

TENNESSEE CITIZENS FOR WILDERNESS PLANNING
Newsletter No. 147, February 18, 1986*

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

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- Among several available information lines, the following may be of interest: Acid Rain Info Clearinghouse: (716) 546-3796; Sierra Club Washington recording: (202) 547-5550; EPA Toxic Substances Control Act Hotline: 1-800-424-9065; Consumer Product Safety Commission: 1-800-638-2772
- NPS Director William Penn Mott's twelve-point plan outlines goals for many park management concerns, including resource protection, land acquisition, interpretation, etc. Write Office of Public Affairs, NPS, U.S. Dept. of the Interior, P. O. Box 37127, Wash., DC 20013-7127.
- "The National Parks: A Fragile Treasure of Species That Can Keep the Planet Alive and Well," by Wm. Penn Mott appeared in the Jan/Feb. issue of the NPCA magazine NATIONAL PARKS.
- The Office of Water Management, Tenn. Dept. of Public Health, has issued a Nonpoint Source Assessment Survey for Tennessee as part of a National Nonpoint Assessment Project. Call Lamar Bradley, (615) 741-6623..
- The Nature Book Soc (10th & Mulberry, P. O. Box 10875, Des Moines, IA 50381-0875) is a book club that sends royalties from each book sale to the participating societies, namely, Sierra Club, Natl. Audubon, NRDC, FOE, ZPG, Defenders of Wildlife, Cousteau Soc., etc. Books include nature classics, field guides, works on environmental politics, etc.
- "Competition for Land in the American South," by Dr. Robert G. Healy, examines the conflicts between competing users of the South's resources, such as hardwood timber, water, wildlife. Released at a Duke Univ. symposium, the book is published by the Conservation Foundation (\$17.50 + \$2 shipping from Lydia Anderson, Dept. YY, The Conservation Foundation, 1255-23rd St., NW, Wash. DC 20037).
- A Nature Study Booklet Series, 8 titles (50¢ each), is available from Warriors' Path State Park, P. O. Box 5026, Kingsport, TN 37663.

14. ACTION SUMMARY (See Political Guide for addresses)

¶ No.	Issue	Contact	"Message!" or Action
1A	Oil & gas drilling (SB95/HB303)	See article	"Regulation is needed!"
1B	Natural areas (budget)	Your Sen. and Rep.	"Support \$2M appropriation!"
1C	Billboard removal (SB1742/HB1618)	See article	"Support bill!"
1D	Wetlands acquisition (HB145/SB433)	See article	"Support bill!"
1E	Soil conservation HB1295/SB1318, HB1780/SB1865	See article	"Support both bills!"
1F	Eastern State WMA HB1397/SB1691	Knox Cy legislators	"Support bill!"
1G	Surface owner's relief	Sen. Elkins; your Rep. & Sen.	"Support bill!"
1H	Abandoned mines	Sens. Albright, Lashley, Henry	"Add appropriation!"
2A	House Mountain	Gov. Alexander	"Purchase this natural area!"
3A	Tennesseans Outdoors	Doug Cameron	Offer testimony
4	Columbia Dam	Sens. Sasser, Gore Reps. Gordon, Cooper	"Stop this dam!"
7A	TVA Board	Both U.S. Sens.	"Oppose nominees who would sell TVA!"
7B	TVA budget	US Rep and Sens.	"Oppose cuts in non-power budget!"
11G	Cuts in envtl. programs	US Rep and Sens.	"Instead, cut pork barrel projects!"

1. ISSUES BEFORE THE GENERAL ASSEMBLY: THIS MONTH'S PRIORITY

Our most important job this month is to have an input into environmental matters being considered by the Tennessee General Assembly. Remember that members of TCWP and other Tennessee environmental groups are THE constituency on these issues. If we aren't heard from, the other side surely will be.

From the paragraphs below, please pick at least three issues that concern you and act on them. Remember that the state's legislative session is a short one. Use the Political Guide we mailed you 2 weeks ago for addresses and other info (and don't hesitate to call us at 482-2153 for a replacement if you've lost it). The Guide also lists numbers to call to check on progress of a bill. Add to these the legislative reference line of the League of Women Voters, 615, 383-5626.

A. Regulation of oil & gas drilling: SB 95/HB303

Unregulated oil and gas drilling is now a major threat to the Cumberlands (NL 145 ¶4A), producing oil spills into creeks, pollution of aquifers, pipeline proliferations over the landscape, and steep and eroding clearcuts for roads and pipes. In 1985, the Oil & Gas Board supported a bill to require drillers to post bond, submit pre-drilling plans, and abide by requirements to reclaim the site and related roads, etc. Industry pressure kept it bottled up in committee. A similar bill, SB 95 (Koella)/HB303 (Duer), is now again in committee and will need your strong support. The Tennessee Environmental Summit (in which TCWP participated) passed a resolution in favor of such legislation. Your letter or card need not go into any detail -- the main point is that oil & gas drilling is in bad need of regulation and its adequate enforcement. Write to the bill's sponsors and to key members of the Senate Energy Subcommittee -- Senators Burks, Albright, Davis. When the bill gets out of committee (soon, we hope) your own Senator and Rep need to hear from you too.

B. Natural Areas funding

The Governor's budget this year again includes a \$2 million item for acquisition of natural and cultural areas. Since a big part of last year's appropriation has been spent (see ¶2B, this NL), and since we don't know whether the new governor will support this program next year, it is more important than ever to do all we can on behalf of the appropriation. Contact your own Senator and Rep. Your message can be very brief.

C. Billboard removal. SB 1742/HB 1618

Presently, there are over 10,000 billboards along Tennessee's state and interstate highways, and billboard owners are permitted by law to cut trees that would obscure full view of the display. Some of this blight may disappear if Gov. Alexander has his way. He is personally lobbying for a bill that would create 670 billboard-free miles of interstate by eliminating 2,447 billboards in the rural stretches between cities and towns. The bill would ban tree-cutting on state property in front of nearly 80% of all billboards along primary and interstate highways. Tennessee would become the 25th state to use logo signs at interstate exits in 6 areas. Other beautification efforts mandated by the legislation include: (a) screening and landscaping of the 100 worst-looking junkyards (plus specific requirements for screening the rest), and (b) landscaping of 100 interstate interchanges (businesses and communities would be encouraged to "adopt an interchange"). The cost of implementing the proposal is \$2.5 million/year for 10 years. Funding would come from: (a) increasing the annual billboard permit-renewal fee to \$50; (b) implementing a privilege tax for billboards; and (c) the remainder, from general appropriations. SB 1742 (Atchley, Cohen)/HB 1618 (McNally, Scruggs, May) is being fought tooth and nail by the sign industry. However, there is plenty of evidence to show that cities with the best economic growth are those that have tight sign control, and vice versa. You need to express your views to your own state representative and senator very soon (even a postcard will do). Also needed are communications to Speaker Ned Ray McWherter, asking him to move the House bill from the Commerce Committee (a hostile environment) to the Transportation Committee (where it belongs) and to Lieutenant Governor John S. Wilder.

D. Wetlands acquisition funding: HB 145/SB 433

The state's wetlands and their amazing ecological diversity are disappearing at an alarming

rate. So are bottomland hardwood forests. A bill that is currently in committee would painlessly generate funds for acquiring and protecting such lands. HB 145 (Byrd)/SB 433 (Richardson) raises the fee for recording a property deed by about 15% (from 26¢ to 30¢ per \$100 value) for 10 years. The extra amount collected during this time, estimated at \$2 million annually, is dedicated to a wetlands acquisition fund. Legislators to contact: Sen. Lashley, chairman of the Senate Energy & Natural Resources Committee; Rep. U. A. Moore, chair of the appropriate subcommittee of the House Conservation Committee; the bill's sponsors (Rep. Byrd, Sen. Richardson); your own Rep. and Senator.

E. Two soil-conservation-related bills: HB 1295/SB 1318 and HB 1780/SB 1856

HB 1295 (Byrd)/SB 1318 (Richardson) would expand the powers of the State Soil Conservation Committee to generate a statewide plan, and to recommend appropriations and legislation. This process would provide a public forum for soil-conservation and related issues; presently, there is none.

HB 1780 (Byrd)/SB 1856 (Lewis) would add two conservation representatives to the State Soil Conservation Committee. Further, 6 of the 7 farm members would be picked by the Tenn. Assoc. of Conservation Districts, instead of by the Farm Bureau (which has been hostile to conservation).

Comments on these two bills should go to the sponsors (Rep. Byrd, Sen. Richardson, Sen. Lewis), the respective committee chairmen (Rep. Hillis, House Conservation & Env't. Comm., and Sen. Lashley, Senate Energy & Natural Resources Comm.), and to the two speakers (Wilder and McWherter).

F. Eastern State Wildlife Management Area needs support of Knoxville-area residents (HB 1397/SB 1691). In a bend formed by the Holston and Tennessee Rivers just east of Knoxville lies the Eastern State Wildlife Observation Area, 330 acres of woodland and old fields inhabited by 179 species of birds, 204 species of butterflies, deer, fox and many other animals and plants. The area has been managed by the Tenn. Wildlife Resources Agency (TWRA) for the past 10 years, and serves as an outdoor classroom for UT and IJAMS. For some time now, the Knox County Commission has eyed the area as a possible industrial park. At the same time, support has been growing for keeping it as it is. In response to this support, several Knox County legislators have introduced a bill that would permanently transfer Eastern State to TWRA as a Wildlife Management Area. These legislators need to hear from you because they are under strong pressure from Knox County Executive Dwight Kessel and from the Knoxville Chamber of Commerce to leave at least 100 acres (along the rivers) for industry and/or to make the transfer to TWRA less than permanent. The House bill, HB 1397, is sponsored by Reps. Severance, Peroulas, Scruggs, and J. K. Davis; the Senate bill, SB 1691, by Owen. Sen. Atchley should also hear from you.

G. Surface owner's relief: SB 1314/HB 1589

On huge acreages of Tennessee lands, surface and mineral ownership has been separated for decades. Many surface owners cannot even find out who owns the mineral rights, and this uncertainty affects the value of the property and clouds the title (which, in turn, leads to difficulties on securing financing for, say, construction of a home). The unidentified mineral estates remain untaxed, resulting in loss of revenues to the counties. Perhaps the worst feature of split estates is that the mineral owner does not care about causing damage to the surface (which he does not own) when he develops the minerals.

SB 1314 (Burks, Koella, Longley, Moore)/HB 1589 (Crain, Covington, Hillis, Jared, Kernell) provides that when minerals are "abandoned" (no development for 20 years, no taxes paid), they revert to the surface owner. It also gives surface owners the first chance to purchase, if minerals under them are sold; and it prevents future severance of surface and mineral estates. Senator Elkins, who represents many TCWP members, is a key person on the Senate Energy and Natural Resources Committee. He may be called in Clinton (457-1305) or Nashville (741-3739).

H. Reclamation of abandoned mine lands: a budget item

Sen. Albright will propose an amendment to the budget which would provide \$1.3 million per year, for 10 years, to pay for reclamation of the 44 worst abandoned mine sites. If this funding is

approved, work could start as early as this summer, since the sites had already been surveyed under the AML program (which has now ceased in Tennessee, see NL 144 ¶7B). The state's AML employees, who are currently working for OSM under an intergovernmental personnel arrangement, would return to the Dept. of Conservation. Concerning the budget amendment, the following should hear from us: Sen. Albright (to express our thanks), Sen. Lashley (chmn. of the Energy & Natural Resources Comm.), and Sen. Henry (chmn. of the Finance Committee).

2. STATE NATURAL AREAS

A. Support House Mountain (Knox County) Natural Area

House Mountain, northeast of Knoxville (between Mascot and Corryton) and the highest point in Knox County (2100 ft), has so far escaped most of the suburban development that has affected the areas west and north of the city. Its heavily wooded steep slopes and rock outcrops support a variety of animal and plant life, and its crest provides views of the Smokies and Cumberlandlands. In 1979, the state attempted to purchase 833 acres of the mountain under the Natural Areas program, but local ignorance about the program's intent allowed the proliferation of hostile rumors, and the state abandoned its attempt. Now, the Trust for Public Land is in a position to buy 524 acres from a willing seller (Albert Kern, Jr, who wants to see the area protected) at less than market price. Not only that, but TPL has also assured some local support for state ownership of the area. (TPL would sell to the state).

WHAT YOU CAN DO: Write to Gov. Alexander (copy to Commissioner Howell), asking him to request a special appropriation (additional to the \$2 million Natural Areas appropriation) for the purchase of the Kern Tract. This would probably require about \$300,000, very cheap for this land. If we wait, it'll get much more expensive. Point out that Knoxville, unlike Tennessee's other major cities, has no urban parks or nearby natural areas. Send copies of your letter to Rep. Jimmy Kyle Davis and to Senator Atchley, and ask them to distribute copies to the other members of the Knox Cy. delegation and to Speaker McWherter and Lt. Gov. Wilder.

B. Robertson tract (Highlands of the Roane) added to Natural Areas System. Purchase of this 693-acre tract was approved by the State Building Commission. All land-owner negotiations and initial purchase were carried out by the Kingsport-based Southern Appalachian Highlands Conservancy (SAHC), which ended up \$93,000 in the red since the state will pay only the appraised price, \$657,100, while the owner wouldn't sell for less than \$750,000. SAHC will manage the property under contract with the State.

C. The Tennessee Natural Areas System Plan has just been released. Sandra Edwards was TCWP's representative on the ad hoc Natural Areas Advisory Committee, which helped with the formulation and review of the Plan. Commissioner Howell has now designated this Committee as a permanent advisory body for the Department of Conservation. The Committee includes directors of 4 citizens groups (TEC, TCL, TCWP, The Nature Conservancy) and representatives of the academic community, the Conservation Commission, the Safe Growth Staff, TWRA, and various DoC Divisions.

D. Tennessee River Gorge receives first private gift. Bowater, Inc., on Oct. 30 donated 1,100 acres to the Nature Conservancy's 25,000-acre project (NL 145 ¶6E). The tract is one of the most ecologically diverse and beautiful hollows in the gorge and contains the area's best example of old-growth timber, as well as a number of rare plants.

3. OTHER STATE MATTERS

A. Tennesseans Outdoors seek testimony

The Governor's Commission on Tennessean's Outdoors (the State counterpart of PCAO, see ¶10) is preparing position papers on future outdoor recreation in our State -- what factors will affect supply/demand, how to finance it, etc. To encourage public input, Tennesseans Outdoors' exec. director Doug Cameron and Chairperson Ann Tidwell have scheduled several listening sessions across the state. TCWP member Marge McCormick read our testimony at the first of these, Feb. 6, in Nashville. Another session will be held March 10, 7:30 p.m., in Knoxville (TVA, West Tower, 1st floor auditorium). We encourage you strongly to attend this session and make a brief statement. The outdoor recreation industry (including ORV marketers) is being heard

from in a big way. We need to urge the Commission to consider not just the short-term indulgence of the outdoor user groups (especially, where these uses are consumptive of resources), but the long-term needs of the outdoor environment. Specifically, the means for preserving more extensive areas of natural lands and waters should be carefully examined and concrete proposals made. If you can submit (and/or present orally) a brief statement, contact Doug Cameron, Exec. Director, Tennesseans Outdoors, 300 Citizens Plaza, 400 Deaderick Street, Nashville, TN 37219; or call 615, 741-4437.

B. Scenic Rivers recommendations accepted

Last fall, the Scenic Rivers Task Force (which included TCWP's Bill Russell and Don Todd) formulated 9 recommendations for strengthening the State Scenic Rivers System (see NL 144 ¶6). These recommendations were submitted to the Dept. of Conservation Policy Group, which was at first surprised that the Task Force had not suggested changes in the law. Subsequently, the Policy Group, and then the Commissioner approved the document and forwarded it to Gov. Alexander. On January 8, he thanked the Task Force members and wrote: "The decision to pursue these remedies administratively rather than by legislation was a sound one, and I support your recommendations as a guide for scenic rivers management."

C. Protection of areas within Pickett State Forest

TCWP has asked Commissioner Howell to consider withdrawing three watersheds within Pickett State Forest from timber management. The watersheds are Rock Creek, Thompson Creek, and Flint Fork. The TCWP request will be followed by supporting information on habitat, scenic, scientific, and recreational values which, we believe, outweigh the value of timber that could be harvested. Of the respondents to our questionnaire (distributed at TCWP and Sierra Club annual meetings last fall), 85% felt that the scenery in Pickett was superior to that of other state parks.

D. Toward control of sand and gravel dredging

Sand and gravel dredging in Tennessee's rivers has been occurring with virtually no regulation (except when materials are discharged into the water, in which case a Corps "404" permit must be sought). Recently, with impetus and financial aid from the Governor's Safe Growth Team, the Division of Water Pollution Control (WPC) developed a proposal for a General Permit which would specify invariably applicable conditions, such as: operations must be conducted in the dry, with the gravel-water interface not disturbed; access to the work area may be made at one point only; the normal condition of the dry area must be restored at the end of work; state Scenic Rivers and Natl. Wild & Scenic Rivers are off-limits. The comment period on this proposal has ended. To ascertain the current status of the regulations, call Larry C. Bowers, WPC, 615, 741-7883.

E. Spencer Range: deceptively quiet?

The Tennessee National Guard's (TANG) push for a 114,000-acre training range between Savage Gulf and Fall Creek Falls continues -- but quietly. The Guard is presumably studying the Corps of Engineers (Mobile District) Real Estate Planning Report, which will form part of the basis of a TANG environmental report, expected mid-1986. The Legal Environmental Assistance Foundation (LEAF) has filed a Freedom of Information request for the Corps' real estate report.

F. The Long Hunter State Park manager has announced completion of the Volunteer Trail, 6.5 miles long, and suitable for day hiking or backpacking (13 mi roundtrip). The trail, built entirely with volunteer labor, wanders through mixed hardwoods on hills flanking J. Percy Priest Reservoir, about 12 miles from Nashville (trailhead just off TN 171).

G. The Conasauga River in Polk and Bradley Counties has been designated critical habitat for two newly listed endangered species, the amber darter and the Conasauga logperch. Non-degradation of this clean stream is essential for the survival of these species.

H. Tennessee received 5 awards from Keep America Beautiful, including the first place National Award which went to the Clean Tennessee program headquartered at Memphis State Univ. (Solid waste handling and recycling; enforcement against illegal dumping). Other awards went to

programs in Kingsport, Bristol, and Nashville, and to the TN Dept. of Transportation. Only Virginia surpassed Tennessee in the number of prizes.

J. Corps budget for Tennessee

Included in the Administration's FY 1987 budget is a Corps of Engineers' request for \$25.1 million for Tennessee projects. Almost 99% of this amount is for operations and maintenance on various existing Corps dams, locks, and reservoirs. For the Big S. Fork NRRRA budget request, see ¶5A.

4. COLUMBIA DAM HEARINGS. YOUR COMMENTS NEEDED

On November 27, TCWP commended TVA for the thorough and expert fashion in which it had analyzed the remaining benefits and costs of Columbia Dam in TVA's recent draft report to OMB. This latest benefit/cost ratio had, as you may recall (NL 146) come out to be only 0.4/1.0, using the prescribed interest rate and a realistic completion time.

In our letter, we also asked TVA that if a public hearing were planned in connection with this report, it be held in Knoxville to allow adequate representation of regional and national interests, instead of at Columbia where local dam promoters have, at many past hearings, jeered those of us who have made the long journey. Three other groups seconded our sentiments. On Dec. 17, Chairman Dean wrote that no decisions on any public meeting had been made. Just after New Year's, we checked again with TVA, knowing that nobody would be receiving TCWP mail during the next 2 weeks (vacation). How shocked we were to find, on our return, that a Knoxville TVA Board meeting on January 15 had been opened to comments on the Columbia Dam report. Even had we been home, we would have had only about 5 days' notice. TVA also failed to reach the 3 other groups (with equally short notice). The fact that no one at the January 15 meeting spoke against the Columbia Dam should certainly not be construed as lack of interest!

A public meeting, with full notice, is taking place at Columbia on February 19. Our Exec. Director Pam Petko-Seus will make an oral presentation for TCWP and transmit our comments also to members of the Tennessee Congressional delegation. In addition to expressing our outrage at the thought of completing such a wasteful project (especially at a time when worthwhile federal spending is being drastically cut), we suggest a positive alternative: development of the Duck as a scenic river. Such a possible plan was already outlined in a 1979 TVA report to OMB on "No Impoundment" alternatives.

WHAT YOU CAN DO: Facts show that the Columbia Dam should never be completed. Unfortunately, lawmakers are often influenced by perceived political support more than by facts. Express your views (very briefly, if you wish) to Senators Sasser and Gore and to Congressmen Gordon and Cooper, as well as your own Congressman (see Political Guide for addresses). Also (if you can do it by March 1) mail your comments to Citizen Action Office, TVA, 400 W. Summit Hill Dr., Knoxville, 37902, for inclusion in the hearing record.

5. OBED AND BIG SOUTH FORK ISSUES

A. Corps request for Big S. Fork funding should be directed to land acquisition

Included in Pres. Reagan's FY 1987 budget is a Corps of Engineers request for \$9 million for "construction" in connection with the Big South Fork National River & Recreation Area. This amount would buy much, if not all, of the land in the so called "deferred areas." These are areas within the authorized boundary of the BSFNRRRA, acquisition of which the Corps has indefinitely postponed, choosing instead to spend funds for construction of lodges, campgrounds, and roads. One especially important "deferred area" is that between the upper North Whiteoak Creek and its Laurel Fork, a beautiful wild region threatened by mineral development.

WHAT YOU CAN DO: Write to Senators Sasser and Gore, and to your Representative (Cooper, Boner, and Duncan are particularly important), urging them to support a Corps appropriation provided it is earmarked for acquisition of "deferred areas."

B. Hearing on Lavender Bridge Pollution

On August 19, 1985, TCWP filed a formal complaint (under Sect. 69-3-118[a]T.C.A.) on the pollution of White Creek (a tributary of Clear Creek), resulting from construction of a new

Lavender Bridge (NL 144 ¶3B). A similar complaint was filed Oct. 31 by TSRA, and another one, earlier, by former state senator Victor Ashe. We were informed that the Division of Water Pollution Control had performed on-site inspections on Oct. 3 and 21 and had made no further recommendations concerning sediment control. We found this response to be inadequate and appealed the determination. Consequently, a Water Quality Control Board (WQCB) hearing will be held March 13 in Nashville to determine whether the WQCB should take enforcement action against the construction company and/or the Dept. of Transportation. Anyone wishing to accompany Pam Petko-Seus to this hearing should call 577-2596 or 482-2153 as soon as possible.

C. In the press: the BSFNRRA and abandoned coal mines

- CONTEXT (Vol. 3, No. 6, 1/15/86), a Univ. of Tennessee publication, carries a story about an experimental planting in the BSFNRRA. Dr. Ed Buckner, a UT forester, reports that several plots were started by UT, in collaboration with TVA and NPS to study techniques for reforesting highly acidic soils from abandoned mines, so-called gob-piles, of which there are several in the Area. According to Buckner, the Corps is now planning to dump debris from a nearby roadbuilding project on the site, before the experiment is completed. We have not yet been able to determine whether alternative dumpsites might be less, equally, or more harmful.
- The KNOXVILLE NEWS-SENTINEL of 11/17/85 carried a story by Fred Brown, subtitled "Water problem ignored as park funds flow." The article enumerates the large expenditures that have been and are being made for road construction, Bandy Creek campground, Blue Heron tipple reconstruction, two lodges, etc., then points out that nothing is being spent to prevent the stream pollution, most of which comes from abandoned stripmines in the watershed. Rep. Jim Cooper is quoted as saying (and we concur) that what should pay for this cleanup is OSM money under the Abandoned Mine Lands (AML) Program, which is presently being withheld from Tennessee (NL 144 ¶7B). The article also quotes TCWP's position that BSFNRRA money should be used for acquiring the deferred lands rather than for luxury developments.

6. FROZEN HEAD: STATUS OF LANDS-UNSUITABLE-FOR-MINING PETITION, etc.

- On November 25, the Office of Surface Mining (OSM) refused to recognize the April 1984 decision by the Tenn. Commissioner of Health & Environment (DHE) to designate 9 square miles adjacent to Frozen Head State Park as unsuitable for surface mining. (For background, see NL 145 ¶3.) OSM cited as reason for their decision their interpretation of the TN Attorney General's opinion that the Board of Reclamation Review, (to whom DHE designation had been appealed by the mine operator) had been divested of jurisdiction when the Tenn. program ceased to exist, and that, therefore, determinations pending appeal before this Board were void. On January 7, LEAF, acting as attorneys for the Frozen Head State Park Assn., TCWP, and others, appealed to the USDI's Board of Land Appeals (IBLA), requesting that OSM be ordered to accept and implement the original DHE designation. The brief makes the strong case that OSM had misinterpreted the TN Attorney General's opinion, which, in fact, explains at length that the lands-unsuitable designation, although not now valid under State law, is enforceable under Federal law. The brief also points out that it reflects poor fiscal management on the part of OSM to spend staff time and money in reviewing a petition that has already been reviewed. OSM has notified us that it is awaiting outcome of our IBLA appeal before taking any further action on Frozen Head.
- As of Feb. 1, Frozen Head has a ranger-naturalist. He is David Engebretson, a 1985 graduate of East Tenn. State Univ., who has previous experience at other state parks as well as with the Natl. Park Service and U.S. Forest Service. Engebretson's duties will include natural resource management, interpretive and recreational programming, law enforcement, and working with area schools.

7. TVA NEWS

- A. Director Richard Freeman's sudden decision to leave the TVA Board was a great blow to all who know and respect him. He played a major part in trying to make TVA again become a true resource agency -- with a strong concern for the environment and people of the Valley -- instead of the polluting utility and dam builder that it had become in the decade or two before the two Freemans joined the Board. Dick Freeman's 9-year term would have been up in 1987. His

letter of resignation, sent February 12, cited personal reasons. There is already much concern that Reagan might appoint a successor who would support the move to sell TVA to a private utility. (TVA is, of course, much more than a mere producer of power.) Opposition to such a nomination by Tennessee Valley Senators may need our support.

B. The TVA non-power budget is again in danger of being clobbered by the Reagan administration, which has proposed a \$55 million (= 53%) cut. Reagan seems determined to wipe out TVA's non-power programs: last year, he proposed a 70% cut -- from \$129.5 million in FY 1985 to \$38.6 million in FY 1986 -- but the appropriation ended up being \$104 million (plus \$9 million carry-over). If the Valley Congressional delegation is to make the attempt to again save some of TVA's important natural resource conservation activities, they'll have to hear from you. Among these activities are species and habitat inventories, wildlife restoration, abandoned mine lands reclamation (see ¶7C, this NL), water-quality improvement, acid rain research, forestry research, control of farmland erosion, LBL, Small Wild Areas, etc. etc. We hope you will send your comments to both Senators and your Congressman/woman without delay.

C. TVA's role in Abandoned Mine Land reclamation

At the TVA Environmental Constituency meeting in Nashville, Oct. 18, 1985, a draft of a letter from Chairman Dean to Interior Secretary Hodel was circulated (NL 145 ¶7A). This letter, which was not sent until 3 months later (January 14, 1986), is a follow up on a 10/10/84 communication from Dean to former USDI Secretary Clark, who failed to respond. Dean refers to the environmental harm being suffered within Tennessee from the lack of AML reclamation, and suggests that TVA and OSM might work together to "arrive at creative solutions to the AML program dilemma." By mid-February, there was still no reply from Hodel. TVA has considerable expertise and resources for reclaiming abandoned mines and has devoted research to such issues as aerial fertilization and seeding, plant species best suited for revegetation, and the stabilization of soils.

Two citizen actions are of interest in relation to TVA's and USDI's stance vis à vis AML. (a) At the TVA Env'tl. Constituency Meeting (see above), the Valley Environmental Network suggested that TVA meet with USDI (among others) to discuss options for AML reclamation, and that TVA might be an appropriate interim administrator for a Tennessee AML program. TVA was willing to take a step in these directions but appears to have been snubbed by USDI.

(b) Citizens groups, including TCWP, on 8/5/85 petitioned Sec. Hodel to use his discretionary powers to establish an AML program in Tennessee (NL 144 ¶7B). There has been no response.

D. TVA has new public-policy journal

A policy-related journal devoted to issues of energy, resource conservation, economics, and development is being published by TVA's Forum for Applied Research and Public Policy. If you wish to contribute or subscribe, write the editor, Alanson Van Fleet, TVA, 400 W. Summit Hill Dr., Knoxville, 37902.

8. STRIPMINE CAPSULES

- The President's FY 1987 budget, recently submitted to the Congress, recommends a \$13 million increase in the OSM budget. On the other hand, cuts and restrictions seem to have been made in the AML fund. Experts are still analyzing the details of these proposals.
- It is unlikely that the Alexander administration will this year push a state bill, which would be a prerequisite to Tennessee's regaining primacy in the regulation of stripmining.
- The stripmine industry has prepared a legislative pathway for making potentially harmful amendments in the Tenn. Water Quality Act. An "open captioned" bill has been introduced that makes minor, nonsignificant changes in the Act and leaves open the possibility of making other, substantive, changes in any part of the law. Should this occur, SOCM will notify people wishing to help. Call 562-6247 if you are interested.
- Tennessee is losing significant funds through the failure of OSM and/or the State to forfeit and collect on surface mining bonds. LEAF (the Legal Environmental Assistance Foundation)

is compiling data on the amount of money thus lost.

- The stripmine industry is working to convince the Division of Water Pollution Control that mining through "blue line" streams should be approved if the operator repairs some orphan-mine damage under the terms of the same permit. One such permit has already been granted. Citizens groups concerned with stripmine damage are worried that this sets a bad precedent, which flies in the face of the 1977 AMAX decision that mining through streams results in pollution. Furthermore, the streams being mined through are not the ones that were impacted by the orphan mines that are being reclaimed.
- The Rural Abandoned Mine Program (RAMP) is funded from 20% of the fee collected from miners under the 1977 Federal Surface Mine Act (35¢/ton from stripminers, 15¢/ton from deepminers). The other 80% goes into the Abandoned Mine Land (AML) program (NL 144 ¶7B). The RAMP funds, collected as reclamation fees by OSM, are distributed by the Dept. of Agriculture's Soil Conservation Service. There is evidence that OMB has been exerting pressure on OSM to curtail or scrap the RAMP program. In the meantime, over \$200 million collected as reclamation fees lie in non-interest-bearing accounts.
- For another story on abandoned mine lands, see ¶7C.

9. SMOKIES NP AND CHEROKEE NF CAPSULES

- TCWP is one of three groups that has written to TVA protesting the permanent anchoring of eight houseboats in the Eagle Creek embayment of Fontana Reservoir. This area is technically part of the Gt. Smoky Mtns Natl. Park, since the underlying land was sold by Cities Services Co. to NPS in 1983. TVA asked the houseboat owners to relocate, but then extended their deadline. In his response to us, the TVA Gen. Counsel writes: "Pending a permanent solution, TVA plans to require the owners to temporarily remove their houseboats to a commercial site". A meeting between TVA and the owners' attorney was scheduled for January 23.
- The Park's backcountry management plan is being revised to incorporate dozens of comments received on the draft.
- The Final Cherokee National Forest Plan is expected early in April. It is likely that an appeal will be filed. Several of the Forest Plans all over the country have been appealed because of their excessive emphasis on timbering to the detriment of other forest values.
- TCWP has thanked Sen. Sasser for a recent excellent statement made on the Senate floor concerning the deficiencies in the Cherokee Forest Plan and the need for better provisions on wilderness, timber-sales, roads, etc.

10. PRESIDENTS COMMISSION ON AMERICANS OUTDOORS (PCAO): MUCH ACTIVITY

PCAO, with a December 1986 deadline (NL 144 ¶6B, NL 145 ¶12A), formed three task forces: recreational supply (chaired by Wilbur LaPage, NH state parks director), recreational demand (chaired by Natl. Geographic Soc. Pres. Gilbert Grosvenor), and new ideas and approaches (chaired by Patrick Noonan, Pres. of Conservation Resources Group). The task forces and the whole Commission have had a number of meetings and public hearings. They have listened to those who point out that the National Park System needs to be enlarged (since total visitation is expected to double in 24 years or less) and that parks need to be protected from external threats. But they have also listened to those who believe ORVs (off-road vehicles) should be permitted access to wilderness areas. --Instead of attempting a national inventory, PCAO is conducting case studies of selected cities, states, and regions. A public opinion poll has been commissioned. The Commission has also asked individuals and groups to submit short (5-page max.) "concept papers," describing particular issues or new ideas. These are due by April 15. We hope that several people concerned about protection of lands and waters will submit such papers. (For info, contact Joyce Kelly, PCAO, P. O. Box 18547, 1111-20th St. NW, Wash. DC

20036). Of upcoming PCAO meetings, those closest to us are:

April 23, Atlanta Water-based recreation; role of federal lands in the East; recreational use of private lands
 April 25-26, Gt. Smoky Mtns. Review of work to date; plan of next phase
 Testify, if you can.

11. NATIONAL NEWS

A. Land acquisition funds for FY 1986

As reported earlier (NL 145 111A), the Administration had recommended only \$15 million for land acquisition, but the House came up with \$192 M and the Senate with \$126 M. The conference committee bill, passed mid-December, contains \$170 million for acquisition (as opposed to \$256 M in 1985). Combined with the FY 1985 supplemental appropriation of \$30 M, this provides \$200 M for FY 1986, of which \$70 M is for Park Service projects. -- The National Governors' Association in 1985 strongly endorsed continued funding for acquisition of lands authorized under the Land & Water Conservation Fund Act of 1965.

B. Natural Areas Trust Fund

The central idea is that our natural resources should be regarded as "fixed assets" which, when converted to dollars, should go not to the general budget, but to a Trust Fund. The income (but not the principal) from this Fund should be used for renewal and maintenance of natural resources. Moneys feeding into the fund would be severance taxes, receipts from sale of mineral leases and public lands, etc. While some have worried that the Fund might stimulate liquidation of natural assets, proponents point out that when natural asset receipts do not flow directly into the federal treasury (where 77% of such receipts go now), the temptation to liquidate is reduced. Last year, a Natural Areas Trust Fund was enacted for the state of Tennessee. The idea of a national Fund is promoted by Trust for the Future (Box 150287, Nashville 37215), of which Conservation Commissioner Chas. A. Howell III is a moving force. Those interested in supporting the idea should write to the Trust for more information.

C. No new wilderness last year

On December 22, the CBS show Sunday Morning had this to say: "The Congress has added wild and beautiful land to the Wilderness System every year since the Wilderness System was created (in 1964). The news this year is that in 1985 not a square inch has been added! The Administration is indifferent or opposed to wilderness, and the Congress was preoccupied with other things."

D. Water rights in wilderness areas

In a precedent-setting lawsuit brought by the Sierra Club, a Federal District Court ruled that water rights are reserved to a wilderness as of the date of its legislative designation, since Congress had intended for the reservation of sufficient water to fulfill the primary purposes for which the wilderness area was created. This means that distribution of water according to some prior doctrine no longer applies. The ruling will probably be appealed all the way to the Supreme Court by water users. In the meantime, it may serve as an excuse for not bringing up new wilderness legislation for Western states.

E. Supreme Court rules in favor of broader wetlands protection

Under Sec. 404 of the Clean Water Act, any activity that would dredge or fill wetlands requires a permit from the Corps of Engineers. Many developers had defined wetlands as lands that are subject to occasional flooding by rivers, lakes, or oceans. Thus, a Detroit developer filled an 80-acre marsh without applying for the 404 permit and was sued. In December, a unanimous ruling by the Supreme Court made it quite clear that the "wetland" definition also includes those areas that are saturated by groundwater, such as marshes, swamps, and bogs.

F. FY 1986 funding for the Endangered Species Act comes from the 1985 Continuing Resolution.

The amount finally approved was about \$30 million, which includes \$8.6 M for law enforcement,

\$3.2 for species listing, and \$6.9 M for species recovery. The Endangered Species Act itself, last reauthorized in 1982, expired 9/30/85. However, reauthorization in 1986 appears to be virtually certain. The House, in July 1985, voted a 3-year extension with minor amendments (HR 1027). Senate Environment Comm. on 12/4/85 approved a 3-year extension without amendments, but amendments may be made on the floor.

G. The meaning of Gramm-Rudman (or its equivalent) to environmental programs is dire indeed.

Most natural resource and antipollution programs have taken major cuts ever since the beginning of the first Reagan term. Further cuts could shut some of them down completely. As we have repeatedly documented, land acquisition has been a major Reagan target. What counterproposals can be made by environmentalists? (1) Make cuts in wasteful and destructive programs, such as pork-barrel water projects. (Instead, the biggest water-projects authorization bill in history was passed by the House in 1985, with over 230 projects, costing \$20 billion. We must try to kill it in the Senate). (2) Instead of cutting programs, find new ways of financing them. Examples are user fees, excise taxes, trust funds (see 111B), increases in permit fees to cover the costs to regulatory agencies, making polluters pay full cleanup costs. (3) Make cuts selectively, instead of across-the-board. Programs that have already been reduced to bare bones cannot survive more cuts.

H. Acid rain

Former Transportation Secretary Drew Lewis, Pres. Reagan's special representative on acid rain, has just issued a report, jointly with a representative of the Canadian government. In it, he explicitly acknowledges that the means are "proven and available" for reducing acid rain now. Instead of advocating their use, however, he proposes a program that, even if fully funded, would be directed mainly at discovering technologies for removing pollutants from high-sulfur coal. He rejects the more direct methods, such as scrubbers, as too expensive, even though their use would raise utility bills in the Midwest by only 2.5%. He further ignores the most obvious line of attack that of ordering EPA to enforce the mandates of the Clean Air Act. [Abstracted from a John B. Oakes commentary.] -- A U.S. Forest Service report presented at a Dec. 11 Senate hearing shows that, in the last 20 years (when acid precipitation has greatly increased), the mortality rate of Southeastern softwood trees has doubled.

J. The Synthetic Fuels Corp. has been abolished as of April 19, 1986

SFC was a multi-billion federal financing mechanism for large-scale energy projects using oil shale or coal, many of them slated for the Rocky Mountain region, but some also for the East (e.g., there was a proposal to mine peatmoss in coastal N.C.). Most of the activities would have caused major environmental damage.

K. Capsules

- The 1985 Farm Bill has provisions that discourage farmers and speculators from plowing idle erosion-prone soils and draining wetland areas for crop production
- North Carolina's Horsepasture River, a cascading mountain stream near Asheville, was threatened by a hydroelectric development less than 2 years ago. The U.S. Forest Service is now acquiring about 350 acres of land that was previously bought by private investors for the hydro project, using a \$1 million special appropriation and the help of the Trust for Public Lands. Duke Power will also trade or sell land along the river, which has been proposed for inclusion in the National Wild & Scenic Rivers System.
- A recent N.Y. Times - CBS News poll showed that 66% of those interviewed believe that environmental improvements are "necessary, regardless of cost." In 1981, only 45% thought so.
- Robert K. Dawson was confirmed as Asst. Secretary of the Army for Civil Works (i.e., the Corps of Engineers water resources and regulatory programs). Dawson has a reputation of placing development above environmental concerns.

12. TCWP NEEDS (AND GETS) LOTS OF HELP

- The 1986 TCWP Board met even before the year started, and each member (except president and treasurer) took on the supervision of one of 8 service committees as follows:
 - Membership (recruiting new members; hanging on to old ones): Martha Ketelle
 - Volunteers (analyze questionnaire returns, recruit volunteers): Dick Ambrose
 - Program (meetings -- except annual -- and field trips): Lynn Wright
 - Annual meeting (this will be our 20th anniversary): Miriam Kertesz [1985 Board member]
 - Phone chain: Eileen Neiler
 - Political (compile records on candidates; prepare¹⁹⁸⁷ political guide): Eric Morgan
 - Newsletter (organize assembly; make subject file): Don Todd
 - Trail maintenance (North Ridge Trail, Whites Creek Trail): Chuck Coutant
- ✕ Each of these committees will need several helpers. Please don't feel bashful about volunteering your services!
- The move into our new office in the Activities Building of the First Presbyterian Church was accomplished on Nov. 30, a beautiful warm Saturday. Several trips were needed to move 4 file cabinets, 2 sets of shelves, 2 desks, chairs, and innumerable boxes of papers. Many thanks to Dick Ambrose, Larry Pounds, Pam Petko-Seus, and Lee Russell for doing the carrying; to Larry Pounds and Flossie Cosgrove for providing vehicles; and to Neil McBride for loaning furniture and letting us traverse Rural Legal Service space (to avoid narrow hallways).
- The new office was painted in mid January by another helpful crew, consisting of Dick Ambrose, Chuck Coutant, Peggy Turner, and Pam Petko-Seus.
- On February 11, we sent our members a first-class mailing containing the 1986 Political Guide, the 1986 dues statement, and a questionnaire that will help us generate lists of people willing to help with one job or another. Thanks to the following for assembling the mailing: Flossie Cosgrove, Frank & Kathryn Hensley, Dick Ambrose. Those of you who failed to get a self-addressed envelope enclosed with that mailing (and have not yet returned the questionnaire) are receiving it this time, along with another copy of the questionnaire.
- TCWP members responded most generously to our year-end appeal for contributions. Over 30 individuals or families sent checks, ranging from \$10 to \$200. Since TCWP's income comes only from dues and contributions, the good response to this appeal will really help us pay for our operating expenses in 1986.

13. THINGS TO DO AND THINGS TO READ

- March 4-6: "Pollution Prevention Pays: A Tennessee Approach," Nashville (the Maxwell House). The purpose of this conference is to promote waste reduction (rather than disposal) through resource recovery and recycling. Call Safe Growth Team, (615) 741-5782.
- March 7-8: "Acid Rain: Clouds Over the Midwest; Science and Solutions," Chicago (Americana Congress Hotel). Those wishing to go to this conference should call Marge McCormick, TEC (615) 321-5075, for rides or carpools.
- Public forums on groundwater topics will be held in 3 locations:
 - March 8, 9:30 - 12:30, Morristown (Walter State Community College, Tech Bldg)
 - March 15, 9:30 - 12:30, Nashville (Tenn. State Univ., Downtown Campus, Rm 353)
 - March 17, 6-9 p.m., Memphis (Memphis State Univ., Journalism Bldg)
 Call Deborah Vogel, TEC (615) 321-5075
- April 4-6: "Hydropower and River Conservation: A Dialogue," Washington (National 4-H Center). This is the 11th Annual National Conference on Rivers. Call Eric Olson, ARCC, (202) 547-6900.
- Clinch River Outdoors has published their special activities schedule for 1986. Included are rafting and canoe trips on Obed, Big S. Fork, Powell, and Clinch, as well as trips to Okefenokee, Ocmulgee, and Costa Rica. Write P. O. Box 220, Lake City, TN 37769; or call (615) 494-9207.
- Congressional Fellowships give scientists an opportunity to work for a Congressional committee or individual legislators. Applicants must have Ph.D. For info on sponsoring organizations, etc., contact AAAS, Office of Public Sector Programs, 1333 H Street, NW, Wash, DC 20005. → go to p. 2

