. EPA Administrator Russell Train has since openly expressed his opposition to White House Plans to weaken Clean Air standards.

--Let us also quote Tennessee's powerful Congressman, Joe L. Evins, who said to the Corps of Engineers at a recent hearing: "Instead of putting environmental concerns first, with the experience we've had with the energy crisis, we should put them last."

--Fortunately, however, as Brock Evans pointed out (Sierra Club Bull., Feb. 1974), "after a year and a half of intensive advertising blaming environmentalists for the 'energy crisis' and promoting the oil industry 'solutions,' the public still isn't buying." In a Gallup poll conducted two months after the Arab oil embargo started, the question was asked "Who or what is responsible for the energy crisis?" About 25% blamed oil companies, 23% the Federal Government (including Congress), 19% the Nixon Administration, and only 2% blamed "ecologists."

--The League of Women Voters reports on the vote on two amendments to the Emergency Energy bill that would have weakened auto emission standards (one won, one lost). Of all Tennessee Congressmen, only Fulton voted right both times, all others voted wrong both times.

--The House Select Committee on Committees on March 13 voted to report a resolution on House reorganization. To start with, this bill was potentially very dangerous in that it put jurisdiction over National Parks, Wilderness Areas, Wildlife & Sports Fisheries, and National Forests in the Agriculture and Forestry Committee, traditionally a use- and commodity-oriented group. TCWP wrote to all of Tennessee's Congressmen pointing out this hazard. The present version of the measure has left jurisdiction over all National Forests in the Agriculture Committee, which is bad; but it has moved the other items into the Energy and Environment Committee (the successor to the Interior Comm.), which would also have NEPA, clean air and water, water resources, land use, coastal zones, and most energy matters.

--TCWP wired and wrote to EPA Administrator Russell Train urging him not to lift the ban on DDT for control of a tussock-moth infestation in Northwestern states. There was no clear proof that the infestation could be controlled in this manner, and the moth population was already declining from natural causes. However, the ban was lifted (though conditionally), and 490,000 lbs. of DDT will be aerially sprayed on 650,000 acres. This sacrifice of standards that have been so long in the making seems hardly justified.

"A Scientific and Policy Review of the Prototype Oil Shale Leasing Program Final Environmental Impact Statement of the U.S. Dept. of Interior," (\$2.00 from the Inst. of Ecology, 1717 Massachusetts Ave., N.W., Suite 300, D.C. 20036) was prepared by the Environmental Impact Assessment Project (EIA). While EIA was set up to develop guidelines for improving EIS's, in this case the researchers felt so strong about the deficiencies of the EIS and of the proposed Prototype Program itself that they also made critical comment on the contents and issues of the EIS. If you are interested in oil shale problems, this is a truly informative report.

--Cartoon in Audubon Magazine. One petroleum corporation executive to another: "Let's fill Grand Canyon with oil shale wastes, top it with overburden from Plains strip-mines, and then we'll have thousands of acres of new grazing land to lease."

1. (continued) TCWP MEETING MAY 2 ON RIVER POLITICS

Time: Thursday, May 2, 8:00 p.m.

Place: Oak Ridge Public Library Auditorium (East wing of O.R. Civic Center)

Topic: The Politics of River Preservation

* Prof. Claude Terry, Emory Univ., Atlanta, will tell of the socio-political maneuverings involved in protecting the Chattahoochee and Flint Rivers in Georgia. TCWP members who have been active in river preservation in Tennessee will summarize their experiences and compare them with the Georgia story. This should make for an interesting exchange of ideas. Bring your friends.

15. CALENDAR

March 17-April 14 - Oak Ridge Community Art Center exhibits 50 wilderness area photographs in a show entitled "Turn of a Leaf". The artist, Michael Philip Gatlin Comp'n, has tried to communicate the miracle of a wilderness environment.

March 30 - TERC hike to Clinch Mtn Recr. Area (call Gordon Newland, Kingsport 246-8845)

March 30, 31 - TSRA Canoeing and hiking on Conasauga/Jacks Fork Rivers (call Mac McLean, Gallatin 615, 452-2049)

April 7, Sierra Club hike to Mt. Kephart Shelter and Charlie's Bunion (Call Charlie Frye, Knoxville 588-8486)

April 9 - TCWP meeting and slide show "Underground Wilderness" (see item 1)

April 11-14 - TSRA-TVCC White Water Canoe Camp on Obed system. To be accepted, phone 615, 889-2037 before April 3.

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April 20,21 - Morgan Cy Parks & Recr. Council and TTA sponsor several wild flower hikes in Frozen Head State Park (call Don Todd, Wartburg 346-3113)
 April 21 - Sierra Club clean-up hike to Spence Field (call John Thomas, Knoxville 523-7774)
 April 27,28 - TSRA Clear Fork float and hike (call Doug Lundquist, Hermitage 615, 883-8210)
 April 27 - SMHC hike on Cumberland Trail: Cumberland Gap NHP to Baptist Gap (call Tom Handley, Oak Ridge 483-8894)
 May 2 - TCWP meeting "The Politics of River Preservation" (see item 1, p. 11)
 May 4,5 - TVCC Kayaking School (call Don Rainey, Signal Mtn 886-4317)
 May 24-26 - TVCC Hiwassee Canoe School (call Don Rainey, Signal Mtn 886-4317)
 August 2 - TERC moonlight hike to Grassy Ridge (call Lewis A. Carson, Kingsport 246-4880)

16. HOW TO WRITE YOUR CONGRESSMAN; ABBREVIATIONS

The Hon. John Doe, U.S. House of Representatives, House Office Building, Washington, D.C. 20515

Dear Congressman Doe, Sincerely yours,

Senator Richard Roe, United States Senate, Washington, D.C. 20510

Dear Senator Roe Sincerely yours,

Governor Winfield Dunn, Executive Chambers, State Capitol Bldg., Nashville, TN 37219

Dear Governor Dunn Respectfully yours,

Abbreviations frequently used in Newsletters:

NPS = National Park Service
 BOR = Bureau of Outdoor Recreation
 (SE-BOR is Southeast Region)
 USFS = U.S. Forest Service
 SCS = Soil Conservation Service
 EPA = Environmental Protection Agency
 G & F = Game & Fish Commission
 USDI = U.S.Dept.of the Interior
 USDA = U.S.Dept.of Agriculture

NEPA = Natl Envntl Policy Act
 EIS = Environmental Impact Statement
 BSF = Big South Fork River
 EPC = Envntl Policy Center
 EDF = Envntl Defense Fund
 NRDC = Natural Resources Defense
 Council
 ARCC = American Rivers Conservation
 Council

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