

# TENNESSEE CITIZENS FOR WILDERNESS PLANNING

Newsletter No. 103, June 23, 1980\*

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 Star in margin means "Action Needed." Don't be overwhelmed -- check the ACTION SUMMARY!

## 1. ALASKA: YOUR IMMEDIATE ACTION NEEDED TO SAVE OUR LAST FRONTIER

The biggest land and wildlife decision of this century is only a couple of weeks away. It'll be our last chance to preserve huge ecosystems -- the only large wilderness left in North America. After endless delays (engineered by pro-development interests who hoped to prevent passage of protective legislation -- see NL 100 18), Senate floor action on the Alaska lands bill is finally scheduled to start July 21. A very weak Energy and Natural Resources Committee bill will be before the Senate. Five strengthening amendments and a substitute bill must be adopted to make the Committee bill minimally acceptable for a conference committee with the House-passed Udall-Anderson bill. You can help save the Alaskan wilderness: 1. Write to Senators Baker and Sasser TODAY (even if you have written before) and ask them (a) to vote for all strengthening amendments to be offered on the Senate floor and for the Tsongas-Roth substitute, and (b) to oppose any weakening amendments (Sen. H. H. Baker, Jr., and Sen. Jim Sasser, Senate Office Bldg., Wash. DC 20510). 2. Send a letter to the editor of your paper. For more info call the Alaska Coalition, 202, 543-3663 (or its 24-hour hotline, 202, 547-5550), or write at 530-7th St., Wash. DC 20003.

We'll be up against major odds. The Alaska state legislature has earmarked about \$20 million for lobbying (focused on 30 key Senators) and for a publicity blitz (full-page ads, Alaska Jaycees talking at "lower-48" Jaycee functions, etc) whose message is that the conversationist-backed bill would "lock up" energy resources that America badly needs. The same message (in opposition to Pres. Carter's efforts to protect Alaska's wild lands) is a mainstay of the Ronald Reagan campaign. You may counter such arguments with a letter to the editor of your newspaper (copy to your Senators) explaining that 95% of the lands with a "high" or "favorable" potential for oil and gas would be open for exploration and development under the terms of the legislation we support.

## 2. STATE LANDS THREATENED BY MINERALS LEASING: YOUR ACTION NEEDED

The Governor's office has ordered agencies that manage state lands to develop a minerals leasing policy, the objective being to generate general revenues. The agencies affected include the Dept. of Conservation, its Div. of Forestry, Tenn. Wildlife Resources Agency, Dept. of Corrections, and the Univ. of Tennessee. The lands involved could be state parks, natural areas, forests, wildlife management areas (especially Catoosa), and even riverbeds of navigable streams. The push has come from Finance Commissioner Donnelson (and especially from Charles Howell in that Department) in response to reported pressure from coal and oil interests, and the public has been kept totally uninformed that such a policy was being developed. Lately, however, SOCM found out about the mandated meetings of the land-holding agencies, and SOCM and TCWP members have attended some of them. The most serious threat comes from the proposal to put decision making into the hands of some central body (probably the State Building Commission, constituted of political appointees), thus taking it away from the individual agencies which are much more familiar with the suitability of their own lands for minerals extraction. There appears to be no mechanism for citizen input into decisions to extract minerals, and no assurance that the money generated on an agency's land will go to that agency. (Note: the Tenn. Conservation League in March passed a resolution asking that income from minerals extraction in Catoosa, which, they hoped, would not include stripmining, be used for the purchase and development of wildlife habitat. Would this, in fact, be assured?)

WHAT YOU CAN DO: Write today to Gov. Lamar Alexander (State Capitol Bldg, Nashville, TN 37219) and remind him that our state lands are a valuable resource, belonging to us all, that has been placed under management of various State agencies as a public trust. Their fate should not be decided by an uninformed, unconcerned political body for the benefit of oil and coal companies. There are better ways of raising state revenues than destroying our valuable parks, forests, and rivers!

### 3. COLUMBIA DAM: PARTIAL SUCCESS, BUT BEHIND-THE-SCENES MACHINATIONS

#### A. We gain chance for water-quality hearing, but ---- (see B, below)

Several groups, including TCWP, were given a first hearing before the Tennessee Water Quality Control Board (WQCB) to appeal Public Health Commissioner Fowinkle's December 1979 decision to grant a "401" certification for The Columbia Dam. The hearing, held on May 2, addressed only legal issues, the main one being whether, and under what conditions, the WQCB would hear our appeal on the substantive issues of water quality damage from the project. The outcome of the May 2 session was favorable: a full evidentiary hearing will be scheduled later in the year (probably late summer or fall), and the scope of this hearing will include quality of the water in the impoundment, as well as quality of the water discharged by the dam. (As you may recall, Comm. Fowinkle had based his 401 certification only on the latter, claiming lack of jurisdiction over the generally conceded water-quality problems in the reservoir itself.) For the purposes of the upcoming evidentiary hearing, 3 groups were granted "standing" by the WQCB, namely. TCWP, TSRA, and the Environmental Defense Fund; the 2 other groups that had joined in the appeal (Sierra Club and TEC) may, at a later date, file a petition to intervene. Ranged on the opposite side are TVA, the Upper Duck River Development Assoc., and some local government entities (e.g., the cities of Columbia and Lewisburg) that were granted permission to intervene. Surprisingly, the State Attorney General's office sided with the conservation groups at the legal hearing on May 2.

#### B. We must beware of behind-the-scenes pressures

Col. Robert Tener, outgoing District Engineer of the Nashville District of the Corps of Engineers, has recommended to the Ohio River Division of the Corps that they grant the "404" permit for Columbia Dam as soon as the State's "401" certification is decided (See A., above). Last February, EPA requested that the Corps hold its 404 decision in abeyance, pending full study of the water quality issues. So, in effect, Col. Tener is saying to his superiors 'since I can't take action to grant the permit, I am taking action to ask you to grant the permit' -- knowing full well that the Corps almost always goes by the recommendations of its District Engineers. Among Tener's reasons: "Local elected officials ... support completion of Columbia Dam in spite of foreseeable detriments ..." As soon as Tener's recommendation was announced, we started receiving reliable reports that there were strong pressures being brought on EPA to bypass any state opposition to the "401." This pressure is said to be coming from high up in TVA (ironic, in view of Chairman Freeman's recent speech on how TVA must pay more attention to water quality problems in its own reservoirs as well as in dam discharges); it also comes from Columbia area county judge(s) who claim to have White House support. If EPA were to yield, this would be a complete turnabout for this agency because, only a few months ago, EPA was strongly questioning Comm. Fowinkle's decision to abdicate his responsibility over reservoir water quality (see NL 102 ¶6A). WHAT YOU CAN DO: Write Rebecca Hammer, Regional Administrator (EPA Region IV, 345 Courtland St., Atlanta, GA 30308, or call 404, 881-4727) and urge that the agency not take any action that would preempt the Tenn. WQCB's evidentiary hearing on the environmentalists' appeal concerning substantive issues of water quality in the Columbia Reservoir.

#### C. Position of Tennessee's Members of Congress

TCWP wrote to both of Tennessee's Senators and to 7 Representatives asking whether they could still support Columbia Dam, in view of the undisputed facts brought out by CBS's "60 MINUTES" and heard by millions of Americans. So far, we have heard only from Marilyn Bouquard, who says she is awaiting the findings of the upcoming WQCB hearing. She writes: "we must insure that no construction is undertaken which will pollute either the water in the reservoir or downstream." -- Sen. Sasser, who has been making repeated speeches for control of government spending, recently used the occasion of chairing an appropriations subcommittee hearing to provide a one-side forum for Columbia Dam proponents. Write to him, and to the other members of the Tennessee delegation and urge them to reconsider their support for this wasteful (\$153 million) project.

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#### D. Columbia Dam capsules

- Church Women United are opposing construction of the dam because it would remove large areas of prime farmland from the production of food
- Hooker Chemicals & Plastics Corp. (of Love Canal fame) has applied for 3 separate NPDES permits to discharge waste-water from phosphate washing into the Duck River below Columbia Dam (pollution dilution?)

#### 4. THE FOREST SERVICE NEEDS YOU TO IDENTIFY PLANNING ISSUES

##### A. Get involved in the new Forest Service Planning efforts!

Under the provisions of the National Forest Management Act of 1976 the various National Forest regional offices are beginning work on comprehensive land management plans. In contrast to past studies, which developed a separate plan for each resource (e.g., timber, recreation), the new effort will produce just one comprehensive plan for all resources, and this will supersede earlier documents. In the Cherokee National Forest, the first phase will seek to identify issues concerning the way the Forest is managed. Public input is being solicited on what the issues are, and which are thought to be significant. Even though the USFS will not come up with alternative plans until 1983, it is important that you send in a list of issues now, or you will not have the right to comment on these particular issues later. Possible topics you might want to name are wilderness, non-game wildlife, watershed protection, minerals exploration and extraction, roadless areas, water quality. One issue on which most of you may later wish to comment (and which should thus be included in your list now) is clearcutting. Clearcuts are more than just ugly; they destroy wildlife habitat, cloud streams, and cause nutrients to leach out of the soil. The monoculture forest usually planted in clearcuts is less resistant to disease and fire than the forest it replaced. -- The Cherokee is one of 150 National Forests (187 million acres) nationwide. It has 621,000 acres (being thus smaller than average), including some of the lands of 10 counties. Of a \$10.3 million budget the biggest chunk in 1980, namely \$2.1 million, goes for timber sales and other timber-related expenditures; another \$1.8 million goes for roads (construction and maintenance); \$1.4 million are budgeted for recreation use and construction, trail construction and maintenance, fish and wildlife management.

WHAT YOU CAN DO: As soon as possible send your list of issues to be considered in planning for the Cherokee to Forest Supervisor's Office, P.O. Box 400, Cleveland, TN 37311. State that your input is for the Forest Land Management Plan.

##### B. Foley's anti-wilderness bill now has a Senate companion

Do you remember Rep. Foley's anti-wilderness bills HR 6070 and HR 6607 (see TCWP Action Call 80A and NL 102 #10A)? They would instantly release for commercial development all 36,000,000 national forest acres that the Administration passed by in the RARE II review, and would put severe deadlines on declaring wilderness for any lands in the "further planning" category. Now, there is a companion bill in the Senate -- S.2568, sponsored by Jesse Helms (R-N.C.) -- which differs from Foley's only in imposing even more unrealistic deadlines. WHAT YOU CAN DO: Write to your Senators (Senate Office Bldg., Wash. DC 20510) as well as to your Rep. (House Office Bldg., Wash. DC 20515) and ask them to oppose the "statutory release" concept of the Foley/Helms bills. Only area-by-area analysis will permit fair scrutiny of our remaining National Forest wildlands.

#### 5. STRIPMINE NEWS

##### A. TCWP members needed to attend OSM hearing on state plan

The Office of Surface Mining will hold its first major hearing on whether to accept Tennessee's state program on July 21 in Knoxville. Some people who have been watching state enforcement have doubts about the state's commitment to and capability for regulating stripmining in East Tennessee, and would prefer to see federal enforcement. We need TCWP members to attend the July 21 hearing. If you can possibly go, please get in touch with the editor immediately. (See Calendar for time and place)

## B. Stripmine capsules

- Senator Annabelle Clement O'Brien, as you may recall (NL 102 ¶1A), recently orchestrated a media event to attack government regulation of stripmining. It was subsequently revealed (Knoxville News Sentinel 4/27/80) that her brother-in-law, Bruce Peery, is a stripminer who has somewhat less than a good record. He has failed to reclaim a Bledsoe County stripmine, and last May was charged with multiple counts of not reclaiming a Cumberland County stripmine. In the latter case, he should have forfeited his \$35,000 bond, but the state has given him two lengthy delays.
- Scott and Campbell County stripminers on May 21 filed suit in U.S. District Court in Knoxville, asking for an injunction against enforcement of the Federal Stripmine Act, and challenging the constitutionality of the law, especially with respect to the return-to-approximate-original-contour provision. This is a repeat performance of the suit brought in Virginia (see NL 100 ¶4C and NL 99 ¶3A), which has been appealed to the Supreme Court by the Office of Surface Mining (OSM). Fortunately, Judge Taylor last week dismissed the Tennessee suit, and enforcement of the federal regs will continue here as well as in Virginia.
- OSM and Judge Taylor are cracking down on wildcatters. Following some of the violence we reported earlier (NL 102 ¶1C), OSM spent a concentrated 5-day period, with protection of U.S. Marshalls, inspecting the worst Campbell County operations. Furthermore, Judge Taylor's court has convicted and fined two of the wildcatters who have kept federal inspectors from doing their duty and, in fact, have physically assaulted them. OSM and Judge Taylor deserve our thanks for acting forcefully against this lawlessness which thrived only because the state of Tennessee allowed it to, in the past.
- A landownership and taxation study of 14 Tennessee coal counties reveals some interesting facts. For example, about 46% of Campbell Cy. is owned by 5 large corporations. About 74% of Sequatchie Cy.'s mineral and surface holdings belong to the top 20 owners. For the 14 coal counties combined, the top 5 owners in each county own altogether 25.4% of the land, but pay only 1.4% of the property taxes!
- A federal task force to boost U.S. coal exports has been created by order of the President. Altogether 15 agencies are represented on the task force, which is headed by John Sawhill, Deputy Secretary of Energy. We hope this task force will not be susceptible to pressures from coal interests, such as the 1000 people who recently met at Middlesboro and started a petition to Pres. Carter and Congress asking them to remove federal regs that "needlessly restrict coal production."
- A handbook to aid operators in complying with hydrologic and geologic requirements for stripmining has been made available by OSM.

## 6. OBED PROGRESS

### A. Land acquisition finally underway

- On April 25, the Obed Wild & Scenic River Land Acquisition Plan was approved by the Southeast Regional Director of the National Park Service (NPS). All lands within the flood plain, and all lands needed for developments, visitor use, and for management and administration of the area will be acquired in fee. Scenic easements will be acquired for some areas, mainly back of the gorge rim. Lands required for natural or cultural resource preservation will be purchased in fee, unless adequate protection can be provided through effective enforcement of a zoning ordinance. The Morgan County Commission on April 14 adopted a resolution favoring a zoning plan. However, state officials have provided convincing information that makes it highly unlikely (a) that county zoning, not subject to variances, will be enacted, and (b) that, even if enacted, it will be enforced. It is only to be hoped that NPS won't wait until a tract is well on the way to being ruined before deciding that zoning won't work!
- The new NPS acquisition officer, Robert P. Lesch, has started work in Wartburg, replacing Marion Turzai (see NL 102 ¶2B). Lesch, who has been with NPS for 12 years, has spent the past 6 years in the Big Cypress National Preserve in Florida.
  - The funds that were set aside a couple of years ago for land acquisition have been largely used up for the associated expenses of survey and appraisal. It is time for you to contact Rep. Bouquard and Senators Baker and Sasser to let them know more funds will be needed, now

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that acquisition is getting underway. (House Office Bldg, Wash. DC 20515, and Senate Off. Bldg, Wash. DC 20510)

#### B. Obed capsules

- Dr. Richard Curry (Special Assistant to the Director of the NPS), who talked on threats to our National Parks at the TCWP meeting of May 14, spent the following day on a field trip in the Obed area, visiting Daddys Creek, hiking down Clear Creek, and eating lunch atop a bluff overlooking the Obed. He was much impressed. In a subsequent letter, he refers to the Obed as "a real jewel" and promises to "keep pushing" for our river.
- You may recall the permit application by Robinson Coal Co for stripmining near Daddys Creek, which had been used by the state as a test case on how to handle permits in the Obed watershed (prior to any declaration of lands "unsuitable for surface mining" under Sec. 522). It was denied. We refer you to NL 99 ¶4 and NL 100 ¶1A for an account of the broader issue. Robinson Coal has now resubmitted its mining plan for an area that is just outside the Obed watershed and drains into Island Creek, which flows into the Emory below the protected portion.

### 7. BIG SOUTH FORK: SOME PROGRESS IN CONTROLLING THREATS

#### A. Threat of timber cutting in the gorge

A timber road has been bulldozed on the West side of the Big S. Fork downstream from Leatherwood Ford (Koppers property), preparatory to a logging operation. Alerted to this situation, TCWP contacted a number of key people, and the road was stopped when 1500 ft long; no timber cutting has occurred to date. For the remainder of the fiscal year, a freeze on purchases in excess of \$25,000 prevents the Corps from acquiring the 513-acre parcel, which is owned by Koppers Co. There is a possibility that the government may acquire the timber. Sen. Baker's office was very helpful when alerted to the problem.

#### B. Stripmining on Roaring Paunch Creek

TCWP withdrew its request for hearings to be held on two NPDES permits for stripmines affecting Roaring Paunch (a BSF tributary). Our withdrawal was subject to the coal companies' agreements to monitor their water discharges on a weekly basis, instead of twice a month as required by law; results of the analyses are to be sent to us. Reclamation of the two mines will hopefully improve an abandoned site on (and near) which the new operations are taking place.

#### C. Coal washing plant on BSF tributary

For background on the Stearns Mining Co. coal preparation plant, which would generate 200,000 tons of toxic-leaching spoil per year, see NL 99 ¶1 and NL 100 ¶2B. It now appears that EPA will not require an Environmental Impact Statement; but the agency has negotiated for several safeguards, such as an impervious liner for the lagoon. A draft EPA permit is supposed to be sent to the Corps for review.

#### D. Oil field on New River portion of BSF Area

Three months ago, we reported to you on our success in averting Congressman Duncan's secret attempt to delete most of the New River portion of the Big S. Fork National River and Recr. Area (NL 100 ¶2A). Last month, an official in a Texas oil company, which owns leases in the Lick Branch Field (on the New River portion), was quoted as expressing surprise that Duncan's bill had not passed (Knoxville News Sentinel 5/11/80). He claims that the oil field can produce for 3-5 more years. The Corps acquisition officer is quoted as saying the New River portion will probably not be purchased for the BSFNRRA until about 1984, allowing most of the oil to be extracted. We hope this delay will end further sneak bills designed to delete the New River portion from the authorized purchase area. (It should be noted, however, that the oilman claimed a sophisticated system could prolong the life of the oil field for an additional 6-8 years. Is this an attempt to increase the appraised value of the land, or an invitation for future legislative tricks?)

8. STATE: PUSH FOR SYNFUELS; FOLLOW-UP ON LEGISLATIVE SESSION

A. State trying to rush headling into untried synfuels developments

Tennessee is competing with other states for a \$600-million loan guarantee from DOE to build a gigantic synfuel plant. The plan is being pushed by Dr. John Dicks, head of the U.T. Space Institute, through the Tennessee Energy Institute (TEI), a branch of the General Assembly. The TEI's preferred site is on the Koppers Co.'s Royal Blue site in Campbell County, near existing coal reserves. However, it is hard to see how these nearby reserves could keep the voracious plant going for very long: it is projected to consume 30,000 tons of coal per day, or about 11,000,000 tons per year -- roughly equal to the current total production for the entire state of Tennessee. Large-scale synfuels technology is as yet quite untested, and there are many unknowns with respect to health and environmental effects. (The ORNL Biology Division, e.g., is in process of studying mutagenicity and carcinogenicity of product fractions and effluents from several experimental synfuel processes. TVA is planning to build a demonstration plant in N. Alabama which will undoubtedly illustrate problems and possible solutions.) Yet TEI wants to rush into this development, and Dicks is predicting that 10-20 synfuels plants will be located in Tennessee before long! In the meantime, the Campbell County Judge is trying to raise \$100,000 in 5 counties (Anderson, Morgan, Scott, Campbell, Claiborne), either by appropriations or private contributions (from coal companies?) to show DOE that there is "widespread support" for the synfuels program in Tennessee. How do you feel about it? Communicate with Sec. Duncan, U.S. Dept. of Energy, Washington, DC 20585.

B. Follow-up on legislative session

Rosemary Conrad, executive director of the Tennessee Environmental Action Fund (of which TCWP is a member), has recently sent us a fine legislative wrapup on five major issues in which EAF was involved in this session. We have covered four of these in past TCWP NEWS-LETTERS, but we should like to give you Rosemary's recommendations for follow-up at this time. She stresses that legislators who hear from their constituents become infinitely more receptive to personal contacts by EAF, since they know they will be accountable to voters in their district. Legislators should hear from us now, even though the session is over for this year.

- (i) Bottle bill SB742/HB343 (see NL 102 ¶5A, NL 100 ¶6B) -- failed. "Write the governor [Gov. L. Alexander, State Capitol, Nashville, TN 37219] and voice your dismay that he prevented passage of container deposit legislation ... Send a carbon copy ... to your Senator and representative" [See POLITICAL GUIDE enclosed with NL 99 for their addresses.]
- (ii) Surface Mining Law SB2015/HB2046 (see NL 102 ¶1A, NL 100 ¶4A) -- passed. "Keep the confiscation amendment a live issue. Contact your [state] legislators and let them know you support confiscation as the most effective way to deter illegal stripmining."
- (iii) Attempt to delete the Roaring River System from the State Scenic Rivers Act SB1862/HB1885 (see NL 100 ¶6A) -- failed. "Inform your Senator and Representative of your support for the Scenic Rivers Program and the need ... to appropriate the necessary funds for its full implementation."
- (iv) Tennessee energy mobilization board, SB2335/HB2238 (see NL 102 ¶5F, NL 100 ¶5) -- failed. "Inform your legislators of your skepticism of and opposition to any 'quick fix' methods to our energy problems, especially ones that override environmental safeguards"
- (v) Solid Waste Disposal Board, SB2123/HB2138 -- passed. Decrees that Board members must have expertise in hazardous waste management, and that one member must be recommended by the Tenn. Env'tl. Council. "Thank your Senator and Rep. for their support" (Note: All Senators voted "yes;" Gillock sponsored. All Reps voted "yes," except Burnett, Chiles, Harrill, and Blackburn; Nolan sponsored and masterminded).

C. Youth Conservation Corps (YCC) camps in Tennessee

Now in its 10th year, YCC will work in 21 locations in the State. YCC is jointly administered by the USDI and the Forest Service. Over 650 enrollees, 15-18 years old, will work in Tennessee on such projects as wildlife food plots, construction of nature trails and picnic facilities, and water and soil conservation.

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## 9. TVA RESPONDS TO TCWP QUESTIONS

Shortly after the April 23 meeting at which TVA hosted environmental leaders (see NL102 ¶8), Lee Russell sent a lengthy letter to Chairman Dave Freeman asking about a number of TVA policies and activities and making some suggestions. Mr. Freeman has now replied, <sup>saying</sup> "we have taken the time to be equally thoughtful in our response," and transmitting extensive staff answers. The staff, he says, "is enthusiastic about having meetings that can provide more substantive exploration of the issues you raise." Here is a brief synopsis of the questions and answers. Copies of the full texts are available if you send a self-addressed, stamped (28¢) envelope.

- Q. What can TVA do to promote non-structural alternatives for achieving some of the endpoints that are usually listed as "benefits" of dams?
- A. TVA has been and is currently assisting state and local governments in reducing flood damage, mostly by way of technical information. TVA also promotes and supports parks and greenbelts in floodplains. The agency assists communities in locating losses (leaks) in existing water supplies.
- Q. Would TVA consider taking just one river in the Valley (e.g., the Clinch upstream from Norris), acquiring the lands alongside, and managing the whole thing as a preserved free-flowing stream?
- A. TVA's Scenic Riverway Program has identified 1660 stream miles on 62 streams as deserving protection. About 40% of the mileage is included in State or Federal legislation [Note: protected, so far, only on paper, ed.]. TVA has set near-term priorities on river access development, as opposed to corridor acquisition, due to "public sentiment against these type acquisitions." TVA also has a Rivers Program to enhance contributions of free-flowing streams to the economy of a region. Past activities have been on the French Broad in N.C., but initiatives are planned for the Clinch, starting in 1982.
- Q. Will you set up a mechanism for involving the environmental community with TVA in carefully examining new hydropower proposals?
- A. (See ¶12<sup>B</sup> of this NL)
- Q. Would TVA set aside some still public lands around the reservoirs as natural areas?
- A. Since 1972, 24 "natural areas," averaging about 100 acres, have been identified and protected on TVA lands. The recent merger of TVA's Natural Heritage and Natural Areas Projects should enhance capabilities for protecting sensitive or unique natural areas on TVA-owned lands. (Several activities are also enumerated for protection of non-TVA-owned lands.)
- Q. What is TVA doing to implement Pres. Carter's water policy?
- A. "TVA is cooperating fully." Among separate items enumerated in the staff response are flood forecasting and evacuation systems (nonstructural floodprotection), enhancement of water quality and quantity below selected dams, and the inclusion of water conservation and non-structural solutions in all TVA water-resource planning.

## 10. SMOKIES NEGOTIATIONS IN PROGRESS

Sec. Andrus is continuing his efforts to bring about a negotiated settlement with Swain County, N.C., of the "1943 Agreement." A meeting was held at the Dept. of Interior early in May, and another one was scheduled for mid or late June. USDI will not meet certain Swain Cy. proposals, but has offered help on others. Thus, the Blue Ridge Parkway will not be extended from Cherokee to Bryson City (too much environmental damage), and a visitor center will not be built at Bryson City. However, Andrus indicated that USDI would support legislation for a cash settlement to Swain County, designed to make up for failure to complete the North Shore Road. Such legislation may be introduced by Rep. Lamar Gudger, Congressman from the district. Andrus also agreed to authorize the Youth Conservation Corps (a USDI-sponsored activity) to help finish the Swain Cy High School stadium.

## 11. POLITICS AND THE ENVIRONMENT

- A. Candidates' questionnaire. TCWP has joined in an effort with the Environmental Action Fund to provide a major portion of a questionnaire being sent by COMMON CAUSE of Tennessee to all candidates for state legislative offices. Tom Johnson has prepared questions on the following



subjects: energy mobilization board, stripmining, synfuels, minerals leasing of state lands, bottle bill, and scenic rivers. Rosemary Conrad (EAF) has provided additional questions on environmental subjects. We shall tabulate the responses for you before the election.

B. Tennessee League of Conservation Voters being formed. Time and again it has been demonstrated that politicians are most responsive to forces responsible for their election; and, time and again, conservation interests lose out to the corporations' political action committees (see C, below). Several environmental leaders in our state met June 19 and formed a committee of individuals that will focus on races in which there is a major difference between candidates with regard to their environmental attitudes and in which the outcome is likely to be close. We hope all of you will see the importance of joining in this effort. Get in touch with the editor if you can help financially or otherwise.

C. Campaign finance reform needed. Since 1971, changes in campaign laws have permitted corporations to set up political action committees and to finance overhead costs for these PAC's out of corporate treasuries. In NL 102 ¶4, we reported to you that the Filthy Five (the nation's most polluting companies) contributed \$714,131, in the 1978 elections, most of it to anti-environmental candidates. The number of House members receiving 40% or more (!) of their campaign contributions from PAC's grew from 78 in 1974 to 155 in 1978. Domination of the political process by special interest PAC's may grow to a point at which Congress becomes incapable of responding to environmental and consumer issues. That's why partial public financing of Congressional elections should be high on your list of legislation to be advocated.

D. The public wants stricter environmental regulations. A public poll commissioned by Union Carbide Corp. in Oct. 1979 found that a majority of people want health and environmental regs made stricter, even though they believe these regs increase the prices they pay as consumers. Among regs that produced this pattern of response were those concerning water pollution, air pollution, and protection against carcinogenic effects.

E. Some recent voting records. Rollcall vote on an amendment to transfer \$500 million from water projects to general revenue sharing: for the transfer, Sen. Baker; against, Sen. Sasser. -- Vote on an amendment to decrease the River of No Return Wilderness (in Idaho) and to allow minerals exploration until 1984: of all 8 Tennessee Representatives, only Harold Ford voted correctly (against the amendment). -- Rep. Albert Gore, Jr. has been working hard for the "superfund" legislation, a bill under which chemical companies would pay a small fee for every ton of hazardous chemicals processed into a fund (also contributed to by general revenues) to be used for identification and cleanup of toxic hazards. -- On the state scene, legislators deserving of thanks for leading efforts for a strong stripmine law are Senators White and Longley, and Reps. Turner and Carter. Also supportive were Sens. Ortwein, Koella, Ed Davis, Williams, Moore, and Bill Davis, and Rep. Mike Murphy. The following worked against a strong bill: Sens. Albright, Annabelle Clement O'Brian, and Gillock. Leading efforts to control hazardous waste was Rep. Bill Nolan.

## 12. MORE TENNESSEE HYDRO POWER STUDIES

### A. The Corps identifies 19 (!) new potential hydro sites in Tennessee

The Corps of Engineers is involved in a National Hydroelectric Power Study which has the objective (among others) of recommending hydropower programs to the Congress (NL 102 ¶7A). The Corps is looking not only at existing dams where power could be added or power output increased, but also (and perhaps primarily so) at presently undeveloped sites. In March, we received their list of sites for the Southeast Region, and although the map clearly included Tennessee, there were no Tennessee sites on the list. At that time, we assumed that this omission was, perhaps, due to some agreement with TVA. However, further checking with the Corps produced another list, received May 16 (but apparently handed out at an April 10 hearing), which does contain Tennessee sites -- 22 of them! Only 3 of these are existing (or partly built) dams; 19 others are new sites. The rivers involved in these 19 are the Obed, Powell, Clinch, Hiwassee, French Broad, Nolichucky, Holston, Buffalo, Duck, Elk, and Watauga.

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In a statement for the record, TCWP pointed out that one of the sites involves a National Wild & Scenic River (Obed), three involve State Scenic Rivers (Hiwassee, French Broad), and 10 would affect threatened or endangered species. At least one of the sites (Nemo Dam, Obed) has previously been shown to have a benefit/cost ratio of only 0.5. The potential power output from all listed Tennessee sites is miniscule compared with that of a single site on the Mississippi.

There is one encouraging statement in the Corps' Fact Sheet, as follows: "If a community or responsible group discloses facts which make a hydropower project objectionable, the facility will no doubt be dropped from further consideration." The U.S. Dept. of Interior has asked for the Nemo Dam (Obed) to be dropped, and presumably this will be accomplished. On May 30, TCWP asked TVA to disclose to the Corps some facts about other sites (all 22 being in the Tennessee Valley) which could serve to make them ineligible, and thus save the taxpayer money that would otherwise be wasted in further studies by the Corps. We have had no response to this question from TVA so far.

#### B. TVA's involvement in low-head hydro

TVA has a Small Hydro Program in its Division of Water Resources. In response to questions from TCWP, we have been informed that 10 existing (non-TVA) small dams have been selected for detailed studies to determine the feasibility of restoring or adding power generating facilities. The dams will be identified at the time these studies get underway "in the near future." This decision implies that TVA may already have ruled out new dams, presumably because no good sites are left. If such a decision has, in fact, been made, it should be conveyed to the Corps (see A, above) to prevent needless repetition of studies that have probably already been conducted. -- In a recent article (in State Water Resources Report of May 1980) Tom Johnson discusses why "small hydro" is no panacea, and why it should be approached with caution. We have requested that TVA set up a mechanism by which some of us could interact with TVA staff on any new hydro decisions.

### 13. ENERGY NEWS

A. The fate of the potentially dangerous Energy Mobilization Board (EMB) will be decided in the near future. Different versions of the priority Energy Project Act (S.1308) were passed by the two Houses last fall, and it has taken almost 7 months to develop a conference report. The bill would establish a 3-member EMB which has the power to designate an unlimited number of (non-nuclear) energy projects to receive fast-track treatment. The EMB can set shorter-than-legal deadlines for agencies to make crucial decisions on projects. Priority projects would receive special treatment in the courts (very little time for legal challenges). Finally, the EMB can recommend to the President that he waive existing federal, state, or local laws, and the Pres. can then recommend this waiver to Congress. If the committee that has jurisdiction over the law being waived agrees, the waiver goes to the floor under an expedited procedure that prohibits amendments. -- When S.1308 comes to the floor (probably this week in the House, later in the Senate) a motion will be made to recommit the bill to conference, and, if passed, this could, hopefully, kill it. Sen. Baker is a key person: please phone him (202, 224-4944), or wire, and ask him to support this motion.

B. Synthetic fuels development will get a disproportionate boost from the Omnibus Energy Security Act (HR3930/S.932). After 7 months of negotiations involving members of 7 Congressional committees, a compromise version was arrived at which authorizes, for fiscal years 1981-1985, \$20 billion for a U.S. Synthetic Fuels Corporation, but only 3.1 billion for energy conservation and solar energy. There are also \$1.4 billion for a biomass-to-energy program, and some funds to study the environmental impacts of fossil fuel burning. The conference report has passed the Senate and is likely to pass the House this week.

C. Energy conservation efforts could get help from the Energy Management Partnership Act (S.1280/HR.4382), which consolidates various grants programs to aid conservation activities of state and local governments. The Senate bill is likely to be voted on at any moment, but the House bill is still before the Subcommittee on Energy and Power of which Tennessee's Rep. Al Gore, Jr. is a member. Write to Mr. Gore (House Office Bldg, Wash. DC 20515) and

ask him to push for speedy consideration of this bill, and to support mandatory conservation and renewable resource programs for both state and local governments. The funding level should be at least \$150 million.

D. Wood as an alternative energy source has many problems. Perhaps you think the removal of dead or down trees is harmless. However, consider that the decay of such trees is the main source of replenishment of nutrients in the forest soil, and that dead trees provide essential nesting habitat for many species of birds as well as some mammals (raccoons, squirrels, certain bats), to say nothing of nurturing the insect species that are essential food for the vertebrates. TVA, which has long allowed free cutting of firewood from its reservoir forests, now finds that 6,692 cords were taken out in 1979, compared to only 339 in 1975 (a 20-fold increase in 4 years!) Note also that woodburning stoves and fireplaces can cause air pollution unless special precautions are taken. -- The wood-as-fuel strategy should be approached carefully and on an experimental scale. Perhaps special plantings for biomass energy -- in areas that are presently not forested -- are the answer.

E. U.S. energy consumption in 1979, according to the Federal Register of 4/1/80, used about 80 quads (quadrillion BTU's), constituted as follows: 37.1 quads oil (about 45% of this being imported), 19.8 gas, 15.3 coal, 2.8 nuclear, 5 hydro, biomass and other. In electricity generation, most of the energy is actually lost: 24.3 quads (from all energy sources, but almost half of it from coal) went in; but only 7.1 quads came out -- a conversion loss of 17.2 quads (see paragraph F., below). Uses of energy, in decreasing order, were: industrial (22.2 quads), transportation (19.7), residential (11.3), and commercial (7.8).

F. Cogeneration is the utilization of waste heat from electric powerplants and industrial boilers. Amendments offered by Sen. Durkin to S.2470, the Powerplant Fuels Conversion Act (oil to coal) facilitate cogeneration where oil or gas is the fuel. This was previously prohibited by the Fuel Use Act of 1978. The bill will soon be marked up by a House committee. Bill Chandler of EPC requests that you contact Rep. John Dingell (House Office Bldg., Wash. DC 20515) and state your support for removing Fuel Use Act constraints on industrial cogeneration. Also, please support any amendments that prohibit an increase in emissions due to the conversion from oil to coal.

G. Acid rain has recently been featured on the evening news, which has noted that many Adirondack lakes are already dead. Probably next on the threatened list are portions of the Smokies, particularly the Hiwassee and Little-T watersheds. Pure rainwater generally has a pH of 5.6. In the northeast, the pH<sup>new</sup> is 4.0! However, we are not far behind, with an average of 4.2 (range 3.8 to 5). NPS biologists say rainfall pH in the Smokies has dropped from 5 to 4.1 in the past 10 years, and in spots it's as low as 3.4. The fragile soils and geological barriers give the Smokies very poor buffering capabilities, so that the effects on aquatic life are substantial. Plants are probably affected through a washing away of the waxy protective layer of the leaves.

#### 14. NATIONAL CAPSULES

A. Threatened Land & Water Conservation Fund cuts prompted many letters from TCWP members to Tennessee's Congressional delegation. Some of you have kindly shown me responses from Senators Baker and Sasser, and Rep. Bouquard. All expressed strong concern for the State's portion of the L & W Fund. The outpouring of public sentiment may be bearing fruit. The House Appropriations Committee will probably accept a subcommittee recommendation that almost restores the funding level of \$580 million originally requested by the Administration (before it slashed its own request to \$233 million). The subcommittee approved \$157 for the L & W Fund's federal programs, \$235 million for state programs, and \$170 million deferred from 1980, for a total of \$562 million.

B. The Water Development Appropriations bill is about to come to the floor as we go to press. If passed, it will cost the taxpayer \$3.9 billion next year. Reps. Edgar and Pritchard

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will offer an amendment to strike \$200 million from the \$225 million Tennessee-Tombigbee appropriation. In a test vote (on a supplemental appropriations bill), held about 2 weeks ago, it would have required a switch in only 22 votes to strike \$58 million from this granddaddy of all pork barrels (ultimate price tag over \$3 billion) which will destroy 100,000 acres of forest and farmland and affect 14 endangered species. For an excellent package on the project, write Brent Blackwelder (Envtl. Policy Center, 317 Penn. Ave, SE, Wash. DC 20003).

- C. The new National Park Service director is Russell E. Dickenson, formerly NPS's Pacific Northwest Regional Director. Conservationists are pleased with the choice although they were disturbed by the sudden dismissal, 4/24/80, of former director William J. Whalen. It is generally believed that Whalen's dismissal was the result of his efforts to restrain the activities of powerful concessionaires in the Parks, which annoyed some influential western Members of Congress.
- D. NPS's first "state of the parks" report, issued May 8, describes the major threats to the 326 units of the National Park System. The cultural and natural resources are endangered by a broad range of threats: mainly, shrinking scenic resources, disappearance of buffer zones, air pollution, acid rain, <sup>decreased</sup> water quality and quantity, feral animals, over-visitation, and traffic jams. In his talk to TCWP, May 14, Dr. Richard Curry, Special Assistant to the NPS Director, enlarged on several of these points. It will take informed public pressure -- YOU --- to counteract some of the threats.
- E. Pollution control saves money. A report recently prepared for CEQ (see ¶16 this NL) states that the best estimate of the annual benefits of air pollution control (in 1978) is \$2.14 billion (the range is \$5 to 51 billion). This is very likely an underestimate since it excludes, for example, benefits from improved visibility, or benefits to Canada and Mexico from controls in the USA. Even so, these conservatively estimated benefits exceed by \$4.8 billion the costs of complying with the Clean Air Act in 1978. It is also estimated that 14,000 lives were saved in 1978 as a result of AQ improvements due to the Clean Air Act. Clean water benefits have not yet been calculated, but will probably result in an annual sum of \$12.3 billion by 1985, even excluding results of removing toxic and heavy metal contaminants.
- F. Clean Air and Clean Water Act violations will be enforced more vigorously as a result of Atty. General Civiletti's creation of a new unit of the Justice Dept. Up to now, enforcement of EPA regs has been virtually confined to ensuring that deadlines are met. The new air and water unit will put more muscle into the Clean Air and Water Acts. It should be noted that the Asst. Attorney General for Land and Natural Resources is Jim Moorman, founder (some time ago) of the Sierra Club Legal Defense Fund. Mr. Moorman and Mr. Civiletti deserve our thanks.
- G. The disappearance of U.S. farmland is reaching alarming proportions. According to CEQ, 3,000,000 acres each year (12 square miles a day) are lost to urban sprawl, highways, and other developments. About 4 billion tons a year of productive soil are lost to erosion. Worldwide, desertification, resulting from overgrazing and deforestation, annually claims an area the size of Maine. To get more info, write Exec. Dir., Natl. Agricultural Lands Study (722 Jackson Place NW, Wash. DC 20006).
- H. The Seal Rescue Fund of the Center for Environmental Education asks that you send a postcard to Pres. Carter (The White House, Wash. DC 20002) telling him not to renew the Northern Pacific Fur Seal Treaty under the terms of which the U.S. taxpayer pays for the annual killing of thousands of baby seals on the Pribilof Islands. Apparently, the main beneficiary of this slaughter is one South Carolina fur company.
- J. Part of a recent speech by CEQ Chairman, Gus Speth is worth quoting. Talking of the "Conserver Society" needed for the 1980's, Speth said: "It prizes recycling over pollution, durability over obsolescence, quality over quantity, diversity over uniformity. It knows

that 'the best things in life are free,' that beauty -- whether natural or manmade -- is too precious to be destroyed, and that the Earth's wild creatures demand our conserving restraint not simply for utilitarian reasons but because, as part of the community of life that has evolved here with us, they too call this place home."

#### 15. TCWP ITEMS

\* --Volunteers are needed to help with the program for the Annual Meeting (Oct. 24-26) and with various other arrangements. Let's hear from you! (Call Lynn Dye 574-7378 [office] or 376-3916 [home]).

\* --Have you paid your dues? Returned your questionnaire?

--A special Earth Day issue of Tennessee Environmental Report featured 5 interviews with Tennesseans on their perception of changes that occurred during the 70's. One of the five interviewees was TCWP's Lee Russell. (The others were Commissioner Fowinkle, Comm. Ann Tuck, Mary Wade of TEC and LWV, and Mack Prichard)

#### 16. PUBLICATIONS AND TRIPS

--"Endangered and Threatened Wildlife of Kentucky, North Carolina, South Carolina, and Tennessee" is a handsome, illustrated book published by the U.S. Fish & Wildlife Service and the respective state Agr. Extension Services. Geographic ranges of the species are shown on map inserts. Available from county extension agents, the TN extension service, or TWRA.

--"The Presidential Candidates, What they say ... What they do ... on Energy and the Environment" is an in-depth report by the League of Conservation Voters (317 Pennsylvania Ave SE, Wash. DC 20003). Why not send a contribution, too -- remember the election is frighteningly close for some people we must have in the Congress: Udall, Culver, Edgar.

--"Benefits of Air and Water Pollution Control: A Review and Synthesis of Recent Estimates," by A. Myrick Freeman III. For some of the findings of this report, see #14E. (Free from CEQ, 722 Jackson Place, NW, Wash. DC 20006. Enclose self-addressed mailing label.)

--"Forest Planning" is a new monthly magazine containing articles of great pertinence to the upcoming National Forest planning efforts. (Send \$4.80 for 15 issues to Nationwide Forest Planning Clearinghouse, P.O. Box 3479, Eugene, Oregon 97403). Bibliographic searches also available from the Clearinghouse.

--WILDERNESS SOUTHEAST, a non-profit group, outfits and leads camping trips designed to provide a wilderness experience. Trips available for individuals, families, schools, churches, clubs. (Write Rt. 3, Box 619, Savannah, GA 31406.)

--"Controlling Hazardous Wastes" is a recent (May 1980) popular research summary by EPA, 24 pp. (For free copies write Publications, Center for Envntl. Research Info, US-EPA, Cincinnati, OH 45268. State No., EPA-600/8-80-017).

--"Integrated Pest Management" a report recently written for CEQ by D. G. Bottrell and others, reviews techniques that emphasize biological controls. The book notes that despite a 10-fold increase in the use of chemical pesticides during the past 30 years, annual crop losses due to pests have not declined. 120 pp. (\$4.75 from Govt Printing Off., Wash. DC 20402. State Stock No. 041-011-00049-1)

--"A Guide to Wildflowers of the Mid-South" is a new book by Arlo Smith, leader in the fight to preserve Memphis' Overton Park. For an autographed copy, send \$20 to Carolyn Heppel (1348 E. Crestwood, Memphis, TN 38117).

--The booklet "Federal Financial Assistance for Pollution Prevention and Control," describes financial assistance programs of several federal agencies designed to prevent or reduce job losses and other social costs from plant closings that are caused in part by environmental regulations.

--"Classification of Wetlands and Deepwater Habitats of the US" has been issued by the U.S. Fish & Wildlife Service (FWS/OBS-79/31, Dec. 79). Numerous illustrations, 103 pp. (For sale by Supt. of Documents, U.S. Govt. Printing Off., Wash. DC 20402. Stock No. GPO 024-010-00524-6).

--TVA's Annual Report for 1979 has imaginative photography and layouts (TVA, 400 Commerce Ave, Knoxville, TN 37902).

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17. CALENDAR

- July 14 Water Quality Control Board considers proposed amendments to TN WQ standards, 9 a.m., Rm 30, Legislative Plaza, Nashville
- July 21 OSM hearing on approval of state program to enforce federal Stripmine Law, 7:30 p.m., Holiday Inn, Papermill Rd exit, Knoxville (call 615, 637-8060 to verify place and time)
- July 26 Tenn. Native Plant Soc. field trip to Burgess Falls State Natural Area and Window Cliffs (Call Larry Smith, Nashville 741-3852)
- Oct. 24-26 TCWP Annual Meeting -- mark your calendar

ACTION SUMMARY

¶ No.	Issue	Contact	"Message" or Action
1	Alaska bill	Sens. Baker & Sasser Letter to editor	"Vote for strengthening amendments" "Strong bill leaves 95% oil 'unlocked'"
2	Minerals leasing	Gov. Alexander	"A political body should not make decisions on mining state lands"
3B	Columbia dam	EPA	"Do not weaken stance on WQ"
4A	Forest Service plans	Forest Supervisor, Cherokee	List issues to be addressed
4B	Anti-wilderness bill	Sens. Baker & Sasser	"Oppose statutory release concept"
5A	Stripmine law	Lee Russell	Offer to attend Knoxville hearing, 7/21
6A	Obed	Rep. Bouquard and Sens.	"More funds needed for acquisition"
8A	State synfuels	DOE	"Tenn. should not plunge into large scale developments"
8B	State legislation	Your state sen.&rep.	Follow up on past session see p. 7
11B	TN Conservation Voters	Lee Russell	Offer help -- financial or other
11C	Campaign finances	Your Rep & Sens.	"Support partial public financing of congressional elections"
13A	Energy Mobil Bd.	Sen. Baker (phone)	"Recommit S.1308 to conference"
13C	Energy conservation	Rep. Al Gore, Jr.	"Support strong EMPA"
13F	Oil → coal conversion	Rep. John Dingell	"Permit cogeneration; limit emissions"
14B	Tenn-Tom	EPC	Order package to fight Tenn-Tom
14H	Seal slaughter	Pres. Carter	"Do not renew N. Pacific Seal Treaty"
15	TCWP	Lynn Dye	Help w. Annual Meeting; send in questionnaire, pay dues

Please take action on at least 3 of above items!