

TENNESSEE CITIZENS FOR WILDERNESS PLANNING

Newsletter No. 91, October 30, 1978*

1.	Big South Fork gets \$20 million acquisition funds.	p. 2
2.	Endangered Species Act amendments are bad; worse for Tellico	p. 2
3.	Let us not forget the threat to the Duck River	p. 3
4.	Obed	p. 3
	A. Attempts to diminish the stripmine threat	
	B. NPS land acquisition inadequate	
5.	Stripmine news	p. 4
	A. The state scene (violence at hearings; DSM is falling apart; Tennessee gets OSM grant)	
	B. Federal happenings (regs for permanent program; coal-state Senators lambast OSM; lands designated unsuitable for mining; abandoned mine reclamation)	
6.	Prison to ruin Frozen Head Park unless we help	p. 5
7.	TVA continues to change its role	p. 6
8.	TCWP election results and annual meeting report.	p. 7
9.	RARE II is now in the hands of the Forest Service.	p. 7
10.	Our border with North Carolina	p. 8
11.	State capsules	p. 8
	A. Returnables for Tennessee?	
	B. Rural Legal Services	
	C. Illegal tree cutting in Oak Ridge Greenbelt	
	D. Tennessee gets its 14th National Recreation Trail	
	E. State receives gift of East Tennessee mountain land	
12.	Senate leaves Alaska unprotected; interim protection is up to the President.	p. 9
13.	Water resource projects and rivers	p. 10
	A. Pork-barrel veto sustained: the President deserves our thanks	
	B. Water Project Authorization didn't make it	
	C. The Water Resources Council and Water Policy Reform	
	D. Inventory of rivers with potential for inclusion in National System	
	E. National Waterway Study	
14.	Federal news	p. 11
	A. Comprehensive Omnibus Parks & Rivers Act passed	
	B. Nongame Wildlife bill killed by Chamber of Commerce lobby	
	C. Proposed Forest Service Management rules invite continuing abuse	
	D. Jane Yarn joins CEQ	
	E. DOE will help citizen groups to participate in rule making	
	F. A healthy environment is not inflationary	
15.	Politics is <u>not</u> a dirty word: support environmentalist candidates	p. 12
16.	Publications of interest	p. 12
17.	Calendar	p. 13

*Editor: Liane B. Russell, 130 Tabor Road, Oak Ridge, TN 37830. Ph. 615, 482-2153.
Star in margin means "Action needed!"

1. BIG SOUTH FORK GETS \$20 MILLION ACQUISITION FUNDS

Because the Big South Fork National River & Recreation Area (BSFNRRRA) was one of the new projects recommended by the Administration (see NL 87 ¶3A), the \$20 million in FY 1979 acquisition funds stayed in the "continuing resolution" after the veto of the Public Works Appropriations bill (¶13A, this NL). The Corps can therefore begin land acquisition and construction any time. We must make sure it's mostly the former until acquisition is complete. Clear cutting and chemical defoliation have stepped up in the area, and a lumbering operation that used the once crystal-clear Laurel Fork tributary (an official trout stream) as a skid for the logs did great damage before being halted by a cease order from the Corps. -- TCWP members who attended the September hearings on the Master Plan (Russ Manning presented our testimony) were concerned that there might be pressures on the Corps to over-develop the BSFNRRRA, and that the off-road vehicle people want in. What you can do: Write to Col. Robert K. Tener (Chief, Nashville Distr. Corps of Engineers, P. O. Box 1070, Nashville 37202) and explain why land acquisition should be the No. 1 priority, and why the area must not be overdeveloped. Ask that your letter be transmitted to the Master Planning firm of Miller, Wihry, and Lee.

Other BSF news: The Corps has issued a color brochure and project map of the BSFNRRRA.-- The East Tenn. and Upper Cumberland Development Districts will use a \$25,000 grant for a 12-month study of how local government facilities (water, sewer, roads, etc.) will be affected by the BSFNRRRA. Public meetings are planned. -- See ¶13B this NL for an item on the total authorization.

2. ENDANGERED SPECIES ACT AMENDMENTS ARE BAD; WORSE FOR TELlico

The Endangered Species Act (ESA) expired September 30 (and the USDI's End. Species Office briefly ceased operations); but it was reauthorized in amended form -- for 18 months only -- just before the Congress adjourned. The amendments, which are pretty much of a disaster, accomplish the following: (a) They set up an exemption process, with special provisions for Tellico and one other project (see below). (b) They pretend that a lot of life forms aren't species, simply by excluding them from the definition of the word "species" in the Act. Specific groups of invertebrates and plants are thus no longer protected. (c) They define "critical habitat" more narrowly. The Carter administration's position was that the ESA did not need amending; but lobbyists who worried that the Act might put a crimp into water project boondoggles, utility construction, or "multiple use" of forests won out.

The general exemption procedure is a two-step process, with a 3-member review board and a 7-member endangered species committee. Only if the former decides that the agency that is building the contested project has adequately consulted with the Fish & Wildlife Service does the 7-member committee go into action. In order for a project to be exempted from the ESA, 5 members of the committee must conclude that there are no reasonable alternatives, that the benefits of the proposed project clearly outweigh the benefits of alternatives, and that the proposed project is of regional or national significance.

However, "thanks" to Reps. Duncan, Lloyd, and Quillen it will be a lot easier to exempt Tellico (and a Wyoming dam that threatens whooping cranes). The 3-member review board is bypassed. TVA is given 30 days in which to petition the 7-member committee for an extension; and if the latter makes no decision within 90 days, the project is automatically exempted. Incidentally the 7 people on the committee are the Secretaries of Interior, Agriculture, and the Army, heads of the Council of Economic Advisors, EPA, and the Oceanic and Atmospheric Adm., and a person from the state involved, appointed by the president (probably on recommendation of the governor).

Here are some interesting quotes. Mayor Hall of Madisonville: "Everywhere we turn, environmentalists have a project stopped." Asst. Interior Sec. Robert Herbst (responding

to someone who called the snail darter worthless); "Who says the snail darter is worthless? But an equally or more important question is, who says the Tellico project is wonderful and what is the documentation?"

Does TVA have to ask for the exemption? If not, will they? If they do, the TVA-Interior study of alternatives (NL 89 ¶1) will undoubtedly figure in the deliberations of the 7-member committee. Very detailed (22 pages, single space) comments on this study have been submitted by Zyg Plater, for the Little-T Alliance (of which TCWP is a member).

3. LET US NOT FORGET THE THREAT TO THE DUCK RIVER

With so much excitement focussed on Tellico, we often forget Columbia Dam on the Duck River, a project that has never shown a favorable benefit/cost ratio, generates no power, provides no navigation, impounds 54 miles of free-flowing beautiful river, and floods almost 14,000 fertile acres, of which about 2/3 will be exposed as ugly mud during drawdowns. Among TVA's many failures to comply with federal law on this project, one was the failure to apply to the Corps for a "404" (dredge and fill) permit, required because of the huge quantities of dirt being dumped in alongside the river. As you may know (TCWP Action Call #78-1), the permit was finally applied for after Dave Freeman joined the TVA Board. Many of you sent comments in March and April about why the dam should not be built. The Corps also received a comment from the U.S. Fish & Wildlife Service to the effect that the dam would destroy the habitat of *several* endangered species. In September, it appeared likely that if TVA failed to respond to this comment, the Corps would deny the permit; and that if TVA presented mitigating plans, a hearing would be held. As of now, dam construction is apparently at a standstill. However, it remains to be seen if the recent amendments in the Endangered Species Act (¶2) will hurt the situation. What you can do: Keep reminding your Representative and Senators that this is a terrible project and that nondestructive alternatives are possible.

Normandy Dam on the Duck River is, of course, already completed. It destroyed some of the best archeological sites in the eastern U.S. TVA and NPS funded "salvage" archeological excavations from 1970 to 1975. The findings have now been published by U.T. ("Fifth Report of the Normandy Archeological Project," ed. by Faulkner and McCollough, 725 pp., illustrated. \$20 from UT Press, Communications Bldg., Knoxville, TN 37916.)

4. OBED: LET'S TRY FOR A STRIPMINING MORATORIUM; NPS NEEDS TO GET MORE LAND UNDER PROTECTION

A. Attempts to diminish the stripmine threat

In our August newsletter (NL 89 ¶2), we informed you of the big coal developments (Delta Development Corp., Site Devt. Co. of Florida, etc.) that were threatening the Obed [a little ironic, in view of the fact that certain parties who fought Wild & Scenic River status not so long ago claimed that there was no coal in the area and that legislative protection for the river was thus not needed!]. After a preliminary session to discuss this and other problems with the Park Service (NPS), TCWP subsequently organized a meeting on August 28 between representatives of several concerned groups (TCWP, SOCM, TSRA), some property owners of the area, a representative of Congresswoman Lloyd, and NPS staff. Among several actions that resulted are the following. TCWP wrote to the Tennessee Water Quality Control Division requesting that a moratorium be placed on all stripmining in the Obed-Emory watershed until it has been determined whether the lands concerned can be designated as "unsuitable for surface mining" under the federal Stripmine Act. SOCM wrote to Rep. Lloyd, also suggesting an open-ended moratorium, and urging her at least to ask the state to grant permits only after every concerned agency and individual has had a chance to comment on them. NPS Obed Superintendent, Doyle Kline, wrote to Public Health Commissioner Fowinkle, generally supporting a moratorium and requesting that a task

Obed

force of directly concerned state and federal agencies and organizations be created to "identify actions that must be taken to preserve the water quality in the Obed," to "develop special discharge criteria for the Emory watershed," and to "identify ... areas within the ... watershed that should be designated as unsuitable for surface mining under P.L. 95-87." TVA, following a meeting with concerned individuals (including Don Todd) on Sept. 8, wrote to Commissioner Allison, also backing the task-force idea, and suggesting that Allison, in cooperation with Commissioner Fowinkle, take the lead in this effort. It remains to be seen what the State will do. In August, Mr. Tucker, head of the Stripmine Division, decreed that prospecting on one area could be done only by drilling (not earth moving); but, since he resigned the next day, we don't know if this signalled a new policy or the end of an old one. -- Protection of the lower portion of the watershed would be easier to achieve if the Emory, from Nemo to Harriman, were part of the National System (as so strongly desired by the people in Oakdale), or at least in the study category.

B. NPS land acquisition inadequate

In the meantime, the NPS could protect a small part of the threatened area by land acquisition under the terms of the Act. The start of the acquisition program has been delayed for several bureaucratic reasons not under control of the local NPS personnel. The National Park Inholders (see NL 89 ¶2) have complained -- right to the White House -- that the NPS was taking too much. But let's look at the record: the NPS is proposing to acquire only 3758 acres in fee simple and 1022 acres in scenic easements, or a total of 4780 acres, when, under the law, they could be acquiring about 15,000 acres altogether. The deficit is particularly great with respect to scenic easements, where the NPS is proposing only about 10% of the authorized amount. We feel strongly (and have written to this effect to Sec. Andrus) that NPS is not acquiring *enough* land to protect the river in an undisturbed state. Tall buildings (e.g. hotels) that could be built just outside the scenic easement strip would be visible from the river. Roads could be constructed so close as to bring intrusive pressures on the valley. One owner (who is, incidentally, related to the "Inholders" leadership) had plans to build a cable car over the river. What you can do: (1) Write to Secretary Cecil Andrus (U.S. Dept. of the Interior, DC 20240) and urge that he instruct NPS to enlarge their acquisition corridor so as to protect the river. (2) Write to your Representative (House Office Bldg., DC 20515) and to both Senators Baker and Sasser (Senate Office Bldg, DC 20510) and ask them to support moves to protect the watershed, one of these being addition of the Lower Emory to the National System.

5. STRIPMINE NEWS

A. The State scene

- i. Violence at hearings: once is too much! At the end of a water-permit hearing for a stripmine operation opposite Frozen Head State Park HQ, as people were beginning to leave, the stripmine operator and his friends set upon J. W. Bradley of SOCM, and beat him up so badly that he had to have several stitches. Maureen O'Connell and Annetta Watson were pushed to the floor and bruised. Annetta injured her back and still has nightmares about the brutish attack. Hal Smith and Grimes Slaughter, who had testified for TCWP and TTA, respectively, tried to pull people apart and later gave aid to the injured. If the WQCDivision were now to grant the stripminer his permit, it would indeed be a signal to others that violence is a successful tactic. If people are inhibited from testifying at future hearings, or if the State is inhibited from holding hearings because of possible violence, the strippers will have won a victory indeed. The right to free expression at public hearings must be guaranteed. What you should do: Write to Governor Blanton and to whoever is elected governor on Nov. 7 (State Capitol, Nashville 37219) and ask them what they intend to do to safeguard the rights of citizens to speak without fear of injury.
- ii. Another state "enforcer" joins the industry. Herman Sain is the latest one in the procession of DSM (Division of Surface Mining) personnel who have taken coal industry jobs following a record of pro-industry bias during their employment with the state regulatory

agency. Fred Wyatt, who did the same thing a few years ago, is now a high-ranking employee of the stripmine lobby, FACT. DSM Director Tucker quit his job in August (see ¶4A). DSM refused to let SOCM examine records of applications for surface-mine permits and records of inspections. SOCM has gone to court, and a hearing is set for Nov. 17.

- iii. Tennessee recently received a \$26,240 Federal grant to cover additional costs incurred in connection with the initial regulatory program under the Federal law. The grant money will be used for "revising state regs" and to "further the enforcement program". With the recent exodus from the DSM, the state needs to fill at least 7 personnel positions.

B. Federal happenings

- i. USDI's Office of Surface Mining (OSM) on Sept. 18 published proposed rules to implement a permanent program for regulating the effects of surface mining, including the surface effects of underground mining. The degree of public involvement OSM has been trying to obtain during the various stages of this rulemaking procedure has been unprecedented and would take too long to describe. Finally, six 4-day hearings were held Oct. 24-27, including one in Knoxville at which Louise Gorenflo presented TCWP's testimony. The record is open until Nov. 17. The states will now have time, before their new legislative sessions, to consider and prepare their proposed programs. The permanent regs go into effect as soon as a State Program is accepted by OSM; or, alternatively, as soon as a Federal program is set up in lieu of an unacceptable State proposal.
- ii. An industry challenge to the *interim* regs had earlier been dismissed by a federal judge as unfounded; the court repeatedly endorsed OSM's approach. Now, the industry has jumped on the proposed *final* regs and managed to get coal-state Senators to call OSM officials on the carpet a month before the regs were even subject to public hearings, leave alone in operation. The oversight action, held with only 2 days' notice, and featuring industry witnesses, turned into a scathing attack on the law and on OSM, with Sens. Bumpers (Ark.) and Ford (Ky.) leading the way. Watch out for efforts to weaken the federal law next year!
- iii. At the risk of repeating ourselves, we want to remind you that if you suspect that a violation of the federal law is occurring somewhere, e.g. a wildcatting operation, you should make a citizen's complaint to the regional OSM office (P.O. Box 15006, Knoxville 37901) giving particulars. You should state whether you wish to remain anonymous or want to accompany the inspectors. (Note that a wildcatting disturbance must be at least 2 acres in size before OSM can step in -- an obvious loophole in the law.)
- iv. The law includes a program for designating lands unsuitable for mining. OSM, TVA, and a Harvard Univ. team are studying the issues and hope to establish guidelines for identifying such lands. The Harvard group made a preliminary visit in August, and returned in mid-October to meet with various groups and individuals.
- v. A model state plan for reclaiming abandoned mine lands is being developed by the Appal. Regional Commission under contract to OSM. The model plan is intended to serve as a guide to states interested to come into this program, which is financed by The Abandoned Mine Reclamation Fund. A per-ton fee on the sale of mined coal forms the revenue for the Fund. About \$104 million have been collected to date. -- The Coalmont water supply in Grundy County, TN, has been selected as one of the first 7 reclamation projects from the Fund. OSM will provide \$126,000.
- vi. OSM still has jobs open, e.g. Land Use Specialist (GS-13), State Program Specialist (GS-13)

6. PRISON TO RUIN FROZEN HEAD PARK UNLESS WE HELP

Well, the State has gone and done it: they've cut the lovely grove of trees on the knoll and started digging for the 20-acre prison site near the entrance to Frozen Head State Park. The Commissioner of Conservation caved in completely and has made statements about

over

what an asset the prison will be to the park. One of the "assets" Commissioner Allison failed to mention is that state-owned land can be used for the construction of factories that would employ prison labor at low wages. So, we can look forward to having the valley filled with factories too!

The Frozen Head State^{Park} Assoc., a Morgan County group, sued for a temporary restraining order, but this was denied at the end of September on the grounds that the damage was not immediate and irreversible! The Association is considering other legal avenues to stop prison building on that site, but funds are required for them to proceed. If you want to help to keep this beautiful part of our Cumberland Mtns unspoiled, send a contribution to Donald Todd, Treasurer, FHSPA, P.O. Box 331, Wartburg, TN 37887.

Jake Butcher's campaign brochure says that he "will expand ... prison ... facilities by [using] land already owned by the state *and only with the approval of local citizens.*" If he gets elected, we must remind him of that statement.

7. TVA CONTINUES TO CHANGE ITS ROLE

After five months during which Chairman S. David Freeman was the only Board member, a quorum has now been restored with the swearing in of Richard M. Freeman on Oct. 16. Richard Freeman, 57 years old, a native of Indiana and graduate of Wabash College and Columbia Univ. College of Law, was a TVA lawyer 1948-1957, then joined a Chicago law firm, and, since 1968, has been vice president of the largest employee-owned railroad in the nation. He has made some good statements, e.g., "TVA is much more than a utility. It is a grand design for quality growth, better living, conservation, and environmental concerns..." With a quorum restored, TVA will now be able to take action on such matters as Tellico Dam alternatives, the Clean Air suit settlement, electric rate structure (e.g. lifeline rates and peak-load pricing), and the Melton Hill Coal Barge terminal. David Freeman deserves tremendous praise for having carried on alone so ably during a period when these and other problems -- probably the most serious ones in TVA history -- were being faced. Here are a few other things Dave Freeman has recently accomplished.

(i) Appointed Robert F. Hemphill, Jr., 35, to head up TVA's new Conservation Division. Hemphill, a Yale graduate, with further degrees from UCLA and Geo. Washington U., has worked for HEW, OMB, the Conservation Policy Office of FEA, and, lately, for DOE. He will be concerned with power conservation, solar energy, rate design, and load management.

(ii) Formed a Citizen Action Office, headed by Ms. Dawn Ford, 33, to provide a two-way channel of communication between TVA and the public. The toll-free phone service, now named Citizen Action Lines, CAL, will be part of this office (1-800-362-9250 from within Tennessee; 1-800-251-9242 from the other Valley states). Several organizations, including TCWP, have been asked to propose 2 informed persons to attend discussions on what should be the role of TVA in the Valley's future.

(iii) Initiated a major solar experiment involving 1000 homes in Memphis. Solar water heating units will be installed for a fixed cost of \$13 a month which will never go up. Conventional water heating costs are currently \$12-17 per month and will presumably rise.

(iv) Approved expansion of the home energy conservation program, whereby interest-free financing will be available for energy-conserving measures. Energy saved by each home could be the equivalent of 4 tons of coal/yr and \$1000 in power-plant investment.

(v) Established good working relations with labor, senior citizens, the black community. Supported affirmative action among TVA's coal suppliers (who previously employed no women).

(vi) Questioned the fuel adjustment clause. Is looking at rate structures.

8. TCWP ELECTION RESULTS AND ANNUAL MEETING REPORT

The following will serve TCWP in 1979:

OFFICERS:

PRESIDENT: Lynn Dye, Oak Ridge
VICE PRESIDENT: *Jenny Freeman, Knoxville
SECRETARY: *Vici Carlock, Oak Ridge
TREASURER: Charles Klabunde, Oak Ridge
*Newcomer to the Board

DIRECTORS:

*Louise Gorenflo, Knoxville & Pelham
Lee Russell, Oak Ridge
Bill Russell, Oak Ridge
*Paul Somers, Nashville
Don Todd, Wartburg

NOMINATING COMMITTEE: Ed Clebsch (Chairman), Hal Smith, Ken Warren

It was such an outstanding meeting that those of us who came felt really sorry for the many who couldn't make it (mid-October weekends seem to have many conflicts). We've never had such a collection of excellent talks. Neil McBride discussed recent changes in TVA (see ¶7 for some of this info). Walter Criley, chief of the Dept. of Conservation's Planning Division, gave an informed and incisive analysis of why things are not happening to our liking at the state level, and what the state could do to remedy the situation. And our after-dinner speaker, Dean Rivkin, delved into the underlying causes of the recent attacks on the environmental movement, and suggested steps we can take to show that the dichotomies presented by our enemies (e.g., growth versus no growth) are simplistic representations. We also had a representative from Jake Butcher's campaign, Marvin Bailey, who gave us some idea of what could be expected from a Butcher administration. Lamar Alexander's representative, who was also invited, couldn't make it. The old and new boards met informally to discuss ways to increase membership. Later, before Dean's talk, everyone listened to a brief recap of the year's highlights and discussed plans for next year. Among a number of possible ones, two were definitely selected for action: (a) a 2-day workshop on the effectiveness of Tennessee state government, to be held early in the new administration; (b) a classical guitar concert as a fundraiser -- better organized and advertised than last year's!

In spite of a rainstorm Friday night, and some hail and sleet Saturday evening, we had sunny hikes (3 choices) Saturday afternoon and all day Sunday (fall colors great!). The folk dancing Saturday night was a lot of fun, especially for novices, and we went to bed warm. The food, planned and executed by Holly Gwin, was superb, even though high-level staff (no names mentioned) forgot to bring 9 lbs of cabbage. Almost everyone enjoyed KP, and Mike Holland gets a prize for mopping floors.

9. RARE II IS NOW IN THE HANDS OF THE FOREST SERVICE

Four representatives of the Cherokee National Forest Coalition (including TCWP's Doris Gove) met with Cherokee Forest Supervisor Marvin K. Lauritsen on October 19 to discuss Citizens' Alternative W, which recommends that 17 of the 22 areas in the RARE II Draft EIS be designated wilderness. The Coalition presented specific reasons for inclusion of the areas, and emphasized Pond Mountain, Pond Mountain Addition, Jennings Creek, Citico, and Bald River. Mr. Lauritsen asked for a priority list, but the Coalition declined to say which area was 'best', 'second', etc. -- Some negative public response has resulted from the way in which the Forest Service (USFS) has drawn boundaries. For example, a cemetery was included within the boundary of the Bald River area, and, since it is clearly not appropriate for a wilderness area, the boundary can be adjusted. However, the USFS will not differentiate this kind of (reparable) negative response from other kinds, and this could jeopardize the chances of Bald River receiving wilderness protection. -- Mr. Lauritsen praised the Coalition's work, and said that the reports on the Alternative-W areas provided information which will be valuable in making the regional recommendations.

over

The Coalition got an interesting insight into mail received by the Cherokee National Forest Office. Of a total of 16,250 RARE-II letters, 7,000 were identical form letters which came in one package (i.e. signers didn't even add stamp!); 4,000 were form letters mailed individually, and the rest were handwritten or typed letters. Most of the form letters were anti-wilderness. The Forest Service does not yet have a breakdown, but they estimate that, counting all the inputs, the ratio is 7:1 or 8:1 against wilderness. Counting only "real" letters, the ratio is about 1:1. How the mail will be weighted has not been determined. The Tennessee Conservation League and some affiliated hunting and fishing clubs oppose wilderness status for several of the areas recommended by the Coalition because they want wildlife management plots maintained and want jeep access for hunters. Nationwide, 160,000 RARE-II letters have been received.

The RARE-II timetable from now on is as follows:

November 3 -- Regional Foresters make recommendations to the USFS.

Early December -- Recommendations go to the Department of Agriculture.

December 29 -- Final recommendations and Departmental Review go to the White House.

January or February -- Congress responds to recommendations.

All too soon, this issue will be before the Congress, so it is time to start sending views on RARE II to your legislators (The Hon. _____, House Office Bldg., DC 20515; Sen. _____, Senate Office Bldg., DC 20510).

(Based on a report by Doris Gove)

10. OUR BORDER WITH N.C.: THE 1943 AGREEMENT; THE TELlico PLAINS-ROBBINSVILLE ROAD

A. Secretary Andrus vows to resolve the 1943 Agreement

As you know, the "1943 Fontana Agreement" has been nagging for 35 years, has brought the threat of North-Shore and Transmountain roads and has, in effect, held up wilderness designation for the Smokies for over 10 years. In August, Interior Secretary Cecil Andrus became personally involved in resolving the conflict when he visited western North Carolina and talked to local people, NPS personnel, and wilderness advocates. Subsequently, Andrus set up a committee, chaired by David Felmet of Waynesville, N.C., to recommend a solution to the Agreement problem. The rest of the committee will be constituted as follows: two members designated by the N.C. Department of Natural Resources, two by the Swain County Board of Commissioners, and two from the National Park Service. A recommendation is expected early next year.

B. TCWP requests supplemental EIS for the Tellico Plains-Robbinsville Road

Of 37 miles proposed to connect two small communities, 16.2 miles have been constructed. This piece of road in the Cherokee National Forest has been an environmental disaster, partly because it has exposed the Anakeesta formation and liberated enough acid to destroy all aquatic life in several formerly pristine mountain streams. In August, TCWP requested from the Council of Environmental Quality that the Federal Highway Adm. be required to provide a supplemental Env'tl Impact Statement. The former "Final" Env'tl Statement (a) failed to predict the geological consequences of the road disturbance, (b) was inadequate in its assessment of biological attributes, and (c) had a number of other serious flaws which were detailed in the TCWP letter. Our request will probably delay road-construction funding.

11. STATE CAPSULES

A. Returnables for Tennessee?

If Tennessee is to have any beverage-container-deposit legislation, it'll take concerted citizen action. The nearest the gubernatorial candidates have come to expressing themselves on this issue is some talk in the ranks about a tax on gross receipt of the container industry to pay for litter cleanup. The major problem, however, is not litter per se but resource conservation (raw materials and energy), and returnables are the only answer to that one. A committee for the promotion of deposit legislation has been formed and is headed by Frank Clayton. The Tennessee Environmental Council will handle mailings,

etc. If any of you have any special interest in this matter, contact TCWP member Bill Baird (Knoxville 573-6218).

B. Rural Legal Services

Poor people in a 16-county area of Tennessee are now being served by a federally-funded program, Rural Legal Services, which will eventually employ 20 lawyers. Very often, abuse of poor people is also abuse of the environment, and vice versa. RLS's main office is in Oak Ridge (Jackson Square, SE corner), and other offices in Jacksboro and Cookeville are being staffed. If you're interested in learning more, call Neil McBride or Bill Allen at 483-8454.

C. Oak Ridge Greenbelt: Illegal tree cutting

There have been several cases where residents have cut trees in adjacent City-owned greenbelt in order to clear themselves a private view of the Cumberland. TCWP some years ago developed a system of greenbelt hiking trails (since honored as both a State and National Recreation Trail) to help citizens enjoy the beauty of our woods and make them appreciate the treasure we have. Should a few selfish individuals be allowed to get away with this destruction of our public property? Unfortunately the present penalties are too weak a deterrent to future cutting. A group of people, headed by Mark Cristy, are spearheading the effort for stronger laws. Let your councilman/woman know that you want a meaningful ordinance to protect the public Greenbelt. For more info, call Mark Cristy (482-5010), or Vici Carlock (482-5082).

D. Tennessee gets its 14th National Recreation Trail

Bearwaller Gap Hiking Trail on Cordell Hull Lake, near Carthage (off State Route 85) will be dedicated as the Nation's 160th National Recreation Trail on November 18. (Note that almost one-tenth of the NRT's are in our state!) The 6-mile trail, which passes striking geological formations and historical sites, was developed by the Corps of Engineers.

E. State receives gift of East Tennessee mountain land

A 4000-acre tract donated last year to the Nature Conservancy by Kimberly-Clark Corp. has now been transferred to the Tenn. Wildlife Resources Agency and will become part of the Wildlife Management Area system. The property, about 15 miles SW of Johnson City near Erwin, ranges from 1800 to 3800 ft in elevation. The donation, valued in excess of \$1 million, will serve as Tennessee's matching portion towards receiving additional money from the Heritage Conservation and Recreation Service (formerly BOR) to purchase more land somewhere in the state.

12. SENATE LEAVES ALASKA UNPROTECTED; INTERIM PROTECTION IS UP TO THE PRESIDENT

The Senate Energy & Natural Resources Committee reported a weak and unacceptable Alaska bill on Oct. 5. Though there was hope for remedial amendments from the floor (with the Senate showing increasing positive support), last-minute obstructive tactics by Sens. Gravel and Stevens of Alaska squelched any action. Gravel subsequently also blocked efforts to extend by one year (to 12/18/79) the protection afforded the National Interest Lands by the 1973 Native Claims Act. -- However, Sec. of the Interior, Cecil Andrus has promised administrative protection of Alaska land "for as long as necessary to give Congress time to act." Under the provisions of the 1906 Antiquities Act, the President is empowered to designate federal lands as National Monuments, and this course will almost certainly be followed. The important thing for us is to make sure: (a) that enough lands are thus designated, and (b) that legislative protection soon replaces Monument status, which is not as strong as wilderness status and can be overturned. What you can do: (1) Write a letter to your Representative (House Office Building, DC 20515) and Senators (Senate Office Building, DC 20510) to thank them for support for a strong Alaska lands bill. (Especially thank James Quillen, a cosponsor of HR 39). Ask them to urge the President to protect *all* of the Alaska National Interest lands by declaring them *National Monuments*. (2) Write a letter to President Carter (The White House, DC 20500). Urge him to declare National Monument status for all of the lands approved in HR 39 and the additional areas recommended by the Senate Energy Committee. (3) Before Nov. 30,

over

send copies of this letter to Secretary of the Interior Cecil Andrus (Department of the Interior, DC 20240) and to Secretary of Agriculture Bob Bergland (Department of Agriculture, DC 20250). Ask that your letter be included in the draft EIS on the use of the Antiquities Act for Alaska. (4) If you need more info, or want to help more, contact the Tennessee Alaska Coalition (c/o Andy Butler, 234 Highland Ave., Oak Ridge 37830; 482-1336).
(Based on a report submitted by Andy Butler)

13. WATER RESOURCE PROJECTS AND RIVERS

A. Pork-barrel veto sustained: The President deserves our thanks!

Conservationists rejoiced when on Oct. 5 Pres. Carter had the courage to veto the Public Works Appropriations bill with its boondoggle water projects; and rejoiced even more when, that same day, the House sustained the veto with over 50 votes to spare. (This was no thanks to Tennessee legislators: the only one who voted to sustain the veto was Rep. Harold Ford of Memphis.) Legislators have long jealously guarded their prerogatives over the large sums of money spent in their districts, and, last year, the President compromised instead of vetoing. This year, following the Oct. 5 veto, Congress sent to the President a "continuing resolution" that removed from the vetoed bill all the 6 "hit list" projects as well as funds for 11 new construction starts opposed by the Administration. It also revived the Water Resources Council. The price tag on water projects was reduced from \$1.8 billion to \$0.84 billion. What you should do: Express your gratitude to Pres. Carter (The White House, DC 20500), with a copy to your legislator. Memphis members should thank Rep. Harold Ford (House Office Bldg., DC 20515).

It is instructive to see what remains in the revised bill. There are still 42 water projects being funded. No item of specific interest to Tennessee was struck. Tennessee items (energy + water projects) totalled 10% of the original \$\$, and presumably an even higher percentage in the revised version. Still being funded are the Tennessee-Tombigbee Waterway (\$150 million), Tellico Dam completion (\$1.8 million), Columbia Dam (we don't know the amount), and, fortunately, the Big South Fork (see ¶1).

B. Water Project Authorization didn't make it

There were indications that the President would veto not only the appropriations but also the biennial authorization bill, because it promoted many water policies and a list of projects he opposes. However, the occasion did not arise because the bill died at the very end of the session for want of a quorum. One section of the bill took care of a "housekeeping" item for the BSFNRRA, namely increase in the total authorization to \$140 million to take care of inflation (NL 89 ¶4). It is likely that there will be no difficulty in getting this item passed next year.

C. The Water Resources Council and Water Policy Reform

The underlying issue in the water-projects fight is how the Congress determines whether a project is worth its cost. In June, the Administration issued its new water policy, watered down under pressure (e.g., the present ridiculously low discount rate for figuring cost was not altered), but still supported by the conservation community (NL 87 ¶10A). A central item was the Water Resources Council, which Congress subsequently tried to kill in its Appropriations bill, but which was revived following the veto (¶13A, above). The WRC is to review all water-project spending proposals, require alternative nonstructural plans, recompute benefit/cost ratios where appropriate, take a hard look at the project's effect on water quality, and make water conservation a specific goal. The WRC is also directed to prepare a legislative proposal to make matching funds available to states for planning, and to require states to put up a 5, 10, or 20% share (depending on type of project) of the cost. Look for action on these water-reform related items when the Congress reconvenes!

D. Inventory of rivers with potential for inclusion in National System

The Heritage Conservation and Recreation Service (HCERS, formerly BOR) has now produced its final listing of rivers in the Southeastern U.S. (12 states, 15 physiographic sections) which have potential for further consideration for the National Wild & Scenic Rivers

System. Category-A river segments have high potential; B segments also have potential but are not as outstanding as A rivers. TCWP (effort coordinated by Lynn Dye) had considerable input into this final listing and managed to greatly expand an inadequate preliminary list. Tennessee now has 17 segments listed in "A" and 16 in "B", trailing only behind Georgia and N.C. in the total. Some states (Virginia, Louisiana) got short-changed, probably because no one there took the trouble to send in any river descriptions.

E. National Waterway Study

The Water Resources Development Act of 1976 directed the Corps of Engineers to undertake a 3-year National Waterways Study. The nation's existing water transportation will be examined, and recommendations will be made about management, use, and modification of the system. For info, write Mrs. Arlene L. Dietz, Inst. for Water Resources, Kingman Bldg., Fort Belvoir, VA 22060. Your comments are welcome.

14. FEDERAL NEWS

A. Comprehensive Omnibus Parks and Rivers Act passed

The most comprehensive legislation in conservation history squeaked through in the closing days of the Congress, having passed the House 341:61 back in July. The "omnibus parks" bill, brainchild of Rep. Phil Burton, carves out scores of new or expanded parks, wilderness areas, wild & scenic rivers, and national trails. A few highlights are: inclusion of Mineral King Valley in Sequoia National Park (thus precluding the threatened Disney ski resort); natural or scenic area protection for N.J.'s Pine Barrens, for Jackson Hole, Wyoming, and for the Chattahoochee in Georgia; addition of 7 instant and 19 study rivers to the National W & Sc. Rivers System, including the Middle Delaware (thus killing Tocks Island Dam); creation of 5 major trails, including the Continental Divide Natl. Scenic Trail.

B. Nongame Wildlife bill killed by Chamber of Commerce lobby

State conservation programs are geared to producing species for hunting and fishing. This is largely the result of two federal laws that tax sales of hunting and fishing gear for this purpose. An attempt to pass a similar law for the support of nongame species (planning, research, and some habitat acquisition) passed the Senate in May but was subsequently bottled up in the House by a massive lobbying effort by the U.S. C of C and Amer. Public Power Assoc. who claimed the bill would become "another snail darter law."

C. Proposed Forest Service Management Rules invite continuing abuse

The National Forest Management Act of 1976 directed the USFS to issue regs for managing the forests so as to reduce abuses. But the proposed rules do not carry out the letter or intent of the Act, which sought to limit the use of clearcutting, prevent destructive logging on marginal lands, assure protection of streams, and preserve the diversity of plant communities. Your input is needed to improve the final regs. The deadline has now been extended until Nov. 29. If you don't have time to read the lengthy draft regs, ask Bill Chandler (974-4251 or 579-5084) for a 1½-page analysis; or, at least endorse the "environmentalists' proposals on departures from non-declining yield and on marginal lands." Send comments to Chief McGuire (USFS, P.O. Box 2417, DC 20013), with copies to your representative (House Office Bldg, DC 20515) and senators (Senate Office Bldg., DC 20510).

D. Jane Yarn joins CEQ

The 3-person Council on Environmental Quality had been incomplete ever since February, when Marion Edey asked President Carter to withdraw her nomination (NL 85 ¶11). In August, the Senate confirmed Jane Yarn, known to many TCWP members as an outstanding Georgia conservationist, and, in 1976, national co-chairperson (with Carlton Neville) of Conservationists for Carter.

E. DOE will help citizen groups to participate in rule making

The Dept. of Energy is drafting regulations for a new program that will provide funds for non-profit groups who lack the resources to intervene and participate in government proceedings. The purpose is to broaden public participation in the Department's rule-making process. Groups can use the funding to pay for legal and technical assistance in preparing

over

testimonies on DOE regs. -- DOE is also inviting public comment on issues that should be addressed in an EIS on the second National Energy Plan (which will be submitted to Congress in April). For more info, contact Kevin T. Mullen, Office of Environment (Rm 6128), DOE, 20 Mass. Ave. NW, DC 20545. Deadline for comment, Dec. 1.

F. A healthy environment is not inflationary

Those who say "environment is too expensive" seem to have an easy time getting into the media. Here are some facts you can use every time you get a chance. (a) Pollution control has created more jobs than it has lost. (b) Of the increase in the Wholesale Price Index, only a small fraction (.03) is caused by pollution control. (c) Without environmental controls, many products simply do not carry their true cost, and these non-included costs have to be borne even by those who do not consume the product. E.g., air pollution costs the average American \$80 per year (and the city dweller \$160 to \$320 per year) in medical care, damage to materials and vegetation, and lowered property values.

15. POLITICS IS NOT A DIRTY A WORD: SUPPORT ENVIRONMENTALIST CANDIDATES!

Though the election may be over by the time you read this, we hope you made the environment an issue in your choice of candidates. We should like to direct your attention to two national groups that are strongly geared up to do so, and hope you may be able to contribute to their efforts. The League of Conservation Voters (LCV, 317 Penn. Ave. SE, DC 20003) compiles records on key votes (which are often on amendments, rather than on the final ye or nay), and financially supports either environmentalist incumbents, or candidates who are trying to unseat foes of the environment; 16 people are being supported this year. Environmental Action (1346 Conn. Ave. NW, Suite 732, DC 20036) supports challengers for seats of "The Dirty Dozen." Please note: the contributions received by these groups are only a tiny fraction of the money that supports industry-backed candidates.

Incidentally, when LCV drew up its latest Senate chart on 34 key votes in the past two years, it also scored how the Administration lobbied on each of these votes. President Carter scored 92% -- better than all but 7 Senators. The average Senate score was 51.6% (Baker got 32%; Sasser 47%).

15. PUBLICATIONS OF INTEREST

- An archeological report describing evidence of Indian life in the Little T Valley from 7500 B.C. to 3000 B.C. may be obtained from TVA. It is entitled "The Bacon Farm Site and a Buried Site Reconnaissance" (\$8.10 from TVA, Mapping Services Branch, 200 Haney Bldg., Chattanooga 37401).
- The "Strip Mine Handbook," prepared by the Env'tl Policy Inst. and the Center for Law & Social Policy, contains the practical information citizens need to play an active role in the regulatory process that will make the new law work. 107 pp, illustrated. (\$2.30 from EPI, 317 Penn. Ave. SE, DC 20003).
- "Citizens' Handbook on Clean Air Amendments," by the Natural Resources Defense Council, explains the controls required of new and existing pollution sources, and how to get good enforcement action in your community. (Order from NRDC, Citizens' Handbook CAAA 1977, 917 15th St. N.W., Washington DC 20005).
- A Departmental Vacancy Information System List is published at frequent intervals by the U.S. Dept. of the Interior (Office of the Secretary, USDI, Washington, DC 20240). It lists job openings in the National Park Service, Fish & Wildlife Service, Office of Surface Mining, Bureau of Indian Affairs, etc.
- "Wilderness Inventory Handbook" contains Bureau of Land Management procedures and guidance for their new inventory program. If you know any BLM lands that you feel should be in the inventory, order the 16-page handbook from BLM, USDI, Washington, DC 20240.
- "Disappearing Species: The Social Challenge," by Erik Eckholm, examines the struggle to save species in the context of necessities to meet basic human needs, especially in Third-World countries, where thousands of species may be lost by the year 2000 (\$2.00 from Worldwatch Inst., 1776 Mass. Ave., NW, DC 20036).

- "Endangered Plant Species and Wildland Management," J. of Forestry, Jan. 1978, pp. 31-36 discusses strategies to protect such species. Bob Farmer, past TCWP Director, is an author.
- "Harlan County Flood Report," a 65-page study by Appalachia-Science-in-the-Public-Interest shows that stripmining significantly increased the 1977 flood levels in Central Appalachia, adding millions of \$\$ to property damage. (\$3.50 from ASPI, P.O. Box 612, Corbin, KY 40701)
- "Operation Nature Guide" is a list of over 1000 people in almost all the states and 13 foreign nations who are experts on trees, flowers, mushrooms, birds, etc. and willing to show you around their local area. (\$3.95 from Ilene Marekx, Nature Guide, 34915 4th Ave. South, Federal Way, Washington 98003)
- "French Broad River Guide" gives mileage between points of interest, lists rapids, shoals, dams on a total of 217 river miles. (75¢ from Land-of-Sky Regional Council, P.O. Box 2175, Ashville, NC 28802)
- "Canoeing and River Touring Bibliography" lists 800 canoe routes, government pamphlets, canoe clubs, canoe liveries, bibliographies of books and articles, etc. 66 pp. (\$2.00 from Adventure Bookshelf, P.O. Box 6169, Long Island City, NY 11106)
- "Explorers Ltd. Source Book," in 413 pages covers 29 areas of outdoor activities. It refers you to source materials, lists outfitters, schools, guides, clubs, government agencies. (\$7.95 from Adventure Bookshelf, P.O. Box 6169, Long Island City, NY 11106)
- "Footprints on the Planet: A Search for an Environmental Ethic" by Robert Cahn, who won a Pulitzer Prize for environmental writing in the "Christian Science Monitor". (Universe Books, \$10.95, \$5.95 paperbound; discounts for 10 or more copies)
- "Appalachian Nature and Culture" is a special supplement to "Second Growth" (literature of environmental concern), a magazine published by East Tenn. State Univ. Submissions (reviews, interviews, essays, poetry, fiction) should be sent by Dec. 1 to Fred Waage, English Dept., ETSU, Johnson City, TN 37601. Or you may wish to subscribe for \$4/yr.
- "The Costeau Almanac of the Environment" is in the making. The editors are looking for previously published articles, editorials, cartoons, photographs etc. Send such material, with information on its source, to The Cousteau Soc., 777 Third Ave., New York, NY 10017.
- "The Concerned Gardener" is a guide for individuals as well as groups who want to control or correct environmental problems. Contains info about plants suitable for your part of the country that can be the start of a food chain, protect against erosion, etc. (\$2.00 a postpaid copy, from Concern, Inc., 2233 Wisconsin Ave. NW, DC 20007)
- "The Role of Colleges and Universities in Land-Use Planning and Resource Allocation in the Southeast", available from Amer. Inst. of Biol. Sciences, 1401 Wilson Blvd., Arlington, VA 22209.
- A pamphlet on how to select firewood for home heating may be obtained (free) from the TVA Information Office (400 Commerce Ave., Knoxville 37902).

17. CALENDAR

- Nov. 14 - Conference, Water Needs and Problems of Tennessee, Johnson City ETSU, University Center (Enquire U.T. Water Resources Research Center, Knoxville 37916)
- Nov. 18 - Dedication of Bearwaller Gap Hiking Trail as Tennessee's 14th National Recreation Trail. 2:00 p.m. (CST) at scenic overloop Cordell Hull Lake (near Carthage)
- Nov. 28, 29 - EPA National Conference on Water Conservation and Municipal Wastewater Flow Reduction, Chicago, Ramada-O'Hare Inn. (Limited travel reimbursement available through Clean Water Action Fund; call Sophie Ann Aoki, 202, 638-3013)
- Nov. 30 - Conf. on Water Needs and Problems of Tennessee, Knoxville, U.T., University Center, Crest Room. (Enquire U.T. Water Resource Research Center, Knoxville 37916)
- Jan. 15-17 - DOE Conference on Energy-Related Vocational and Technician Training, Employment, and Public Energy Awareness, Washington, DC. (Write DOE, Education Programs Div., 400 First St. NW, Room 307, DC 20545)

