

TENNESSEE CITIZENS FOR WILDERNESS PLANNING

Newsletter No. 126, January 12, 1983

TCWP's First LETTER-WRITING SOCIAL OF 1983!

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

1. STRIPMINING AT FROZEN HEAD THREATENS AGAIN

The G & F Coal Co is once again publishing the weekly series of newspaper notices that, by law, must precede application for a stripmine permit. The actual permit application could be filed as early as 2 weeks from now. -- As you enter the road that branches off Highway 62 and leads up the valley toward the park, you would see the mine site just below the mountain ridge in front of you (slightly to the left). Many people mistakenly believe that this mountain is part of the park: it is so much part of the entire visual unit that constitutes the park experience. As we mentioned earlier (NL 125 ¶12) the mine site would be visible from about half the park area itself, and the noise of the heavy equipment working would ruin the feeling of peace and remoteness which Frozen Head visitors now cherish so much.

* WHAT YOU CAN DO: There is no time to be lost. (a) Write to Commissioner Chas. Howell III (Tenn. Dept. of Conservation, 701 Broadway, Nashville, TN 37203) and urge him to deny application for any stripmining that would be visible from Frozen Head. Tell him in a few words what the park experience means to you and why it must not be ruined. (b) Send a copy to the letters-to-the-editor column of your paper. (c) Let us know whether you would be willing to help further with this issue if the need arises later (see bottom of p. 1 for address).

2. THE CHEROKEE NATIONAL FOREST: LET'S KEEP WORKING FOR A WILDERNESS BILL!

A. The possibility of getting a wilderness bill

* In his October meeting with wilderness advocates (see NL 125 ¶14), Congressman Duncan said that early in 1983 he would make up his mind which way to go on the issue. It is therefore most important for all of us -- but particularly for residents of his District -- to keep urging him to introduce a bill to designate as wilderness the four areas included in the "Citizens' Wilderness Proposal" (see p. 14 for address). The Forest Service is quite impressed with the magnitude of the pro-wilderness public input concerning the Citico Creek and Big Frog proposals, and with the fact that many local people came out on the wilderness side.

B. The state of Tennessee supports wilderness

In the last Newsletter (NL 125 ¶4), we could mention only very briefly that Tennessee government agencies submitted a unanimous statement in support of wilderness designation for the entire Citico Creek and Big Frog Wilderness Study Areas (with very minor exclusions of peripheral non-wilderness acreages). The state position was supported by statements from both the Dept. of Conservation (DoC) and the Tenn. Wildlife Resources Agency. The DoC statement was particularly incisive and intelligent, addressing itself primarily to the USFS claim that "need" for wilderness could not be demonstrated, even though the areas were admittedly suitable, available, and manageable as wilderness. DoC made the pertinent point that the USFS's authority should be limited to addressing only these last 3 attributes. Whether or not there was need must be left to the people and the Congress to determine ("The Wilderness Act recognized that there was need for wilderness in this country"). DoC also prepared a sensitivity analysis of the USFS's "need assessment" and found that any change in basic assumptions resulted in a wilderness deficit, and thus invalidated the USFS conclusions. If you want a copy of the entire DoC statement (which is full of good things) write to Sam Pearsall, Heritage Service, Tenn. Dept. of Cons., 701 Broadway, Nashville 37203.

C. New Cherokee Supervisor

On 10/12/82, Donald L. Rollens succeeded M. K. Lauritsen as Forest Supervisor of the 624,000-acre Cherokee Natl. Forest. Rollens, a Missourian, has a B.S. in Forestry from the U. of Missouri and joined the USFS in 1959. He has had a variety of assignments, including three as Forest Supervisor, the most recent being in the Medicine Bow Natl. Forest in Wyoming. Conservationists who have met Rollens report that he appears capable, and is open to the wilderness idea.

3. OBED: CAUGHT UP IN USDI's LAND-ACQUISITION STALL

In July, the D.C. office of the National Park Service (NPS) withdrew authority from all Regional NPS Directors, nationwide, to approve any land acquisitions in authorized units of

the National Park System, and centered this authority in D.C. (How's that for an Administration pledged to the de-centralization of government?) The stated excuse was that it was necessary to determine whether sufficient money was in reserve to meet anticipated court settlements (for condemnation and other suits) before obligating any for acquisition. The stimulus for the move came from Ric Davidge, a former leader of the national inholders group (which has for years been working against public ownership of parklands), who now heads the Land & Water Fund Policy Group in the USDI (another prime example of fox-in-charge-of-the-chicken-coop). The effect of the policy change is a virtual standstill in land acquisitions, even in units where it is perfectly clear that there is plenty of money available. Regardless of how willing a seller is, proposed deals for every single tract must now be sent through channels, all the way up to Asst. Sec. Arnett. Justifications are then returned repeatedly with requests for additional materials. Talk about paperwork! This experience has been related from all around the country, and it is quite clear that an overall obstructionist strategy is being executed by the USDI.

The second delaying tactic is to make each unit of the NP System come up with a Land Protection Plan to replace its most recent Acquisition Plan. The instructions to managers are to include alternatives to acquisition, e.g. zoning. In the case of the Obed, such "alternatives" have already been included as a result of an earlier revision in the Acquisition Plan; nevertheless, yet another document must be produced.

Let your members of Congress know how disgusted you are by the USDI stalling tactics that negate the will of Congress in authorizing and funding the project (see p.14 for addresses). (For a related item, see ¶10A).

4. BIG SOUTH FORK: STATUS REPORT ON POSSIBLE OIL LEASING

As we informed you earlier (NL 125 ¶1), extreme pressures from the top were being brought on the Nashville office of the Corps of Engineers to lease oil and gas rights in a major portion of the Big South Fork National River and Recreation Area (BSFNRRRA). Internal documents have come to light that reveal the shocking manner in which this issue was being bulldozed through -- with vanishingly short deadlines being set for the writing of regs, and specific orders being issued not to consult with the Park Service and not to allow public review. The widespread protests we were able to generate by spreading the news to many organizations, members of Congress, and the media may have served to embarrass the DC office of the Corps. A 12/14/82 letter from Asst. Sec. Gianelli to the Natl. Parks and Conserv. Assn states: "At this time we have no schedule for promulgating regulations for such leasing." Further, the Nashville Distr. of the Corps has had no word from D.C. for some time now about oil and gas. Not to promulgate the regs that were so peremptorily ordered may be a way for Gianelli's office to save face. Keep your fingers crossed!

5. THE STATE SCENE

A. Coal mining in Pickett? High-level decisions being made

We learned in November that the Tenn. Div. of Surface Mining had granted an exploration permit to the Shamrock Coal Co., which seeks to determine whether there is enough coal under Pickett to make mining profitable (NL 125 ¶3). Shamrock is a lessee of Stearns Coal & Lumber Co., which donated the Pickett lands (but not its minerals) to the state in 1933. For the following reasons, TCWP has been extremely interested in how the state will proceed in this matter: (a) the state action could be precedent-setting, since there is, so far, no policy with regard to mineral leasing on state lands; (b) Pickett is one of our most beautiful state areas; (c) some of the drainage goes in the adjacent Big South Fork NRRRA; (d) the state, being the surface owner, has the right (under the terms of the Tenn. Surface Rights Law) to deny permission to stripmine. On 10/26/82, TCWP wrote to Austin Gaines, Asst. Commissioner of Conservation, asking 5 specific questions about the issue. On 11/16/82, we got a call from Mr. Gaines, saying that he had answered our questions, but that his response was being reviewed by the Governor's policy group and that we would get it in a week. As of 1/10/83, we still have not heard, and there are rumors to the effect that the response is being handled at the highest levels.

B. State rejects Corps' attempt to weaken control of stripmine discharges

As we informed you earlier (NL 125 ¶5), the Corps of Engineers proposed to write a generalized Regional Permit (RP), which would take the place of individual "404" permits for discharge of (read "water-pollution by") material associated with coal-mining operations. This very disturbing proposal (which, among other things, would fail to take account of local topographical conditions) has now been rejected by the Tenn. Dept. of Public Health. A Sec. 404 permit by the Corps requires Sec. 401 certification by the state. It is this certification for the RP which the state has now denied, on the grounds that the Tenn. Water Quality Control Act would be violated. We commend the Dept. of Public Health and hope its action will quash the RP idea forever.

C. Tennessee Scenic Rivers Program: Safe Growth Team assistance

The Dept. of Conservation has named Rick Harwell as administrator of the State Scenic Rivers Program. Harwell formerly held a ranger-naturalist position at Tims Ford State Park.

The Safe Growth Team (SGT) has finalized the Collins Scenic River Model Protection Plan and submitted it to the state administration for processing. The Plan lists the types of descriptive materials that need to be gathered, and outlines the steps that should be taken to identify protection options and to determine local citizen preferences. The SGT will also make recommendations for legislation that might be needed to establish protection options that are not presently available in Tennessee. (Editorial comment: We hope that the SGT will point to the need for more aggressive Administration efforts to protect our rivers. The several protection options already available to the state, e.g., land acquisition, or conservation easements, simply have not been tried; and the state has made no effort to educate its citizens, including river-bank landowners, about the benefits of a scenic river.)

D. Tennessee State Trails Program status

No. 1 priority is to complete the 225-mile-long Cumberland Trail (Signal Mtn. to Cumberland Gap) by 1985. Two segments, 10 and 30 miles long, are open (NL 123 ¶8B), and the trail has a full-time ranger, headquartered at Cove Lake. Prison labor (costing only \$4000/yr for 6 men) is being considered for construction of one trail segment. -- The John Muir Trail has been bogged down by one landowner's refusal to cross her tract. Another landowner, Stearns Coal, has allowed trail construction but has reserved the right to mine or sell trail lands. -- A 12-mile segment of the Trail of the Lonesome Pine (TN-VA line to Rt. 70) may be officially opened April 1983, pending one final acquisition. -- On the Trail of Tears, the 5-mile Cardwell Mountain Loop is complete. -- In the S. Cumberland Rec. Area, trail construction (South River, and Collins Loop) should be complete by mid-1983. -- A comprehensive trails study program for state parks is underway. For more detailed info contact the TN Dept. of Conserv., 701 Broadway, Nashville 37203.

E. Safe Growth Team recommendations on water management

The SGT has transmitted to the Governor recommendations in five areas of water management. Among the recommendations: adoption of a Tenn. Wetlands Protection Act (regulation of destructive activities, tax incentives for private protection), control of privately constructed levees, regulation of sand and gravel dredging, state encouragement of local floodplain zoning, hydrological assessment of threats to groundwater quality, strengthening of the law regulating septic-tank construction, punishing as a felony the willful dumping of hazardous waste, strengthening control of mineral exploration wells, inclusion of a State Water Plan in a revised Drinking Water Act, transfer of the functions of the Div. of Water Resources from Conservation to Public Health's Div. of Water Quality Control.

F. Highlands of the Roan: good news

In September, the Southern Appalachian Highlands Conservancy announced the good news that protection had been assured for a major portion (70%) of the magnificent Hump Mountain. Following a lengthy negotiating effort led by the SAHC, the Forest Service offered to buy (from a single owner) 1,500 acres of the Hump -- about 3x the acreage USFS was originally willing to commit itself to. Protection of Hump Mountain had formed the focus of SAHC's efforts in the past few years. The happy resolution of this issue now frees SAHC to re-focus its efforts and financial assets on the remainder of the Roan Highlands that are still in need of protection -- about

7,500 acres. If you wish to learn more about this project, write SAHC, P. O. Box 3356, Kingsport, TN 37664.

G. The Koppers Synfuel Plant: dead? or in deep hibernation?

There have been so many dying gasps out of Koppers that it's hard to tell the last one (NL 123 #13). In mid-September, Koppers withdrew from consideration for loan guarantees by the Synthetic Fuels Corp, thus dodging what would almost certainly have been a negative SFC decision. Then, at Thanksgiving, Koppers announced that the company would not continue paying for an Environmental Impact Statement for the proposed Oak Ridge synfuels plant. A lengthy and expensive search had failed to yield a partner to replace Cities Service Co., which pulled out in the spring of 1982. The 1200-acre site that had been eyed by Koppers is part of the "excess" land being sold by the government, namely DOE (see #8, this NL). It is unlikely that the city can afford the ca \$1 million price tag for this acreage, unless some other industrial client is found. Late news: on 1/11/83 the Koppers plant was one of 46 projects applying for SFC assistance in the 3rd round of competition for funds.

H. Tennessee Environmental Action Fund hires lobbyist

When the 93rd General Assembly begins its regular session in mid-February, the Tennessee environmental movement will have a new lobbyist. Penny Harrington was recently hired by EAF to replace Rosemary Conrad. Her specific task is to work for state superfund legislation (to provide for cleanup of hazardous-waste dump sites). Write the governor, supporting the EAF Superfund bill.

J. Awards: worthy people honored

Don Todd -- 1982 Tennessee Trails Award from TTA. Don is a past president and vice pres. of TCWP and again serves on our Board this year. The Cumberland Trail is his brainchild, and he was instrumental in writing the Tenn Trails System Act. Without him, we wouldn't have an Obed WSR, or a Frozen Head State Natural Area.

Paul Somers -- TCL's Forest Conservationist of the year. Paul, TCWP's representative on the Tenn. Envntl. Council, has served on our Board. His great efforts on behalf of preserving natural areas throughout Tennessee occupy not only his working hours (in the state's Natural Heritage Program) but his every free minute.

Frank Fly and Bill Mitchum -- co-recipients of TSRA Conservationist of the Year award. Frank is well-known to most of you as the tireless crusader against damming of the Duck River; and Bill, one of the founders of Tenn. Scenic Rivers Assoc., last year re-vitalized the conservation activities in that organization.

6. STRIPMINE NEWS

A. Stripmining in National Park System units: villainous intent is followed by deceptive explanation

In his annual report, Sec. Watt takes pride in (among other things) revising 91% of the federal stripmine regulations. One of the changes the Federal Office of Surface Mining (OSM) has proposed is in the definition of the phrase "valid existing rights." The re-definition would have the effect of permitting stripmining in 26 national park units -- including the Obed -- which still contain some privately owned lands within their boundaries. Among the members of Congress who have objected to this proposed rules change are Sen. Sasser and Rep. Marilyn Bouquard. Both have received a response from OSM Dir. Harris (or Deputy Dir. Griles) that is obviously designed to lull them into thinking that there is nothing to worry about. Harris blames the media for "their constant quest for headlines" and states selfrighteously that "Secretary Watt and I are committed to providing the protection for national parks that Congress intended"... "There will be no mining of Federal lands in the National Park System." Nowhere does the OSM letter point out that the concern is not about the Federal lands but about the still private lands within the park unit boundaries. The disastrous regulatory change was due to be finalized 11/15/82, but now it appears that no USDI decision on this issue will be published until spring.

Another extremely dangerous rules change being proposed would not allow anyone to file Sec. 522 petitions -- to the effect that certain lands are unsuitable for mining -- unless they owned mineral rights or were property owners in the area. No such limitation exists in the Act itself.

B. SOCM and TCWP vs James G. Watt

On 8/10/82, Sec. Watt issued a decision "conditionally" approving the stripmine program submitted by the state of Tennessee. Watt's decision was challenged in October when SOCM and TCWP filed a complaint charging that several major features of the state program fail to be in accord with standards set by the Federal Surface Mine Act. Among these is Tennessee's biased Reclamation Review Board: 2 slots are reserved for representatives of the mining industry. A hearing on the suit will be held in Federal District Court in Nashville in Feb., with Bill Allen and Tom Johnson arguing the case for SOCM and TCWP, respectively.

C. Efforts to get state to improve reclamation bond

When stripmine operators default on reclamation, this work must be performed by the state, and the cost of such work is supposed to be covered by the bond posted by the operator prior to mining. However, as long noted by citizens groups and strongly confirmed by a state audit last year (NL 117 ¶7B; NL 120 ¶3A), Div. of Surface Mining (DSM) has set the level of this bond way too low. The state loses money and/or reclamation doesn't get done. DSM has now been sued by SOCM to force it to change its bond-setting procedures in accordance with criteria required by law.

D. Surface mining authority may go to the Dept. of Public Health

The Alexander Administration is considering moving all environmental regulatory functions into one department. Air and water quality, solid and hazardous waste, and radiological health are being handled by the Dept. of Public Health (DPH). Originally, the water quality permit that was needed as prerequisite to a stripmine permit was also handled by DPH, but 2 years ago, staff concerned with this function was moved to the Dept. of Conservation. The talks now are of moving these people back into the DPH -- and the rest of the stripmine staff with them.

For other stripmine items, see ¶1, ¶5A, and ¶5B.

7. RIVER AND WATER-PROJECT ISSUES

A. Columbia Dam is not popular in the Congress

Congressman Al Gore, who has an otherwise very good environmental record, is an expressed supporter of Columbia Dam (probably in repayment of old political debts). Last month, he explained to his constituents that additional funding for Columbia was very doubtful this year. In view of the many enemies the project has, the appropriations committee had advised him (Gore said) against bringing up a vote on additional funding. That's a good sign, so let's keep nudging the Congress in the right direction. Let your senators and representative know how little you think of this project (see p.14 for addresses). -- TVA biologists have transplanted several thousand of the endangered birdwing pearly mussel from the Duck to other rivers.

B. Ocoee: GAO audit?

A lumber-supply problem has pushed back the official completion date for the wooden flume to Aug. 1983. An experienced energy consultant and hydrologist last fall released an independent study of the project, which shows that the cost of Ocoee #2 will outweigh the economic benefits to power customers. The analysis, which employed the same rules as those used by state public utility commissions, indicates that certain "benefits" claimed by TVA are, in fact, unjustifiable. Based on the findings of this consultant report, the General Accounting Office has agreed to audit the Ocoee project.

C. Administration introduces badly flawed Wild & Scenic Rivers Act amendments

After struggling through the Reagan bureaucracy for over a year, a WSR package finally made its way to the Congress in September. The proposed legislation would add 8 river segments to the WSR System. These segments, ranging from 13 to 54 miles in length (31 mi. average), are all in national forests (i.e., already in public ownership) in Colorado, Wyoming, Arizona, and Michigan. Several strongly qualified rivers that had been included in earlier drafts of the bill were dropped from the published version, probably because lands are in private ownership; among these is the Upper Obed. In addition to listing the 8 noncontroversial river segments for inclusion, the legislative package contains a number of WSR Act amendments, many of which are quite dangerous. The worst one of all would allow state legislatures to remove from the national system those rivers that had been added by action of the Sec. of the Interior -- rather than by an Act

of Congress [under Sec 2(a)(ii) of the WSR Act, a governor may ask the Sec. of the Int. to give a river Federal protection]. This amendment would place in jeopardy 5 California rivers added under Sec. Andrus on request of Gov. Brown.

D. Attempt to extend study-status protection for rivers is unsuccessful

For 19 of the rivers designated for study in the Wild & Scenic Rivers Act, the three-year protection period expired on or before 10/2/82. The Amer. Rivers Conserv. Council tried valiantly to get the protection period extended for 12 of these rivers (3 of which are threatened by dams), and Sen. Hatfield introduced a bill to accomplish this. Despite 16 co-sponsors and a hearing, the bill fell victim to the last-minute rush of the lame-duck session. The effort, however, probably served to generate momentum for rivers preservation bills in the 1983 session.

E. Repeal of rules for evaluating water projects?

Awaiting Presidential signature is a repeal of the Water Resource Council's (WRC) Principles & Standards. The P&S, achieved after years of citizen effort, were workable rules for the planning and evaluation of costly Federal dams and other water projects (NL 120 ¶9A; NL 121 ¶8B). Their repeal was engineered by Watt, chmn of the WRC, in September, and was hailed by Asst. Interior Sec. Carruthers as a move to "get this country back into the water business." By early December, Pres. Reagan had not yet signed the repeal. Perhaps he had become aware that most of comments received by the WRC opposed repeal. Joining the opposition were the majority of the States. If Reagan does do away with the P&S, it would be possible for Congress to provide the opportunity for restoring them.

F. Guess who's proposing new dams!

God forbid the government should spend money on acquiring parklands (see ¶3), but spending it to build dams is something else again! For seven years, the government had proposed no new water projects. Sec. Watt has now broken this moratorium by proposing ten. All are in the west, and two (costing \$109 and \$51 million, respectively) involve major construction. About \$100 million would pay for the remaining 8 projects, which are small.

G. How to fight threat from new hydroelectric dams

As we have discussed in the past (NL 107 ¶10, NL 112 ¶8F), the movement toward "small" hydro, which may seem innocuous, can, in fact, present a real environmental threat. Except for dams built by Federal agencies, most hydro projects must be approved by the Federal Energy Regulatory Commission (FERC). Now, a river-protection group has produced a very useful manual that gives instructions to citizens concerning "Intervention in the FERC's Review of Hydropower." The manual discusses the process of intervention, strategies, issues, etc. Richard Roos-Collins, Friends of the River Foundation (Bldg C, Fort Mason Center, San Francisco, CA 94123) has offered to send a free copy to any interested TCWP member.

8. "PRIVATIZATION": THE ADMINISTRATION'S SCHEME TO SELL YOUR LANDS AND MINE

The Reagan Administration is gearing up to sell 35 million acres of public land in the next 5 years -- an area the size of the whole state of Wisconsin. Federal agencies have been ordered to conduct inventories, and BLM has already identified 4.3 million acres in a first cut. Agriculture Secretary Block plans to ask Congress for authority (which he does not now possess) to sell up to 144 million acres (!) of national forest lands. Among these acreages are 91% of Tennessee's Cherokee National Forest, and 96, 91, 91, 90, and 80% of national forests in Kentucky, Virginia, Alabama, N.C., and Georgia, respectively. Southern and Eastern forest lands, in fact, are particularly vulnerable because of criteria developed by the Administration that give sales priority to units containing scattered tracts within them, with overall federal ownership less than 50%.

Among the Administration's stated reasons for the proposed sales are the following: (a) "Public ownership leads to unproductive use of resources." However, it should be noted that the reason Congress passed the Weeks Act of 1911, which authorized purchase of USFS units in the Eastern U.S., was that these forest lands had been so badly abused under private ownership as to become unproductive. (b) "Land sales are needed to reduce the Federal deficit." However, the amounts projected would, in fact, represent less than 1.5% of the deficit. Further, by law, proceeds

from land sales must go into the Land & Water Conservation Fund, not into general revenues. (c) "Small or isolated tracts in public ownership serve no useful function." Yet, often such tracts are the only remnants of natural landscape in an otherwise developed region. (d) Much of the push comes from ranchers who want first refusal on grazing lands at a special low price. The Administration can't have their cake and eat it: they won't be able to please the ranchers and make a significant dent in the deficit.

It should be noted that the practice of all past Administrations (regardless of party) has been to offer any "surplus" federal lands (never consisting of huge acreages) to other federal, state, or local agencies, at less than the commercial value, to be used to create parks, wildlife refuges, outdoor recreation areas, or other public use areas. Many of our well-known and important urban parks were established in this way. The Reagan land sales have already started: 5805 acres in 31 states sold this fall. As our Oak Ridge members know, public pressure for turning some of this land into public parks can be strong.

Efforts to counteract the threatened massive loss of our common property are getting underway, but must get strengthened. (a) Three large conservation groups filed suit 9/30/82, contending that lands must be evaluated for their environmental value prior to being proposed for sale. (b) Subsequently, the Congress attached a rider to a continuing resolution that temporarily blocked the whole land disposal scheme. (c) The Western States Policy Office (governors of 9 Western states) unanimously criticized the Administration's land-disposal plans. (d) The theme for National Wildlife Week (3/20-3/26/83) is "This Is Your Land: Public Lands Belong to All of Us." (e) Outdoor Life (December issue) featured an article, "They're Selling Our Forests!"

WHAT YOU CAN DO: Everyone needs to write at least a postcard to his/her Rep. and both Senators asking them to work actively against the Administration's wholesale disposal of Federal lands. (See p.14 for addresses).

9. TVA: IT HAS IMPROVED IN THE PAST FEW YEARS

A. Dave Freeman asks TCWP to "accentuate the positive"

Speaking at the TCWP Annual Meeting 10/30/82, S. David Freeman pointed out that his term on the TVA Board will be up in May of 1984, and that, unless we express our support for some of the policies that were instituted during his tenure, we are likely to get a replacement who will go back to the bad old days of Red Wagner et al. Obviously, Sen. Baker will play an important part in Reagan's decision whom to nominate, therefore some of our expressions of support must be directed at Baker. During the Freeman years, there have been quite a few TVA achievements that you might like to be reminded of. (a) The air quality settlement, which resulted in major reductions in power-plant emissions. TVA also allowed citizen oversight of its AQ performance. (b) Efforts to increase dissolved oxygen in dam discharges. (c) Leadership in cleaning up water pollution in the Valley. (d) Active support by the TVA Board for reauthorization of strong Clean Air and Clean Water laws (see also #10H, this NL). This has undercut the position taken by private utilities in seeking to weaken these Acts. (e) Pioneering of flood-plain zoning. (f) Energy conservation: 600,000 homes have been reached by TVA's conservation efforts. (g) Making the agency more open to citizen involvement. Some of the following recent news items can also be added to the list.

B. Bear Creek preservation

Bear Creek in NW Alabama, for 24 of its 130 miles, flows through a highly scenic gorge, rich in rare as well as common plant and animal life. TVA made extensive Environmental Assessments, and subsequently worked out land-protection plans that were adjusted as a result of compromise with initially hostile landowners. Ultimately, TVA acquired navigation rights for the stream, and protective easements along the banks, while allowing landowners limited access for grazing. A state agency has been set up to maintain the scenic and ecological features of the area while keeping up the recreational facilities.

C. TVA purchases river accesses in the Obed-Emory watershed

The 3 access areas purchased are at Twin Bridges, Lavender Bridge, and Flat Rock Ford. No maintenance funds are available at present. Altogether TVA has acquired several dozen access sites on rivers in the Valley.

D. TVA registers a Natural Area and develops National Recreation Trails

A 15-acre virgin beech grove, known as Stiner's Woods, and its surrounding cedar and hardwood forest, were included in the State's Natural Area Registry on 10/13/82. This listing obligates TVA to protect the significant natural features of the land. The 1-mile loop trail within the grove was dedicated as a National Recreation Trail, part of the Natl. Trail System. Two other TVA trails - Hemlock Bluff Trail (on the Clinch R. Arm of Norris Res.) and Forest City Trail (near Watts Bar Dam) were dedicated at the same time.

E. The region's first solar pond is dedicated

The solar pond at Chattanooga is a 1-acre test facility, built as a renewable energy demonstration. By layering water of different degrees of salinity, significant heat storage can be achieved summer and winter. Speaking at the dedication ceremony, Freeman mentioned other TVA renewable-energy initiatives, including the solar water-heater program which has sparked the installation of ca 3,000 systems already and will grow to 30,000 Valley-wide by 1990. TVA's power policy has indeed "departed from the road of more and more expensive power plants."

F. TVA's 50th

In 1983, TVA will be "50 years old, or 50 years young." TVA is planning a year-long commemoration, during which it will disseminate information on its programs and policies. "The Valley Adventure," TVA's World's Fair exhibit, will travel down the Tennessee River on 2 barges between April and September, making 14 stops. TVA welcomes suggestions for activities at these stops. (Call 1-800-362-9250).

10. WHAT THE OLD CONGRESS DID, AND WHAT THE NEW CONGRESS MAY DO

A. Land and Water Conservation Fund: monies appropriated, but will Watt allow them spent?

Before adjournment, the Congress passed the Dept. of Interior Appropriations bill, which specifies \$230 million for the Land & Water Conservation Fund. This is divided into a Federal portion of \$160 million (of which the Park Service share is between \$60-70 million) and a State portion of \$70 million (Tennessee would get roughly \$1.3 million of this). Elsewhere in this Newsletter (#13), we have illustrated some of the ways in which USDI is thwarting the land-acquisition process. The Congress is becoming increasingly aware of this, and there is a good possibility of some Congressional action this year to force Watt to spend the appropriated LWCF monies for land acquisition, as intended by law.

3. Mineral leasing in wilderness

During the lame-duck session, a rider was attached to the Interior Appropriations bill (#10A) that would prohibit any funds in fiscal year 1983 to be spent for processing application to lease wilderness lands for minerals extraction or exploration. Wilderness is thus protected through 9/30/83. It will be permanently protected, under the terms of the 1964 Wilderness Act, after 1/1/84. This gives Watt a 3-month window in which to issue leases. The Congress may therefore try to pass legislation permanently banning leasing in wilderness in order to "close" this window. This week, Watt announced (not surprisingly) that he would not support such legislation.

C. Parks protection bill

As we reported earlier (NL 125 #6A) the Parks Protection bill overwhelmingly passed the House last September. However, due to other pressures of the lame-duck session, the Senate did not enact a companion measure. The same bill will be introduced in the House early in the 1983 session in an attempt to avoid running out of time for Senate action again.

D. Coastal barrier islands get protection

Harmful development of the fragile barrier islands along our Atlantic and Gulf coasts will at last be slowed down, thanks to passage 10/1/82 of legislation spearheaded by Sen. Chafee and Rep. Evans. In the past, such development had actually been subsidized by federal flood insurance for new construction. The new law creates a Coastal Barrier Resource System that includes 188 areas, encompassing 650 miles of beach, in 15 states (8 areas were knocked out of the final bill as a result of political pressure). No Federal funding for bridges, sewage systems, roads,

etc. is allowed, nor would developers have access to flood insurance. The importance of the new System derives from the following: (a) our tax dollars will not be subsidizing development in these fragile and ecologically important areas; (b) by identifying areas worthy of protection, the Act will make it easier for state and local governments to reassess their own activities affecting barrier islands; (c) a USDI report to Congress, due 10/85, will contain recommendations for conserving the resources of the System; thus future Congresses could legislate further protective measures.

E. Endangered Species Act

Although both Houses voted out reauthorization bills early in the summer, the conference bill was not passed until 9/20/82, and presidential signature did not come until 10/13/82. Among the ways in which the Act was improved are the following: (a) the listing of a species as endangered or threatened may proceed even if the analyses for determining critical habitat are not yet complete; (b) in making decisions on which species to list, the Secretary may no longer give preference to so-called "higher" life forms; (c) consultation procedures are changed to facilitate early resolution of potential conflicts. Now that the Act has been reauthorized through 9/30/85, it is very important to get adequate appropriations for its effective implementation. The Administration, on the other hand, wants to make severe cuts. Members of Congress were very impressed by the quantity and quality of mail they received on ESA reauthorization. Now they need to hear from you concerning funding!

Former Undersec. of State, Buckley, recently said that avoidable extinction of a species was even worse than book-burning: "it involves books yet to be deciphered and read."

F. A move to allow hunting in Alaska's national parks

Late in the year, Alaska's congressional delegation introduced legislation that would allow sport hunting and trapping in 12 million acres of national parks in the state. It should be noted that 92% of Alaska is already open to hunting. In addition to the direct detriment of this proposed legislation, there are two broader dangers: (a) such major redesignation could be a precedent-setting threat to the rest of the national park system; (b) the legislation would reopen the Alaska lands controversy, with all the compromises and trade-offs that went into the ultimate Act being placed in jeopardy. -- Sponsors of the bill have said that they will promote it again in 1983. We need to remind our U.S. Reps and Senators that the Alaska Lands Act has been in place for barely 2 years. It is ridiculous to start changing things around when no real resource needs have been demonstrated.

G. Clean Air Act

There are reports that industry's failure to obtain Clean Air Act changes in the past Congress, despite a strong and expensive lobbying effort, has dampened the enthusiasm for continuing the push for weakening amendments. Further, there has been a lack of consensus among the various industry segments that make up the lobby association about what kind of changes to promote. The utility industry may even break away altogether, but chemical manufacturers are anxious to stay on and map strategies. Much depends on (a) whether there will be an Administration bill this year, and (b) whether environmental groups will keep up last year's level of lobbying activities.

In the meantime, here in Tennessee, EPA has suddenly snapped into a rigid enforcement posture, and threatened to impose sanctions on all areas that have not attained ambient air quality standards. The editor of the Tennessee Environmental Council Report (Dec '82) believes that "EPA's recent conversion to hardnosed ... enforcement seems designed to provoke as many interest groups as possible and to orchestrate opposition to the Clean Air Act in Howard Baker's home state."

H. Clean Water Act

Amendments were introduced but not enacted in 1982, when the Clean Water Act was up for reauthorization. The Administration (through EPA) submitted a bill containing 14 changes, which environmental groups have called "a cynical attempt to undermine one of the country's best environmental laws." Among the proposed changes is one that would re-define dams as non-point sources, which do not require NPDES permits. Dams, however, often produce discharges of very oxygen-poor waters that destroy aquatic life and inhibit the downstream waters' ability to cleanse itself. Other harmful discharges from dams are also possible. TVA sent a statement

to the committees handling the Act, in which the agency states, "Our experience indicates that the existing act is workable and necessary, and that its reenactment is essential to the public welfare in the years ahead." Earlier in the year, TVA had also expressed support for re-authorizing the Clean Air Act without weakening amendments (NL 120 ¶11).

J. Congressional committee assignments

Although the Congress is not yet back in regular session, committee assignments have already been made. On the important House Interior Committee, the ratio of Democrats:Republicans has changed from 26:17 to 29:14. The environmental credentials of the committee have been improved by, among other changes, the addition of Kostmayer (D-PA) and the departures of Hendon (R-NC), and Clausen (R-CA). Udall and Lujan are again chairman and ranking minority member, respectively. Again there are no Tennesseans on the Committee. Tennesseans did get onto the following important committees: Rules, Quillen; Appropriations, Boner; Energy and Commerce, Gore, Public Works and Transportation, Sundquist; Science and Technology, Bouquard and Gore.

11. OTHER FEDERAL NEWS

A. A grass-roots outcry against the Reagan environmental policies

Ten national environmental groups and hundreds of environmentalists across the country compiled the material for "Hitting Home: The Effects of the Reagan Environmental Policies on Communities Across America," published mid-October. Taken together, the stories from people in 40 communities paint a picture of an administration committed to a systematic weakening of pollution controls, and to handing over publicly owned resources to private interests. A spokesman for Watt dismissed the report by saying, "These ^(environmental) groups are very good at twisting and turning the facts" (You can get a copy for \$2.50 from NRDC, 1725 Eye Street, NW, Suite 600, Wash. DC 20006.)

B. Deterioration of the Council on Environmental Quality

The CEQ under past presidents (Nixon, Ford, Carter) had annually produced scholarly and fact-filled evaluations of the state of the national and global environment. This year, the report is "a political treatise advocating the sale of the public estate," according to the National Wildlife Federation. This is the Reagan CEQ's first annual report (it's for 1981) and should have been published in January 1982. The virtual elimination of CEQ's budget (which was cut by over 72%!) caused the major delay in publication.

C. Watt trivia

Elsewhere in this Newsletter (¶3, 6A, 6B, 7C, 7E, 7F, 8, 10B), you'll find accounts of various issues created or exacerbated by Watt and his clones at USDI. Here are a few personal items. (a) Watt has forbidden USDI employees to attend the National Wildlife Federation's annual convention, on the grounds that this constitutes "political activity." (b) During the 1981 Christmas season, Watt hosted two personal parties for his political friends at a historic mansion at Arlington. He charged the expense of \$8842 to the National Park Service. Subsequently, the General Accounting Office ruled that this was improper use of government funds, and an appropriations committee threatened to deduct the amount from Watt's salary if the money wasn't returned. Finally, almost a year later, the Republican National Committee has paid up 74% of Watt's debt (confirming, by its action, the fact that the parties were, in fact, political events); the remainder (\$2325) has been charged to the Secretary's "reception fund," rather than NPS. (c) The House Govt. Operations Comm. is looking into the private use of government planes by Watt (e.g., to ferry his son home from college).

D. President Carter receives Wilderness Society award

The Society's highest honor, the Ansel Adams Conservation Award for 1981, was bestowed on Jimmy Carter in recognition of his commitment to and leadership role in the enactment of the Alaska Lands Act, "possibly the most significant conservation achievement in the nation's history." Without Carter's foresight and dedication, this legislative feat would not have been possible.

E. The green vote: follow-ups

Shortly after the election, we summarized for you some of the major "green vote" victories. Environmentalists established themselves as a group highly effective in grassroots campaign

* support. We must now do two things. (a) We must refrain from being overconfident, and instead start early -- today -- preparing for the 1984 campaigns. Early money talks loudest, so don't wait until 1984 to contribute to the League of Conservation Voters (317 Pennsylvania Ave, S.E., Wash. DC 20003) or to other environmental political action committees. (b) We must follow up on the election by letting the members of Congress know we are watching their vote on environmental issues and by urging them to take environmental initiatives. As part of TCWP's continuing effort to bring you as many current voting records as come our way, the following list is provided. Key: + = vote in the environmental interest, - = vote against the environmental interest, 0 = not voting; the numbers at the head of columns identify issues listed below the table.

	1	2	3	4	5	6	7	8	9
Baker						-	-	-	-
Sasser						-	+	0	-
Quillen	-	-	-	-	-	-			
Duncan	+	+	-	+	-	-			
Bouquard	+	+	-	-	-	-			
Gore	+	+	+	-	-	-			
Boner	+	+	+	-	-	-			
Beard	0	+	-	0	0	0			
Jones	+	+	+	-	-	-			
Ford	+	+	+	0	+	-			

1. National Parks Protection bill, H.R. 5162, vote of 9/29/82. (Passed House 319:84)
2. Bill to ban oil, gas, and some mineral leasing in wilderness and wilderness-study areas, vote of 8/12/82. (Passed House 340:58)
3. Amendment to pesticide law to set stricter regs than those proposed by Reagan Adm. (Passed House 8/11/82)
4. Amendment to continuing Appropri. bill to kill funding for the Garrison Diversion dam-irrigation project, ND, vote of Dec. 82 (Passed House by ca. 100-vote margin)
5. Amendment to kill funding for the O'Neill dam-irrigation project, Nebraska; vote of Dec. '82 (Passed House by ca. 100-vote margin)
6. Amendment to delete funds for Clinch River breeder; vote of Dec. '82 (Passed House 217:196)
7. Amendment to Budget Resol. to increase EPA budget authority for pollution control; vote of 5/20/82. (Defeated 38:60)
8. Amendment to EPA Appropri. bill to increase funding for research and for toxics cleanup; vote of 9/24/82 (Defeated 40:44)
9. Amendment to Agric. Appropri. bill to deny subsidies to farmers who cultivate highly erodable land; vote of 9/28/82. (Passed Senate 69:29)

12. TCWP MATTERS

A. Letter-writing Social, February 2

* Please note the announcement on front page and make an effort to come. It's important, it's educational, and it's fun! Details on p.14

B. Dues

* The 1983 dues statement is enclosed with this Newsletter (unless you have already paid). Don't put it away to do "later" -- you'll forget or you'll lose it, and we'll have to spend extra money and effort to remind you. In other words: we'd be most grateful for your prompt payment

C. Thank you, contributors!

We had a generous response to our year-end appeal for special contributions, and should like to express deep appreciation to the following: Anne Broome, Roy Wedekind, Charles Goodman, The Eric Hirsts, Lynn Wright, The Russells, Rick Montague, John Tansil, Mrs. Ferris, George Mayfield, The Larry Landaus, Phyllis Reed, Charles Cochran, The Deadericks, The Sweetons,

Dick Wooten, The Levys, Bob & Sandra Edwards, Alice Milton, Waldo Cohn, Victor Ashe, Mrs. Reel, Ruth Martin, Elizabeth Arnold, Mel Halbert, Lionel Edney, George Oswald, Anne Phillips, Frank Ferrari, Eunice Begun, Dennis Horn, Esther Burnham. As part of the contributions, 15 gift memberships were entered. It is not too late for the rest of you to contribute and/or to enter a gift membership for a friend or relative.

13. THINGS TO DO AND THINGS TO READ

- Look for the film NEVER CRY WOLF, which is to be released in February. Directed by Carroll Ballard ("The Black Stallion") and starring Charles Martin Smith ("American Graffiti"), it is based on the experiences of biologist Farley Mowat, who lived on the frozen tundra of the Yukon territory to study the ways of the wolf packs. A major theme of the film is interrelationship of man and animals.
- Stay at historic Rugby. Overnight lodging is now available in an 1880's pioneer cottage, completely furnished (kitchen, bath, etc) to sleep 10. You can rent the whole cottage (\$68.50) or rooms within it (\$21 or \$32). This makes a good location from which to explore the Big South Fork Area. (Contact Historic Rugby, P. O. Box 8, Rugby, TN 37733, or call 615, 628-2441.)
- Please see ¶ 7G ("small hydro") and ¶ 11A (Reagan environmental policies) for mention of two publications.
- "Fear at Work: Job Blackmail, Labor and The Environment," by R. Kazis and R. L. Grossman, presents the most up-to-date information to refute charges that environmental protection is throwing people out of work and strangling the economy. The book makes a strong case for ending the artificially induced antagonism between the labor and environmental movements. (Pilgrim Press, 320 pp. \$10.95 single copy; bulk rates on request. Order from Environmentalists for Full Employment, 1536-16th St, NW, Wash. DC 2-036).
- "Ronald Reagan and the American Environment." Ten national groups indict the Reagan record by citing 200 examples of actions that endanger environmental quality. (144 pp. \$3. Info Services, Natl. Audubon Soc., 950 Third Ave., New York, N.Y. 10022).
- "Great Smoky Mountains" published by the Natl. Park Service, explores the natural lore, human history, and recreational opportunities of this biotically rich park. Heavily illustrated. (128 pp. \$6.50 at the visitor center; or, from Supt. of Documents, U.S. Govt. Printing Off., Wash. DC 20402 -- Stock No. 024-005-00815-2)
- "State of the Environment 1982" fills a gap left by the failure of CEQ to perform its usual function of providing an information base on which environmental policy must depend (see ¶11B, this NL). This 439-page study by the Conservation Foundation reports progress in tackling old environmental problems, discusses newly emerging issues, analyzes the "driving" forces behind environmental ills, and presents policy options. A wealth of tabular and graphic material; lists of supplemental readings. (\$15 plus \$1.50 shipping, from the Conservation Foundation, 1717 Mass. Ave, NW, Wash. DC 20036)
- "Side Effects of Renewable Energy," by Larry Medsker, shows that there's no such thing as a free lunch. For example, the increasing use of wood stoves leads to raids on forests, and generates toxic combustion products whose emission is not regulated. (This NSF-funded study is available, free of charge, from Science Div., Natl. Audubon Soc., 950 Third Ave, New York, N.Y. 10022.)
- "How You Can Influence Congress," by George Alderson and E. Sentman is a complete handbook for the citizen lobbyist (incidentally, it mentions TCWP's letter-writing-socials). (Dutton, 360 pp. \$9.95 from Friends of the Earth, 1045 Sansome St., San Francisco, CA 94111)
- A series of Natural Heritage Reports has been released by the Sierra Club. Among them are "Americans and Their Parks" and "The Great Giveaway: Public Oil, Gas and Coal and the Reagan Administration." (Each report is 15-25 pp. and costs \$3, including handling. Order from Info Services, Sierra Club, 530 Bush St., San Francisco, CA 94108)
- "Water: The Nature, Uses, and Future of Our Most Precious and Abused Resource," by Fred Powlledge. After giving the reader good reason to admire water's beauty and essential qualities,

Powledge proceeds to expose a number of industries found guilty of poisoning water supplies and shows how government officials have often been accomplices (Farrar, Straus & Giroux, 423 pp. \$14.95)

- Interested in better rail passenger service in the Southeast? Subscribe to Track 4, newsletter of the SE Transportation Coalition (2918 Houston Ave, Macon, GA 31206. Cost, \$7.50 annually.)
- Just received: A Big South Fork NRRA color brochure with map. Write Superintendent, BSFNRRRA, P. O. Drawer 630, Oneida, TN 37841

14. ACTION SUMMARY

¶ No.	Issue	Contact	"Message!" or Action
1	Frozen Head	Comm. Howell	"Do not approve stripmine permit!"
2	Cherokee wilderness	Rep. Duncan	"Introduce Citizens' Wilderness bill!"
3	Obed acquisition	US Rep and Sens	"Protest USDI stalling tactics!"
5H	Toxics cleanup	Gov. Alexander	"Support EAF superfund bill!"
8	"Privatization" of public lands	US Rep and Sens	"Don't let Admin. sell our lands!"
10E	Endangered Species Act	US Rep and Sens	"Appropriate adequate funds!"
10F	Alaska national parks	US Rep and Sens	"Don't permit hunting in parks!"
11E	Green vote	Environmental PACs	Contribute early
12A	Letter-Writing Social		Attend
12B	Dues	TCWP	Pay

Vote →

LETTER-WRITING SOCIAL

 *** Wednesday, Feb. 2, 7:30 p.m. Spend an hour writing needed letters ***
 *** at Miriam Guthrie's (expert help will be available); then ***
 *** 112 Wendover Circle enjoy your TCWP friends over refreshments. ***
 *** Oak Ridge, 482-2111 Non-members welcome too! ***

HOW TO ADDRESS YOUR LETTERS

- Honorable (Rep's name)
House Office Bldg
Washington, D.C. 20515

Dear Congress^{man} Smith:
Sincerely yours,

- Honorable (Senator's name)
Senate Office Bldg.
Washington, D.C. 20510

Dear Senator Jones:
Sincerely yours,

- Governor Lamar Alexander
State Capitol Bldg.
Nashville, TN 37219

Dear Governor Alexander:
Respectfully yours,