

TENNESSEE CITIZENS FOR WILDERNESS PLANNING

Newsletter No. 86, April 20, 1978\*

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\*\* May 6-7 \*\*  
\*\* WEEKEND AT \*\*  
\*\* OBED FARM \*\*  
\*\* See \*\*  
\*\* special \*\*  
\*\* mailing \*\*  
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LETTER-WRITING SOCIAL

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\*\* Tuesday, May 16, 7:30 \*\*  
\*\* Mike Holland \*\*  
\*\* 130 Windham Road \*\*  
\*\* Oak Ridge 483-8729 \*\*  
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\*\* Spend an hour writing needed letters, \*\*  
\*\* then enjoy your TCWP friends over re- \*\*  
\*\* freshments. Resource materials and \*\*  
\*\* expert help will be available. Non- \*\*  
\*\* members welcome, too! \*\*  
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\*Editor: Lee Russell, 130 Tabor Road, Oak Ridge, TN 37830. Phone 615, 482-2153.  
Star in margin means "Action needed."

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Publications (continued from p. 14)

- Trips to the Andes and Galapagos Islands and to the Great Basin desert (Nevada) are being organized by several young biologists for environmentally concerned people who value unspoiled areas. The Nevada trips are 5/28-6/9; 6/25-7/7; and 7/23-8/4/78. The Andes-Galapagos trip is 12/21/78-1/5/79. Course credit available. (For more info and brochures, write Dr. Douglas W. Albaugh, Asst. Prof. of Biology, George Peabody College, Nashville 37203. Phone 615, 327-8227, or 297-6187.)
- "Your Life and Mine: Problems and Projects in Conservation," is a student guide (ages 12-18) and teacher's manual, stressing direct participation in conservation projects (e.g., organizing recycling drives, making compost piles, etc.) (More info from Wimmer Bros. Books, P. O. Box 540, Memphis 38101).
- An analysis and summary of the Dec. 1977 amendments to the Federal Water Pollution Control Act is available from the National Wildlife Federation (Peter Sullivan, NWF, 1412-16th St. NW, Washington, DC 20036; free for single copies)
- "Cumberland River Basin Canoe Trail Guide," 80 pp., covers tributaries in the watershed, such as Big S. Fork, Caney Fork, the Roaring River system, etc. Published by the Corps of Engineers (P. O. Box 1070, Nashville 37202) with assistance from the Tenn. Dept. of Conservation, and Ohio Knox and Bill Mitchum of TSRA. (Order from the Corps. For each copy include 35¢ payable to Treasurer, U.S.A.)
- "Extinction is Forever," proceedings of a symposium on "Threatened and Endangered Species of Plants in the Americas and Their Significance in Ecosystems Today and in the Future" (\$20 from Publ. Dept., New York Botanical Garden, Bronx Park, NY 10458)
- "Utility Rate Structuring" is a DOE consumer briefing summary of a question-and-answer session held 2/28/78. Questioners were from the Sierra Club, Environmental Action Foundation, Environmental Policy Center, etc.) (Write Office of Consumer Affairs, DOE, 736 Jackson Place, NW, Washington, DC 20585)
- "Your Energy World" is a student conservation program for use in grades 4-6. (One copy free to teachers from DOE Techn. Info Center, P.O. Box 62, Oak Ridge 37830). For info on other DOE classroom materials write DOE Division of Educ. Programs, 400- 1st St. NW, Wash. DC 20545)
- "The DOE Role in Support of Small-Scale Appropriately Distributed Technology," is the transcript of a public question-and-answer session held 1/26/78. Can DOE really embrace the values of "Appropriate Technology," which makes use of locally available renewable energy resources and conserves nonrenewable resources; is labor-intensive; small scale, and environmentally sound? The transcript may be reviewed at any DOE regional office.

17. CALENDAR: TCWP EVENTS, DEADLINES, MEETINGS

- TODAY - Write in support of Freeman (¶1), and Jack Gibbons (¶2).  
Make your reservations for the Obed River weekend (see special mailing).
- SOON - Write about Duck R. (¶4), Smokies (¶6A), Middle Prong (¶5), RARE-II (¶7A), Alaska (¶11A), Greenbelt tree cutting (¶14A), Big S. Fork (¶9), Mining Law (¶11B).
- April 27-29 - Annual Wildflower Pilgrimage. Hikes, photo tours, bird walks, etc.  
TCWP will have a booth. (Call Ed Clebsch, Knoxville 584-2345)
- May 1 - LaFollette hearing on water quality permit for bad stripping. (See ¶10C).
- May 1 - Deadline for comments on NPS Colorado R. Management (see ¶11E).
- May 3 - SUN DAY, a national day for focusing on solar energy (see ¶11G).
- May 6-7 - TCWP Benefit: Weekend at the Gibbons' Obed R. farm. Check your special mailing and send in your reservation today!
- May 15-17 - Deadlines for BLM wilderness (¶11F); Wildlife Refuges (¶11C); Tenn-Tom (¶13C); Solway Bridge (¶14C)
- May 16 - TCWP Letter-writing Social (see top of p. 1)
- May 24-27 - Fontana Conservation Roundup "Resource Utilization -- Changing Life Style?" (Write G. B. Hartzog, Jr., Fontana Dam, N.C. 28733)
- June 19-30 - Summer institute for high school teachers on "Energy and Environment," UT Chattanooga. (Dr. G. W. Spangler, Physics Dept., UT-C, Chattanooga 37401)
- Sept. 22-23 - Southeast Trails Conference, Cumberland Falls State Park, Ky. (Call Evan Means, Oak Ridge 483-5555)
- Oct. 13-15 - TCWP Annual Meeting weekend at Pickett State Park group camp. Mark your calendar now. More info later.

Letters  
of the  
month:

1. SPEAK OUT FOR FREEMAN

#1 Since TVA Director Dave Freeman announced that he wants to study alternatives to the Tellico Dam (see #13, this NL), he has been viciously attacked by dam boosters, some of whom have real-estate and industrial interests in the area. They have accused him of thwarting the will of Congress "which authorized the project" (wrong: TVA projects do not need Congressional authorization -- only appropriation), and have suggested that Congress could remove a director who "fails" to carry out its will.

David Freeman is the one ray of hope for making TVA what it was meant to be and hasn't been for years: an agency devoted to the best use of all our regional resources -- agricultural, scenic, historic, cultural, recreational, and many more. He has wisely realized that greater benefits could accrue to the Little-T area if the project were completed without a permanent reservoir; and he is enough of a realist to see that choosing an alternative is preferable to being tied up for years in disputes and thus doing nothing. -- May we remind you of some other very positive things Freeman has already done: (1) He has negotiated an air quality settlement with EPA that could rescue TVA from being the worst polluter in the nation and having to pay millions in fines (see #12, this NL); (2) He has taken the initiative in having TVA look into how it could help alleviate threats to the Obed system (see #8 ); (3) He has talked with (not just to) citizens' groups throughout the state (he met with the TCWP Board during his first week in office); (4) He has advocated innovative and imaginative approaches to the energy problem, with emphasis on conservation, alternate sources, people-intensive rather than energy-intensive industry.

FOR YOUR LETTER-OF-THE-MONTH #1: Write to S. David Freeman, Director, TVA, Knoxville, TN 37902, and tell him why you support him.

2. SPEAK OUT FOR A GOOD NEW TVA

Remember that the next TVA Board appointment is probably the single most important determinant for the future of this whole region of the country. Remember also that a lot of politics can enter into a TVA appointment, and that we've had some horrible examples of that in the past (Hooper, Longshore). We've heard of candidates from Kentucky (Al Smith) and Alabama (Rascoe) who really worry us because of their pro-dam, pro-industry history or connections, and because of their lack of qualifications for this highly complex job. Rick Herod, highly knowledgeable of TVA, with a very good

If your mailing label bears a red mark (upper right), you have not paid your 1978 dues. Please mail this slip with your check to: Charles Klabunde, Treasurer, TCWP  
219 East Vanderbilt Drive, Oak Ridge, TN 37830

Name: Mr \_\_\_\_\_ Telephone: Home \_\_\_\_\_  
Ms \_\_\_\_\_  
Address: \_\_\_\_\_ Work \_\_\_\_\_  
\_\_\_\_\_(ZIP)\_\_\_\_\_ County (TN): \_\_\_\_\_

Dues are for the calendar year. The excess over \$2.00 is tax deductible. Make checks payable to TCWP.

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|--|---------|--|----------|
| <input type="checkbox"/> Student member (full-time student)                      | \$ 3.00 | <input type="checkbox"/> Sustaining member             | \$25.00* |
| <input type="checkbox"/> Corresponding member (nonvoting)                        | 3.00    | <input type="checkbox"/> Supporting member             | 50.00*   |
| <input type="checkbox"/> Regular member (individual)                             | 10.00   | <input type="checkbox"/> Life member                   | 100.00*  |
| <input type="checkbox"/> Family members (Husband, wife, and each child under 18) | 15.00   | *Includes spouse if indicated <input type="checkbox"/> |          |

☐ Include me in existing local CHAPTER (circle one): CH HV MF

CH = Chattanooga area  
HV = Holston Valley  
MF = Murfreesboro

record on anti-pollution matters, and helpful to TCWP on many occasions, would be a good choice, but is honest about his support of Columbia and Tellico Dams.

Fortunately there is a candidate with the highest credentials whom we can recommend without reservations: John Gibbons, a charter member of TCWP, technically sophisticated, brilliant, experienced in energy issues, and with a deep and abiding interest in the natural and human resources of our region. Jack, who runs the UT Environment Center was formerly director of the ORNL-NSF Environmental Program, then director of the Office of Energy Conservation in the Federal Energy Office. He has served on committees of the National Academy of Sciences, and has directed research on energy and the environment for the U.S. General Accounting Office, the U.S. Office of Technology Assessment, and the Tennessee Energy Authority (to whose board of directors he was recently appointed).

Write! FOR YOUR LETTER-OF-THE-MONTH #2: (Write to President Jimmy Carter (The White House, DC 20500) and recommend that he nominate John Gibbons for the TVA Board opening. (2) Send a copy to Senator Sasser (Senate Office Bldg., DC 20510) and ask him to support Dr. Gibbons.

### 3. TELlico DAM: BATTLES IN THE COURT, IN CONGRESS, IN TVA

The battle goes on on 3 fronts: the Supreme Court, the Congress, and within TVA. -- The matter was before the Supreme Court on April 18, with Atty. General Griffin Bell himself arguing the case for TVA, and having to spend part of his effort trying to explain away the split within "the government." (He said that Interior Secretary Andrus, who has come out on the side of TVA opponents, see below, has no authority to do so.) Bell (holding up a bottle containing a dead snail darter) argued that Tellico Dam should be exempt from the Endangered Species Act because Congress has expressed its will by continuing to fund the project, and most of the money has been spent. We wonder if Bell is aware of the dangerous precedent that would be created in all areas of public policy if the Court were to rule that an annual appropriations act can supersede permanent legislation? According to reporters, Bell was exposed to rough questions, such as: Did Congress ever vote, or try to vote, an exception to the Endangered Species Act? Should some endangered species get different treatment from others? Zyg Plater, arguing for the free-flowing Little T, pointed out that the dam is only part of the project; that Congress is examining alternatives; and that, as a result of the snail darter, we may end up with a better project. The Supreme Court decision is not expected until the fall, possibly October.

In the Congress, a minor part of the action occurred before the Public Works Appropriations Subcommittees ("minor" because very little additional funding is needed for this

Join the TCWP benefit weekend at  
The Gibbons' Obed River Farm (May 6-7).

All sorts of events, entertainment, food & drink.

Check your special mailing and send in  
your reservation TODAY!

project), where Bill Chandler, on behalf of TCWP, testified for the river; and TVA chairman Aubrey Wagner asked for quick completion of the dam, "before another flood brings suffering that Tellico could relieve, before another winter brings hardships that Tellico electric heat could soften, before another graduating class, and yet another is forced to leave the Little Tennessee area seeking jobs that Tellico could provide."

The more major Congressional action concerns threatened amendments to the Endangered Species Act. Since Sen. Baker was considered to be the most formidable proponent of such amendments, heads of the nation's two largest conservation groups (Elvis Stahr, National Audubon; Thomas Kimball, NWF), along with Bill Chandler of TCWP, met at length with the Senator early in March. The potential clout of these large organizations (and many others who have joined in the effort) was evident, and perhaps as a result, Baker has now come out with a proposed amendment that is much more innocuous than the one he was rumored to have planned. The Baker-Culver amendment would establish a 7-member inter-agency review committee (Secretaries or chairmen of Interior, Agriculture, Army, CEQ, EPA, DOT, Smithsonian) which would decide whether or not a project should be granted an exemption. Among amendments introduced by others is one which would give governors of affected states the final decision; and one which would limit the number of species protected. Hearings have been going on for about a week.

The third battle line is within TVA. This was precipitated by Interior Secretary Andrus' proposal in mid March to meet with TVA in order to discuss converting the project from a reservoir to an "agricultural, economic, recreational and cultural development." Chairman Wagner and Director Bill Jenkins turned down any discussion of alternatives to the dam. On the other hand, Director Freeman stated that "forming a permanent lake is not vital to the Tellico project, and may not even be the option with the greatest public benefits." He is, for example, concerned about the public harm that would occur from flooding some of the best farm bottomland in the country. And he has pointed out that continuing the present dispute (which may not end even when the Supreme Court decision is announced) will only cause further costly delays when nothing is done, while we could be reaping the benefits of alternative developments. Freeman must now receive support against vicious attacks that have been made on him by the dam proponents. Be sure to respond to the Letter-of-the-Month item in this NL (#1).

#### 4. COLUMBIA DAM: APPROPRIATIONS BEING DEBATED

Hearings were held before the Public Works Appropriations Subcommittees in early April to consider the FY1979 funding for the Columbia Dam. Proponents again came to Washington in large numbers to argue for \$30 million (instead of the Administration's recommended \$7 million). We've always wondered where this group gets all their travel money, and we've just had a clue for some of it: the Tennessee state legislature! The Upper Duck River Development Agency (the pro-dam group) is a client of Senator Ed Blank's. UDRDA gets a yearly appropriation from the State; and this year, Sen. Blank was able to raise this appropriation by \$5000 in committee (see CCLC newsletter of Feb. 27). Anyway, TCWP, who get no appropriation from anyone, sent Bill Chandler to Washington; and his testimony made up in quality for what it lacked in quantity.

And talking of quantity: thank you, thank you, members, for taking up the pen. It seems that Sen. Sasser is receiving lots of letters expounding the folly and wastefulness of Columbia dam; and may consequently be weakening in his support. Keep those letters coming! Before he got all our mail, Sasser wrote: "a major factor in my decision to support the completion of this flood control [sic] project was the overwhelming backing it received from the local people ..." [Note for the record: only less than 10% of the "benefits" are attributed to flood control.]

We hope you have responded to our special mailing (TCWP Action Call #78-1) urging you to request a hearing on the subject of whether TVA should be granted a "Sec. 404" permit to

over

X build Columbia Dam. If you have not yet written, do so NOW: we hear the deadline has been extended. If you've lost your Action Call #78-1, phone the editor for information.

Do you recall TVA's promise to UDRDA to spend an extra \$4 million of "old" (FY1978) funds for Columbia Dam (see NL85 ¶1A)? Well, on Feb. 28, TCWP wrote to General Manager Lynn Seeber to ask what the \$4 million would be taken away from in order that they might be given to Columbia Dam. Mr. Seeber responded that "these funds can be obtained by reducing all other TVA programs," or "from internal slippages." Since Mr. Seeber has now resigned (see ¶12B), we won't ask him what slipped internally.

Frank Fly has a good FACT SHEET on the Duck River Project. Write him at 2015 Cain Court, Murfreesboro 37130. Or see NL 85 ¶1A for a short summary.

#### 5. SAVE THE MIDDLE PRONG OF THE LITTLE PIGEON RIVER

Many of you know the lovely, crystal-clear Middle Prong, which rises in the Smokies and flows through the idyllic, pastoral Emerts Cove and Pittman Center, and eventually through Sevierville. To accommodate increasing numbers of tourists, the city of Gatlinburg wishes to rob this river of its water. A plant would be constructed at Pittman Center, and water would be pumped across an intervening ridge. No one denies that Gatlinburg has a water need, but so do other areas in Sevier County, and a long-range county-wide -- if not regional -- water plan is needed, which should involve the ample water supply of nearby Douglas Lake.

Save the Middle Prong, Inc. (STMP) is a group with 350 members from 13 Tenn. counties and 11 states that is working both on the immediate threat and on long-range solutions. Two events are coming up: (a) A public hearing conducted by the TN Water Qual. Control Division April 26, 6:00 p.m. at the Sevier County Court House. The WQCD must approve the plans for the plant before it can be built. (b) A law suit, May 30, in which STMP has been joined by the City of Sevierville, Cherokee Mills, and Arnold Engineering.

X WHAT YOU CAN DO: (a) Join STMP, send \$2 to June Spence, Rte 9, Sevierville, TN 37862. We must prove that this is not just a local vendetta against Gatlinburg. (b) Write for a factsheet (Mary Evans, 3400 Timberlake Rd, Knoxville 37920). (c) Spread the word (that water can be obtained in better ways) through letters-to-the-editor, writing to legislators, and talking to members of the East Tenn. Development District.

#### 6. SMOKIES; NATIONAL PARK SERVICE

##### A. Smokies wilderness

X There have been no further developments on Sen. Sasser's bill, S.2342 (see NL 85 ¶3). Senator Baker is still noncommittal, and seems concerned about curtailing visitor use. He writes: "If the legislation which is proposed allows reasonable future use of the Park consistent with good management of the resource, as well as providing the needed protection for those Park lands which are truly of wilderness value, I will certainly support it." Have you written yet? This is WHAT YOU CAN DO: (i) Write to Sen. Sasser (Senate Office Bldg., Wash. DC 20510); thank him for introducing S.2342, and ask him to push for committee hearings on it. (ii) Ask Sen. Baker to support S.2342. (iii) Write to Congressmen John Duncan and Jimmy Quillen (House Office Bldg., DC 20515), asking them to introduce a companion bill in the House, and explaining that S.2342 takes care of the 1943-Agreement issue. (iv) If you live in N.C., be sure to write to Congr. Gudger.

##### B. Public transportation in the Park

X The NPS will experiment with public transportation in an attempt to alleviate the traffic jams on Park roads. This public transportation will be offered on a voluntary basis as an alternative to private vehicles, which are not being curtailed. It now appears that the City of Gatlinburg will be among the bidders for bus service, with a proposal drawn up by the Tenn. Dept. of Transportation and unveiled April 18. Bids will be opened by the NPS within a few weeks.

C. National Park Service regional appointment

Neal G. Guse Jr. has been named Deputy Director of the NPS's Southeast Region to assist Regional Director Joe Brown. Guse, 40, has served as wildlife ranger and research biologist in Grand Teton, Rocky Mountain, Yosemite, and Grand Canyon National Parks. For the past 4 years, he has been in Washington as the chief of the NPS's natural resources management division.

7. WILDERNESS AND THE U.S. FOREST SERVICE

A. RARE-II update

A RARE-II environmental impact statement (EIS) will be released by the Forest Service (USFS) in June. The inventory published last November included 1921 roadless areas, covering altogether 65.7 million acres of USFS lands. Each of these roadless areas has now received a "wilderness attribute rating" and has been evaluated for other potentials, such as timber, mining, grazing, energy development, and ORV-use; but development costs for these alternatives have often been omitted. Since many of the data have been hastily assembled, citizens should check for mistakes and omissions. -- The EIS to be released in June will contain 8 alternatives for each USFS Region, with none of these designated as "preferred." Each alternative will contain a different mix of roadless areas recommended for wilderness, further study, or non-wilderness. If you can help in the RARE-II effort as it concerns our Cherokee Natl Forest, please get in touch with the editor.

B. Forest Service long-range planning

Under the Resources Planning Act, the USDA must assess the nation's renewable resources and make long-range recommendations for the USFS based on that assessment. Citizen comments are invited for two drafts, "The Resources Planning Act: A Progress Report" and "The Resources Planning Act and You — A Summary of Progress." Both are available from Room 3233, USFS, USDA, P. O. Box 2417, Wash. DC 20013. Any interested TCWP member should get in touch with Paul Somers (TN Heritage Program, TN Dept. of Conservation, 2611 West End Ave., Nashville, TN 37203) who is preparing comments.

C. The Forest Service is underselling the private tree farmer, according to the Natural Resources Defense Council (NRDC), by not trying to recover costs in its timber sales. In determining the stumpage rate, the USFS does not account for its costs in growing the trees, building logging roads, managing the sale, or re-foresting the stand. Thus, by selling much of its timber at less than cost, the USFS is attracting industry demand. No wonder the industry is pushing the USFS to manage the National Forests more intensively for timber production -- at the detriment to such other values as wildlife, soil and water quality, and recreation! All of us who have an interest in these other values should request that timber-sale pricing procedures be changed so that investments are recovered. Write to: (i) Sen. Herman Talmadge and Rep. Tom Foley, Chairmen of the Agriculture Committees in Senate and House, respectively (Senate or House Office Bldg., Wash. DC 20510 or 20515); and (ii) Sec. Bob Bergland, USDA, Wash. DC 20250). Private tree farmers may be interested in the NRDC brochure which can be ordered from NRDC, 917- 15th St., N.W., Wash. D.C. 20005.

8. OBED NEWS

A. Agencies and citizens meet on progress and threats

Officials of several state and federal agencies and citizens met at TVA's Forestry Fisheries, and Wildlife Division office in Norris on March 23 to discuss the present status of implementation of the Obed Wild & Scenic Rivers Act, as well as the remaining (and increasing) threats and what could be done about them. Represented were the National Park Service, the Heritage Conservation and Recreation Service, U.S. Fish & Wildlife Service, TVA, Tenn. Dept. of Conservation, Tenn. Wildlife Resources Agency, Morgan County Parks & Rec. Council, and TCPW.

*over*

The NPS reported that the package of required reports (boundary description, river classification, development plan, and cooperative agreement with TWRA) is soon to go to Congress, and that acquisition can begin 90 days thereafter. Bids for appraisers have gone out. Some titles will have to be cleared. Since there was so little time available for boundary mapping, a few important spots were missed, but some adjustment is possible under the Burton Act. The present acquisition ceiling (\$\$) will be inadequate.-- In a number of local meetings, NPS has encountered much less opposition than it had been led to believe existed; and what little there is is based on misinformation, e.g., the erroneous belief that hunting will be prohibited.

Several of the new threats to the Obed system were discussed, most of these arising from the fact that the upstream portions of the rivers are not protected under the Act. There is increased gas and oil exploration -- on Clear Creek, pipes are actually visible in the river bed, and at one place one can smell gas. More coal leasing is going on in the watershed. Lots are being sold downstream from Adams Bridge. The "study protection" for the Obed ends in 1979. Although TVA will not contract for any coal stripped in the watershed, and NPS has requested the highest water quality criteria for the entire 100 miles, the Tenn. Dept. of Conservation has refused to request restrictive Water Quality permit conditions for the whole watershed, probably as a result of pressure from the stripmine lobby. TVA Director Dave Freeman, who has a strong feeling for rivers, deserves our thanks for giving the impetus for this useful meeting (see #1). He has asked his staff to look into ways in which TVA, in cooperation with NPS and the state, can help forestall some of the threats or repair some of the damages. A number of avenues were explored by the group, and TVA will draft a proposal to be looked at by the participants before another meeting is arranged.

#### B. An Obed ranger goes to work

The first NPS Ranger for the Obed National Wild & Scenic River went to work March 12. He is Walter L. Mayer, a native of Clarksville and graduate of the Univ. of Tenn. at Martin. He has formerly served at the Natchez Trace Parkway and in Everglades National Park. -- As Obed lands are acquired, Mayer will be responsible for their protection by enforcing park regulations. He will also be involved in planning, providing information, and establishing contacts with area residents.

#### C. TCWP members get recognition

At its April annual meeting, the East Tenn. Development District awarded a Certificate of Recognition to William and Liane Russell "for outstanding contributions to regional development ... by their contribution toward establishing the Obed National Wild River." The certificate is signed by former ETDD chairman, Morgan County Judge J. D. McCartt, who himself played a major role in the passage of the 1976 bill.

\* Remember to mail your reservation for the Spring Fling at the Gibbons' Obed River Farm (May 6-7).

### 9. BIG SOUTH FORK: FUNDING PROSPECTS; PLANNING

TCWP and the Big South Fork Coalition submitted testimony for the record of the BSF hearings of the Senate and House Public Works Appropriations Committees on April 11. We asked for \$20 million in acquisition funds for Fiscal Year 1979. This amount represents the "capability" expressed by the Corps for purchasing lands of the Stearns Coal and Lumber Co., the largest single land holder. Stearns is presided over by Bob Gable (former candidate for governor of Kentucky), who, for some time now, has been ordering massive clearcutting that is destroying the area. Senators Sasser, Baker, and Huddleston are supportive of a \$20 million appropriation, and you should write to thank them (Senate Office Bldg., DC 20510). In addition, your Representative should be urged to support the appropriation in the House (House Office Bldg, DC 20515). -- The Washington Post of April 13 reports having seen a draft of the water policy task force report (see also #13B, this NL). According to the Post, the Big South Fork National River and Recreation Area is one of 3 new starts recommended.



As we reported last time (NL 85 14B), the Corp's planning process includes a study of alternatives for the abandoned O & W rail bed. We strongly objected to a road alternative, and opposed the railroad restoration on the grounds that it was very expensive at a time when funds are scarce and acquisition is the A-1 priority. We considered the bicycle path an acceptable alternative, provided motorbikes could be kept off. To our delight, we have learned that the East Tenn. Development District has sent in a comment expressing much the same sentiments. With respect to the road alternative, ETDD states that it "would bring the intrusion of noise, noxious fumes and overcrowding into the fragile and wild gorge areas." ETDD considers RR restoration uneconomical, and recommends that the O & W railbed be developed as a bicycle trail because this "is the least obtrusive on the natural environment and the least costly alternative to develop and maintain."

## 10. STRIPMINE NEWS

### A. Federal capsules

- The time table for implementation of the Surface Mining Control Act of 1977 includes the following dates: existing mines in compliance by May 4, 1978; full regulatory program to be issued by Aug. 3, 1978; State programs completed and submitted to the Sec. of Interior for approval by Feb. 4, 1979. Regional branches of the Office of Surface Mining (OSM) are being set up in Knoxville, Denver, Indianapolis, Charleston, and Kansas City.
- The coal industry has filed lawsuits challenging the constitutionality of the new law as well as of the interim regulations (which were published in December). OSM director, Walter Heine, points out that the mining companies are just hurting themselves, since the lawsuits are causing needless delays in the permit process. Further, OSM had wanted to involve industry representatives in the drafting of permanent regulations (due 8/3/78, see above), but, in view of the lawsuits, now feels that "anything we say may be used against us in court."
- Job openings continue to be available for OSM. Specifically, we have application blanks for Grants Management Specialist (5 positions, GS-12), Supervisory Mining Industry Specialist (5 positions, GS-12), Secretary (stenography, 9 positions, GS-6/7, Washington area), Realty Specialist (5 positions, GS-12/13), Economist (GS-13/14), Personnel Officer (GS-15), Program Specialist--State Programs (GS-13), Reclamation Specialist (GS-13).
- The long coal strike has indirectly hurt the orphan-mine reclamation effort. Under the terms of the new federal law, 35¢/ton of stripped coal and 15¢/ton of deepmined coal are paid into the Abandoned Mine Reclamation Fund, and it was estimated that \$140 million would be collected the first year. This sum will now not be achieved. -- States cannot receive Abandoned Mine Reclamation funds until they qualify for an approved state program.
- U.S. Dept. of Agriculture <sup>Asst.</sup> Secretary, Rupert Cutler, announced this week that Soil Conservation Service (SCS) money and expertise is available to private landowners for stripmine reclamation, provided the mining took place under a valid state permit. SCS is, of course, concerned with soil erosion; and stripmining can easily cause the loss of 100 tons of soil per acre. The money for this program comes from 20% of the Abandoned Mine Reclamation Fund (see above paragraph).
- TVA will end its work in orphan-mine reclamation in the spring of 1980, but will probably continue inspecting current work for the duration of existing contracts.

### B. Proof that the state law is not being enforced

SOCM has published a carefully researched 70-page "Study of Tennessee Strip Mine Enforcement 1972-1977". The report clearly documents the failure of the Dept. of Conservation's Division of Surface Mining (DSM) to enforce the 1972 law -- a failure that has cost us taxpayers millions of \$\$ in damages. During the 5-year period, the DSM filed only 7 lawsuits, none of these for violations in mines operating under a permit. All the lawsuits (which were against wildcatters) were settled out of court, and no fines have been collected. The DSM generally grants a legal permit when it finds a wildcatter, and does not penalize him, thus removing all incentive from these operators to apply for a permit in the first place. None of the \$612,000 accumulated in the Reclamation Fund has been spent for reclamation. Inspectors are poorly trained, fear physical harm, and are reluctant to

over

push investigations (since they get little backup from superiors); most leave the DSM quickly, often taking jobs with the coal industry they were supposed to have regulated. And, there's lots more in the report. -- This documentation gains special significance from the fact that the U.S. Dept. of the Interior must soon certify states as competent to enforce the new federal law (see ¶10A). Obviously, Tennessee is not competent as of now. The Tenn. Conserv. League recently passed a resolution censuring the DSM, and recommending specific procedures for improving enforcement and for strengthening the law.

Update to SOCM's findings: Gov. Blanton's latest appointment to the industry-dominated Board of Reclamation Review, Dale Studer, is on a list of operators recently cited for violations by EPA!

### C. Water-quality hearings to be held for three bad operations

Precedent-setting hearings will be held under the terms of the NPDES (water discharge) permit setup, which the state is now administering (see NL85 ¶7B). Area residents have objected to three permit applications, and the hearings for two of these will be held April 25 at Jasper. Both operators have a bad record (one has repeatedly mined without a permit). One of the sites would be very close to the Cumberland Trail; the other (which will expand to 1700 acres), close to the South Cumberland Recreation Area. These are the first hearings to be held under the new process, and good citizen support is essential. If you are willing to submit a short written testimony, call George Brosi for further info (615, 598-9102 or 598-5585). The hearing for the third operation will be held May 1, 7 p.m. at the LaFollette Rec. Center, so there's time for you to attend. Call SOCM (Jacksboro 562-3397) for info.

## 11. FEDERAL CAPSULES

### A. Alaska: all of us are needed

"Time has not yet marked Alaska with the ravages of unplanned 'progress'. Entire ecosystems remain miraculously preserved. Are we mature enough as a nation to grasp this splendid example of frontier squandered elsewhere in our nation's adolescence?" (Robert Herbst, Asst. Sec. for Fish and Wildlife and Parks, USDI). Largely due to good Administration support against strong onslaughts, a House bill to be voted on this month would protect 97 million acres as national wildlife refuges, national parks and monuments, national park preserves (hunting allowed, and possibly mining also), and wild and scenic rivers. This is not a "lock-up," as development interests have claimed, since (i) it leaves the other three-fourths of Alaska's 365 million acres still open to exploitation; (ii) lands with the richest mineral deposits were already selected earlier by the State (104 million acres) and the natives (44 million acres) under the Native Claims Settlement Act of 1971; (iii) the boundaries of the protected 97 million acres were drawn to exclude major deposits; (iv) the House bill allows mining (under certain safeguards) on a portion of the 97 million acres -- it has thus already gone too far in compromising. While 97 million acres sounds like a lot if you live in the lower 48 states, remember that resources in Alaska are spread wide and thin: e.g., it takes 100 square miles (64,000 acres) to sustain one Arctic grizzly for a year, and much more acreage to sustain a herd of caribou.

WHAT YOU CAN DO: (i) Call your Congressperson, or write today (the floor vote is imminent) and tell him/her why a large area must be protected; why this doesn't mean a "lock-up"; and why the subcommittee bill must not be weakened any further (The Hon. \_\_\_\_\_, House Office Bldg., DC 20515); (ii) Write your Senators (Senate Office Bldg, DC 20510) and ask them to expedite a strong Senate bill that will protect 100 million acres, and that is at least as strong as the House subcommittee bill.

### B. The 1872 Mining Law must be changed

In his 1977 Environmental Message, Pres. Carter called for major reform of the century-old law; and in September the Administration submitted legislation that would accomplish this reform. The following description of the 1872 Mining Law comes from Charles Warren, Chairman of the Council on Environmental Quality. "... prospectors and miners of gold,

silver, iron and other hardrock minerals can enter federally owned lands without a permit or license; they can claim any marketable body of ore they find; and they can dig the ore and sell it without paying any royalty to its owners, the nation's citizens. Where a valuable mineral deposit exists, they can even take title to the land itself. The [1872] Mining Law does not allow adequate control of environmental damage caused by mineral development, nor does it permit orderly planning for the use of the public lands." Write to your Congressperson in support of the Administration bill to reform the 1872 Mining Law.

C. Recommendations to strengthen the National Wildlife Refuge System are contained in an advisory task force report. The U.S. Fish & Wildlife Service is asking for comments on the draft which may be obtained from the Director, USF&WS, Washington, DC 20240. Deadline is May 15.

D. The Appalachian Trail bill was signed by Pres. Carter on March 22. This Act greatly augments the spending authorization and the number of acres per mile of trail that can be acquired (see NL 84 ¶9C and NL 85 ¶13C). The Sec. of the Interior is required to develop by 1980 a comprehensive plan for preservation of the Trail.

E. Are motors incompatible with wilderness in the Grand Canyon? If you agree that they are, write by May 1 to Robert L. Herbst (Asst Secretary, US Dept. of the Interior, Wash. DC 20240) and express your support for the NPS's carefully researched Draft Colorado River Management Plan, and for the phase-out (by 1981) of motorized float trips. Send a copy to your representative and senators (House or Senate Office Bldg, DC 20515 or 20510) in preparation for the Grand Canyon Wilderness bill. Research has shown that there is no difference in safety between motor and oar trips, and trip participants generally find the latter much more satisfying. But the commercial river outfitters are lobbying hard for motors, because with them they can push more people through the Canyon in a shorter time.

F. BLM Wilderness Review needs input

Some of our most magnificent western lands are administered by the Bureau of Land Management and were omitted from the 1964 Wilderness Act. However, the 1976 BLM Organic Act directs the Sec. of the Interior to evaluate roadless areas for wilderness consideration. BLM has outlined procedures for doing this in a recent draft of guidelines. Because BLM has a strong anti-wilderness constituency, concerned citizens must actively get into the act. Write to Frank Gregg (Director, BLM, USDI, Wash, DC 20240) and request a fair and unbiased procedure for implementing the wilderness review. If you want to get more involved, request a copy of the draft procedure, and send in your comments by May 17.

G. Sun Day, May 3

Sun Day, a celebration to promote solar energy, will be a nation-wide as well as international event. If you want to get into the act in Tennessee, contact one of the following: Nancy Collins, UT, Knoxville 974-4251; Mayo Taylor, Nashville 251-1110; Gary Copeland, Memphis 901, 324-0265; Joe Hultquist, New Market 615, 397-7288; Louise Gorenflo, Knoxville 523-1674.

H. Public participation in agency decision making is often hampered by lack of finances. Big corporations can crank up their PR machines, fly people to hearings, enter lawsuits -- and chalk it all up to business expenses that later help with their tax bills. A bill, S.270, presently in the Senate Judiciary Committee, would provide funds for the public to tip the scales just a little bit. Your senators should hear of our support for this measure.

J. To help you in some commonly encountered arguments, here are findings of two recent studies. Argument No. 1: "Environmentalists indiscriminately use the National Environmental Policy Act (NEPA) as a monkey wrench to throw into the gears of progress." Fact (from a recent CEQ study): In the past 7 years, environmental impact statements were required for 7377 projects, but there were only 177 challenges that resulted in an injunction against a project. Thus, only 2.4% of the EIS-requiring projects -- and a much smaller fraction of all federal projects -- were affected by NEPA. Argument No. 2: "Only a tiny handful of hardy people (affluent enough to buy expensive equipment) is interested in wilderness." Facts (from a nationwide poll by the Opinion Research Corp., Princeton,

N.J.): Only 7% thought the USA had too much wilderness; 32%, too little; 46%, "about right." This in spite of the biased nature of the question which was conducted for the timber-industry-backed Amer. Forest Inst. (The question was: "... we have nearly 15 million acres of wilderness ... equivalent to a strip nearly 10 miles wide from ... Coast to ... Coast". It did not point out that this amounts to only 0.5% of our land area). In response to a question of whether the USFS should increase timber sales or preserve trees in their natural state, 69% of those who answered opted for the latter.

## 12. TVA ADDENDA

You'll find lots about TVA in 11, 2, 3, 4, 8, 10A. Here are some addenda.

### A. The nation's most polluting utility.

If someone were to ask you which of the nation's electric utilities was the worst polluter, would you guess Commonwealth Edison? or American Electric Power? Wrong! TVA wins, and no one else even comes anywhere near tying for first (worst) place. The Council on Economic Priorities has issued a 430-page document based on 2 years' research on the emissions of 119 fossil fuel plants belonging to 15 electric utilities which altogether represent more than one-third of the nation's electricity from fossil fuels. For each one, the Council calculated the pounds of pollutants emitted per megawatt-hour of electricity generated in 1975 (with adjustments to allow for any efforts to control thermal pollution). TVA scored 21.6, the next runner-up scored 18.4, and it was evidently possible to get a score as clean as 4.2 (Pacific Gas & Electric).

In view of this poor record by the "old" TVA, there is special significance in the efforts of Director Dave Freeman (who, hopefully, represents a "new" TVA in the making) to negotiate a settlement in the air quality lawsuit in which TCWP is one of 11 organizational plaintiffs. (EPA later joined in behalf of the plaintiffs.) While we are not at liberty to disclose the substance of any of the negotiations, we can report an item in the Knoxville News-Sentinel of March 14 to the effect that a tentative agreement had been reached. The fly in the ointment is that neither Chairman Wagner nor Director Jenkins have to date endorsed this agreement; and present indications are that Wagner will not take any position before retiring May 18, and that Jenkins will oppose the agreement. That would make for a 1:1 deadlock on the Board and lend even more weight to the next appointment. (See 12). For every day by which TVA misses the mandatory air quality compliance schedule of 7/1/79, TVA (thus, in turn, its customers) will have to pay about \$1 million in fines.

### B. TVA's General Manager resigns

March 31 was Lynn Seeber's last day at work for TVA. He resigned effective May 17, but the interval until then represents accumulated vacation time. It is said by some that Mr. Seeber was very much an Aubrey Wagner man; and it is also said that Seeber is a take-charge person and could not work with a strong chairman who has ideas of his own. -- Peter Krenkel, formerly TVA's Director of Environmental Planning, who was fired by Seeber in November, has accused the former General Manager of deliberately misleading the TVA Board on matters dealing with air pollution, effects of uranium mining, and the Tellico Dam. Since the accusation is now before the U.S. Civil Service Comm., TVA will not comment.

## 13. WATER RESOURCE PROJECTS = BOONDOGGLES

### A. Citizens list the Terrible Twenty

Having been badly singed in trying to stop some dam boondoggles last year, the White House this year did not issue a "hit list." A coalition of 24 national citizen groups, the Coalition for Water Project Review, has, however, written to Pres. Carter urging him to halt construction on the Terrible Twenty, projects that represent the very worst abuses of the nation's water development program. Of the Twenty, 13 belong to the Corps of Engineers, 5 to the Bureau of Reclamation, and 2 to our very own TVA (Columbia Dam and Tellico Dam). An additional 50 projects need review to determine whether they should

be built. -- The Coalition points out that 828 projects are currently authorized but not yet constructed. If all are built, it would cost the taxpayers over \$34 billion.

B. Prospects for Water Policy Reform don't look so good

It is rumored that the Administration's task force charged with coming up with a Water Policy Reform package has caved in to political pressure by various elected officials who want to fund pet projects. Vice Pres. Mondale and Interior Sec. Andrus have been traveling around, appeasing Western governors who had been making political hay by attacking Carter's water policy. The Washington Post, which claims to have seen a draft of the task force document, reported on 4/13/78 that the proposed policy contains no requirements for water conservation by the states, and none of the changes in the financing of federal water projects that had been suggested by citizens (e.g., raising the interest rate to more realistic levels, making users pay many of the costs, etc.). Furthermore such minor reforms as are proposed do not apply to Soil Conservation Service dams. The only good feature of the report that is cited by the Post is its stress on non-structural alternatives to flood control.

C. The Tennessee-Tombigbee, granddaddy of boondoggles

On just one section of the Waterway, the "Divide Section," the Corps plans to excavate 11,600,000 cubic yards of dirt and to employ 230,000 tons of stone for rip-rap. -- The Corps has invited requests, by May 15, for a public hearing on construction of Lock C in the "canal section" of the Waterway. You can write for more details, including maps and construction diagrams (Corps of Engineers, Mobile District, P. O. Box 2288, Mobile, AL 36628). -- In addition, the Corps was willing to entertain requests for a general hearing on the EIS. However, the deadline for requests ended April 21.

14. OAK RIDGE MEMBERS, NOTE!

A. Cuttings in the greenbelt must stop!

TCWP is grateful to Joanne Marshall who led other TCWP members and Citizens for Greenbelt Protection in the efforts that, in January, resulted in a more protective greenbelt ordinance. Ironically, not too long afterwards, two Oak Ridge residents (H. E. Buckminster and J. H. Gibson) have caused major damage to the publicly owned greenbelt by making themselves a private view of the Cumberlands through wholesale cutting of trees. In each case, 60-70 trees were downed or topped, including some over 50 years old and over 6 ft in girth. The devastated area will rapidly be growing up in honeysuckle. -- Although a written complaint was filed, the police dept. has declared that it will not press charges because there was "no criminal intent" involved. If this sort of thing is not to keep happening, it is imperative that the City levy a heavy fine on the offenders. (We hope rumors to the effect that one of them has ties with City Hall are false.) We urge you to call your Councilperson and request such action. You may also wish to get in touch with Mark Cristy (482-5010), who will take you to see the scene of destruction.

B. National Environmental Research Park on Oak Ridge Reservation?

Prompted by a photo of a fox caught in an illegally placed trap and by accounts of other harmful intrusions in the Oak Ridge reservation, TCWP Exec. Director Bill Chandler wrote to the Dept. of Energy on January 25 urging establishment of a National Environmental Research Park (NERP) on the reservation. A response from Asst. Sec. James Liverman states that DOE is expediting the official designation of an Oak Ridge NERP. Under NERP status, the reservation would receive a greater degree of protection as a prerequisite to reliable environmental research results.

C. An extension of time for removing the old Solway Bridge has been requested by the Tenn.

Dept. of Transportation. The Coast Guard permit originally required the bridge to be removed about Nov. 1977. The DOT request is for a deadline date of March 1, 1979. Comments may be sent by 5/16/78 to Commander, 2nd Coast Guard Distr., Bridge Branch, 1430 Olive St., St. Louis, MO 63103.

D. Rural Legal Services of Tennessee, under the Directorship of Neil McBride (formerly ETRC staff attorney) has moved into its office in the Jackson Square Arcade (P. O. Box 3195, Oak Ridge. Phone 483-8454). The Service will employ 15-20 lawyers and will provide legal services to persons and community organizations in 11 coal-producing counties.

## 15. STATE CAPSULES

### A. Legislative update

Though the legislators will return from a 3-week recess on April 24, this year's session has finished most of its business, except for votes on the appropriations bill and on legislative changes arising from the recent constitutional amendments. Among actions taken (or not taken) before the recess were the following.

- (i) A bill was passed to make it a misdemeanor to cut trees on public property along interstate highways -- fine \$50-250 per tree. The only "No" votes were Reps. J. Burnett, Clark, Hurley, Stafford, Webb, Wolfe, Wood.
- (ii) Appropriations for the Upper Duck River Development Agency (a pro-dam group) were increased by \$5000. The UDRDA is a client of powerful Senator Ed Blank's (see ¶4).
- (iii) Among moneys that failed to be appropriated were additional funds for Radnor Lake; \$300,000 asked by Sen. Ben Atchley for the acquisition of 833 acres on House Mountain (Knox Cy.); and \$25,000 for pre-planning a state park next to Bays Mountain Nature Preserve. (For the funds: Ford, Garland, Thomas. Against: W. Baird, Blank, Davis, Hamilton, Henry.)

### B. The Natural Resource Areas Unit, Dept. of Conservation

As reported in NL 85 ¶11, Mike Countess is now Chief of the Natural Resources Areas Unit, directly under Walter Criley, Director of the Div. of Planning and Development. Under Mike are 3 Program Administrators, as follows: (i) Scenic Rivers, Tom Florence, (ii) Scenic Trails, Harry Williamson (who has just replaced Joe Gaines), (iii) Natural Areas, Allen Coggins. Under each Program Administrator there are, in turn, some Project Administrators, as follows: (i) Rivers, Danny Reed (East Tenn.) and Chuck Cook (West Tenn.); (ii) Trails, David Shupe (Cumberland Trail), Mike Dahl (East Tenn.), and Hank Landers (S. Cumberland Rec. Area); (iii) Natural Areas, Sam Pearsall.

It should also be noted that the Tenn. Trails Assoc. (TTA) works in a semi-official capacity with the Trails Administrator in that landowner agreements for trail routes are made through the TTA. E.g., on the Trail of the Lonesome Pine, Gordon Newland (TTA Board and formerly TCWP Board) was able to hire someone for the purpose of obtaining these agreements, with the state paying for the effort.

### C. The Tennessee Environmental Education Association was formed Feb. 25. Its key purpose will be to promote environmental education programs throughout Tennessee. President is Beverly Gamble (Rt. 3, Bigsby Creek Rd., Cleveland, TN 37311), and Vice President is Mack Prichard (Tenn. Dept. of Conservation, 2611 West End Ave., Nashville 37203).

### D. Reorganization in the Water Quality Control Division has promoted Stephen E. Anderson, formerly Chief of the 208 (non-point source) Planning Section, to Assistant Director of WQCD, with control not only over 208 but also Permitting and Enforcement programs. Succeeding him as 208 coordinator is Robert E. Alexander. Four 208 Workshops have been organized to date by the Citizens Advisory Committee (see NL 85 ¶7A) and the WQCD: agriculture (W. Tenn.), forestry, agriculture (E. Tenn.), and stripmining. The last of these was organized by Bill Chandler for TCWP.

## 16. PUBLICATIONS AND ANNOUNCEMENTS OF INTEREST

- "A Study of Tennessee Strip Mine Enforcement, 1972-1977," is a thorough, 70-page research effort by SOCM and the East Tenn. Research Corp. See ¶10B, this NL. (May be ordered from SOCM, P. O. Box 457, Jacksboro, TN 37757)
- "Hard Rock Mining on the Public Land," a recent CEQ report, examines the anachronistic 1872 Mining Law which menaces our public lands -- see ¶11B, this NL. (Free to conservation leaders -- enclose a self-addressed label -- from Council on Environmental Quality, 722 Jackson Place, NW, Wash.DC 20006; or order from U.S. Govt. Printing Office, DC 20402, Stock No. 041-011-00034-3, price \$1.60)
- "Environmental Quality - 1977" is the eighth annual report of the Council on Environmental Quality. You may borrow a copy from TCWP, or order from the U.S. Govt. Printing Office, DC 20402 (Stock No. 041-011-00035-1)

(continued on page 2)