

TENNESSEE CITIZENS FOR WILDERNESS PLANNING
Newsletter No. 135, May 7, 1984*

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

1. SUMMARY OF A MULTITUDE OF MAJOR EVENTS

There have probably never been more happenings requiring TCWP involvement during any two-month period than during the two months since NL 134 was published. As fate would have it, we were without an executive director during this interval, causing some of us to work every moment outside our regular jobs. (This has also delayed this NL by a couple of weeks.)

Of the many issues that have come to a head, some have had good outcomes and some bad. The bad news first. The Smokies wilderness bill has become deadlocked as a result of a wrecking effort by Sen. Helms. The Collins River, which was to have been a model for the State Scenic Rivers Act, was deleted from the Act -- by 2 votes! The state is well on its way (via a route of unparalleled confusion) to wrecking its stripmine law. Sen. Baker has ignored broad-based citizen input in making his suggestion for a replacement for S. David Freeman on the TVA Board. The Congress has killed acid-rain control. The Tennessee Rare Plants bill is dead for this year.

And here is the good news. Our "522" petition was granted, the watershed adjacent to Frozen Head now being designated unsuitable for surface mining. (If this decision sticks through the appeals process, it'll be a national landmark.) The wilderness bill for the lower Cherokee has passed the House, and a Senate companion bill is on its way. Prospects look pretty good for additional Obed funding. And TCWP is about to acquire a fine new executive director.

2. SMOKIES: WE MAY HAVE TO KILL A "WILDERNESS" BILL

It would be most ironic if, in this year of the 50th anniversary of the Gt. Smoky Mtns. National Park, we would have to devote our efforts to killing a "compromise" wilderness bill. Unfortunately that's the way it looks right now, for the Reagan administration, Sen. Baker, and Gov. Alexander appear to have decided that pleasing Sen. Helms (who is up for reelection) is more important than protecting the fragile lands of the Smokies.

But let us start this story at its beginning, i.e., with the hearings that were about to take place at the time NL 134 went to press. Already at the Bryson City hearing of March 16, it became apparent that serious problems were brewing. The subcommittee chairman, Sen. Wallop, was very supportive of the large number of cemetery-association members who showed up and demanded a northshore road (as mandated by the Helms bill, S.2183); and he was very hostile to those who advocated the Sasser-Baker bill, S.1947. Neither of the two TCWP representatives who took the long trip (Bill Russell and Ron Foresta) got a chance to present their testimonies, and the same fate befell many members of a busload of conservationists from the Oak Ridge-Knoxville area. Wallop was equally hostile to S.1947 supporters at the Washington hearing on March 27, for which TCWP submitted additional testimony (written by Lee Russell and summarized orally by Bill Chandler). Although a busload of cemetery association folks showed up, in support of the Helms bill, there was also strong, bipartisan, two-state support for the Sasser-Baker bill. Gov. Alexander showed up in person, as did Senator Sasser, Leroy Fox for Tennessee's Smoky Mtns Park Commission, N.C. Congressman Clark, and representatives of the Swain Co Board of Commissioners and Bryson City Schools. S.1947 was also supported by N.C.'s Gov. Hunt and Dept. of Natural Resources, as well as other governmental bodies in N.C., National Conservation groups who spoke for S.1947 pointed out the horror and folly of the Helms bill's northshore road proposal: fragile ridges and valleys torn up, toxic leachate from Anakeesta rock formations, opening the area to poaching and off-road vehicles, the multi-million dollar cost of a road. They also pointed out that the free transportation to cemeteries presently being provided by NPS would continue under the Sasser-Baker bill.

Wallop challenged much of this testimony and showed a clear bias toward the Helms bill. But the real indicator of where things were going came from the National Park Service testimony. In a surprise turnabout, NPS director Dickenson recommended only 390,500 acres for wilderness designation, i.e., 77,000 acres less than the Sasser-Baker bill and actually less (by 10,000 acres) than the Helms bill. The fact that NPS has for 2 years been managing 467,000 acres as wilderness, pursuant to its own recommendations, clearly shows that the Reagan administration (which has no appreciation for wilderness) is pandering to Helms' wishes.

A week after the D.C. hearing, Sen. Baker abandoned his own bill and was joined by Gov. Alexander in a so-called compromise. Under this proposal, the area proposed by Helms, 400,000 acres, would be designated wilderness, and the 44,000 acres north of Fontana Reservoir would be the subject of a 12-month study for possible future wilderness designation. (What would happen to the other 23,000 acres is not clear to us.) Helms' road proposal would also be the subject of a study which would determine a benefit/cost ratio and produce an EIS (Environmental Impact Statement). In a 4/10 letter to Gov. Alexander by the Gt. Smokies Park Wilderness Advocates and in a guest column by Sen. Sasser (published in many papers on 4/18) the following problems with the "compromise" were pointed out. The 44,000 acres would be lost to wilderness forever -- what we get in the main bill is probably all we'll ever get; and under a future Watt-like Sec. of Interior, the remaining land might not be managed as wilderness. The road study would cost millions; if Gov. Alexander is so confident that this study would recommend against building the road, why spend money for the study? Besides, the study might not come out negative -- if Helms continues to wield the power he has and the Administration continues to pander to him.

In the meantime, the House bill, HR 4262, which is identical to Sasser's S.1947 continues to enjoy the support of both parties and two states. It is co-sponsored by Tenn. Rep. Duncan and N.C. Rep. Clark. It is supported by virtually the entire Tenn. delegation (Lloyd, Cooper, Gore, Boner, Sundquist, Jones) and even by office seeker Ashe. But if its Senate counterpart can't go anywhere, we don't want the "compromise." We'd rather have nothing at all, even though the Park is 50 years old this year.

3. LOWER-CHEROKEE WILDERNESS BILL PASSES HOUSE

After the years of slugging away at an issue, it often comes as a surprise how quickly things can move once you have got support from a key person. In this case, the slugging away has been done by the Cherokee National Forest Wilderness Coalition (of which TCWP is a prominent member), ably led by Will Skelton (who deserves our gratitude), and the key support was that of Rep. John Duncan, who last November finally agreed to introduce a bill, HR 4263 (NL 132 11B, NL 133 14A). This is how fast HR 4263 moved this spring: subcommittee hearings, 3/29/84; subcommittee report, 4/10/84; full committee report, 4/25/84; full House vote, 5/1/84. The bill was co-sponsored by virtually the entire Tennessee delegation in the House and received the strong support of the Alexander administration. Conservation Commissioner Howell testified in person at the subcommittee hearing, alongside Will Skelton and a local resident, Dr. Houston Lowry.

The House bill, as passed, designates the following Wilderness Areas: Citico Creek, ca 16,000 acres; lower Bald River Gorge, 3887 acres; and Big Frog, 5055 acres (including the 550-acre "addition" identified in the RARE-II study). The last is contiguous with the Cohutta Wilderness of Georgia. The bill also designates a Wilderness Study Area, namely, Little Frog, 4800 acres, which is protected until such a time as Congress should decree otherwise. A similar designation for the Big Frog addition (3457 acres), recommended by the Wilderness Coalition, was resisted by Rep. Duncan. This tract was designated a "planning area" for purposes of the current Forest Service Land Management Planning process, a status which gives the land little future protection.

Of the 298,526 acres in the lower Cherokee (south of the Smokies), only 8069 acres are currently designated as wilderness. The bill that passed the House on May 1, adds about 30,000 acres as wilderness or wilderness study areas, for a total of 12.7% of the acreage of the lower Cherokee. As yet Rep. Quillen has not been willing to introduce a bill for the upper Cherokee, but perhaps he'll be encouraged by the success of HR 4263.

What about the Senate? On April 25, Senators Baker and Sasser introduced a bill fairly similar to HR 4263, except for the "release language," pertaining to the fate of areas not designated as wilderness or wilderness study. The House bill specifies that such areas shall not have another wilderness review until the time of the next USFS land management plan; the senate bill says "not until 1995." In effect, these different-sounding provisions turn out to be about equivalent. By either bill, the non-designated lands need not be managed for the purpose of protecting their suitability for future wilderness designation. A Senate dispute over release

language in general, which resulted in a refusal by subcommittee chairmen Jesse Helms and Malcolm Wallop to consider any wilderness bills (nationwide), appears to have been resolved within the past week, but the details of the compromise have not yet reached us. It therefore appears that Senate approval of the lower-Cherokee wilderness bill could shortly follow House approval. In view of the shortness of this year's Congressional session, it will, however, be necessary for us to remind Sens. Baker and Sasser of our support.

* WHAT YOU CAN DO: (1) Contact Sens. Baker and Sasser (see above); (2) Express your gratitude to Rep. Duncan for passing HR 4263 (address on p.14); (3) Express your gratitude to Comm. Howell for his personal appearance and for the strongly-worded State support of Wilderness (Tenn. Dept. of Conservation, 701 Broadway, Nashville 37203).

4. LAND ADJACENT TO FROZEN HEAD IS DECLARED UNSUITABLE FOR STRIPMINING

We have reached at least the first step in a very major potential victory that will have not only local but national significance. The magnificent Frozen Head State Park and Natural Area, beloved by so many, is now well along the way toward being protected against views of stripmining on adjacent land.

On April 17, James Word, Commissioner of the Dept. of Health and Environment, rendered the Final Determination on our petition to declare certain lands as "unsuitable for surface coal mining operations." The petition was filed under the state law's equivalent of Sec. 522 of the federal Surface Mining and Reclamation Act, and it affects the Flat Fork Creek watershed, a 9-square-mile area adjacent to the Park (the valley and mountain sides to the left of it as you drive toward the visitors' center). The original submission by Don Todd for the Frozen Head State Park Association was filed 3/24/83, within the deadline for preventing a stripmine permit application from being granted (NL 128 ¶ 3). In order to build up a large body of corroborative scientific evidence, TCWP held off filing its Intervening Petition until 1/18/84. We were joined by the Sierra Club. The Emory River Land Co. intervened on the opposite side. At a hearing on 1/23/84, the Tenn. Dept. of Conservation (DoC) came out on our side. The DoC's comprehensive Frozen Head plan, issued 11/17/83, had noted that the views of undisturbed mountains were unique in the Cumberlands, and that the destruction of these natural scenic vistas was incompatible with the land-use plans for the park.

In his Final Determination, Comm. Word finds that stripmining would adversely affect the area by (a) the loss of Flat Fork Creek's value as a baseline stream (most of the evidence on this score was submitted by TCWP), and (b) the loss of the only remaining unmined view of the Cumberland Mountains from public property (DoC helped greatly with evidence for this). He did not agree that water quality or quantity would be significantly affected, that mining noise or fugitive dust would be a problem, or that wildlife would be harmed. In studying economic impacts, however, he determined that his decision would not significantly diminish the supply of coal or affect the economy of Morgan County.

Among the many who deserve our gratitude for the effort that led to this victory, we can mention only a few -- Don Todd for heading the entire activity, Jim Doncaster for soliciting much of the supporting scientific evidence (and the many scientists who kindly supplied it), Sam Pearsall (who obtained the visibility data and helped with the DoC inputs), Bob Lantz, the several TCWP members who went to the hearing.

This is not the end. The commissioner's Final Determination can be appealed to the Board of Reclamation Review (on which stripmine interests are heavily represented). If the Board overturns it, we shall have to go to court. Should we prevail there, Frozen Head will be the first case in the whole USA in which a "522" petition concerning private lands has been successful.

5. STATE SCENIC RIVERS SUPPORT NOT QUITE STRONG ENOUGH: COLLINS LOST BY 2 VOTES

The outlook was pretty grim when we warned in our last Newsletter that the Collins might be lost from the Tennessee Scenic Rivers System (NL 134 ¶7A). Then things began to look up, and for a while we thought we might be able to win this battle -- only to have our hopes finally dashed in a hair's breadth defeat.

Despite efforts of Dept. of Conservation staff, Commissioner Howell, and two other Commissioners to negotiate with local County Courts, and despite extensive contacts of citizen environmental groups (particularly TSRA and TCWP) with state legislators, a bill to remove the Collins River from the system passed in the latter part of March -- overwhelmingly in the House (where it was presented by its sponsors as a "local bill") but with appreciable opposition in the Senate. On April 7, however, Governor Alexander vetoed the bill pointing out that the 42 miles of unspoiled Collins (one-eighth of the miles protected under the Scenic Rivers Act) represent a priceless resource "of great value to all Tennesseans." The veto message conceded that the state had "failed to explain its goals to people who live along the Collins River", pointed out that there was no intention to condemn land (the draft protection plan clearly stated so), and promised that there would be no objection to a bill that removed the power of eminent domain from the Act.

We all put a great deal of effort into contacting Senators to urge them to sustain the Governor's veto (under Tennessee law, it takes a majority of both Houses to override a veto). It seemed (on the basis of oral promises) that we would succeed. But on the day of the vote, the anti-Scenic Rivers group brought busloads of people from the McMinnville area, and even some House members (Shelby Rhinehart prominent among them) descended on the Senate. Under this pressure, some senators did an about-face, (notably Koella, Shockley, and Rucker) and there were 18 "ayes": the veto override had carried by two votes.

* We hope you will thank Governor Alexander for his veto (address on p. 14), and thank your senator (see Political Guide), if he was one who voted to sustain it (Sens. Atchley, Burleson, Cohen, Dunavant, Garland, Henry, Kyle, Longley, Ortwein, Person, Rochelle, Sharp; Albright and Elkins passed -- at least they did not vote "aye;" Moore was absent). Gov. Alexander is appointing a group of citizens to "review the Scenic Rivers Act and to recommend changes to the law, which was one of the first in the nation." It will require not only such changes (namely, removal of eminent domain) but a continued effort by the administration to "sell" the virtues of the law.

6. OBED AND BIG SOUTH FORK: FUNDING PROSPECTS AND OTHER NEWS

A. Obed appropriation

As we explained in our last Newsletter (NL 134 ¶4), about \$0.6 million are needed to complete land acquisition for the Obed Wild & Scenic River. A coalition of national conservation groups agreed to support our request and has included \$0.5M in the "Conservationists' Proposal" for the Land & Water Conservation Fund (LWCF), a proposal that is usually considered seriously when Congressional committees work on the mark-up of the Dept. of Interior appropriation bill. Because of competing requests and pressures for spending cuts, a particular item in the list is, however, apt to be dropped unless there is support from the state's Congressional delegation. We are pleased to report that several Tennessee Congressmen have already been very responsive to our contacts. Representatives Jim Cooper (whose district includes the entire Obed WSR), Ed Jones, and John Duncan have written to Congr. Sidney Yates, the Interior Appropriations Subcommittee chairman; Reps. Marilyn Lloyd, Ford, and Gore have promised their strong support. These legislators deserve our sincere gratitude. Those of you who live in the districts of * Congressmen Boner, Sundquist, and Quillen should urge your representative (address on p. 14) to join in the support for Tennessee's only National Wild & Scenic River by contacting the Hon. Sidney Yates. And all of us need to remind Senators Baker and Sasser that the Senate bill is important too. The sum involved is small (only 0.2% of the Conservationists' Proposal) but important in protecting this magnificent resource against serious threats (e.g. large-scale timbering, oil drilling, second-home development).

B. BSF spending limit

One of our efforts this year is to work for a lifting of the authorized spending limit for the BSFNRRA. The current limit is \$103M, which allows only 105,000 of the authorized 125,000 acres to be acquired (NL 134 ¶6), leaving the "deferred lands" open to severe threats. Our contacts with Congressmen Cooper and Gore have brought promises from both of them to work for a lifting of the ceiling. We have not yet, however, had a response from either Sen. Baker (who holds the

* key to the success of this effort) or Sen. Sasser. We urge you to contact our Senators, stressing the need to acquire the full 125,000 acres for the BSFNRRA.

C. Obed, Big S. Fork, and LWCF capsules

- The Reagan Administration has requested only \$1.5 million for Wild & Scenic River land acquisition in the LWCF appropriation. Last year, Congress appropriated \$6.4 M for this purpose. The Conservationists' Proposal this year is for \$16.9 M for 18 rivers (the Obed acquisition funds would constitute 3% of this).
- The first BSFNRRA Wildflower Pilgrimage is being held May 11-12, sponsored by the Cumberland Mtn. Chapter of Tenn. Trails Assoc., the Fentress Cy. C of C, Pickett State Park, the BSFNRRA (NPS), and the U.T. Ag. Extension Service. Ten field trips of varying degrees of difficulty are offered.
- Clear Creek, part of the Obed WSR, is the site of two canoeing courses offered by Roane State Community College. The first started May 3. The second, "Canoeing for Teenagers," gets underway May 31. To register (cost \$65) call Roane State, 354-3000, ext. 209.
- Four river otters (two of each sex) have been released on the Catoosa side of the Obed WSR. They are implanted with radio transmitters to help in a determination of their habitat requirements. This is phase-1 of an otter restoration project.
- Commercial raft trips are available in the spring (March through May) on the Obed and BSF. One of the outfitters is Carolina Wilderness Adventures, Hot Springs, NC.
- The BSF Scenic Railway started its second season on May 5 and will run through Nov. 11. The 11-mile round trip starts in Stearns, Ky, and is entirely in the Kentucky portion of the BSFNRRA.
- Reps. Udall and Lujan have sponsored HR 5090 which would permit money that has been authorized but unappropriated in the LWCF to earn interest, which would be kept in the trust fund instead of being turned over to the general receipts of the U.S. Treasury. Interest on the several billions of \$\$ involved would assure continued funding for land acquisition when the current authorizing legislation for the LWCF expires in 1989. Comm. Howell, on behalf of Gov. Alexander, spoke in support of HR 5090 on 3/29/84 and deserves our thanks.

7. THE STATE ATTEMPTS TO DEMOLISH ITS OWN STRIPMINE LAW: STAY TUNED

It is hard to imagine a sorrier performance than the state of Tennessee has given in the past few months with respect to stripmine legislation; and by "state" we mean both the General Assembly and the administration. They have boxed themselves into so many corners that it is difficult to predict the outcome. And in the process, they have made some of us work overtime, seemingly batting our head against a stonewall, but, in fact making some impact.

Had we done less, a disastrous bill, HB 1872 (Robertson/Albright) would have been rushed through the legislative process like a whirlwind and -- unmitigated by amendments -- would have become law by early April. This bill, which declared that its intent was to make the Tennessee law no stronger than federal law, consisted of well over 30 pages of harmful amendments to virtually every feature of the 1980 state law under which Tennessee had gained primacy in 1982. It should be understood that the 1977 federal law had to be very general, since it pertains to terrains and conditions as varied as those of Montana, Illinois, and Appalachia. It was the intent of Congress that states gain primacy under laws applicable to their own special conditions, using the federal law as a minimum standard. Our 1980 Tennessee law, based on years of research and on give-and-take, addresses many of our special Tennessee conditions: very steep terrain, heavy rainfalls, erodable soils, and prevalent wildcatting. HB 1872 would wipe out virtually all of these safeguards of our existing law.

HB 1872 was the offspring of an unholy alliance between the Tennessee coal industry, which blamed its economic ills on environmental regulations, and the Commissioner of Health & Environment (James Word), whose Division of Surface Mining (DSM) had for a year been urged both by environmental groups and by the federal Office of Surface Mining (OSM) to do a much better job at law enforcement. (We should state for the record that DSM has some fine, highly conscientious, staff people; but these were simply not getting support from above.)

As soon as the Environmental Action Fund (EAF) provided analyses of HB 1872 drafts, SOCM and TCWP became highly alarmed and contacted some coal-area legislators. We also met twice with Rep. McNally, a member of the House Conservation Committee who gave us our first taste of what was to become an all-pervasive legislators' chorus: "If Commissioner Word is for it, it must be OK; we have the greatest trust in him."

On 3/27/84, the Environment Subcommittee of the House Conservation and Environment Committee held a hearing in Nashville at which they allowed 2.5 minutes for each of about 10 opponents of HB 1872, but about an hour for proponents. The TCWP testimony was read by Sandra Edwards. Attempts of some legislators (Bill Atchley, McAfee, Jared) to retain the complex bill in subcommittee for further study and possibly amendments were squelched, and the bill was voted out for full committee action on the very next day. However, a letter by the League of Women Voters, suggesting that the democratic process was not being served, contributed mightily toward gaining us a week's reprieve. During that week, also, Rep. McNally held a hearing in Oak Ridge at which about 60 people showed up (despite the fact that there was only one day's notice) -- all of them concerned about the disastrous nature of HB 1872. At this hearing, a spokesman for Comm. Word had to admit that no evidence existed for predictions of any economic benefits of the proposed bill.

While Rep. McNally should be commended for providing this forum, he did little to heed the expressed sentiments of his constituents when the full committee took up the bill on 4/4/84. The amendments he sponsored had already been worked out in previous negotiations between EAF and the industry. He obstructed passage of amendments offered by others, even though these addressed strong concerns of his constituents (e.g. the stream buffer zone, the right to enter). EAF lined up sponsors for other mitigating amendments, should HB 1872 reach the House floor. Among these amendments is one to restore the 100-foot buffer zone around streams, and one to restore the requirement for concurrent reclamation.

Then another actor entered the stage: the federal OSM which, after a year, has concluded that the state cannot properly handle inspection and enforcement and must therefore be temporarily relieved of these activities. This produced a curious reaction from the Alexander administration: "take it all!" they said to the feds, and urged the legislature to pass a bill that would wipe out the 1980 law, rather than amend it.* But there is growing feeling in the General Assembly (particularly among Democrats) that it would be much harder for the state to regain primacy if, in the future, we had to pass a law from scratch (as recommended by the industry, which hopes to make it a weak one, possibly equivalent to HB 1872). In the interim, we need special safeguards against wildcatting, etc. There is the additional complication that OSM has analyzed HB 1872 and found in it a number of major features that make it unapprovable under federal standards, unless augmented with strengthening regs. OSM has therefore recommended that HB 1872 not be passed unless it is made to take effect no sooner than 6/30/85.

Are you confused? If so, your confusion is undoubtedly surpassed by that of the General Assembly. TCWP, in testimony written by Sandra Edwards for yet another House Committee hearing (on 5/2/84), recommended that the 1980 law be retained while the state and federal government share administration, giving the state time to get its act together. This is only the latest in a series of efforts undertaken by TCWP in this crisis. On two occasions, we wrote letters to every member of the Conservation Committee. We spent untold hours activating phone chains in critical legislative districts prior to subcommittee and committee meetings (and you, our members, responded well and had quite an impact!). We met twice with Rep. McNally and then participated in his Oak Ridge hearing. We presented testimony in Nashville on two occasions. We contacted the media, including the Tennessean which had a good editorial. We alerted TVA to what was going on, a contact that resulted in a TVA statement to the effect that weakening the state law would not increase anyone's chances of selling coal to TVA (in fact, TVA might have to develop its own reclamation requirements). And we joined SOCM in a telegram to OSM in which we welcome the federal inspection and enforcement programs and request an opportunity for citizen input. SOCM, of course was even busier than TCWP was (if possible), and among several other groups helping were the League of Women Voters and TSRA. Hopefully, our legislators will realize that there is pretty widespread feeling against demolishing hard-earned protective measures.

* on 5/2/84, a House committee passed such a "wipe-out" bill

A. S. David Freeman's replacement: Valley citizens are excluded from the selection process

The TVA Board Appointment Coalition had great hopes that citizens in the Valley would get a chance to have an input in the selection of Dave Freeman's replacement. The Coalition, which has 43 member organizations (including TCWP) that represent a variety of grassroots interests, had worked very hard in examining the credentials of a large number of proposed candidates. Interviews of several of these resulted in a narrowing of the field to 4 which were recommended for nomination (NL 134 ¶10A). Coalition leaders were encouraged by a February meeting with Sen. Baker at which he promised to consider their slate and to let them talk to other candidates who had been recommended to him or whom he was considering. The Coalition did, in fact, subsequently interview Jo Cooper, a former Baker aide, now with EPA. Although several Coalition members were favorably impressed by Ms. Cooper (without, however, coming to a consensus), her candidacy appears to have been torpedoed by Sen. Helms. (For another spoil job by Sen. Helms, see ¶1, this NL). Helms, along with Maureen Reagan, is said to be supporting Sammie Lynn Puett, Tenn. Human Services Commissioner, who has refused to let our Coalition see her resumé, leave alone interview her. On April 12, Sen. Baker made the surprise announcement that his choice for the TVA job was John B. Waters, Jr., a Sevierville lawyer and former co-chairman of the Appalachian Regional Commission (1969-71), who is a long-term friend of Baker's and has managed his election campaigns. The Coalition had not known that Waters was being considered and had not been given the chance to interview him. Some Coalition members (who have nothing against Waters personally) are concerned that he may not be the ideal choice for maintaining the balance that currently exists in TVA between industrial, social, and environmental interests.

S. David Freeman's term expires May 18. He will probably go down in history as one of the most important leaders of TVA.

B. TVA capsules

- TVA held a meeting (4/2-4/3/84) to discuss environmental issues facing the Tennessee Valley. In addition to updates on TVA programs, there were small group discussions, a discussion with the TVA Board, and a lunch enlivened by remarks by Dave Freeman. TCWP was represented by Bill Russell, who engaged Board members in a discussion of the state's current stripmine law problems (see ¶ 7, this NL)
- TVA's Regional Stream Access Development Project is in its 7th year. To date, 76 sites have been purchased on 23 rivers; ultimately, there will be 250 sites on 40 valley streams.
- TVA has named a "Citizen Advocate." She is Jo Katherine Holliman Page, who will attempt to "reach those citizens and groups who are presently unorganized or lack an established voice to make their interests known." Mrs. Page will represent these interests.
- The TVA Citizen Action Line answered more than 73,000 calls last year. The toll-free number is 1-800-362-9250. Knoxville call 632-4100.
- TVA's draft report, "Tennessee Valley Water Resources: A Strategy for the 1980s and Beyond," was reviewed by Valley leaders at a meeting late in January. Among the suggestions: develop a comprehensive data base on groundwater and surface water (including wetlands); monitor trends; initiate demonstration projects on controlling nonpoint sources of pollution (e.g., soil erosion); address the problem of inadequate wastewater treatment plants and septic tanks. TVA has now integrated citizens' and staff suggestions and developed a program to meet priority needs.
- TVA's 55-page annual report for 1983 features those activities that poise the agency on the frontier of the future: energy conservation, solar energy, a clean-burning coal plant, waste recycling, fuel from biomass, research on no-till farming, training for high-tech jobs.
- "How Clean is our Air? an Update" reports on improvements in air quality that have been experienced since the time the last assessment was made in 1979. Significant air-quality issues still remain to be faced. TVA welcomes comments on the report.
- "The Myth of TVA," a recent book by William U. Chandler (who is well known to many TCWP members), documents several areas of achievement in which Valley states have fallen behind nearby non-TVA states. The author blames TVA's lack of accountability for many past mistakes; thus the huge costly nuclear power program (17 reactors!) was based on very faulty forecasting of power demands and an unwillingness to listen to outsiders on the subject. The 232-page book also records some TVA successes.

9. TENNESSEE STREAMS

See ¶5 for Collins; ¶6 for Obed and Big South Fork; ¶8B for stream accesses.

A. Duck River

Despite the fact that TVA has told Congress that the benefits of completing Columbia Dam do not outweigh costs (NL 134 ¶6), dam supporters are still mighty busy. (a) the Columbia crowd testified at appropriations hearings in April, asking Congress to pass an exemption to the Endangered Species Act. ("The mussel is of no economic consequence," they said. "It provides food for muskrats. That's about all its role in the ecology.") It is unlikely that such an exemption will be granted. (b) They are urging Sen. Sasser to oppose any nominee for the TVA Board who does not promise to work for completion of the dam. (c) They are attempting to elicit promises of dam support from some of the many candidates who are competing for the House seat that will be vacated when Al Gore, Jr. runs for the Senate. The ones they have so far succeeded in converting are not given much of a chance to win. (d) They used a recent TVA Board meeting at Murfreesboro as a publicity forum for expressing their displeasure with TVA and for trotting out some of the candidates mentioned in (c). The TVA Board is by now pretty blasé about the pressure tactics of this Columbia group, and, besides, our pro-river friends, led by Frank Fly and Bertha Chrietzberg, also showed up in goodly numbers, wearing "Don't muck with the Duck" T shirts.

✱ WHAT YOU CAN DO: Tell Sen. Sasser, Rep. Boner, and Rep. Gore that a government agency (TVA) should not be forced to spend money on a project that the agency itself has admitted is wasteful. See p.14 for addresses.

B. Ocoee: there'll be a new state park

Under an agreement approved in March, TVA turned over 23 acres alongside the Ocoee to the Tenn. Dept. of Conservation. The area, which will be managed as a state park, includes river access, parking space, change rooms and restrooms. TVA is paying \$275,000 toward improvements in the river-access area. The state will manage the park with \$1 million that is part of the \$7.4 M that was appropriated to TVA for recreational use of the Ocoee (see NL 133 ¶9).

C. Citico Creek: critical habitat

Almost 7 miles of this tributary to the Little T have been proposed by the U.S. Fish and Wildlife Service as critical habitat for the smoky madtom. This small catfish, which was considered extinct until found in Citico Creek in 1980, is on its way to being designated as a federally endangered species.

D. Obion-Forked Deer: largest state wildlife reserve

A lawsuit which, for over 12 years, has challenged a very damaging Corps of Engineers channelization project in the Obion-Forked Deer Rivers Basin in West Tennessee, has now resulted in a settlement under which the Corps will give the state of Tennessee 32,000 acres of wetlands. This transfer of lands is designed to offset the damages to wildlife that had been caused by the channelization. The 32,000 acres will be managed by TWRA and will constitute the largest public wildlife reserve in the state. The wetlands protection is welcome news to those concerned about enormous wetlands losses nationwide. Following settlement of the lawsuit, the Corps will resume its channelization activities in the Basin but will follow a modified plan.

E. Little Tennessee River remembered

In a long letter that recently appeared in a Knoxville paper, TCWP member W. G. Minser expresses his amazement at the failure of the media to uncover the true folly of the Tellico Dam Project. Articles continue to appear on how "a silly little 3" fish," by delaying dam completion, caused an inflationary increase in dam costs. "The real tragedy is that \$109 million of taxpayers' money was wasted on a project which was proven to be economically unjustifiable." The letter recalls the subterfuge and maneuvering resorted to by our legislators to bring about dam completion in the face of well-documented evidence that this was against the public interest.

10. STATE NEWS

See also ¶5, ¶7, and ¶9

A. Issues before the General Assembly

(1) Rare Plants Protection and Conservation Act (SB 1792)

This bill, which many of us had considered relatively non-controversial (it does not restrict the action of land owners on their own land), ran into problems from the Farm Bureau and the Tenn. Dept. of Transportation (plants on highway easements), and into squabbles on whether part of the program, or all of it, should be administered by the Depts. of Agriculture or Conservation. The main opposition came from nurserymen in the McMinnville area -- the same region (and some of the same people) involved in removing the Collins from the Tenn. Scenic Rivers Act (see ¶5). On the Senate side, the bill emerged from committee with several weakening amendments. On the House side, it is currently stuck in a study committee. There is no chance for passage before this session ends, and bill supporters feel that some of the problems can be resolved before the legislation is re-introduced next year.

(2) Natural and Cultural Areas Aquisition Fund

The Governor's Capital Improvement Budget includes \$2 million for this purpose. If appropriated, parts of this fund could be used for acquisition of the more than 20 sites identified by the Natural Heritage Program as being of state-wide significance and in need of immediate protection. The budget is on the General Assembly's agenda for this week, and at this point we can only hope that the \$2 M stay in it.

(3) Removal of the Forestry program from DoC: a compromise

Both the House and the Senate have passed a bill establishing a Forestry Commission to administer state forestry programs. Such legislation was pushed by the timber and forest-products industries, and opposed by groups concerned about diminished emphasis on other uses of forest lands. As a compromise, the commission will work within DoC.

(4) Rights of surface owner during oil exploration (HB 2005/SB 2024)

Big oil companies have walked roughshod over landowners who do not own mineral rights. A bill sponsored by Reps. Loy Smith and Shockley would require 20-day notice (including map) to surface owners if an oil company wanted to engage in exploratory activities. The owner would then have 100 days in which to appeal to the state's Oil and Gas Board, which could recommend modifications of drilling plans to minimize damage to surface features and crops. The bill has made good progress in the House and may even have passed by now.

B. Other state capsules

- In Tennessee, over 20,000,000 tons of silt enter the state's streams each year -- the equivalent of 2 dump trucks full of soil every second. The Soil Conservation Service is in the midst of "Conservation Campaign '84" to reduce this horrendous loss of topsoil, clear waters, and wildlife habitat. To get involved, contact your local SCS District Conservationist
- Colditz Cove protected! Several of you are familiar with beautiful Northrup Falls near Allardt. In 1973, it was designated as a State Natural Area, but remained privately owned (and protected by the Colditz brothers of Oneida. The family has now donated a 72-acre tract, which includes the best of the cove, with the proviso that a slant well for oil and gas could be drilled from outside the property. The Nature Conservancy will accept donation of the land and then transfer it to DoC for inclusion in the State Natural Areas System. The Cumberland Mountain Chapter of the Tenn. Trails Assoc. has agreed to maintain the site and has already created a 1½ mile loop trail to the base of the falls and the bluff above the cove.

11. ACID RAIN CONTROL KILLED

Just as it was becoming abundantly clear that acid rain is not just a Northeastern US problem but affects a good part of the country, a bill to control it was killed on the basis of regional considerations. On May 2, by a vote of 10:9, a House subcommittee defeated the Waxman bill, which would have reduced emissions by 10 million tons. Rep. Eckart (D-Ohio) who has an otherwise good environmental record, cast the swing vote, explaining that while he was in full accord with the objectives of the bill, he had to consider high unemployment in his state (which has many coal-fired industrial and power plants). Although the Senate Environment and Public Works Committee on March 7 had voted 14:2 in favor of strong acid rain controls, the Senate had postponed floor action until the fate of the House bill was known. Last week's subcommittee defeat may therefore have sounded the death knell to acid-rain control for this year.

It is ironic that only a couple of weeks ago the National Wildlife Federation published an extensive study (summarizing hundreds of scientific findings) that showed acid rain in each of the 21 states surveyed. In Tennessee overall, 1981 rainfall was 16 times as acidic as unpolluted rain; but in the Smokies, the multiple was as high as 80! There is also an almost incontrovertible body of evidence to show major forest damage from acid rain, although the impact may not be a direct one; e.g., acidity may alter the amount of metal uptake from the soil, which, in turn, can stunt tree growth.

12. NATIONAL NEWS

A. While the Parks Protection bill (HR 2379) has only passed the House so far, a related measure has been introduced in the Senate. It is Sen. Chafee's Wildlife and Parks bill, which prohibits agencies from spending money on activities that would adversely affect wildlife habitats on federal lands contiguous to park units that are larger than 5000 acres. Some examples of the need for such legislation follow. (a) the U.S. Forest Service has allowed developments near Yellowstone N.P. that destroy habitat needed by grizzlies within the park; (b) Corps of Engineers water diversions north of the Everglades N.P. have led to a 90% reduction in wading-bird populations in the park; (c) BLM has permitted cattle grazers to fence off natural springs and streams adjacent to Glen Canyon and other park units, severely reducing the water supply of elk and deer that roam the parks. Ask your senators to support this bill.

B. Management responsibility for the Appalachian Trail has been delegated by the Park Service (NPS) to the Appalachian Trail Conference (ATC). This involves 250 trail miles and 30,000 acres of AT lands now, and eventually 500 miles and 70,000 acres. AT lands acquired by the U.S. Forest Service (USFS) or by state governments are not affected. The ATC will apparently not be receiving any government grants for its management services. In other AT news: the Administration has recommended an AT land-acquisition appropriation of \$7 M for NPS, but failed to recommend any AT funds for the USFS.

C. The wilderness record of successive administrations (following passage of the 1964 Wilderness Act) has been compiled by Will Skelton. It may be seen at a glance from the following tabulation

<u>Administration</u>	<u>Acres</u>	<u>Units</u>
Johnson	9,900,000	59
Nixon	1,300,000	34
Ford	3,400,000	80
Carter	65,400,000	102
Reagan	340,000	8
Pending (passed by at least one House)	5,011,500	128 → Will these receive Administrative support?

D. Water facts have been compiled by the National Wildlife Federation. Some of these facts are frightening. The national consumption of water has grown by a factor of 18 since the year 1900. We now use 700 billion gallons per day. The average citizen consumes 87 gallons/day -- only 2% of this for drinking and cooking. It takes 40,000 gal of water to produce enough steel for one car. Since 1968 our level of water pollution has stayed fairly constant overall (some areas greatly improved, others worsened). Non-point run off probably contributes about half of the total pollution entering our waterways. The EPA has identified 539 leaking hazardous waste dumps threatening water supplies in every state.

E. A new director for the federal Office of Surface Mining (OSM) has been named by Interior Secretary Clark as a replacement for James R. Harris, who resigned March 15. John Ward, Dir. of the Colorado Division of Mines since 1982, had earlier worked for a number of coal mining firms in Colorado and Western Pennsylvania. He also holds a law degree.

13. ENVIRONMENTAL POLITICS

A. Environmental record of Presidential candidates

The League of Conservation Voters has compiled the candidates' record in 19 areas. We are here extracting 8 of these that may be of greatest interest to TCWP members. Guide to grades: capital letters indicate leadership and should be given more weight.

? = campaign position only

* = insufficient information

	<u>Reagan</u>	<u>Mondale</u>	<u>Hart</u>	<u>Jackson</u>
Parks & wilderness	F	a	A	*
Public land development	F	b-	B+	*
Stripmining	F	a	a-	*
Wildlife	D	b+	A	*
Water projects (dams, etc)	D	c-	C-	*
Energy conservation; renewable energy	F	b+	A	a?
Water pollution	D	a-	b-	*
Air pollution	F	a	A-	a?

For the full 79-page analysis, write LCV, 320 Fourth Street, NE, Wash. DC 20002

B. Pre-election spruce-up

EPA staff has received the directive to get long-dormant guidelines for risk assessment, etc. finalized by summer. EPA Regional Administrators are gathering reports on environmental enforcement actions. The figures will become available before the election to show how well the Administration has performed.

C. Voting records

We hope to compile environmental records of Tennessee Congressmen for you some time before the election. Since much of our compilation is taken from Newsletter entries, we wish to record (with thanks) that Rep. Jim Cooper was the only Tennessean who recently voted correctly on the issue of who is to pay for dam improvements. He voted with those who believe local water and power users should pay, thus bringing the price of water to true market levels and thereby encouraging water conservation.

14. TCWP NEWS

A. Sandra Edwards is new TCWP Executive Director

We are indeed fortunate to have a new (part-time) executive director of Sandra Edwards' ability and training. Sandra grew up in Oak Ridge, got a BS (zoology/chemistry) from UT and an MS (microbiology) from the U. of Bridgeport, CT. She has had considerable experience working for public interest groups, specifically Common Cause (State Exec. Board member, etc.) and the League of Women Voters (Natl. Convention delegate, among other positions). Her work for Lockheed has involved computer experience and data review. Her intelligent and energetic involvement in this year's state stripmine law battle (before she even took the TCWP job) provided a good indication of her ability and dedication. Sandra will be working half time in the ORNL Computer Sciences Division and a little less than half time for TCWP. She'll be needing a lot of volunteer help, and we hope you will respond when called upon.

B. Phone committees

The frantic legislative scene of the past couple of months brought home the great value of having a well organized, responsive phone chain, arranged by legislative districts. Miriam Guthrie had just started to organize such a chain and speeded her efforts when the need arose. Not all of you have been contacted yet. When you are, we hope very much that you will agree to be called, or, even better, to be a caller. It is hard to exaggerate the importance of our being able to organize legislator contacts in a hurry.

C. TCWP Annual Meeting

X This year's Annual Meeting will be held October 19-21 at Tennessee Tech's Field Station on Center Hill Lake. Mark your calendar now! We have heard many good things about the place,

and, as you know, TCWP always has arranged an interesting program. Let us know if you have any suggestions.

D. Dues: Some of you still owe them (look for enclosed dues notice). We know your not paying must be an oversight, but we sure need the money, so please pay up.

15. THINGS TO DO, THINGS TO READ

- A Save-A-River Day will be set aside June 14 by Sunburst Adventures (Ocoee River). Proceeds from trips run that day will be donated to the American Rivers Conservation Council for its river conservation work. For reservations, call 615, 338-8388, or write P. O. Box 329, Benton, TN 37307.
- May 19 has been declared "Nature Conservancy Day" by the Oak Ridge Baskin Robbins store. A portion of the day's receipts will be donated to the Tenn. Chapter of The Nature Conservancy. TNC members will be available to answer questions. So come and fill your ice-cream needs on May 19!
- Starting Sept. 1, SOCM has a staff vacancy for a fulltime grassroots fundraiser. Submit your resume by June 30 to SOCM, Box 457, Jacksboro, TN 37757. Salary, \$9096.
- The Alabama Conservancy is looking for an executive director (full-time, salary from \$10,000). Send resumé to 1818-A 28th Ave. S., B'ham, AL 35209.
- A large selection of exciting trips on eastern and western rivers is being offered by the American Rivers Conservation Council (ARCC) between May and October of this year. All trips are conducted by environmentally-conscious outfitters, who donate a large share of the proceeds to river conservation. For more detailed information, write ARCC, 323 Pennsylvania Ave, S.E., Wash. DC 20003
- The National Audubon Society's Expedition Institute has announced its 1984 scholarship and grant program for students, ranging from high school through graduate school. The grants offer up to \$500 for individuals who need help in completing a project, internship, or summer program while attending school. Get forms from Scholarship Committee, RFD #1, Box 149-B, Lubec, ME 04652. Applications must be in by 7/15/84
- "Still Stripping the Law on Coal," by Carolyn Johnson and Eric Hildebrandt, examines the record of OSM and 6 agencies with regard to enforcement of the 1977 Stripmine Law (\$12.00 from NRDC, 122 E 42, New York, NY 10168)
- "Making Things Happen," by Joan Wolfe, is a guide for members of volunteer organizations (\$7.95 from FOE Books, 1045 Sansome St., San Francisco, CA 94111)
- A "Tennessee Scenic Rivers Canoeing Guide," and brochures on some of the individual rivers in the system (Harpeth, Collins), are available from the Scenic River Administrator, Tenn. Dept. of Conservation (701 Broadway, Nashville 37203)
- TVA publications of interest: (a) "Scenic and Recreational Streams in the Tennessee Valley" describes 47 streams, has foldout map; (b) "TVA Trails: A Trail Guide to the Great Lakes of the South" describes 20 hikes on trails located on TVA lands (\$1 each from TVA Map Sales, W. Tower, Room WPA3, Knoxville 37902)
- The National Audubon Soc. is sponsoring ecology camps, field seminars, raft trips, and hikes. For a brochure, contact Audubon Soc., 4150 Darley Ave, Colo 80303, Ph. 303, 499-5409.
- "Summit Vacations" is a conservation education program (college credit offered) conducted by the National Wildlife Federation. One of the two Summits for 1984 will be held June 23-29 at Black Mountain, NC, just off I-40, east of Swannanda. Others are in Nova Scotia, Utah, and upstate NY. (Write Summit Vacations, Dept. ADK 84, NWF, 1412-16th St., NW, Wash. DC 20036)
- "100 Watts: The James Watt Memorial Cartoon Collection" is available from Khyber Press for \$5.95. Contains old classics, and some you won't have seen before.
- The Cherokee National Forest is looking for volunteers to be wilderness rangers or do trail maintenance. For more info, contact any of the Cherokee's offices, or call Wilma Marine, 615, 476-9700.
- "Managing the Family Forest in the South," is a booklet prepared by the USFS (Southern Region). It addresses timber production as well as other management goals (e.g., wildlife habitat). Report SA--GR22 is available for \$2.75 from GPO Regional Book Store, 275 Peachtree St., Atlanta, GA 30303
- "Banquets for Birds," a 24-page manual on the feeding of wild birds is available for \$1.60 from the National Audubon Soc. (Info Services Dept., NAS, 950 Third Ave, New York, NY 10022)

- Bill Chandler, TCWP's first executive director, is the author of "Materials Recycling: the Virtue of Necessity," World Watch Paper #56, Oct. 1983. The report explores the energy implications of recycling paper, aluminum, and steel (\$2 from Worldwatch Inst., Wash., DC)
- "Campground Host Volunteers" are wanted by the Corps. You get a campsite free of charge in a lake-side park. In return, you must deal with the visiting public. (Contact David Stidham, Corps of Engineers, P. O. Box 1070, Nashville 37202)

16. ACTION SUMMARY

¶ No.	Issue	Contact	"Message!" or Action
3	Cherokee wilderness	Sens. Baker, Sasser Rep. Duncan; Comm. Howell	"Pass Senate companion bill to HR 4263!" "Thanks for supporting HR 4263!"
5	Collins R. removal	Gov. Alexander Some TN Sens.	"Thank you for veto!" "Thanks for sustaining veto!"
6A	Obed funding	Reps. Cooper, Jones Lloyd, Gore, Ford Reps. Boner, Sundquist, Quillen; Sens. Baker, Sasser	"Thanks for support!" "Please support funding!"
6B	BSF spending limit	Sens. Baker, Sasser	"Please work to lift ceiling!"
8	Columbia Dam	Sen. Sasser; Reps. Boner, Gore	"Do not force TVA to complete uneconomical dam!"
12	Wildlife and Parks bill	US Sens	"Please support!"
13	TCWP efforts		Plan to attend annual meeting; participate in phone chains; pay dues (if you haven't yet)

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,

To call, dial Congressional switchboard, 202, 224-3121

"The love of earth can be at once the most primitive and the most sophisticated of religions, and it deserves the same respect as the other credos by which men shape their lives." Dr. Joshua Lederberg