

# TENNESSEE CITIZENS FOR WILDERNESS PLANNING

Newsletter No. 141, May 3, 1985\*

## Note:

During the interval between NL 140 and NL 141, an Action Call on the State Natural Areas appropriation was mailed to our Tennessee members. Any of you who were not on the mailing list for that publication but want a copy may send a self-addressed stamped envelope to the address at the bottom of this page.

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 \*\* NORTH RIDGE TRAIL MAINTENANCE HIKE \*\*  
 \*\* Sunday, May 19, 2 p.m. \*\*  
 \*\* See #11A for details \*\*  
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 Star in margin means "Action Needed." Don't be overwhelmed -- check the ACTION SUMMARY!

# 1. CHEROKEE NATIONAL FOREST: THE FOREST SERVICE'S PLANS ARE UNACCEPTABLE

## A. Management Plan

Although the April 25 deadline for public comment on the draft Plan and accompanying EIS has passed, the directions taken by the Forest Service (USFS) when it writes its final Plan during the next few months may still be influenced by Congressional input (which, in turn, may be stimulated by you, see C., below). And, unless these directions are changed, the Cherokee National Forest will become a sacrifice area over the next 50 years.

In the draft Plan, the USFS expressed its preference for Alternative #6, which calls for a tripling of the timber harvest in the Cherokee. Furthermore, 98%(!) of the timbering would be done by clearcut methods; thus, roughly 320,000 acres -- over half of the Cherokee NF -- would be clearcut. To help accomplish this tree slaughter, the road system would be doubled, from 1,540 to 2,952 miles. And the entire plan is based on a totally hypothetical increase in future timber demand: the USFS has no significant local data to support their projections.

Not only are the timbering plans environmentally disastrous (with irreversible impacts on the biological diversity of the Forest, i.e., the permanent demise of many animal and plant populations), they are also a total waste of the taxpayers' money. As shown by the experience of the last 5 years, timber expenditures in the Cherokee NF for outstrip timber receipts: for every dollar spent, the USFS takes in only 22¢ (when timber road construction costs are factored in; 41¢ when they aren't). In other words, you, the taxpayer, are subsidizing (in a big way) the profits of the timber companies who harvest your trees on your land!

## B. Wilderness recommendations

These are part of the Plan, and, while not as disastrous as the remainder (see A.), are still far from satisfactory as shown in the following table

	Citizens Wilderness Proposal <sup>a</sup> (acres)	USFS recommendation (acres)
<u>Northern Cherokee NF</u> (total acreage, 326,577)		
Rogers Ridge	5,841	0
Flint Mill	7,166	0
Big Laurel Branch	6,000	0
Pond Mountain	4,365	4,365
Pond Mtn. Addition	2,300	2,149
Unaka Mountain	4,700	4,700
Jennings Creek/Buckeye Falls (incl 6,020-acre Scenic Area and two other units)	15,469	8,000
<u>Southern Cherokee NF</u> <sup>b</sup> (total acreage 296,988)		
Big Frog Mtn. Wilderness Study Area	3,000	3,000
Little Frog Mtn. Wilderness Study Area	4,800	0
<u>Total</u>	53,641	22,214

<sup>a</sup>Minimum proposal. Suggestions have been made for enlarging some of the areas

<sup>b</sup>Legislation passed in 1984 and 1974 designated ca. 33,100 acres of the Southern Cherokee as wilderness. Addition of the Wilderness Study Areas would yield a total of 13.7% of the Southern Cherokee's acreage. The Citizens' proposals for the Northern Cherokee add up to 14% of the acreage of that portion of the NF

## C. What we can do

### 1. For wilderness designation

While the USFS can make recommendations, only the Congress can designate wilderness. For the Northern Cherokee, Congressman Jimmy Quillen holds the key. He must be urged NOW to

introduce a bill to designate as wilderness the areas included in the Citizens' Wilderness Proposal (see above table). It is particularly important for those of you living in the 1st District to write (address on p. 13 )

2. To counteract the disastrous timber-cutting proposals.

Congressional input could have an influence on how the USFS writes up its Final Plan in the next few months. Senators Sasser and Gore and your Representative (see p. 13 for addresses) should hear how concerned you are about the impending destruction and about the waste of taxpayers' money. Senator Sasser has already written an excellent, highly informed letter to Cherokee Supervisor Donald Rollens expressing his grave concern about the USFS' "preferred alternative"#6. He deserves our gratitude!

2. PUSH CONTINUES FOR MILITARY CENTER BETWEEN FALL CREEK FALLS AND SAVAGE GULF

The Tennessee National Guard is continuing its pressure for control of nearly 175,000 acres in one of Tennessee's most scenic areas. The Spencer Range National Guard Training Center (NL 139 #1) would involve 114,000 acres to be purchased and an additional 60,000 acres to be leased for avigation rights. The Center would almost border on such scenic marvels as Fall Creek Falls State Park and Savage Gulf Natural Area, would include numerous lovely gorges (e.g., Rock Creek), and could displace 350 families. At a TEC-sponsored workshop for concerned citizens and National Guard representatives, and at subsequent monthly work sessions for environmental-group representatives, some newer information and rumors have emerged.

It is becoming clear that this Center is a real threat and not to be dismissed as a long-shot proposal. It is also appearing increasingly probable that the push is not just for a Tennessee Guard (TNG) center, but for a national training complex for all eastern states; no other state has a similar proposal in the works. The really frightening fact that has emerged from Adj. General Wallace's briefings is that the military establishment does not need favorable benefit/cost ratios in order to justify a project: money is no object to the Dept. of Defense (the NG budget is \$22-25 billion!). Thus, Gen. Wallace can well afford to play down any projected economic benefits to the area. (But this also means that local communities would have only grief, with little in return.) The Army Corps of Engineers (Mobile District) is working on a Real Estate Planning Report and an Environmental Assessment. They will probably also coordinate the Environmental Impact Statement which Gen. Wallace now concedes will be necessary.

The General has reversed himself on the matter of mineral rights: he now says the Army would acquire them. However, this is no guarantee that stripmining would cease; in fact, under the Reagan Administration, there is a virtual mandate for mineral leasing from public lands. A major portion of the Center would be used for tanks which, we are told, can cause destruction comparable to stripmine damage. Under part of the area slated to be a heavy artillery range, a major new cave system has recently been discovered by the Tennessee Grotto of the Am. Speleological Society. This magnificent system (which, among other things, contains a 150 ft waterfall and a river flowing in the opposite direction from the surface water) could be destroyed by artillery shock waves. Gen. Wallace originally was unaware of the size and importance of the Savage Gulf Natural Area. More recently, he was quoted as saying that terrain of the type found in the Gulf "would be suitable for survival training," and that he would "check with the Corps of Engineers to see whether it would be feasible to include the area" (Southern Standard, McMinnville, 3/27/85).

WHAT YOU CAN DO: People to write to are: (a) Gov. Alexander (State Capitol, Nashville 37219), (b) General A. G. Wallace, Tenn. Army National Guard, STARC, Houston Barracks, P. O. Box 41502, Nashville, TN 37204-1501 (c) each member of the Tennessee Congressional delegation (addresses on p. 13 ). We sometimes get accused of opposition to military training per se; it may be well to stress that our major opposition is to the choice of site.

3. ENVIRONMENTAL MATTERS BEFORE THE TENNESSEE LEGISLATURE

A. Funding for Natural Areas acquisition: action pending

If you did not act in response to our special ACTION ALERT of 3/19/85 or the action call in NL 140 #1, there's still time. At stake are \$2 million for Natural and Cultural Areas acquisition included in Governor Alexander's budget; it must be appropriated by the legislature. Implementation of Tennessee's Natural Areas Preservation Act of 1971 got off to a good start but

soon came to a virtual standstill: for 7 years (1977 through 1983) no new acquisition projects were initiated, and no funds have been expended during the past three years. Since passage of the Act, only 16 Natural Areas have been acquired (an additional 5 designations involved existing state lands). Many highly significant and sensitive areas need to be protected before they are lost to development, but little can be done without the pending appropriation. TCWP has written to each member of the Senate and House Finance Committees (the latter recently approved the appropriation), the Senate Energy & Natural Resources Comm. and the House Conservation & Environment Comm. The key legislator is still House Speaker McWherter, and we urge you to communicate with him as soon as possible:

\* The Hon. Ned Ray McWherter  
19 Legislative Plaza  
Nashville, TN 37219

Dear Mr. McWherter

Those of you living in Rep. Jim Henry's district (Kingston) should also write to him (Room 116, War Memorial Bldg); though state GOP chairman and House minority leader, he has not, to date, supported this item in Gov. Alexander's budget.

#### B. Rare Plants Protection bill passes!

This year's bill (NL 140 ¶2) had fewer teeth than last year's in order to avoid another defeat by nurserymen. One more tooth was pulled last month: an amendment was added specifying that provisions of the bill would not impede public works projects. Nevertheless, the measure offers some protection to plants and now makes it possible for the state to enter cooperative agreements under the terms of the federal Endangered Species Act. Such agreements provide badly needed research moneys.

\* Two legislators deserve our sincere thanks for their special efforts on behalf of passage of the Rare Plant Protection Act. They are Senator Douglas Henry (who took over from Jim Lewis) and Rep. Steve Cobb.

#### C. Natural Resources Trust Fund passes!

Under this legislation, any revenue from sale of state-owned minerals and certain other properties would go into a special Trust Fund, interest from which would be used for acquisition of natural, archeological or historical areas and related uses (NL 140 ¶9). TCWP supported this bill but had two concerns: (a) proceeds from the disposal of state-owned timber are excluded; and (b) the state does not yet have a comprehensive mineral-leasing policy that protects areas on which mining would be inappropriate.

#### D. No new state stripmine bill this year

Neither the administration's bill (NL 139 ¶3D) nor the environmentalists' bill (NL 140 ¶4B) show any signs of life (they languish in Subcommittees). Apparently, stripmine industry representatives oppose passage of a state law at this time, and the administration has not pushed its own proposal. The Environmental Action Fund has stated that the environmentalists' bill would be promoted only in conjunction with the administration bill. This means that the federal OSM will be regulating stripmining in Tennessee for at least another year (see ¶ 8 ).

### 4. OTHER TENNESSEE NEWS

#### A. The State Scenic Rivers program

After the removal, in 1984, of the Collins River from the Tennessee Scenic Rivers Act, Commissioner Howell of the Department of Conservation appointed a committee to study what might be done to achieve a more effective program for river protection. TCWP members Don Todd and Bill Russell served on this committee, which met several times in Nashville and Crossville over a period of many months. Committee members represented a wide spectrum of views, ranging from TCWP's to those of individuals who had been active in persuading the General Assembly to remove the Collins from the Act. A consensus was finally reached on a set of recommendations which is now being edited. At the final 2-day meeting April 30/May 1, the Committee received much helpful advice from "Chuck" Hoffman of Foresight Consulting Group. Chuck was senior author of "America's Rivers: An Assessment of State River Conservation Programs," published in 1984 by the River Conservation Fund.

B. An Executive Order providing for protection of wetlands

Order No. 65, signed 4/3/85, directs "that all state agencies and instrumentalities shall employ reasonable measures to protect and enhance wetland values." The policy does not require any additional regulatory program, and it makes provisions for "accommodating necessary development." However, State agencies are directed, among other things, to conduct research; evaluate permits, etc., with a view toward wetland protection; expend funds for purposes of avoiding impacts on wetlands or enhancing wetland values; accept land donations that would preserve wetland values; purchase easements or titles in wetlands when this is consistent with the purposes of the policy. Wetlands are defined as areas having hydric soils and a dominance of obligate hydrophytes. Areas having only one of these attributes may be determined to be wetlands on the basis of a field investigation.

Last year, the General Assembly created the Soil Erosion and Wetlands Study Committee to investigate solutions to problems that are particularly acute in Tennessee (NL 139 ¶9C). TCWP recently wrote to 3 key legislators urging that the committee be re-authorized for another year.

C. Dale Hollow forest management program

In response to strong citizen opposition to clearcutting plans for lands surrounding Dale Hollow Reservoir (NL 139 ¶9B), the Corps held a series of public workshops. One of these was attended by TCWP exec. director Sandra Edwards, who subsequently submitted a very extensive review of the Corps' Operational Management Plan and EIS. Sandra had solicited the expert opinion of ecologist Dr. James F. McBrayer, whose comments were also transmitted by us. The TCWP review concluded that while successful execution of the plan would probably not result in appreciable erosion or other serious environmental damages, there were at least 11 reasons for opposing the proposal. Among these reasons: this is basically a wildlife (rather than a timber) management plan that would benefit hunters at the expense of other recreationists; logging and fire roads to be constructed under the plan would change the contour of the land and would invite abuse by off-road vehicles; no endangered species survey has apparently been conducted, the Corps' concern being restricted to eagles; some clearcut scars would be visible for decades. In a recent response, the Corps has informed us of the formation of a multidisciplinary team of experts who will evaluate all comments and the plan itself. A modified program is expected to be ready for public comment this summer.

D. Efforts to protect the Tennessee River Gorge

For the past couple of years, some Hamilton and Marion County citizens have been exploring methods for protecting the highly scenic Tennessee River Gorge (between Chattanooga and Nickajack Lake). At their request, the Tennessee Natural Heritage Program completed an ecological survey of about 20,000 acres in the region. Twenty critical areas were identified for protection, some of them containing endangered plant species. The Tenn. Chapter of the Nature Conservancy has now designed a voluntary conservation program and is negotiating with public, private, and corporate landowners to protect the critical areas and the scenic beauty of the gorge.

E. New State Natural Area acquired

The first acquisition making use of last year's Natural Areas appropriation was completed a few weeks ago with the assistance of the Nature Conservancy. The new 34-acre area, known as the Walterhill Floodplain, is located in Rutherford County and contains a rare plant, the Stones River bladderpod (*lesquerella stonensis*) found only in Middle Tennessee. This plant requires disturbance, and the DoC is therefore leasing part of the area for agricultural use.

F. Eastern State Wildlife Management Area still in limbo

No decision has yet been made on this 331-acre state-owned tract on the edge of Knoxville, which is currently leased by the Tenn. Wildlife Resources Agency (TWRA) but has been proposed by Knox County for development as an industrial park. The tract has a variety of habitats and is much enjoyed for various kinds of outdoor recreation and for conservation education. On January 28, TCWP wrote to each member of the Knox County delegation, to Gov. Alexander, TWRA Director Gary Myers, and Knox County Executive Dwight Kessel, urging that the area be

transferred to TWRA and remain as public open space (as a wildlife area). The TEC board recently passed a similar resolution. If you are interested in helping with this issue, call Sally Myrick, Knoxville 577-4717.

#### G. Ocoee access facilities

Under a settlement arrived at last year, TVA is scheduling 117 days of guaranteed water release through Ocoee No. 2 Dam between March 23 and Nov. 3. A number of facilities have been constructed by TVA and will be operated and maintained by the Tenn. Dept. of Conservation. They include access areas at the dam and at the take-out (4 miles downstream), restrooms with a change house, parking areas, and a walkway over the dam to a launching ramp. Rangers will be employed by the State.

### 5. OBED AND BIG SOUTH FORK: PROBLEMS AND PROGRESS

#### A. Pipeline crossing disturbs Clear Creek

Although on 12/5/84 the State of Tennessee denied "401 certification" for a gas pipeline crossing of the Clear Creek, the B & W Oil Co. had already (before applying for a permit) cut a swath down the south slope of the gorge to bring pipe to the river (NL 139 ¶5A). B & W have also disturbed the river bed itself by burying pipe in it. These non-permitted activities have occurred well within the boundaries of the Obed National Wild & Scenic River. B & W were notified about 2 weeks ago that they had 60 days to appeal the permit denial to the Water Quality Control Board. To date, they have not done so. Should the WQCB rule in favor of B & W, the case will be taken to court by one or more government agencies and possibly by some citizens. The gas and oil company has the practical alternative of crossing the river via Barnett Bridge, 2 miles upstream.

#### B. Pollution from Lavender Bridge construction

Lavender Bridge, which crosses White's Creek (a Clear Creek tributary) between Lancing and Clarkrange, is being replaced by the Tenn. Dept. of Transportation. A recent field trip by Sandra Edwards disclosed that almost no measures had been taken to prevent major erosion from the steep banks during the process of bridge construction. Apparently, the project has been proceeding for some months, and major quantities of soil are washing into White's Creek just 3 miles upstream of its junction with Clear Creek. TCWP has written to the Commissioner of Transportation, requesting that DOT's Program for Erosion Control be put into effect immediately.

#### C. Obed land acquisition still limping along

To date, 1552 acres of the 5086-acre area are in public ownership (including 317 acres of Catocosa lands). A new survey of Priority #1 lands (as per the LPP classification see D., below) should be complete in a month; 946 acres of such lands remain to be acquired. It is unlikely that any significant acreages of Priority #2 and #3 lands will be purchased until after the Priority #1 acquisition is complete.

#### D. The Obed Land Protection Plan (LPP), for which we provided some input (NL 136 ¶1B), has now been issued in final form by the National Park Service. Copies may be requested from Unit Manager, Obed Wild & Scenic River, P. O. Box 429, Wartburg, TN 37887 (Phone: 615, 346-6294).

#### E. Big South Fork capsules

- By the end of this year, it is likely that 105,000 acres of the BSFNRRRA will be in public ownership, including about 17,000 acres of the Daniel Boone National Forest to be transferred. The so-called deferred lands (the balance of the authorized 125,000 acres) will remain unacquired until the present funding ceiling can be raised. This is due to the fact that the Corps chose to spend appreciable sums on development prior to completing land acquisition. There is considerable threat from stripmining in some of the deferred lands, particularly in the North Whiteoak Creek area.
- Bandy Creek, the major developed area within the BSFNRRRA, will probably be ready to open in the spring of 1986. (It might even be open in 1985?)
- The Corps permitted a 6" gas pipeline crossing of the Clear Fork at Brewster Bridge.
- NPS is leasing small tracts in the plateau portion for agricultural use to keep wildlife clearings open.

## 6. THE SMOKIES: BILLS AND COUNTERBILLS; OTTERS

### A. The Helms Northshore Road bill is reintroduced

Last year, an 18-year effort to bring appropriate portions of the Great Smoky Mtns. National Park under the protection of the Wilderness Act was scuttled at the eleventh hour by Senator Jesse Helms (aided by the Reagan Administration). When Helms was reelected in November, we resigned ourselves to 6 years of not even trying to get anywhere on the Smokies wilderness issue. But the Senator from North Carolina is now forcing us into defensive action. On March 5, he reintroduced the bill that calls for construction of a road north of Fontana Reservoir and omits this area and others from wilderness designation, thus leaving an inadequate 400,000 acres.

The Smokies Park Wilderness Advocates and some of its member organizations (including TCWP) are therefore encouraging Senators Sasser and Gore to introduce a bill based on earlier Sasser bills (Sasser had sponsored bills in 1977, 1981, and 1983). We are recommending that this bill designate 475,000 acres as wilderness (including the 467,000 acres that the Park Service has classified as Natural Environment Type-1 and is managing as wilderness), and that it contain the agreed-upon provisions for resolving the "1983 Agreement" with Swain County, NC (payment to the county of \$9.5 million and absolution of the county's \$2 million debt to the federal government). While it is unlikely that such a bill will go anywhere while Helms and East remain in the Senate and Swain County Rep. Hendon in the House (Hendon defeated pro-environment J. M. Clark in 1984), it will at least demonstrate to the appropriate Congressional committees that there is a large constituency in this country that will not accept the Helms bill.

A 4-page summary of the efforts to get legislated protection for Smokies wilderness has been prepared by Ray Payne. To get a copy, send a stamped (22¢) self-addressed envelope to the address shown on p. 1.

### B. Otters for the Smokies

Trapping and pre-park logging eliminated otters from the area that became the GSMNP. The Park Service, TVA, UT, and the Tenn. Wildlife Resources Agency are now pooling resources to reintroduce the subspecies that was originally present. Ten animals from Michigan are being released in the Abrams Creek drainage in April. They have had radio transmitters implanted so that biologists can monitor their movements for a 2-year period. UT is seeking financial contributions for the project. (Call Dr. Mike Pelton 974-7346)

## 7. THE FROZEN HEAD STRIPMINE ISSUE COMES TO LIFE AGAIN

Over a year ago (4/16/84) the Commissioner of Health and Environment acted on our petition of 3/24/83 and designated all lands lying within the Flat Creek watershed (including lands adjacent to Frozen Head State Natural Area) as unsuitable for surface coal mining operations. The strip-mine operator and the land company subsequently appealed this decision, but a hearing on the appeal was postponed until after Oct. 1, 1984, the date on which the federal Office of Surface Mining (OSM) was to take over the regulation of surface mining in Tennessee. A hearing was finally scheduled for April 17 before the Board of Reclamation Review. In the meantime, however, the Dept. of Health & Environment (DHE) had sought an opinion from the State Attorney General on whether or not the Board of Reclamation Review had jurisdiction in this case. The opinion (issued 4/1/85) states that the Board was divested of such jurisdiction when the State program ceased to exist. Thus, on April 9, DHE filed a Motion to Dismiss the appeal, and, three days later, an Administrative Judge issued an Initial Order that the case be dismissed. The Board of Reclamation Review, meeting April 17, adopted the Initial Order as the Final Order without making any detrimental changes.

The coal company and land company will now probably file a petition with OSM, requesting that the "lands unsuitable" designation for the Flat Fork watershed be terminated. TCWP and the filers of the original 522 petition are getting ready to argue the other way.

## 8. STRIPMINING: THE FEDERAL PROGRAM IN TENNESSEE

### A. "Orphans of the Valley" -- abandoned surface mines

A brand-new report\* by TVA starts with this frightening sentence: "Of the 117,000 acres of coal lands and 53,000 acres of noncoal mineral lands surface mined in the Tennessee Valley prior to comprehensive reclamation requirements, some 54,742 acres remain either inadequately or totally unreclaimed." From these lands, 2,400 tons of sediment per square mile per year pour into our waterways, causing major environmental as well as economic problems. The 1977 federal Surface Mining Control and Reclamation Act (SMCRA) established a small fee on current coal production to be used in the reclamation of mines abandoned before 1977. Despite this revolutionary step forward, only a small part of the problem will be addressed for the following reasons. (a) The reclamation fee has only a 15-year life-span, i.e., it will end in 1992, unless renewed. (b) During the 15 years, \$3 billion will be collected, but the nationwide cost has been estimated at \$30 billion. (c) The Act's priority system directs that lands causing public-health and safety problems must be considered first, those causing environmental problems having a lower priority; the former reclamation is much more expensive per acre than the latter, so that the available funds are being used up on small acreages leaving huge acreages bleeding. For coal lands in the Tennessee Valley, only 5,090 acres have been reclaimed under SMCRA (including 1,269 in Tennessee) and 13,564 acres fully or partly reclaimed by TVA: 32,135 acres of unreclaimed environmental-problem lands remain (and another 66,111 acres of orphan mines have been re-mined and reclaimed or naturally revegetated).

Here in Tennessee, we suffer from all of the above, plus an additional problem addressed in TB., below.

### B. Tennessee's Abandoned Mine Lands program has ceased to exist

When the State lost primacy on October 1, 1984, it also lost its Abandoned Mine Lands (AML) program, which amounted to ca \$3 million annually. Money for the AML Fund is still being collected from proceeds of current coal mining (surface or deep), but it is not being spent to reclaim Tennessee's orphan mines. This restriction was used as a "carrot" to encourage Tennessee to re-assume primacy. [On a national basis, too, AML moneys are not being appropriated in the Reagan Administration; much of the trust fund is lying idle, being eaten away by inflation.]

Before it lost primacy, the State compiled a detailed list of 1984/85 AML projects (altogether 533 acres) and a list of 1985/86 projects (444 acres). Several of these orphan mines may be known to you, e.g. two sites on Big South Fork, three at Zenith, a large one on Crab Orchard Creek (north of Oakdale), etc. etc. These sites are wounds that OSM has the resources to heal but is allowing to bleed. Consequently, TCWP is joining with LEAF and SOCM in a Petition for Rulemaking that asks OSM to establish a federal AML program for Tennessee, using funds that have been collected in the State. [Orphan-mine reclamation would not only diminish environmental problems, it would also put people to work in parts of the State that most need it.] OSM will have to respond in the Federal Register, setting forth its reasons for granting or denying our request.

### C. OSM's first three permits for Tennessee: a disaster

The first 3 permits granted by OSM since the federal agency took over the Tennessee program on 10/1/84 were issued without the prerequisite State water-quality certification (the so-called NPDES permit). In one of these cases, OSM actually gave approval to destruction of a small stream. State agencies as well as the U.S. Fish & Wildlife Service opposed the issuance of this stripmine permit which then had to be revised by OSM in order to become eligible for an NPDES permit. Since OSM did not admit its mistakes or offer to mend its ways, a number of citizens' groups have notified the agency of their intention to file suit if the policy of premature issuance of stripmine permits is not corrected. If any of our readers know of any problems associated with permit applications or with permits that have already been issued, bring them to the attention of the Legal Environmental Assistance Foundation, 602 Gay Street, Suite 507, Knoxville, TN 37902.

\* Order from Div. of Land and Econ. Resources, TVA, 400 W. Summit Hill Dr., Knoxville 37902



D. Our challenge to OSM's regulatory program for Tennessee: partial success

When OSM took over the regulatory program for Tennessee on 10/1/84, it adopted regulations that were largely identical to those promulgated nationally by James Watt. Earlier that year, however, U.S. District Court Judge Flannery had ruled that many of the Watt Regulations were invalid (NL 139 ¶3B). On Nov. 30, 1984 TCWP joined four other groups in a Petition for Rule-making in which we asked OSM to alter its Tennessee regs in conformance with the Flannery decisions (NL 139 ¶3C). OSM's response to our Petition appeared in the Federal Register of February 1, 1985. The response summarizes each of our 14 requested amendments to the regs and OSM's preliminary view as to whether that portion of the petition should be granted. OSM "is disposed to grant" eight of our requests, and is "disposed to deny" the remaining six. Some of the denials are qualified by the statement that "OSM will be proposing national regulations to provide the requested relief which will also apply to the Tennessee program." In the FR notice, OSM also solicits public comment on our proposed changes and on OSM's preliminary views. Comments have now been submitted by LEAF for the petitioners, and we are awaiting the OSM response.

E. Nationally, OSM has problems: underfunding and/or poor management

Knowledgeable citizens' groups have for some time been concerned about the ineffectual workings of OSM and have felt that lack of resources was a key factor. Secretary Hodel, on meeting with citizens, expressed concern about management problems at OSM. On April 10, after being in the job only a short while, John Ward resigned as Director of OSM. Jed Christensen, former Deputy Assistant Sec. of Interior for Water and Science, will serve as Acting Director of OSM and is bringing with him a management team that will attempt to clean up some of the problems currently facing the Office. Less than 3 months before Ward's departure, Brent L. Blawch, a Pennsylvanian with experience in Appalachian stripmining, was named Deputy Directors of OSM.

Hopeful though we may be of improved managerial skills at OSM, the fact remains that OSM is not adequately funded for its huge tasks of regulating stripmining. What is particularly disturbing is that the Reagan Administration 1986 budget for OSM makes no provision for funding a surface-mine-control program in Tennessee after June 1986. Evidently, the assumption was made that the State would have regained primacy by then. It is, however, clear that this can't be the case, since the first step, passage of a state law, has not occurred (see ¶3D, this NL).

WHAT YOU CAN DO: Support an increase in appropriations for OSM, especially for the Tennessee Program. Write Hon. Sidney R. Yates, Chairman, House Subcommittee on Interior Appropriations, B-308 Rayburn House Office Bldg., Wash. DC 20515.

9. THE VALLEY ENVIRONMENTAL NETWORK AND OTHER TVA MATTERS

A. VEN is developing white papers

LeRoy Fox is representing TCWP on the core committee of VEN, the Valley Environmental Network. VEN is a recently formed group working to involve the broader environmental community in developing white papers that will provide the basis for the program for the next TVA Environmental Constituency meeting in October. Other organizations represented on the core committee are the Alabama Conservancy, the Kentucky Fair Tax Coalition, the Tennessee Conservation League, the Tennessee Environmental Council, the Sierra Club, and Save Our Cumberland Mountains. Martha Ketelle represents the TVA Environmental Quality Staff on the committee, which is chaired by Annetta Watson of SOCM.

The core committee met on March 29 and chose three topics for possible consideration: Air Quality, Solid and Hazardous Waste, Abandoned Mine Lands.

The goal is to provide the TVA Board with a statement of how the environmental community views the magnitude of the problems; what are the long- and short-term impacts on resources important to us; and what role we think TVA should play in resolving the problems that are identified.

The issues chosen are of regional importance and are likely to be the subjects of TVA Board policy decisions within the year. The actual topics of the white papers may be narrowed after

the core committee evaluates the responses it receives to its request for input currently being circulated to a wide range of groups.

#### B. TVA capsules

- In a letter to David Stockman, Senators Sasser and Gore point out that the Administration's proposed 70% reduction in TVA's non-power budget would come on top of a 40% reduction that has already been implemented over the past 3 years. They and other members of the Tennessee Congressional delegation would support a freeze, or even a fair, reasonable cut for TVA, but not OMB's arbitrary, draconian approach. Your Representative and Senators still need to hear from constituents on the need to save TVA's environmental protection programs (see, e.g., the abandoned mineland work, ¶ 8A, this NL)
- The March issue of TVA's publication IMPACT is devoted to a 10-page overview of the broad range of activities that is within the purview of the Office of Natural Resources and Economic Development, ONRED. Among the programs described are Air Resources, Water Resources, Land Resources, and Land Between the Lakes. For a copy of this informative issue, write TVA ONRED, Room 272, 401 Bldg, Chattanooga, TN 37401
- In early January, TVA's newest director, John Waters, held a hearing about Columbia Dam at Columbia. TCWP and other environmental groups were not officially informed of this happening which, we were told, was arranged to acquaint Mr. Waters with the issue. We subsequently wrote to point out that all three of TVA's previous directors had last year testified in Congress that the costs of the dam would exceed its benefit. In our statement for the record, we backed up our proposal for a Duck Scenic River alternative to the dam.

### 10. NATIONAL ISSUES

#### A. USDI "unprotects" rivers being studied for WSR designation

The 1968 Wild & Scenic Rivers Act provides for two protected periods for rivers that are under study: (a) a specified length of time (usually 3-6 years) to complete the study, and (b) a three-year period after the date on which the president submits the study to Congress. It had always been assumed that during the interval between completion of the study and the date of its submission to the Congress, rivers remained protected. On Oct 15, 1984 however, then-Asst. Sec. of Interior Ray Arnett sanctioned hydroelectric applications for the Gauley River (West Virginia) during that interval. Since then, USDI has asserted that study rivers whose studies have not been released are no longer protected. Over 30 river segments would be affected by this policy, including the upper Obed. This is the latest in a series of Reagan-administration actions unfavorable to the Wild & Scenic Rivers System. The American Rivers Conservation Council is considering ways in which to challenge the new USDI policy.

#### B. Administration's budget proposals for Park Service are worst ever

The FY 1986 Reagan budget -- worse even than budgets during the James Watt era -- proposes a three-year moratorium on acquisition of parklands and wildlife refuges, and an elimination of land-acquisition grants to states. Only \$11.3 million are proposed for NPS -- for court-ordered purchases only. In FY 1985, Congress appropriated \$210M, including \$74M for state grants. (Under the FY 1986 Reagan plan, the Forest Service would get only \$2M for land acquisition, and the Fish & Wildlife Service nothing.) Acquisition cuts constitute by far the greatest portion of the total NPS cuts; altogether, the Administration proposes to give NPS 35% less in 1986 than in 1985.

As if the FY 1986 cuts weren't bad enough, the Administration has also asked for \$75 million in rescissions, deferrals, and transfers of NPS appropriations for FY 1985 (the Congress is now considering an FY 1985 supplemental appropriations bill). Included in this is a \$30 M rescission of NPS 1985 land acquisition authority.

WHAT YOU CAN DO: Write to Rep. Sidney R. Yates, Chm., House Appropriations' Interior Subcommittee (address, p.13) to point out that, for FY 1986, Land & Water Conservation Fund needs exceed \$600 M. Congress should appropriate as much of this as possible, including at least \$150 M for NPS. (In Tennessee, NPS needs to acquire Obed lands -- see ¶5C, this NL. Appal. Trail acquisition requires \$9 million.) The NPS rivers and trails programs should be maintained at least at current funding levels. NPS personnel should be kept at 1984 levels. There should be no rescissions, deferrals, or transfers of FY 1985 NPS funds.

### C. Endangered Species Act reauthorization

This is the major wildlife issue facing the Congress this year. There are three major lobbies. (a) Western water-development interests, who are afraid the Act will interfere with certain hydro or irrigation projects that would affect the habitat of whooping cranes and other endangered species, want only a one-year extension (the Act was last re-authorized in 1982) so that they can push for amendments in 1986 in case their problems are not resolved administratively. (b) The Administration says the Act is working and has asked for a 4-year extension. Sen. Chafee's S.725 would simply reauthorize the Act for 5 years -- at current funding levels (\$42 million/yr) to start with, and a slight increase after 3 yrs. (c) Environmental groups want a 4-5 year reauthorization and a strengthening of the Act.

A major need of the program is increased funding. Thus, at the present rate, it would take 20 years to list the currently identified candidate species alone (3827 of them), let alone any yet to be identified. Funding is also needed for implementing species-recovery efforts, including habitat acquisition. At least \$85 million is needed for FY 1986, \$93 M for FY 1987, and \$100 M for FY 1988. Other proposed strengthening measures include giving interim protection (which is currently lacking) to "candidate" plant species that are under consideration for full protection, and protecting peregrine falcons by banning them from interstate commerce.

WHAT YOU CAN DO: To support reauthorization of a strengthened Act write your own U.S. Representative and Senators, and send copies to Sen. Robert Stafford, Chm, Senate Environment and Public Works Committee, and Walter Jones, Chairman, House Merchant Marine and Fisheries Committee. To increase funding, write Rep. Sidney Yates and Sen. James McClure, chairmen of the House and Senate Interior Appropriations Subcommittees (addresses on p. 13).

### D. Nuclear dump at Canyonlands?

With our NL 140, we enclosed an NPCA Action Alert about possible choice of land adjacent to Canyonlands National Park as a nuclear dump. TCWP objected to this site in letters written to DOE, the Sec. of Interior, the Governor of Utah, and our two Senators. Canyonlands was not <sup>chosen</sup> among the top 3 candidates for the dump, but it was No. 4 (Davis Canyon, adjacent to the Park). This means that if any one of choices Nos. 1-3 prove unfeasible, Canyonlands will be pulled into the feasibility testing cycle. This in itself would be terribly destructive, with round-the-clock blasting, roadbuilding, and the drilling of hundreds of test holes. To oppose any further nuclear-dump plans for Canyonlands, write U.S. DOE, Comment-EA, 1000 Independence Ave, SE, Wash. DC 20585.

### E. Changes in leadership

- Donald P. Hodel, formerly Sec. of Energy, replaced William P. Clark as Sec. of the Interior in March. Hodel, an experienced public servant, was Undersecretary of the Interior under Watt before moving to DOE. He points out, however that he is not a "James Watt clone," and has a good record for accessibility and fairness.
- To date, there is no replacement for Assistant Sec. of Interior for Fish, Wildlife, and Parks. G. Ray Arnett, who had held this job, in February became Exec. Vice President of the National Rifle Association (NRA). Though, in his former USDI job, he signed the regulation that stopped hunting and trapping in National Park Service units that did not specifically prohibit these activities, he is said to have been instrumental in having USDI delay implementation of this regulation four times. His new job is therefore undoubtedly where his heart is.
- There is also no replacement yet for National Park Service Director Russell Dickenson, although William Penn Mott, Jr. is considered to be the frontrunner among those being considered. Mott was director of California state parks while Reagan was governor. Mary Lou Grier is Deputy NPS Director.
- Before leaving the USDA, former USDI Sec. Clark terminated the National Park System Advisory Council which, some feel, served as the conscience and memory of the NPS.
- Peter C. Myers, formerly chief of the Soil Conservation Service, has replaced Robert B. Crowell, Jr. as Asst. Sec. of Agriculture for Natural Resources, a post with responsibility over the Forest Service. Environmental groups consider him less confrontational than his predecessor.

- The House Public Lands and National Parks Subcommittee has been split in two. Rep. John Seiberling heads the new Public Lands Subcomm., and Rep. Bruce Vento chairs the National Parks and Recreation Subcomm.

## 11. TCWP NEWS

### A. North Ridge Trail maintenance trip, May 19

Sections of the trail that TCWP developed in Oak Ridge's northern greenbelt are in need of maintenance. We hope you will help us in a half-day worksession. We shall meet Sunday, May 19, at 2 p.m. in Orchard Circle. One group will go east and the other west. Cars will be placed at each of these ends to bring hikers back to the middle at the end of the trip. Bring a plastic trashbag, and clippers (if you have them). For further information, call Chuck Coutant, 483-5976.

### B. Annual meeting set for Oct. 11-13 at Pickett State Park

Mark your calendar now. We return to one of our favorite sites, especially appropriate this year since designation of natural areas at Pickett will be one of our 1986 projects.

### C. The letter-writing social held at the Soup Kitchen on March 6 was a great success. Almost 20 members enjoyed a delicious supper prior to turning out large numbers of letters.

### D. News about TCWP members

- One of our Board members recently won a highly prestigious national conservation award. We are sworn to secrecy until the next NL. See page 13.
- Walter Criley, Director of Policy Analysis/Planning in the TN Dept. of Conservation recently underwent surgery. We wish him a totally successful recovery!
- Bill Chandler, former TCWP exec. director, recently authored a highly acclaimed Worldwatch Institute paper entitled "Energy Productivity: Key to Environmental Protection and Economic Progress." Subsequently, Bill traveled all over Africa to gather material for a new study on the relation between environmental disturbances and nutritional problems.
- Another former TCWP exec. director, Jenny Freeman, and her husband Ken Johnson are in the wilds of mainland China studying panda populations.
- And our present exec. director, Sandra Edwards, recently completed a monumental study for the League of Women Voters entitled "Hazardous Waste/Citizen Involvement" (\$2.50 from LWV of TN, c/o Ruzha Cleveland, 1000 Signal Mtn. Blvd, Signal Mountain, TN 37377). A few weeks ago, Sandra was chosen as moderator for a panel on "Hazardous Waste Management in the TVA Area."
- We are sorry to report the death at 83 of honorary member Paul Adams. Paul was highly involved in establishing the Gt Smoky Mtns National Park and started the forerunner of the Mt. Le Conte Lodge.

### E. Legislative Guide update

The Guide mailed with NL 140 needs the following corrections:

On the Federal side, item 2e (EPA): Jack Ravan has replaced Charles R. Jeter as Region IV Administrator (Ravan also was in that job 1971-1977)

On the State side, item 2b: The DoC Zip Code is 37219-5237;

item 2.c.iii: change Div. of Water Management to Div. of Water Pollution Control;

item 2.c.v: remove Joe Covington; add Earl Lemming, Acting Director

## 12. THINGS TO DO AND THINGS TO READ

- Enjoy Tennessee's scenic Clinch River. Clinch River Outdoors, operated by SOCM friends Boomer Winfrey and Johnny Burris, provides float service with rental of fully equipped canoes or rafts. Their riverside store also provides camping space, bait, tackle, and food. Canoes and outdoor equipment are for sale.
- The Smoky Mountain Field School offers about 20 short courses in subjects such as White-water canoeing, Mushroom Identification, Winter High Country Camping. The school is a joint venture of the National Park staff and UT. Fees range from \$20 to \$350. For brochure, write Dr. Gayle D. Cooper, 2016 Lake Ave, UT-Knoxville, TN 37996-3515 (Continued below Action Summary)

13. ACTION SUMMARY

¶ No.	Issue	Contact	"Message!" or Action
1C	Cherokee Wilderness	Rep. Quillen	"Introduce bill w. Citizens' Proposal!"
1C	Cherokee timber Plan	US Rep. and Sens.	"Oppose the Plan!"
2	National Guard Center	all US Reps.&Sens. Gov. Alexander, Gen. Wallace	"Do not choose this site!"
3A	Natural Areas acquisition	Speaker McWherter Rep. Jim Henry	"Appropriate \$2 million!"
3B	Rare Plants Protection	Sen. Henry, Rep. Cobb	"Thank you!"
4F	Eastern State WMA	Sally Myrick	Offer assistance
8C	OSM permits	LEAF	Inform about known problems
8E	OSM appropriations	US Rep. Yates	"Increase OSM funding!"
9B	TVA budget	US Rep and Sens.	"Save TVA environmental programs!"
10B	Parklands acquisition	US Rep. Yates	"Appropriate adequate LWCF! Prevent 1985 recissions, etc.!"
10C	Endangered species	US Rep and Sens, with various copies	"Reauthorize a <u>strengthened</u> Act w. increased funding!"
10D	Canyonlands dump	USDOE	Oppose nuclear dump at Davis Canyon
11A	North Ridge Trail	C. Coutant	Volunteer for maintenance hike

12. THINGS TO DO AND THINGS TO READ (CONT'D.)

- Public meetings to develop a management plan for TVA lands on Watts Bar Reservoir will be held 6-9 p.m. (EDT) May 13 (Lenoir City), May 14 (Kingston), May 16 (Spring City). Call the TVA Citizen line, 1, 800, 362-9250 for more info.
- 1985 Conservation Summits are offered by the Natl Wildlife Federation. These week-long vacations combine recreation and education and are designed for people of all ages, including whole families. Black Mountain, NC, 6/22-6/28/85; Estes Park, CO 6/30-7/6/85; Antigonish, Nova Scotia, 8/4-8/10/85. Write Sue Shikaze, Conservation Summits, Dept. BNR, Natl Wildlife Federation, 1412-16th St., NW, Wash. DC 20036 (Ph.:703, 790-4236, or 202, 797-6800).
- "Wetlands of the United States: Current Status and Recent Trends," US Fish & Wildlife Service (\$3 from Supt. of Documents, US Government Printing Office, Wash, DC 20402)
- "EQ Index," an 8-page report on the current status of the American environment by the National Wildlife Federation, may be ordered from Educational Services, NWF, 1412-16th St., NW, Wash. DC 20036. (First copy free; 2-100 copies, 50¢ each; over 100 copies, 40¢ each.)
- Look in your TV Guide for announcement of a series on tropical forests. Deforestation in such areas is occurring at the rate of 55 acres per minute!

NEWS JUST RELEASED: Don Todd won a 1985 Gulf Oil Conservation Award for organizing the successful citizen campaign to keep the land adjacent to Frozen Head Natural Area free from surface coal mining. He will receive \$1,000, a trip to Washington, and a bronze plaque. CONGRATULATIONS!

Mark your calendar now for TCWP annual meeting, Oct. 11-13, Pickett

