

TENNESSEE CITIZENS FOR WILDERNESS PLANNING
Newsletter No. 130, July 21, 1983*

| | | | |
|-----|---|--------------------------------------|--------------------------|
| 1. | Obed and Big South Fork | p. | 2 |
| | A. Obed appropriation | C. Obed Land Protection Plan | |
| | B. Corps acquisition for Obed? | D. Big S. Fork tidbits | |
| 2. | Other rivers | p. | 2 |
| | A. Tenn. Scenic Rivers Program | C. State rivers programs, nationwide | |
| | B. Ocoee resolution | D. River otter restoration | |
| 3. | Cherokee National Forest: wilderness and other issues | p. | 3 |
| | A. Citico Cr. and Big Frog | C. Land Sales? | E. Benton MacKaye Trail |
| | B. RARE II → RARE III | D. Appal. Trail | |
| 4. | Stripmining in Tennessee | p. | 5 |
| | A. Correcting poor state performance | C. We win on mine discharges | |
| | B. We lose suit | D. Mining in streambed | |
| 5. | State capsules. | p. | 5 |
| | A. Asst. Commissioner | D. Tree cutting | F. Intergroup Conference |
| | ays Mountain | E. Raccoons | G. Dale Hollow Plan |
| | C. Non-game certificates | | |
| 6. | Smokies | p. | 6 |
| | A. Land Protection Plan | B. Wilderness | |
| 7. | National Parks issues; parklands acquisitions; NPS | p. | 7 |
| | A. Parks Protection bill | D. Acquisition roadblocks | |
| | B. Anti-Park bill (Alaska) | E. Park Service purge | |
| | C. LWCF appropriation despite Watt | | |
| 8. | Other public-lands items | p. | 8 |
| | A. Stop unprofitable coal sales! | B. Privatization capsules | |
| 9. | Acid rain | p. | 9 |
| | A. Scientific reports fix blame | C. Acid rain capsules | |
| | B. Proposed legislation | | |
| 10. | Federal items | p. | 10 |
| | A. Ruckelshaus and EPA funds | C. Conservation Corps | E. Are we elitists? |
| | B. Wetland protection | D. Watt takes undeserved credit | |
| 11. | Oak Ridge: the current rash of environmental issues | p. | 11 |
| | A. Hard lessons on "privatization" | C. Airport controversy resurfaces | |
| | B. Mercury hearings | | |
| 12. | TCWP news (questionnaire; office; activities) | p. | 13 |
| 13. | Publications and things to do | p. | 13 |
| 14. | Action Summary | p. | 14 |

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

1. OBED AND BIG SOUTH FORK

A. Support for Obed appropriation extends to Senate

As we went to press, we received the all-important news that Sen. Baker, in response to communications from TCWP and others, had actively supported a \$1 million Land & Water Conservation Fund (LWCF) appropriation for Obed land acquisition during markup of the Interior Appropriations bill. This will almost certainly result in inclusion of the Obed item when the bill passes the Senate late this week or early next week. Sen. Sasser had earlier written to the committee chairman expressing his support.

The bill must then go to conference committee. Despite absolutely unprecedented support -- 7 of Tennessee's 9 Representatives (Cooper and Jones added since the last Newsletter) -- the House version, passed in June, failed to include an Obed appropriation because the national conservation groups, in drawing up their list for the committee, had omitted the item (wires got crossed). TCWP will therefore be working hard in the next few days to ask our Representatives to contact House conferees. Tune in next time for the outcome.

In the meantime, please express your sincere thanks to both Senators Baker and Sasser and to your Representative for their valuable support. Even a postcard will do, or a phonecall to their local office.

Acquisition to be handled by the Corps?

TCWP has endorsed the suggestion that land acquisition for the Obed be handled by the Corps of Engineers. The Corps has been successfully engaged in acquisition for the Big South Fork NRRA, which is administered out of the same Natl. Park Service (NPS) office as the Obed. Since Corps staff is already in the area and familiar with local conditions and people, it is likely that this staff could work efficiently on Obed land transactions. Funding would, of course, continue to come through the LWCF, and title to the lands would, as before, be held by the NPS.

C. Obed Land Protection Plan input

This "Plan," one of Sec. Watt's bureaucratic roadblocks to parklands acquisition (NL 129 ¶2B; ¶7D, this NL), is in process of preparation by NPS. One of the early steps was publication of "Land Protection Alternatives," on which TCWP commented 6/2/83. We gave detailed reasons why alternatives, other than fee-simple and easement acquisitions, cannot meet the objectives of the authorizing legislation and the intent of Congress. If you are interested in receiving a copy of our comments, send a self-addressed, stamped envelope to the address at the bottom of p. 1.

D. Big South Fork tidbits

- Though all has been quiet on the oil and gas front, TCWP is not leaving this matter unattended. We want to be ready in case some secret plans are being hatched in administrative offices or in the Congress to lease government-owned mineral rights (previously bought by the Corps for the purpose of protecting scenic values in the BSFNRRRA).
- Col. William T. Kirkpatrick is replacing Col. Lee W. Tucker as District Engineer of the Nashville District of the Corps. This is the office that has charge of land acquisition and development for the Big S. Fork NRRA
- An existing railroad line in Kentucky, renamed the Big South Fork Scenic Railway, is offering an 11-mile roundtrip that takes in parts of the BSF and Roaring Paunch Creek gorges, as well as abandoned and working coal mines. The two-hour excursions depart from Stearns, KY, at 11 a.m. Fridays, and 11 a.m. and 3 p.m. on weekends and on Monday holidays.
- The Corps has awarded contracts to prepare a supplement to the BSFNRRRA Master Plan for developments at Blue Heron (Kentucky). These developments include a campground, two overlooks, canoe access, etc., as well as restoration of the Blue Heron Mine and associated structures.

2. OTHER RIVERS

A. State efforts on the Tennessee Scenic Rivers Program

Except where they flow through National Forest lands (parts of Hiwassee and Conasauga Rivers), the 11 rivers (a total of 360 miles) of the Tenn. Scenic Rivers System have virtually no legal

protection. Although the authorizing Act calls for state acquisition of scenic easements along river banks, virtually no acquisition funds have been appropriated in the 15 years since the program has been in existence. There has, however, been a recent stirring of scenic river activities in the state government. One major effort is the Collins River Protection Plan (which is being developed by the Tenn. Environmental Council under contract from the Safe Growth Team) and associated activities for the Collins, e.g., access-site purchase funding (NL 129 ¶6A). On the Hatchie in West Tennessee, the state's only unchannelized swamp river, 13 accesses have been, or are being, developed by the Dept. of Conservation (DoC), and a management plan is being formulated. For the Harpeth River, near Nashville, the DoC is discussing access-site development and a public-relations program aimed at local fishermen.

The DoC has named a new Scenic Rivers Coordinator: he is Rick Harwell, formerly ranger/naturalist at Tims Ford, who has already shown initiative in working with citizens groups interested in river protection. Among Harwell's activities will be development of an inventory of rivers that might be added to the state's Scenic Rivers System. Any suggestions may be addressed to Rick Harwell, DoC, 701 Broadway, Nashville 37203.

B. Ocoee resolution introduced

On 5/11/83, Rep. John Duncan introduced a House Concurrent Resolution (HCR 125) which states that TVA should operate the Ocoee No. 2 project "for multiple purposes, to include sufficient flows for the continued use of the river for whitewater recreation for a minimum of 110 days per year between April 1 and October 30 of each calendar year, and that user fees, if necessary, be collected to pay for the maintenance of the recreation facilities and not for the replacement of power." The "Whereas" portion of the resolution states (among other things) that the Ocoee River accounts for over \$3,000,000 in annual tourist revenues. The outfitters employ 80 full-time and 45 part-time people. The Ocoee River Council is urging supporters to ask Senators to introduce a companion resolution, and Representatives to co-sponsor HCR125 (see p.14 for addresses). If passed, the resolution would not have the effect of law, but it would provide TVA with the justification to work out an appropriate solution to the current conflict.

C. An assessment of state river conservation programs is being prepared by Chuck Hoffman, director of the Washington-based River Conservation Fund. A preliminary report, issued in April, shows that 13,526 miles on 264 streams in 29 states are potentially protected under some type of state legislation or executive order. (The range is from 5 miles in S. Carolina and Florida to 4,033 miles in California; Tennessee has 360 miles.) However, degree of protection varies greatly from state to state, and much of it is on paper only.

D. River otter restoration

TVA, in collaboration with the Kentucky Dept. of Fish and Wildlife Resources, is attempting to restore the river otter to the Tennessee Valley region. Disappearance of the otter has been due not only to trapping for the fur trade, but also to habitat (wetlands) loss and the expanding use of toxic chemicals (often pesticides) which build up in the otter's food chain. The experimental otter restoration project is being carried out at Land Between the Lakes.

3. CHEROKEE NATIONAL FOREST: WILDERNESS AND OTHER ISSUES

A. Citico Creek and Big Frog need wilderness status

The Cherokee Forest staff is still in process of revising the Draft Environmental Impact Statement (EIS) in the light of the comments received during last year's public review. The most important criticism of the draft EIS concerned the Forest Service's methodology for assessing the need for wilderness, a methodology that had led to the tentative recommendation that only half of Big Frog and none of Citico Creek be designated as wilderness, even though the areas qualified in every other way (see NL 121 ¶1; NL 122). After the Cherokee NF completes the final EIS, this document will be reviewed at several higher levels of the Administration before a recommendation is sent to the Congress. Any member of Congress can, of course introduce his/her own bill on the subject prior to completion and/or independent of this lengthy process. In the hope of bringing this to pass, Cherokee wilderness advocates (including TCWP's Jim Doncaster) have several times met with Congr. Duncan, most recently about 7 weeks ago (Jim Doncaster representing TCWP). Duncan promises a decision in the near future. In the meantime, you may wish

to remind him that all of Citico Creek (16,576 acres) and Big Frog (5,055 acres) were found suitable and manageable as wilderness, and that there is a clear need for preserving wilderness in this area. (See p. 14 for address)

B. Re-evaluation of USFS RARE-II recommendations affects Cherokee NF

Last October, an Appeals Court ruled in favor of plaintiffs who charged that the Forest Service (USFS) had recommended insufficient wilderness in California under the RARE-II process. Asst. Sec. of Agriculture, John Crowell, turned the ruling on its head: instead of remedying the situation by recommending additional California wilderness, he threw out all RARE-II recommendations nationwide, and decreed that a RARE-III process was to be undertaken. In the meantime, all protection was removed from study areas (see NL 127, ¶1B). The RARE III study will be carried out within the framework of the Forest Land Management Planning (FLMP) process, which has been underway for some time.

We have tried to summarize in the following table how this process affects us here in the Cherokee

| Program | Earlier USFS recommendation: | | |
|-------------------------------|---|----------------|---|
| | Wilderness | Non-wilderness | Further planning |
| RARE II (1979) | Bald River Gorge To be re-evaluated under FLMP | 13 areas | 5 areas Already being studied under FLMP |
| Eastern Wilderness Act (1975) | | | 3 areas* Not affected by ruling |

* Citico Creek, Big Frog, Big Frog Addition. See ¶3A, this NL

C. Sale of Cherokee lands?

Remember the Reagan Administration's "Asset Management Program" under which the Forest Service may try to sell 6 million acres nationwide? (See NL 128 ¶8A). In the Cherokee, 136 tracts totalling 6,522 acres are under study, a little over 1% of the acreage. The tracts are said to be isolated, irregularly shaped, or under special use permit. If this is, in fact, the case, land exchanges that consolidate Forest boundaries would seem preferable to reductions in the public estate. The US Dept. of Agriculture will soon propose legislation to authorize the sale. The fate of such an Administration bill will of course be up to the Congress.

D. Appalachian Trail within the Cherokee NF

Land acquisition is essentially complete for the 107 miles of the Appalachian Trail that lie within the boundaries of the Cherokee National Forest. Rights-of-way for 60 miles were acquired by the NF during the past several years, and 47 miles were already in public ownership. A 1979 amendment to the National Trails Act permits acquisition of a 1000-foot strip for the AT, while only 200 ft were permitted before then. The Forest Service may in future acquire land to widen segments of the trail strip acquired under the earlier version of the law.

E. The USFS negative decision on the Benton MacKaye Trail

A volunteer group had planned, and partly constructed, the Benton MacKaye Trail, which was to have been 150 miles long, connecting with the Appalachian Trail at several points to create a number of possible long-distance loops. In April, the Forest Service published an Environmental Assessment (EA) in which they opted for the "no action" alternative for the Tenn. and N.C. portions of the trail (NL 129 ¶10D). Several reasons are cited up front, e.g., topographic restraints; but buried in the EA may be the real reason for the USFS's negative decision: "the trail will affect timber production" by affecting the "location and type of timber management activities."

4. STRIPMINING IN TENNESSEE

A. Efforts to correct Tennessee's poor performance

During the first 8 months after the state's assumption of primacy in enforcing the federal stripmine law, 160 of the 164 permits issued failed to comply with the requirements of the Act (NL 129 ¶5A). This poor performance was pointed out in a warning letter from the federal Office of Surface Mining (OSM) to Gov. Alexander, sent on 4/8/83. On 5/24/83, the Tennessee Division of Surface Mining, DSM (which had 5 months previously been transferred from the Dept. of Conservation to Public Health), met with OSM representatives and proposed a relatively leisurely schedule for straightening out the problem. (10 active permits per month). Citizens groups, familiar both with the environmental damages from stripmining and the mechanisms of control, felt that an attempt should be made to correct the permit backlog much sooner. At the request of SOCM, a meeting with high OSM and DSM officials was called for 7/14/83, at which time a list of 10 proposed actions was presented to DSM. TCWP was represented at the meeting by Jim Doncaster. Foremost on the list were the requests that invalid permits be brought into compliance within 60 days (or be suspended at that time), and that existing invalid permits take priority over any new permit applications. In addition to permitting problems, the list addressed problems of reclamation, enforcement, and record accessibility.

At the meeting, DSM made the case that the lack of trained personnel prevented expediting of the permitting process, and maintained that it would take the State one year to complete all corrections on the wrongly issued permits. This remedial effort will, however, be given priority over the issuing of new permits. Another warning letter to the State is apparently on its way from OSM. The citizens groups, before deciding how to proceed, will wait to see whether this letter contains any directives on timeframes.

B. We lose our suit against Watt

SOCM and TCWP charged that the state law and regulations were not in compliance at the time (8/10/82) Tennessee was given primacy to enforce the federal law, and that the US Dept. of the Interior (through OSM) had therefore acted improperly in transferring administration of the law to the state. Though events seem to have proved us right (see A., above), U. S. Distr. Judge L. Clure Morton, ruled against us earlier this month. While not denying most of our allegations, he based his opinion on the absence of evidence that Sec. Watt's actions were "arbitrary, capricious, or otherwise inconsistent with the law."

C. We win on stripmine discharges

Last fall, the Corps of Engineers was proposing to grant a so-called Regional Permit for water pollution resulting from stripmine runoff (NL 125 ¶5). This was part of a broader Administration scheme to weaken the Clean Water Act's "404" program (dredge-and-fill permits) by replacing individual permits with blanket authorizations. The Regional Permit in question would have been given for all coal-mining operations in Tennessee and would have been in effect for 5 years. TCWP submitted comments strongly objecting to the proposal, and requested a public hearing. The Tenn. Dept. of Public Health subsequently refused to grant the "401" certification (which is normally a prerequisite for 404 permits). In a letter of 5/31/83, the Corps informs TCWP that it will not issue the Regional Permit. "This decision is based upon the consideration of several adverse comments received in response to our public interest review and the State's denial of the required water quality certification."

D. We support state's denial of mining in streambed

The Gem Mining Co. applied for a permit to relocate portions of a stream in Campbell Cy, so they could mine through the natural streambed. This required a "404" (dredge-and-fill) permit from the Corps under the Clean Water Act. The Tenn. Dept. of Public Health denied the prerequisite certification -- thus no 404 permit was granted. Gem Mining appealed. The appeal was denied. Gem is now taking its case to the Water Quality Control Board.

5. STATE CAPSULES

For State Scenic Rivers Program, see ¶2A.

A. Assistant Commissioner of Conservation in charge of Natural Resources:

that is Tom Ripley's new title. Dr. Ripley had for some years served as head of TVA's Office of Natural Resources, a position from which he retired on June 11. In his new state job, Dr. Ripley will be in charge of the Divisions of Forestry (newly headed by Roy Ashley) and Geology, the Abandoned Mine Program, and possibly the Heritage Program.

B. Bays Mountain threatened

Bays Mountain Park is a beautiful 3000-acre area, owned and operated by the City of Kingsport. About half the area is undeveloped (except for hiking trails); the remainder contains an outstanding nature center (envtl. ed. for area schools), a 40-acre lake, and a biological station maintained by ETSU. On May 17, the Kingston Board of Mayor and Aldermen passed (5:2) a resolution to continue negotiating with Atlantic Richfield Oil Co. concerning leasing rights for oil and gas exploration and/or extraction in the Park. If you would like to help in efforts to preserve Bays Mtn., write to Friends of Bays Mtn. Park, Route 1, Box 474, Unicoi, TN 37692

C. TWRA Non-Game Certificates

The Tennessee Wildlife Resource Agency, as part of its non-game species program, plans to re-introduce the threatened river otter into the Cumberland Plateau area and the peregrine falcon into the Tennessee Valley. The program also seeks to provide habitat for many other non-game species, including eagles, hawks, and owls. To support this program, TWRA has issued Non-Game Certificates at \$5, which can be obtained from TWRA, P. O. Box 40747, Nashville, TN 37204.

When you write for yours, please mention that you are a TCWP member.

D. Tree cutting in front of billboards

In reaction to an Administration-backed bill that allows billboard owners to clear tall vegetation from 500 ft of the right-of-way (NL 128 ¶4D), the Knoxville Green Association held a strategy-planning session in mid-June. It was pointed out that the law is almost unprecedented in that it allows an industry (outdoor advertisers) to destroy property owned by the public. Thus, the legislature may have improperly delegated powers (to grant tree-cutting permits) to the Dept. of Transportation, and a lawsuit along such lines is being considered. The Tenn. Dept. of Transportation has drafted regulations governing the vegetation-control permit; hearings were held July 11. For more info, call Gene Burr, Knoxville 573-8554.

E. Raccoons lose

In its last session, the General Assembly mandated racoon-hunting and dog-training seasons that run counter to all biological reasoning. In so doing, the legislature also violated the principle that rules are to be set by the Tenn. Wildlife Resources Agency on the basis of scientific findings, rather than by politicians on the basis of pressures from specific groups. Sam Venable points out (Knoxville News Sentinel, 6/5/83) that, "by law, hunting and fishing seasons are to be established only to harvest a surplus of animals, not to provide fun and frolic for hunters and anglers."

F. Intergroup Conference planned

Since the Safe Growth Team and the state administration plan to stress water issues in the upcoming year, this will be the topic of the next Intergroup Conference. The conference, for representatives of the state's environmental groups, is being organized by the Tennessee Environmental Council and will be held at the Appalachian Craft Center at Smithville, Sept. 30-October 2. If you are interested in attending, let us know -- we'll transmit a list to TEC.

G. Comments sought on Dale Hollow Plan

The Corps of Engineers has drafted a resource management plan for the waters and lands of Dale Hollow Reservoir, a total area of over 52,000 acres. A meeting was to be held July 21, but the comment period remains open beyond that date. Copies of the draft plan may be requested from the Operations Div., U.S. Army Corps of Engineers, P. O. Box 1070, Nashville 37202.

6. SMOKIES

A. Smokies "Land Protection Plan"

Like other units of the National Park System, the Gt. Smoky Mtns. Natl. Park (GSMNP) had to follow a May 1982 USDI directive and prepare a Land Protection Plan. (TCWP submitted comments.)

This directive represents another Watt-invented roadblock to the parklands-acquisition process (NL 129 ¶8A) in that it requires (a) identification of lands needed to meet management purposes, (b) acquisition of only minimum acreages, and (c) the use of alternatives to land purchase (e.g., zoning). The GSMNP Land Protection Plan, which was made available for public review on 6/14/83 identifies 2609 privately-owned acres remaining within park boundaries. However, 2344 of these acres are in Cities Service tracts that the Park Service was authorized to acquire earlier this year (NL 129 ¶1A). Thus, the whole bureaucratic exercise of preparing the Land Protection Plan devolves essentially on 266 acres (7 small tracts), roughly 0.05% of the park area.

B. Smokies wilderness

In 1984, there'll be a double anniversary: 50th for the Smokies, 20th for the Wilderness Act. In the past two months, TCWP representatives have met with Tennessee Congressmen to ask them to introduce a companion bill to Sen. Sasser's Great Smoky Mtns. Wilderness bill. It is virtually certain that such a House bill will be introduced. The 475,000-acre area being proposed is that described in the Citizens Wilderness Plan. The bill also compensates Swain County, NC in settlement for any claim that might be made (under the "1943 Agreement") for construction of a north shore road.

7. NATIONAL PARKS ISSUES; PARKLANDS ACQUISITION; NPS

Parks Protection bill temporarily stalled

Last fall, a Parks Protection bill overwhelmingly (319:84) passed the House, but time ran out in the Senate (NL 125, ¶6A). A similar bill, HR 2379, introduced early in this session, will be brought to the House floor when its sponsors can be sure of the two-thirds vote needed to pass the bill under "suspension of rules" (i.e., without possibility of amendments). In June, the American Mining Congress lobbied against the bill with the false claim that the legislation would create federally controlled buffer zones around parks. In actual fact, the bill would set up a consultation process between NPS and another federal agency if the latter proposed an action that would adversely affect a park; in no way does the bill place private lands under federal control. There are also provisions for technical and financial assistance to local jurisdictions that wish to work with NPS in developing mutually compatible land-use plans for areas adjacent to parks. HR 2379 is, in fact, so noncontroversial that even PARADE, the nationally distributed Sunday paper supplement, in its May 29 issue urged readers to support it. WHAT YOU CAN DO: Tell your Representative of your support for HR 2379, and urge your Senator to sponsor a companion bill. (See p. 14 for addresses).

The Stevens-Watt Anti-National-Park Bill (alias Alaska National Hunting Act)

This bill is still in the Senate Energy and Natural Resources Committee but may be marked up at the end of July. Senator Baker is a co-sponsor. Various "compromises" have been proposed -- to convert "only" 10.5 million acres (or less) from National Park to National Preserve status, instead of 12 million. What is at stake, however, is not the exact acreage but the whole principle of the integrity of our national parks (NL 128 ¶7, 129 ¶12A). "If 12 million acres can be opened to sport hunting by virtue of simple reclassification, can wholesale reworking of minerals, timber, oil exploration and road building be far behind?" asks the Anchorage Daily News. "And where will it stop? Is Alaska to become the battlefield for the nation's ever-shifting ideological wars ...?" Stacks of mail are coming to the Congress from hunters who have been misled into thinking that this is a hunting issue (not knowing that over 90% of Alaska's 378 million acres are already open to hunting). Your U.S. Senators and Representative must be encouraged to stand up to this pressure and made to realize that many of their constituents feel very strongly about keeping our national parks intact. Phone or wire your senators (see p. 14) to oppose S.49 in any form. Write your representative to oppose the companion bill, HR 1493.

C. Land and Water Conservation Fund (LWCF): appropriations despite Watt

History repeats itself: Congress is again giving Sec. Watt considerably more money than he requested for parklands acquisition via the LWCF. The FY 84 Interior Appropriations bill that passed the House June 28 includes about \$250 million for this purpose, though the Administration asked for only \$65 million. In public, Watt has tried to create the opposite impression:

during the past several months, he has repeatedly appeared on TV and elsewhere, brandishing colored charts that purport to show that the Reagan Administration has spent lots more on parks than the Carter Administration ever did. The true story on LWCF Obligations, as compiled from the "Budget of the United States Government" by the Wilderness Society, is shown in the following table:

| Fiscal Year | Administration | LWCF Obligation | | |
|-------------|----------------|-----------------|---------|-------|
| | | State grants | Federal | Total |
| 1976 | Ford | 161.2 | 136.1 | 297.3 |
| 1977 | Ford | 155.0 | 212.6 | 367.6 |
| 1978 | Carter | 169.7 | 443.2 | 612.9 |
| 1979 | Carter | 238.4 | 357.7 | 596.1 |
| 1980 | Carter | 318.6 | 278.3 | 596.9 |
| 1981 | Carter | 293.5 | 206.5 | 500.0 |
| 1982 | Reagan | 4.2 | 111.2 | 115.4 |

The Senate Appropriations Committee is marking up the Interior Appropriations bill as we go to press (see also ¶1, this NL).

Hearings on parklands-acquisition roadblocks helped a little

Rep. Geiberling's Public Lands Subcommittee hearings in April and May (for which TCWP submitted testimony -- NL 129 ¶8A), clearly brought out into the open the two mechanisms via which Sec. Watt's USDI has engaged in a de facto impoundment of appropriated parklands acquisition funds. These are (a) the requirement that all acquisition proposals, no matter how small or noncontroversial, be reviewed at the Asst. Secretary level in Washington (NL 126 ¶3), and (b) the requirement that a Land Protection Plans be prepared and approved for each unit, as a prerequisite to continuing acquisition (NL 129 ¶2B; and this NL, ¶1C, 6A). Although the hearings will continue July 26, they have already had the effect of shaking some money loose, including that needed to acquire the Cities Service inholding in the Smokies (NL 129 ¶1A). Even so, at the beginning of the last quarter of FY 83, the Administration has spent less than 1/3 of the funds appropriated for parklands acquisition.

E. Upper Park Service ranks are being purged of those who stand in the way of this Administration's goals. Sec. Watt has employed provisions of the Senior Executive Service Act to transfer top-level NPS professionals to positions where they won't buck his parks policies -- e.g., to the Office of Surface Mining! Watt announced that five would be moved; four already have been, including the new Smokies superintendent, transferred from the top job for the Alaska Region (NL 129 ¶1B).

8. OTHER PUBLIC-LANDS ITEMS

A. Put a halt to Watt's damaging and unprofitable coal sales!

Because of the information that came to light on the Powder River coal leases (when bidding procedures and information leaks resulted in the government losing \$100 million -- NL 129 ¶9D), S.1297 (Bumpers)/H.R.3018 (Udall) was introduced in both Houses. The measure would bar further leasing of federal coal until USDI amends coal-leasing rules so as to insure that the government receives fair market value for the leases. -- In addition, the House added a provision to the Supplemental Appropriations bill for FY 1983 that would ban any coal leasing in FY 1983. The Senate narrowly defeated (48:51) an amendment (by Sens. Bumpers and Jackson) to include a similar provision. The matter is being resolved by a conference committee.

Ignoring the criticism stemming from the Powder River "fire sale," USDI has announced the proposed sale of 10 billion tons of coal in FY 84 -- more than five times the amount the Carter administration had planned for an 8-year period. Among the lands that would be leased are some that contain (or would impact on) critical wildlife habitat, major archeological sites (Chaco Canyon National Historical Park, N.M.), national parks (stripmining next to Bryce Canyon NP), and even water supplies of local communities (in Utah). Over 18 billion tons of federal coal are already under lease, but barely 0.6% of this amount (104 million tons) were mined last year.

Watt's plan for additional leasing would (at current production rates) put a 300 year(!) supply of federal coal under lease.

WHAT YOU CAN DO: Contact your U.S. Senators and rep (see p. 14) and urge them to put a halt to further sale of federal coal until environmental protection is restored and until a fair return for the sale of the resource is assured. S.1297/HR 3018 is a good start, though it could stand strengthening.

B. Privatization capsules

- o Sen. John Glenn quote: "I have to wonder about an administration that wants to sell Yellowstone Park and buy Times Beach, Missouri."
- o A prime example of Administration insensitivity in selling public lands is furnished by GSA's attempts to sell the Oak Ridge "village green" (see ¶11A, this NL).
- o In New York City, the government is a little more generous -- but not much. The city desperately needs parklands, but the feds are giving NYC less than a quarter of the 43-acre Fort Totten property, located on a Long Island Sound peninsula. The city cannot afford to buy the remaining acreage.
- o Remember to support S.891 (Bumpers, Chaffee), The Federal Land Retention Act (NL 129 ¶9A). This bill provides for assessment of a tract's public-benefit value before sale can be proposed, and mandates that the federal government make its first offering of a surplus tract to state or local governments. Urge both of your Senators to support S.891.

9. ACID RAIN

A. Two scientific reports should force the Administration to abandon its "research-only" policy
About 3 weeks ago, two important reports were published on acid rain: one by the National Academy of Sciences (NAS), the other by the White House Office of Science and Technology Policy (OSTP). The studies that resulted in the reports were conducted independently of each other; yet, there is a curious connection between the reports. When an earlier NAS study on acid precipitation (APpt) was published 2 years ago, its findings and methodology were roundly rejected by the Administration. The White House then directed OSTP to conduct its own study, and 9 scientists were hand-picked for this purpose by Presidential Science Advisor, Keyworth. At the same time, NAS launched a second study to meet the criticisms levelled at the first.

Now, both studies come to the conclusion that reductions in SO₂ emissions from fossil-fuel power plants will result in reductions of acid precipitation and its impacts. The NAS study draws the important conclusion of direct proportionality between the two types of reductions. Both studies admit that techniques are not yet adequate for evaluating the relative contributions of local vs. distant SO₂ sources to APpt deposition at a given site.

The NAS and OSTP reports were preceded a couple of weeks earlier by an Administration inter-agency report (experts from 12 agencies) which also found powerplants, factories, and vehicles to be "the major sources" of APpt, but did not recommend any remedies. And, going back even further, about a year ago TVA publicly acknowledged, on the basis of scientific evidence, that power plant emissions (SO_x and NO_x) were the main culprits in causing APpt. TVA has accomplished a 50% reduction in SO₂ emissions (1 million tons), paid for by a rate increase of only 6-8% even in the most expensive year.

The Administration had long scoffed at the idea of a causal connection between SO_x-NO_x emissions and APpt. During the Presidential campaign, candidate Reagan said: "growing and decaying vegetation in this land is responsible for 93% of the oxides of nitrogen." For the past two years (most recently in the CEQ's 1982 environmental-quality report), the Administration has stubbornly held on to the view that APpt was a matter for research but not for control. Almost everyone agrees that the recent NAS and OSTP reports will force abandonment of this stance. EPA's Ruckelshaus recently conceded publicly that "sulfur stack emissions are a primary contributing cause of acid rain," but wants a "phased in" approach to the control of emissions. The Administration's position on the acid rain bills (¶9B, this NL) will be interesting to watch.

B. Acid-rain legislation: at least two approaches

In the Senate, the Mitchell bill, supported by committee chairman Stafford and Sen. Holling (among others) would require 31 states, primarily in the central part of the nation, to institute emission controls. Cost sharing is tailored to NE states' interests. It is estimated that electricity rate increases would average 2.5% in the 31-state region if the emission reduction is accomplished by control technology (scrubbers) as well as by switching from high- to low-sulfur coal; it would average 24% if accomplished by technology alone.

In late June, a different bill, HR 3400, was introduced by Waxman, Sikorski, and Gregg. This bill attempts to spread the cost of cleanup by extending control requirements from 31 to 48 states. Reduction in emissions must amount to 10 and 4 million tons of SO₂ and NO_x, respectively. The bulk of the reduction will be achieved by installing flue-gas desulfurization technology on the 50 largest SO₂ emitters (which are located in only 14 states, and, between them, emit 44% of the nation's utility-produced SO₂). Certain additional SO₂ reduction would also be accomplished in all states. A user fee (tax) of 1 mill/kwh would pay for 90% of the capital costs of the control technologies. The bill would reduce NO_x by tightening the New Source Performance standards for stationary sources, and by decreasing the amounts of NO_x allowed to be emitted by trucks (post-1985 models). The Office of Technology Assessment estimates that electricity rate increases would vary from 1-11%, depending on state, but would decrease with time.

Reactions to the bills are, not surprisingly, mixed. Midwestern Congressmen may endorse Waxman's HR 3400, while northeastern delegations feel that the brunt of the costs ought to be borne by the regions generating the pollution, and thus are more likely to support the Mitchell bill. Low-sulfur-coal producers are pushing for coal switching (as opposed to control technology). And environmental groups, which support the Mitchell bill, think the Waxman bill is also a step in the right direction, but needs to be strengthened. They propose inclusion of emission controls for western smelters, and either a larger SO₂ tonnage reduction or a requirement that emissions resulting from new industrial growth be offset.

C. Acid-rain capsules

- o Acid rain causes damages worth \$5 billion annually, nationwide. The number of affected lakes, already in the thousands, will double by the year 1990.
- o Pennsylvania is projecting a loss to the sports fishing industry of \$1.24 billion by the year 2000. Colorado found APpt to be widely distributed on both mountains and plains.
- o NPS is checking 21 park units (no money to check more); all have experienced APpt.
- o Relaxation of emissions controls that were approved by the Reagan EPA have resulted in an extra 1 million tons SO₂ annually. This, at a time when European countries are working to curb emissions.
- o Because of acidity of the water collected in them, roof cisterns in Pennsylvania have yielded samples that, in 70% and 15% of all cases, exceed the limits for lead and cadmium, respectively.
- o A Mitchell-Hollings bill requires the National Weather Service to issue regular reports on acid-rain content of precipitation.

10. FEDERAL ITEMS

A. Is Ruckelshaus serious about rebuilding EPA?

That was a question raised during the EPA appropriations process. The program managers in EPA made proposals for reconstituting the workforce so as to be able to step up enforcement of environmental laws. This would have been possible with a total FY84 appropriation of \$1.3 billion, an amount the Congress was willing to provide (see below). However, Administrator Ruckelshaus requested only \$1.1 billion, equivalent to only a 1% increase over FY83 budget outlays. The House had come up with \$1.3 billion in its version of the bill, a 37% increase over the Reagan proposal of \$0.95 billion, to reach a level equivalent to the pre-Reagan FY80/FY81 appropriations. In the Senate, Stafford (R-Vt.) was planning to offer an amendment that would have achieved the same level. In view of Ruckelshaus' determination to stick with only \$1.1 billion, Stafford, chagrined, dropped his amendment, and the Senate bill -- as well as the final bill emerging from the Senate-House conference, contains \$1.1 billion.

B. Wetland protection measures moving through Congress

More than half the wetlands that once existed in the lower 48 states have been destroyed, including 80% of Mississippi Valley bottomland hardwood forests, and 70% of Great Lakes marshes. But 60 million acres of wetlands remain and need protection. They provide marvelous wildlife habitats, they filter pollutants, restrain floods, and recharge aquifers. Two bills have been introduced, with markups in both House and Senate subcommittees scheduled for next week. S 1329 (Chafee)/HR 3082 (Forsythe) would increase federal funding for wetlands acquisition by about \$100 million annually by gradually raising the price of duck hunting stamps (which support the Migratory Bird Conservation Fund), by tapping import duties on arms and ammo, and by transferring some LWCF moneys. The Administration bill, S978/HR2268 would increase acquisition funds by only \$25 million annually. Conservation groups favor the former bill; they also hope to add to it tax incentives for people who wish to donate wetlands for preservation purposes. Write your Senators and Rep. supporting wetlands protection (see p. 14 for addresses).

C. American Conservation Corps bill: House and Senate versions differ

The full House has passed an ACC bill, and so has the Senate Energy Committee. While both bills provide conservation jobs and training for unemployed youth, the Senate bill is much weaker, authorizing the program for a shorter period (3, instead of 6, years) and at a much lower level of funding. Since major amendments can be offered on the Senate floor, you should urge your senators to support a strong bill that is equivalent to the House bill with respect to funding.

D. Watt takes credit where credit is not due

In mid-June, Sec. Watt took the spotlight to take credit for a massive crack-down on eagle killers, and to denounce those who kill eagles for profit. Most TV viewers undoubtedly applauded this sentiment, not realizing that Watt has for two years been trying to slash funding for the USDI law enforcement efforts that finally broke up the trade in eagle feathers and talons. Beyond that, Watt has twice virtually zero-budgeted the entire Endangered Species Act implementation effort.

E. Wilderness lovers are not elitists

Environmentalists are often accused of being elitists, and wilderness lovers are special targets of this charge. "Wildernesses are essentially parks for the upper-middle-class ... a reserve set up to keep people out rather than a 'state of nature.'" (W. Tucker in PROGRESS AND PRIVILEGE). But a 1978 survey by U. S. Forest Service researchers found that two-thirds of wilderness users had incomes under \$10,000.

11. OAK RIDGE: THE CURRENT RASH OF ENVIRONMENTAL ISSUES

The following items are hardly news to our Oak Ridge members, who daily find them covered extensively in the local press. Since Oak Ridge is nowadays fairly seething with events that are of environmental interest, we thought our non-Oak Ridge readers might like at least a brief summary.

A. The Turnpike Green: hard lessons about "privatization"

The Reagan Administration's determination to sell public lands, which we have reported and discussed extensively in TCWP Newsletters, may mean little to the average American: most of that land is in some remote place he/she knows little about. But Oak Ridgers have learned the hard way. Their beloved Turnpike Green, a 12.5-acre park area between the city's main traffic artery and the large federal building -- a people's commons for the past 41 years, was declared surplus land by the General Services Administration. On July 20, it was sold to a developer at public auction, despite extensive and broadly based efforts to prevent this. These efforts involved not only active citizens groups, but the virtually united City Council (with its boards and commissions) and Congresswoman Lloyd. Mrs. Lloyd took the first step some time ago, when she introduced a bill to designate the area a federal recreation area. When it became apparent, a month ago, that the Lloyd bill would not make it out of committee in time, the following other actions were taken. (a) In a 10:1 City Council vote, the property was rezoned from "office" to "reserved and open space" (this rezoning might be challenged by the buyer,

because a city cannot legally zone federal land); (b) a citizens group, the Turnpike Green Committee, started to raise money in the hope of bidding on the land and later turning it over to the city (\$10,000 was raised in a week, but time ran out); (c) the City, on the basis of an Env'tl Quality Advisory Board study, found that the GSA Environmental Assessment was "blatantly deficient" and (in vain) requested GSA to conduct a public hearing under the provisions of NEPA; (d) the City requested an injunction against the GSA action, but this was denied by Judge Taylor on the morning of the sale (following failure of his attempts to get GSA to delay the auction); (e) The City now has filed a lawsuit against GSA on the basis of NEPA.

At least two things have become clear for Oak Ridgers. One is the total determination of the Reagan Administration to walk roughshod over citizens' expressed opinions and local government actions in its zeal to "privatize." The GSA officials from the Atlanta office never appeared locally (until the auction), didn't respond substantively to City government letters, did not send a representative to Judge Taylor's court (he was angry about that). The second truth about the sale fever that has now become very obvious is that the government does not get good value when selling public resources. This was a "fire sale," just as in the case of the Powder River coal leases (18A, this NL). The value of the Turnpike Green was estimated at \$500,000, but the highest bidder (there were only three) got the land for \$168,000 -- so anxious was GSA to get rid of the tract.

Mercury losses bring local Congressional hearing

committees of the House Science and Technology Committee conducted a joint hearing at Oak Ridge on July 11: Energy Research and Production, chaired by Rep. Lloyd, and Oversight and Investigations, chaired by Rep. Al Gore, Jr. A parade of independent experts testified that there is, and probably has been, no health problem from the mercury spills of two decades ago, but that there are very serious shortcomings in Y-12's outmoded waste disposal facilities that may lead to problems from other toxics -- "witches' cauldron of environmental problems," according to Mike Bruner, Asst. Commissioner of the Tenn. Dept. of Health and Environment. Many witnesses deplored the cover-up (despite the "national security" excuse for secrecy, it was public knowledge as long ago as 1966 that Y-12 was using mercury and that there had been some leakage). TVA stated that their scientists never received information from which to determine the magnitude of mercury water pollution from the DOE facility. Another major theme that was brought out, both by EPA and the State, was that there is no support for the DOE position that the agency is not subject to various environmental laws.

DOE could possibly be facing at least two lawsuits: one by Anderson and Roane Counties, the other by the Legal Environmental Assistance Foundation (LEAF), which alleges that DOE has violated federal law on 21 counts. It is possible, too, that Congressional action will attempt to force DOE compliance with RCRA (The Resource Conservation and Recovery Act).

C. The airport controversy resurfaces

Last year, citizens had effectively stalled efforts to develop an airport on Chestnut Ridge, adjacent to the U.T. Arboretum, (which is located on the outskirts of Oak Ridge). Recently, another location (Freels Bend, on the shores of Melton Hill Lake) was proposed and seemed at first to be non-controversial. However, a number of objections to this site have now surfaced: (a) the airstrip would be adjacent to Carbide Park, a lakeshore recreation facility beloved by Oak Ridgers; (b) the Melton Hill master plan projects the peninsula (which contains varied types of wildlife) as a Wildlife Management Area; (c) TWRA has established a resident flock of 500-1000 Canada geese in the general area which would constitute a navigation hazard and would have to be removed; (d) the water intakes for Oak Ridge and West Knox County are within a mile of the runway and could be affected by siltation problems, as well as by possible fuel oil or solvent spills. There are also technical and financial problems, some pointed out by visiting federal and state aviation officials. These include the existence of surrounding hills, rough terrain (high construction costs), and the frequent presence of fog. -- A rather interesting proposal was made in a recent letter-to-the-editor: to use the Freels Bend peninsula for a wildlife refuge (land transfer from DOE to U.T.) and nature trails; and to construct the airport on Chestnut Ridge, leaving the adjacent arboretum intact. The letter concedes that U.T.'s forestry research plantings on Chestnut Ridge would be adversely impacted. There is still a third point of view: why have an airport at all?

12. TCWP NEWS

- Questionnaires. Thanks so much to the 30+ of you who have returned them. The rest of you, please make an effort! These responses are really useful to us in that they provide volunteers as well as telling us your preferences in terms of both issues and activities. After a few more have arrived, we'll tabulate the returns and let you know how some of them came out. As your editor, I find the extra comments some of you have written in about the NEWSLETTER very rewarding (most of them are really positive and flattering; only one person wanted the NL to be "snappier," another thought it too long). I was also pleased by the number of action calls many of you say you respond to. Keep up the good work!
- Office. We are still located in the corner of Jackson Square, but had to move into a backroom on July 5. We welcome anyone who wants to visit to talk to Jim Doncaster or Lee Russell (better call first: our hours are very odd indeed).
- Recent activities. Scattered throughout the NEWSLETTER are mentions of what we've been up to lately (e.g., one recent heavy effort was to get support for the Obed appropriation). Most of our work involves letters, phone calls, research. In addition, Jim Doncaster has made several trips since the last NL: to Nashville to attend a TEC board meeting and to meet DoC and Safe Growth Team staff; to Rockwood to attend the OSM-DSM-SOCM discussion (14A, this NL), to the Wartburg area in connection with the 522 petition re Frozen Head; to meet with Congr. Duncan about Cherokee NF and Smokies wildernesses; and to meet with Victor Ashe, who, like Al Gore (with whom we met May 13 -- see NL 129 113) is a possible candidate for Sen. Baker's seat.

13. PUBLICATIONS AND THINGS TO DO

- TVA has issued a list of the 14 existing Small Wild Areas, together with brief descriptions of their location, size, and features. (Write Dick Green, Info Office, E3D92, TVA, 400 W. Summit Hill Dr., Knoxville 37902.) The areas range from 8 to 500 acres in size; 12 of them are on reservoir lands, two on the Cumberland Plateau.
- NATURE GUIDE, lists volunteers in N. America and all over the world, who are willing to give local info on what to see in the natural environment and where to see it. (\$6 plus handling charges, from Nature Guide, 34915 - 4th Ave, S., Federal Way, WA 98003)
- "Flowing Free" is an 18-minute slide show with a synch'd audio cassette that can be rented for \$15 from the River Conservation Fund (323 Pennsylvania Ave, SE, Wash. DC 20003). Describes ways of preserving free-flowing rivers.
- An Amer. Red Cross pamphlet "Whitewater in an Open Canoe" lists safety tips (with diagrams) and defines the river difficulty rating scale, Classes I - VI. (Free from Safety Services Office, Am. Red Cross, 321-22nd Ave, N., Nashville TN 37203).
- "The Consequences of Administrative Decision," first volume in a projected series on TVA, tells about the Tellico project. 91 pp., paperback, U.T. Bureau of Public Admin.
- "DECISION: A Bulletin on Natural Resources Conflicts in the West" is a new newsletter-format publication by Western Network, a non-profit organization (214 McKenzie St., Santa Fe, NM). The latest issue features the conflict between coal mining and water use in the mountain West.
- "Tennessee Forest Resources" (\$2) and "Forest Statistics for Tennessee Counties" (\$3) may be ordered from the Div. of Forestry, Tenn. Dept. of Conservation, 701 Broadway, Nashville 37203
- Biological Reconnaissance: A Citizen's Guide for Assessing Neighborhood Wildlands" is a 5-page outline of the subject published by ASC, Museum of Natural History, Univ. of Kansas, Lawrence, KA 66045.
- You can get printed letterhead on 100% recycled paper in beige (\$15.79 for first 100) or white (\$16.05 for first 100). What's more, your purchase supports Friends of the Earth (FOE). Design a letterhead, or send copy of a current one, to FOE Midwest, P. O. Box 1886, Fairview Heights, IL 62208. They'll let you pick from various typesyles.

Turn the page for ACTION SUMMARY

14. ACTION SUMMARY

| # No. | Issue | Contact | "Message!" or Action |
|-------|-----------------------|----------------------|---|
| 1A | Obed appropriation | US Rep and Sens. | "Thank you for active support!" |
| 3A | Cherokee NF | Rep. Duncan | "Introduce Citizens' Wilderness bill!" |
| 5B | Bays Mountain Park | Friends of Bays Mtn. | Offer assistance |
| 5C | Non-game habitat | TWRA | Buy non-game certificate |
| 7A | Parks Protection bill | US Rep and Sens. | "Support HR 2379!" |
| 7B | Alaska Hunting bill | US Rep and Sens. | "Oppose S.49/HR 1493 in <u>any</u> form!" |
| 8A | Federal coal leasing | US Rep and Sens. | "Ban unprofitable sales!" |
| 8B | "Privatization" | US Senators | "Support S.891!" |
| 10B | Wetlands | US Rep and Sens | "Support protection, acquisition!" |
| 10C | Am. Conserv. Corps | US Senators | "Add funding to Senate bill!" |

Senator John Doe
United States Senate
Washington, DC 20510

The Hon. John Doe
U.S. House of Representatives
Washington, DC 20515

Governor Lamar Alexander
State Capitol
Nashville, TN 37219

Dear Senator Doe
Sincerely yours,

Dear Congressman/woman Doe
Sincerely yours,

Dear Gov. Alexander
Respectfully yours,

Please return your TCWP questionnaire!