

# TENNESSEE CITIZENS FOR WILDERNESS PLANNING

Newsletter 136, July 9, 1984\*

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## ACTION SUMMARY

¶ No	Issue	Contact	"Message!" or Action
1A	Obed	Sen. Baker, Rep. Boner	"Add \$0.5M appropriation!"
2B	Big S. Fork	Sen. Baker	"Raise spending limit!"
3	Frozen Head	TCWP	Contribute \$\$ for 522 appeal
4	Pickett	TCWP	Recommend outstanding sites
5B	Forestry Commission	TCWP	Suggest candidates
9A	Whites Creek Trail	TCWP	Volunteer for maintenance
9D	Columbia Dam	Sen. Sasser, Rep. Gore	"Do not support dam!"
11B	Voting record	Rep. Cooper	"Congratulations!"

For addresses see p. 11

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

## 1. OBED: EXTRA EFFORT NEEDED TO GET FY 1985 FUNDS

### A. Acquisition funds - your help needed

The House Interior Appropriations Subcommittee marked up its bill on June 19. Under the Land & Water Conservation Fund (see also ¶10A, this NL), 11 river segments were awarded land acquisition funds, totalling \$9.0 million. The request from a coalition of conservation groups had been for 19 rivers totalling \$16.2 million, while the Reagan Administration asked for only \$1.5 million. Among the 8 items on the Conservationists' list to which the Subcommittee failed to assign new funding was the Obed National Wild & Scenic River. The Obed had very strong support from the Tennessee House delegation: Reps. Jim Cooper, Al Gore, Jr., John Duncan, and Ed Jones all had written to the Subcommittee Chairman requesting a \$0.5 million appropriation, and Reps. Lloyd, Ford, and Quillen also expressed their support. The Subcommittee apparently decided that the Senate should take the lead on Obed funding and that the House would then accede. The Senate bill will be marked up during the week of July 23.

\* This means that Senators Baker and Sasser must hear from as many of you as possible within the next week. Sen. Baker is particularly important in the Republican-controlled Senate. Please write immediately (see p. 11 for address), or call (202, 224-4944) or wire. The appropriation is badly needed to continue (and virtually complete) the authorized acquisition of river corridor lands. Without such protection, this great resource is threatened by clear-cutting, oil exploration, and stripmining. Please act today! Those of you who live in Rep. Boner's district should contact him also. As a member of the House Appropriations Committee, he can exert his influence to make sure that any Obed funding supplied by the Senate is retained by the conference committee.

### B. Comments on Draft Land Protection Plan

One of the obstacles former Interior Secretary Watt sought to put in the path of parklands acquisition was a requirement that all units of the National Park System that still had private lands within their borders must generate Land Protection Plans (LPPs) to explore alternatives to acquisition. Work on the Obed LPP was begun in the spring of 1983, and it took almost a year for the plan to be written and reviewed for compliance with NPS and USDI policy. The draft LPP was then circulated for citizens' comments, which were due 6/10/84.

TCWP submitted detailed comments in which we commended the drafters of the LPP for recognizing and documenting the fact that neither "cooperative agreements" nor zoning are an option for land protection within the Obed WSR boundaries. We did however take objection to the fact that for about 40 tracts that had earlier been proposed for fee-simple acquisition, the LPP now identifies scenic easements as minimum protection. Our testimony presented arguments to show that, for these parcels, fee title would better protect the resource, provide a better deal for the seller, and be no more costly for NPS.

We hope that with completion of the LPP, and with money in the bank, the NPS will now move forward speedily with the land-acquisition process.

### C. Staff changes

We'll soon have to bid a sad farewell to Doyle Kline, the Obed National WSR's superintendent (see ¶2A). Martha Vogle recently replaced Ann Bell as Interpretive Technician. Ms. Vogle comes to the Obed from the Smokies.

## 2. BIG SOUTH FORK NEWS

### A. Changing of the guard: a new superintendent will follow Doyle Kline

The really bad news is that Superintendent Doyle Kline is being transferred to Cape Hatteras National Seashore at the end of August. He has been superintendent of the Big S. Fork NRR and the Obed Wild & Scenic River since 1977 -- the first man in this challenging and difficult double job. Both projects came off to a fine start thanks to his efforts. The number of complex tasks and interactions he had to undertake in these 7 years undoubtedly greatly exceed

those that face superintendents in established units of the NPS. In our opinion, he deserves several medals. Many of you have met Doyle Kline, since he attended most of the TCWP annual meetings over the past years (and gave reports at several of them); he has become a very special friend to some of us. His successor has not yet been named.

B. Raising the spending limit

We have heard of no concrete progress on this one (see NL 135 ¶6B). Sen. Baker still needs to hear from you (see p. 11 for address). Unless the ceiling is raised above the current \$103 million, only about 105,000 of the authorized 125,000 acres can be acquired. We need to stress that the first priority should be acquisition of the presently "deferred" lands, which are threatened by degradation. Developments can come later. Send a copy of your letter to Col. W. T. Kirkpatrick, Nashville District, U.S. Army Corps of Engineers, P. O. Box 1070, Nashville 37202.

C. Troublesome Creek wilderness

Some years ago, the RARE-II study for the Daniel Boone National Forest resulted in a strong wilderness recommendation for the Troublesome Creek watershed. This watershed lies totally within the boundaries of the Big South Fork NRRRA, and the Forest Service lands in Kentucky will soon be turned over to the Corps (and eventually to the NPS). Groups interested in formulating a Kentucky Wilderness bill (particularly the Sierra Club) have sought to include a Troublesome Wilderness in such a bill, but have run into opposition from the Dept. of the Interior which interprets the authorizing legislation as requiring that the uplands portions of the BSFNRRA (the "Adjacent Area," as opposed to the "Gorge Area") are to be managed for recreational use incompatible with wilderness. This USDI interpretation is very much open to challenge, since the Act specifies permitted uses for the "Adjacent Area," but does not mandate these uses.

Kentucky Congressman Hal Rogers let it be known that he might be willing to sponsor a wilderness bill if the designated area had the approval of the local Chamber of Commerce. At first the CoC was negative to the entire wilderness idea, but eventually some members became convinced that a wilderness area within the BSFNRRA might broaden the spectrum of visitors attracted to the region. As a next step, the CoC agreed to a Troublesome Wilderness whose outlines were the same as those for the "Gorge Area" -- which is being managed as wilderness anyway. In mid-May, Kentucky Sierra Club representatives and two TCWP Board members (Don Todd and Lee Russell) met with the CoC at Whitley City, KY, to urge that the ridges separating gorges in the Troublesome area be included in their recommendation. The CoC has recently agreed to a few such inclusions. The Kentucky wilderness advocates must now decide whether these concessions are sufficient to create an area worthy of a wilderness bill.

D. Plans, regs, and developments

A BSFNRRA Resource Management Plan has been completed by the Oneida office of the NPS and is being reviewed in the Regional Office at Atlanta. -- Regulations for the BSFNRRA and Obed WSR became effective 4/30/84. These address the establishment of no-hunting Safety Zones around developed sites; the limitation of motor vehicles to certain roads, the collection of wood for fuel, limitation of horseback riding, etc. For detailed info, write Superintendent, BSFNRRA and Obed WSR, P.O. Drawer 630, Oneida, TN 37841. -- The Blue Heron Supplement to the Master Plan has been issued, and first in a series of 4 construction contracts for development of the area (in the KY portion) has been awarded. The other developed area, Bandy Creek in TN, is slated for completion by mid-1985. -- Day-use facilities at Alum Ford and Yahoo Falls, near Whitley City, KY, are being repaired and upgraded by a YCC crew. These are in national forest lands that will be turned over to the Corps later this year.

3. WILL FROZEN HEAD NEIGHBORHOOD REMAIN "UNSUITABLE FOR SURFACE MINING"?

Even as we reported on our great Frozen Head victory (NL 135 ¶4), we noted that the State's decision (to declare the area adjacent to the Park "unsuitable for surface mining" under Sec. 522) was subject to appeal. Such an appeal has indeed been filed by the mining interests, and a hearing before the State Board of Reclamation Review has been scheduled for July 24.

Coal interests are heavily represented on this Board, making it not improbable that we shall lose our case. Should this happen, we must appeal to the next level, Chancery Court. Since that Court will hear no "new" business, our case before the Board of Reclamation Review must be just as complete as we can make it. The Board is also the last fling for the Tennessee Dept. of Conservation (DoC), which has been our ally on the 522 matter; the state cannot be a litigant in chancery court.

\* Right at this critical juncture, grant support has run out for our attorney, Carol Nickle (a public service lawyer with the Legal Envtl. Assistance Foundation, LEAF). TCWP Exec. Director Sandra Edwards is attempting to get some short-term foundation support for us to cover legal work, witnesses' transportation costs, and our extra staff time. To date, responses from foundations have been negative -- the time is, of course very short. We are appealing to you, our members, to help out financially on this very important project. Not only can we protect the Flat Fork watershed and the views from Frozen Head, but our victory would represent the first successful application to private lands of the Areas Unsuitable for Stripmining provision (Sec. 522) of the 1977 Federal Surface Mine Act. Please make your checks out to TCWP, Inc., earmark them for "Frozen Head," and send to address at bottom of p. 1.

#### 4. PICKETT STATE PARK AND FOREST -- A NEW TCWP PROJECT

Many of you who have been to Pickett probably don't realize that the great bulk of it consists of State Forest, the Park occupying only a very small nucleus, encompassing the cabin and campground area. The Forest portion, including the magnificent gorges many of us have hiked in, is subject to timbering, even clear-cutting. A few years ago, TCWP strongly opposed cutting in the Flint Fork watershed (seen from the "Kentucky Overlook") which contains a beautiful mixed forest. The Tennessee Dept. of Conservation recently announced that compartment plans for each of the individual state forests will be developed over the next five years. This, as well as the mechanisms available under Tennessee's Natural Areas System Act, now provide opportunities for protecting parts of Pickett.

\* TCWP is therefore embarking on a project to identify areas containing cove hardwood forests or other valuable natural features within Pickett State Forest. We plan to gather suggestions for candidate sites during the summer, and begin field investigation in the fall. If you can recommend one or more sites, please communicate with Sandra Edwards (104 Montreal Lane, Oak Ridge, 37830, Ph. 483-1900). If possible, provide info on latitude and longitude, referring to the topo map (Sharp Place quadrangle), and let Sandra know about any special features at the site(s).

#### 5. STATE ACTIONS AFFECTING NATURAL AREAS AND FORESTS

##### A. Natural and Cultural Heritage Areas Acquisition Fund created; other appropriations of interest

The 1984-85 Appropriations Bill recently approved by the General Assembly contains among its Capital Maintenance items a sum of \$2 million for this newly established fund, i.e., the governor's request was honored (see NL 135 ¶10A [2]). The Safe Growth Cabinet Council two years ago established guidelines for determining which areas would be eligible for purchase from such a fund. Acquisition of top-priority areas as recommended by the Dept. of Conservation will begin shortly.

Other appropriations of interest include \$75,000 for Cumberland State Scenic Trail construction (between Emory Gap and Ozone), \$125,000 for a Hiwassee State Scenic River visitor center, \$130,000 for buffer-zone acquisition at Reelfoot Lake, and \$1,100,000 (from the Wildlife Resources Fund) for purchase of White Oaks Swamp.

##### B. Suggestions sought for candidates for the new Forestry Commission

HB 1548, recently passed by the General Assembly (NL 135 ¶10A [3]), provides for the establishment of a 7-member commission within the Dept. of Conservation. One commissioner must be a member of a "statewide conservation organization"; three must be forest-land owners (two owning less than 500 acres, one more than 500 acres); two must be industry representatives (of

pulp-and-paper and hardwood-products industries, respectively); the seventh will come from the public at large. The Tennessee Forestry Association (TFA) will meet with key legislators in August to submit recommendations for commission members. TFA has asked us to suggest candidates. Please contact Sandra Edwards (104 Montreal Lane, Oak Ridge, TN 37830 Ph. 483-1900) or Lee Russell (address at bottom of p. 1) if you have any suggestions.

#### C. Tennessee Safe Growth Team activities

At the age of 2½, Tennessee's Safe Growth Team looks at its accomplishment and sets priorities for the next year. The SGT's four major areas of activity are water quality and supply, hazardous waste management, preservation of natural and cultural heritage areas, and reduction of soil erosion. Accomplishments have been made in the first three of these areas. For the next year, 1984-85, the SGT has identified 9 priority issues and 5 continuing programs. Top priorities are: (1) soil erosion reduction, (2) wetlands protection, (3) groundwater management, (4) mineral resources management, (5) hazardous waste education and promotion of recycling/re-use. Identified as second-level priorities are: (6) promotion of effective land-use planning and zoning, (7) rivers, wilderness, trails, (8) air quality, (9) organization for environmental management. Among the continuing programs is natural and cultural heritage area acquisition. Many of these issues are of considerable interest to TCWP; e.g., among possible alternative approaches to be worked on under issue #4 are re-development of state primacy for stripmine regulation, development of a state process for disposition of minerals on state-owned lands, investigation of a state-wide inventory of areas unsuitable for mining. We shall attempt to stay informed.

#### D. State capsules

- A bill that would have turned the 4,400-acre Stewart State Forest over to Stewart County (which planned to subdivide the land and sell it) failed in the legislature, partly owing to the good offices of Sen. Riley Darnell. The proposal was harmful not only because public forest land would have been lost, but also because enactment might have set a precedent for sale of state lands to private interests. There is some danger that this or a similar bill may resurface next year.
- A 3,000-acre wildlife management area for the upper portion of Tellico Reservoir has been proposed by the TN Wildlife Resources Agency to TVA. If approved there, TRDA (Tellico Res. Devt. Agency) must also concur. A portion of the area (the Chota peninsula) would be diked to form a waterfowl refuge.
- Work on the State Recreation Plan has included another round of public meetings. TCWP's new Exec. Director, Sandra Edwards, attended the one at Morristown. Don Todd and Lee Russell were involved in the first round. There is now opportunity for written comments, which we plan to submit.

#### 6. LOWER-CHEROKEE WILDERNESS BILL CONTINUES ITS PROGRESS

At the time of our last report (NL 135 ¶3), the House of Representatives had just passed HR 4263, a bill that designates about 30,000 acres in the Lower Cherokee National Forest as wilderness or wilderness study areas. On May 24, a Senate subcommittee held hearings on the companion measure, S 2590 (Baker, Sasser), and no opposition of any kind was voiced. Speaking in support of the bill were Will Skelton for the Cherokee National Forest Wilderness Coalition (of which TCWP is a member), Walter Criley (DoC Director of Planning) on behalf of the State of Tennessee, and Ralston Bailey, on behalf of Monroe and Polk County sportsmen. A US Forest Service representative also recommended enactment of either S 2590 or the previously passed House bill, provided the new compromise release language was incorporated.

Arguments about release language had held up all wilderness bills in the Senate until recently, when a compromise was forged (NL 135 ¶3). "Release language" concerns the fate of lands within a national forest that are not designated as wilderness or wilderness-study areas. Under the compromise, wilderness for such lands will not be considered until the time of the next land management plan (LMP) for the forest in question. Such LMPs are normally produced on a ten-year cycle (15 years maximum). The compromise language specifies that an interim revision in a LMP will not require reconsideration of wilderness for undesignated lands.

What happens next? The bill has not yet been marked up in the Senate committee, which is waiting for wilderness bills from certain other eastern states in order to make a "package." Apart from the release language, there are only very minor differences between HR 4263 and S 2590. The Senate committee may adopt the House bill, as passed, but with the compromise release language substituted. Senate floor vote will hopefully come later this summer. No problems should occur in conference committee. What's still missing is a wilderness bill for the portion of the Cherokee National Forest that lies north of the Smokies (the "Upper Cherokee"). Congressman Quillen needs to hear from his constituents on this (see p. 11 ).

The State's testimony for the May 24 hearing contained many interesting points, e.g., well documented comments on the demand for wilderness in Tennessee, figures on acreages in State-owned forests (150,000 acres, total, scattered in 13 locations) and state parks (150,000 acres distributed among about 60 tracts), and a concluding statement that is worth remembering: "Contrary to popular assumption, a wilderness area is not 'locked up', but remains as an example of nature's management of land that is available for hiking, hunting, fishing, and backcountry camping and for water quality enhancement."

#### 7. SMOKIES: 50TH ANNIVERSARY CELEBRATED WHILE WILDERNESS BILL IS DEADLOCKED

The 50-year anniversary celebration for the Great Smoky Mountains National Park has gone by without passage of a wilderness bill. Pressure to get something done in time for the celebration could have led to passage of the unacceptable Helms-Baker-Alexander "compromise" had not the environmental community made very clear that it would rather have no bill at all than this dangerous one, and had not Sen. Sasser and N.C. Governor Hunt continued to stand strong on our side (they deserve our sincere thanks). As you may recall (NL 135 ¶2), the "compromise" proposal would lop 67,000 acres (including the area north of Fontana) off the 467,000 of S.1947 -- 67,000 acres that are currently being managed as wilderness. It would, in addition, make Sen. Helm's projected new road to the cemeteries the subject of an expensive study whose outcome is likely to be influenced by Helms (if he remains in office). Conservation leaders point out that the real compromise, forged by them over a 15-year period with Swain County residents concerned about the 1943 Agreement, was the one that led to S.1947, the Sasser-Baker (until he pulled out) bill that is supported by the environmental community, the state of N.C., and most members of the Tennessee House delegation.

Where do we go from here? S.1947 as it stands will not pass as long as Helms and Baker oppose it; neither can the Helms-Baker-Alexander amendment pass as long as Sen. Sasser and the conservation community oppose it. Conservation leaders have asked for meetings with Senators Baker and Gov. Alexander. It is at least possible that these gentlemen by now regret having acted hastily and would welcome discussions concerning our position. We can offer some accommodations, such as minor construction (e.g., a boat landing) that would make transportation to the cemeteries easier and more pleasant.

During the June 15 celebration at Newfound Gap, both governors (Alexander and Hunt) urged passage of a wilderness bill (details unspecified) that would cover most of the park. Alexander's speech painted a graphic picture of the damaging developments that would have occurred had the park not been designated. The GSMNP was the first national park to be created from land that was not already in federal ownership. (Now, with the Big South Fork NRR, we're doing the same type of thing at another Tennessee border.) President Reagan did not show up for the celebration -- he was represented by the Sec. of the Interior. Among those who did show up was Rep. Jim Cooper, whose father, former Gov. Prentice Cooper, had sat next to Pres. Roosevelt at the 1940 park dedication ceremony.

#### 8. STRIPMINE REGULATION

##### A. Tennessee relinquishes primacy

Tennessee has the dubious honor of being the first of 25 coal states to relinquish primacy in the administration of the federal Surface Mining and Reclamation Act. Here's an account of what happened, contributed by Sandra Edwards.

At the time of our last report (NL 135 ¶7), TCWP was working with other environmental groups to try to add amendments to HB 1872/SB 1921, a stripmine bill that would have eliminated most of the environmental protections we had fought so hard to gain with passage of the 1980 state law. Another bill had just come up for consideration and had been passed out of the House Conservation and Environment Committee. That bill, less than a half page in length, would simply have repealed Tennessee's 1980 law.

The second bill (known as the "wipe-out" bill) was promoted after the federal Office of Surface Mining (OSM) announced it would temporarily take over the functions of stripmine inspection and enforcement (I and E) from the state. OSM had found many deficiencies in the state's performance in all areas of the stripmine program. It was hoped that, relieved of two areas of responsibility, the state could concentrate on bonding and permitting, bringing those up to required standards, and then have time to work up to proficiency in I and E. TCWP felt that OSM had been very patient with the state, and we backed the OSM move as a reasonable way to obtain the protections we should rightfully expect under the law.

Commissioner of Health and Environment, Jim Word, however, took the attitude that it would be impossible for the state to share the program with OSM and that if OSM were going to take back part of the program, they would just have to take it all. Word was backed by several legislators, including Rep. Robertson, the sponsor of the bills already mentioned. Rhetoric began flowing hot and heavy, confusion reigned, and many legislators voted on the issue without really understanding what was at stake.

During the proceedings that ensued in Nashville, TCWP took the position that a federal-state shared program with retention of the 1980 law would be the best option to follow. If HB 1872, which we opposed, were to be adopted, we urged that a number of amendments be made to insure specific environmental protections.

After much maneuvering, a third bill replaced HB 1872 and the original "wipe-out" bill. That bill, a modified "wipe-out" bill, was passed and has the effect of turning Tennessee's stripmine control program back to the federal government as of October 1, 1984. The state will, on its own, enforce a requirement for a permit any time more than 25 tons of coal are mined at one site during a 12 month period (a provision that is stricter than federal law [which has a 2-acre minimum] and is aimed at controlling wildcatting). Violation of this requirement will be considered a felony. The portion of the severance tax that paid for state enforcement of stripmining laws was repealed.

At this point we should mention that we had few real friends in the legislature on this issue. In the House, Jerry Jared of Cookeville was the one member of the Conservation and Environment Committee who really questioned the course events were taking and spoke out with any strength in support of our general position. Others willing to sponsor amendments we favored were Martin Sir, Mike Murphy, Bill Owen, Steve Cobb, and John Chiles. On the Senate side, we owe special thanks to Riley Darnell who worked very hard to have two important amendments added to the final bill. (The 25-ton limit passed, another that would have avoided a serious problem described below failed.) Tommy Burks was the only Senator to vote against the original "wipe-out" bill in the Senate Environment and Natural Resources Committee. Thanks are also due to Gerald Reed of Riley Darnell's staff who helped tremendously in drawing up some key amendments.

#### B. The future of stripmine regulation in Tennessee

TCWP has been meeting with OSM and other groups to track OSM's progress in assuming its new responsibilities in Tennessee. We will review and comment on the new program that has been issued in draft form, will testify at a public hearing on the Federal Program on 8/3/84, and will participate in the scoping process associated with an Environmental Impact Statement to be drawn up in connection with permitting procedures to be followed by OSM. We have recommended that all OSM functions be centered in one location, preferably in East Tennessee. About 50 OSM inspectors are replacing 21 state inspectors.

The Governor has said he intends to have Tennessee regain primacy by late 1986, and OSM is encouraging the State in its endeavor. If this is to happen, the legislature will have to pass a new stripmine bill during the next session. TCWP is meeting with other concerned groups to develop a strategy that hopefully will allow us to have real input as the new law is drawn up. The state will have the problem of finding the funds to train and support the necessary staff at a level sufficient to insure effectiveness of any new law.

Tennessee retained responsibility for water-quality enforcement in relation to stripmining. The State has also asked OSM for permission to retain the Abandoned Mine Lands (AML) Reclamation program, but OSM has declared that provisions of the Federal Surface Mining Act make AML funding contingent on the State having a regulatory program. Thus, millions of dollars of Federal funds for AML reclamation are likely to be forfeited as a result of the State's abandonment of primacy.

There is another problem the legislature created by its action. This concerns 400-500 mines that were permitted between May 1978 and August 1982 and have bonds remaining but are not in bond forfeiture. In passing the law it did (obviously without due consideration), the state of Tennessee gave up its ability to see that reclamation is done or that bonds are collected. Furthermore, because the bonds are made out to the state, OSM may not be able to collect them either. A way to enable transfer of the bonds to OSM is being sought. Riley Darnell's unsuccessful amendment, mentioned in ¶8A sought to avoid this problem.

#### C. Federal actions related to stripmining

- A dangerous provision of HR 3282 (the Clean Water Act Amendment), which was recently voted out by a House Committee, would enable reopened, previously unreclaimed mines to avoid currently required pollution controls. Under existing law, re-mining operations must clean up all of the drainage from a site -- both that related to the abandoned works and that resulting from new coal removal. As you might have guessed, the amendment is being promoted as a way to help the ailing coal industry. TCWP has brought the matter to the attention of Rep. Marilyn Lloyd, who is considered to be a swing vote on this bill.\*
- The federal Surface Mining Act established a fund for the reclamation of abandoned mines, the money being derived from a small tax per ton of currently mined coal. Though this money is "in the bank," the Reagan Administration has refused to let most of it be spent. The fund is not even earning interest. Rep. Jim Cooper has asked for moneys to be released. Not only could a lot of environmental damage be repaired, but many jobs would be created in the Tennessee coalfields by reclaiming these abandoned mines.
- OSM was recently called before a House subcommittee to explain why it has failed to collect over \$100 million in civil penalties assessed on operators for stripmine violations.

### 9. TVA NEWS

#### A. Whites Creek Small Wild Area

TVA has almost finished work on the trail that TCWP will subsequently maintain (a contract to that effect is being worked out). On June 22, eight of us went over the trail: Ralph Jordan, Terry Chilcoat, and Judith Powers Bartlow of TVA, Sandra Edwards, Bill and Lee Russell of TCWP, Jim Hill of the Hiwassee Land Company, and Oak Ridger reporter Evan Means. A few water bars and steps need to be put in yet to prevent erosion. It's a lovely, varied trail that runs in valleys, on steep-sided ridges, and briefly at lake level. The Hiwassee Land Co. has given permission for the trail to cross land abutting on the TVA Area. This tract was recently cut over and will be planted to pine. The rest of the trail goes through an old hardwood forest. We'd love to hear from TCWP members who would like to volunteer for trail maintenance work.

#### B. TVA Board, staff, (and a couple of us) tour stripmine sites

On June 1, a gloriously clear day, the two remaining TVA Directors, four TVA staff members (including Roger Bollinger and Martin Rivers, head of TVA's environmental quality staff), Sandra Edwards, representing the League of Women Voters, and Lee Russell, representing TCWP, went on a tour in the TVA helicopter. We landed at five mining and/or reclamation sites (4 coal, one mica) in Tennessee, Kentucky, Virginia, and North Carolina, and overflew many

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HR 3282, passed House 6/26. We don't yet know whether this provision was retained or dropped.



more. Pages could be written about what we saw and learned. One thing that became pretty obvious is that TVA has done, and can do, much to demonstrate and encourage good mining and reclamation practices. TVA's back-to-original-contour (BOC) demonstration project of the 1970's on Massengale Mountain (which has healed extremely well) clearly shows that the BOC process can be made to work well, even in steep terrain. (The operator at one of the sites we visited tried to convince TVA that the BOC requirement should be relaxed.) Another all-pervading impression: between the few model sites, there is a huge amount of unreclaimed devastation and of ongoing mining that is unlikely to be fully reclaimable. And finally: the southern Appalachian Mountains are a magnificent resource (seeing them from not too high up in the air makes one realize that anew) and are well worth fighting for. We are certainly grateful to TVA for inviting us on the trip!

#### C. TVA opposes Watts Bar bottom mining

A few months ago, the Dixie Sand and Gravel Co. applied to the Corps for a "404" (dredge-and-fill) permit to explore the bottom of Watts Bar Reservoir for silica deposits which, if found, would subsequently be mined on a large scale. The Corps received almost 300 individual letters and about 2500 petition signatures in opposition to the project. Prominent among the opponents is TVA, which is concerned about the possible stirring up of mercury and radioactive deposits from Oak Ridge that have been settling in reservoir sediments for decades. The TVA comments also cite water turbidity and noise which would have adverse impact on fish spawning, water-bird nesting, and on an endangered mussel that may be in the area. Other opponents are TWRA and the State Planning Office, who oppose the project because of its impact on fishing and other recreational uses. The Corps will decide after Sept. 15 whether public hearings on the issue are needed.

#### D. Columbia Dam: Congress attempts to coerce TVA

The Energy and Water Projects Appropriations bill (which is yet to come to floor vote) contains language ordering TVA to finish Columbia Dam after the environmental concerns have been addressed. It should be noted that Congress took this action subsequent to having heard TVA testimony to the effect that the benefits of completing Columbia Dam do not outweigh the costs (NL 134 ¶6, NL 135 ¶9A). To be thankful for small mercies: at least Congress did not vote an exemption to the Endangered Species Act concerning the Duck River mussels. TVA must therefore prove that the mussels can be successfully transplanted (which already seems unlikely -- see NL 132 ¶8 -- and in any case costs money) before the dam can be closed. Letters to Sen. Sasser and Rep. Al Gore, Jr. continue to be in order (see p.11 for addresses).

#### E. Dave Freeman: some farewell remarks

An Associated Press article by P. A. Paquette quotes Dave Freeman's remarks after his last TVA Board meeting on 5/17/84. "I think TVA's romance with the environmentalists is rather short-lived and it does revolve around me to a certain extent. So I think the board is going to have to earn the respect of the environmentalists in the future ... the environmental community is going to be watching TVA like a hawk. I think that life will be miserable for TVA directors who backslide on our environmental effort." He also feels that "TVA has gotten back into good stead with Congress, in large part because we cleaned up our act." In the meantime, Pres. Reagan has nominated John Waters (NL 135 ¶8A) to replace S.D. Freeman, and confirmation appears assured. The TVA Board Appointment Coalition will not oppose the appointment, neither will it support it.

### 10. NATIONAL CAPSULES

A. The Land and Water Conservation Fund appropriation for FY 1985 in a recently marked-up House bill is \$304 million (\$229 for federal agencies, \$75 M for state matching grants). The Administration had requested only \$167 M. The House also included land acquisition funds (\$30 M for NPS) in the FY 1984 supplemental appropriation bill (at the same time rescinding \$30 M in unspent land acquisition contract authority). The Senate has not yet acted on either measure. See ¶1A, this NL for information on the Obed National WSR.

- B. The air will be clearer in national parks and wildernesses, thanks to a recent settlement in a lawsuit brought by the Environmental Defense Fund (EDF) and other groups against EPA. The 1977 Clean Air Act prohibits man-made pollution that will impair visibility in Class-1 areas. States are required to adopt visibility plans, but when 34 states failed to do so, EPA indicated it would not take action to compel them. Now, under court order, EPA must issue plans for these states on how to remedy any existing, and prevent any future, visibility impairment. The Great Smokies NP is one of the 164 national park and wilderness units affected by the settlement.
- C. The Wildlife and the Parks bill (see NL 135 ¶12A) finally came to a hearing before a Senate Subcommittee on June 27. Attached by its sponsor (Sen. Chafee) as an amendment to S.978 (a dormant wetlands protection bill), this proposal would restrict federally assisted developments (e.g., timbering, water projects) on lands adjacent to sensitive wildlife habitat in national parks that are larger than 5000 acres. While somewhat similar in intent to the House-passed Park Protection Act (NL 132 ¶11C), the Chafee measure -- the Senate's first response to the four-year old State of the Parks report -- is much more limited in scope (e.g., it deals only with wildlife threats). Even so, it is given little chance in the Senate and is unlikely to get administration support.
- D. Temporary protection for Oak Ridge's "Turnpike Green" would be obtained through passage of a bill that requires DOE to study all of its holdings and report to Congress in 2 years. The bill, introduced by Rep. Marilyn Lloyd, has cleared committee in the House. If DOE designates a "use" for the Green, it would be kept off the market beyond the 2 years of the study. The 12.5-acre park-like area north of the Federal Building almost fell victim to "privatization" of federal lands last year (NL 130 ¶11A).
- E. The omnibus water project policy bill is a strange hybrid this year. The recently passed House bill authorizes \$18 billion in spending over the next 10 years for about 300 water projects. At the same time, the bill kills 300 projects, worth \$11 billion, that had been authorized in the past, but not funded. There are also several policy reforms in the bill, such as tougher environmental standards for project approval, creation of a national water policy board, and increased local cost sharing and user fees. Outlook is uncertain for the Senate bill, which authorizes less spending than the House bill (\$10 vs 18 billion), requires a larger share of non-federal funding for projects, and is preferred by environmentalists. Congress has not passed an omnibus water bill since 1976.
- F. Acid rain is a policy issue, not a scientific one, says a recent report by the Office of Technology Assessment. According to the OTA report, the environmental and economic damage done by acid rain is scientifically beyond dispute. The only grounds left to be debated are the relative weights to be given to the cost of the damage and the cost of controlling it.

## 11. ENVIRONMENTAL POLITICS

- A. Reagan launches -- then botches -- a public-relations campaign on the environment  
President Reagan appeared to have initiated a public-relations campaign to defend his environmental record when he spoke at a National Geographic Soc. building dedication in late June. "I think there have been some who used the conservation movement as an excuse for blind and ignorant attacks on the entrepreneurs who help the economy grow," he said. To show the achievements of his Administration he cited improvements in water and air quality and the funding increases for cleanup of hazardous waste dumps. Knowledgeable environmental leaders were quick to point out that all of these improvements were the legacies of actions taken during the Carter Administration, and that Reagan's EPA appointee, Anne Gorsuch Burford, who -- with the present Administration's backing -- was doing her best to wreck environmental cleanup programs, actually had to be forced out of office by public pressure.

Less than 2 weeks after Mr. Reagan's speech, Mrs. Burford was back in government: the President has appointed her to chair the National Advisory Committee on Oceans and Atmosphere,

a panel that reports to the Administration and to Congress on marine and atmospheric policy. The announcement was made on the eve of a White House luncheon for certain environmental leaders, selected from the four organizations the Administration considers most conservative. Jay Hair, exec. director of the National Wildlife Federation (one of the four), intended to boycott the luncheon to protest the Gorsuch-Burford appointment, but was summoned (after the affair had already started) by a personal call from Sec. Clark. All four leaders told the President that the appointment was a bad mistake. Reagan is quoted as complaining that he never gets credit for what he does for the environment.

B. How Tennessee's House delegation scored on environmental issues

\* The respected League of Conservation Voters has released its voting charts for 1983 House actions. Members were rated on 14 key issues. Tennesseans can be proud of Rep. Jim Cooper whose score of 91% was one of the highest in the nation; we hope you will congratulate him. Information on others is given below. A 1983/84 voting chart for the Senate is being compiled

District	Party	Representative	LCV Scores		
			1983	1982	1981
1	R	Quillen	6	7	0
2	R	Duncan	21	29	0
3	D	Lloyd	33	34	22
4	D	Cooper	91	-	-
5	D	Boner	61	56	57
6	D	Gore	79	71	57
7	R	Sundquist	30	-	-
8	D	Jones	52	53	36
9	D	Ford	57	80	57

Overall, Tennessee was one of 23 states that scored below 50%. Tennessee's 1983 average was 47%, while that for the House as a whole was 54%. House Democrats overall averaged 68%, Republicans 31%, Women Reps. 61%, Black Caucus 72%.

LCV works for the election of environmentally concerned men and women to the Congress. There is a great need for cash contributions (LCV, 320-4th St, N.E., Washington, D.C. 20002). LCV has paid jobs available for canvass organizers. (Applicants can call 202, 547-7200).

12. TCWP MATTERS

- In the pages of this NL, we have asked for volunteers for various TCWP activities: trail maintenance for the Whites Creek Small Wild Area (¶9A), help in identifying areas worthy of special protection in Pickett State Forest (¶4), suggestions for candidates for the Forestry Commission (¶5B). Offers of help will be greatly appreciated. We've also made a plea for contributions to help with the appeals process in designating an area next to Frozen Head unsuitable for surface mining (¶3). Be sure to check the ACTION SUMMARY for important letters to write.
- Here's another reminder to mark our Annual Meeting date on your calendar: October 19-21 at Tennessee Tech's Field Station on Center Hill Lake. We're working on a program that will include excellent speakers, slide and film shows, and interesting outings. And the company is always good at TCWP meetings!
- Check the right top corner of your address label. If only one number follows the letter M, you still owe 1984 dues. We sure could use the money!

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



toxic waste and is in large measure responsible for the national prominence which the issue subsequently and quickly attained.

It is ironic that as this book appears, the political battles it describes are heating up again. The personalities have changed and the stakes are higher, but the fundamental conflict between exploitation and grace is the same. Indeed, the present conflict is illuminated by the authors' decision to describe the contending forces in generic terms.

On one side, the American people are demanding that the toxic waste problem be solved, even if the clean up turns out to be expensive. In growing numbers, they understand that the costs of ignoring the problem will exceed by a thousand fold the cost of facing it.

They know that America's groundwater, upon which 50 per cent of our people rely for drinking water, is one of our most precious resources and must be safeguarded at all cost. It is easy for them to recognize the insanity of actions which systematically poison our groundwater.

On the other side, a small group of industries, including most prominently the petrochemical industry, has resisted the sweeping changes which will inevitably be required. Although responsible figures within the chemical industry had begun to offer welcome leadership, the more reactionary among their colleagues have found new support and encouragement in the Reagan administration which took over EPA and the Justice Department last year.

The new administration seems incapable of perceiving any points of conflict between the public interest and the unrestrained activities of the chemical industry. The painful lessons that most of America learned at Love Canal and similar sites all over the country have evidently been lost on the current stewards of our environmental laws. They seem to believe that the entire problem has been "blown out of proportion," and that industry has matters well in hand.

They have devastated the ability of the Environmental Protection Agency to administer the laws recently passed to deal with hazardous waste. They have suspended requirements that the industry notify the government where waste is being dumped and have virtually halted enforcement of the laws prohibiting

irresponsible dumping. While calling on the states to play a larger role in addressing the problem, they have slashed the state assistance and liaison programs.

It is a tragic record that is already beginning to produce a massive political backlash. It is true that narrow special interests often take precedence over the broader, more diffuse public interest when the public is unaware of the battle taking place. In this case, however, the public is keenly aware of the conflict. They have seen its consequences in their own communities in all fifty states. They know the stakes are high and they are going to insist that the problem be solved in a responsible manner.

Those who wish to help them should read this book from cover to cover.

Reprinted from:

# Hazardous Waste in America

Samuel S. Epstein, M.D.  
Lester O. Brown  
Carl Pope

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SAN FRANCISCO  
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## Foreword

by Albert Gore, Jr.

The problems associated with hazardous waste were virtually unknown a few years ago. In a remarkably short period of time, however, they have climbed to the top of the public opinion polls as a source of concern to the American people. More than 80 billion pounds of toxic waste are dumped in the United States each and every year, and the volume is steadily growing. Moreover, several thousand abandoned sites caused by the indiscriminate actions of past dumpers have already been identified.

Seldom have the American people been so united in their determination to see an environmental problem solved. Their commitment crosses partisan and ideological lines and knows no geographic boundaries. However, in spite of this unprecedented public mandate for action solutions have proven to be elusive and expensive. The economic interest of industries inconvenienced by remedial efforts have often outweighed the public interest when the critical decisions were made.

Yet the problem not only persists, it is growing. For example, since the end of World War II, the production of organic chemicals in the United States has grown from one billion pounds annually to more than 300 billion pounds annually. And of course the volume of chemical waste has grown proportionately. Moreover, with the massive shift of the chemical industry to the use of petroleum as its primary feedstock, and with the increasing sophistication of chemical science and engineering, we

witnessed the introduction of powerful new kinds of substances quite different from any mankind had previously encountered.

These new substances, and the new waste streams which accompany them, are capable of ruinous damage to the environment and to living organisms. Nevertheless, 90 per cent of the wastes disposed of each year are dumped in an irresponsible and environmentally unsafe manner.

The exotic new chemical wastes, moreover, make up only a part of the hazardous waste problem. Older and more familiar villains, such as mercury and lead, are also being dumped in larger and larger quantities.

It is as if our civilization has lost a sense of its future. We are so busily engaged in making miracle products for our present enjoyment from substances deposited in the earth over millions of years, we don't stop to consider the environmental burdens we are placing on future generations. We have pillaged the past and pawned the future, telescoping time for the benefit of a fleeting present. Only when the consequences begin to manifest themselves in our own generation do we demand that changes be made.

It is now apparent, however, that industrial society has reached a turning point. The future is no longer an endless, open and empty frontier. Our children and grandchildren will likely face all the problems they can handle even without the environmental ransom we are currently demanding they pay. Our growing numbers and our growing mastery of nature's subtle processes are forcing us to forge a new ethic of "stewardship"—an ethic which insists that we foresee and account for the future consequences of our present actions.

The appearance of this book marks the maturing of the toxic waste issue as the centerpiece of the environmental movement. The authors have gone far beyond the shock treatment so commonly used to make the public aware of a problem and have presented instead a fascinating blend of politics, economics, and history—along with an easy-to-understand, layman's treatment of the legal, chemical, and biological issues involved.

It is not surprising that this book should be as good and as thorough as it is. One of the authors, Lester Brown, was the principal investigator for the first congressional hearings on