

TENNESSEE CITIZENS FOR WILDERNESS PLANNING
Newsletter No. 148, April 18, 1986

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*      Come hike 2 TCWP-maintained trails      *
*      May 3   Northridge Trail, Oak Ridge      *
*      May 17  Whites Creek, Watts Bar          *
*      See #11 for more information              *
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Star in margin means "Action Needed." Don't be overwhelmed -- check the ACTION SUMMARY!

14. ACTION SUMMARY

¶ No.	Issue	Contact	"Message!" or Action
1	Spencer Range	Rep. Jim Cooper	"Thanks for efforts!"
2A	Big South Fork	Sens. Sasser, Gore Rep. Cooper	"Urge Corps to acquire "deferred areas!"
3C	Lavender Bridge	TCWP	Offer expertise re pollution
4A	Wetlands acquisition	State reps who supported	"Thanks!"
5C	Rails-to-trails	Commissioner Howell	"Consider trail on RR right-of-way!"
6B	Smokies	NPS Director Mott	"Order uniform hog-control policy!"
7B	Rock Creek petition	SOCM	Offer expertise on OSM document
8C	Abandoned mines	US Sens. and Reps	"Urge OSM to let Tennessee have discretionary AML Fund!"
9B	TVA Board	US Sens from TVA region	"Support Potts nomination!"
9D	Columbia Dam	Sens. Sasser, Gore	"Alternatives to dam will benefit region more!"
10A	Voting records	League of Conservation Voters	Help elect environmentally concerned candidates
10C	Park protection bill	US Sens	"Co-sponsor S.2092!"
10E	Endangered species	US Rep and Sens	"Restore habitat acquisition and State grants!"
11	TCWP-maintained trails		Come hike with us

Senator John Doe
United States Senate
Washington, DC 20510

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

Dear Senator Doe ... Sincerely yours,

Dear Congressman/woman Doe...Sincerely yours,

continued from p. 14

- slash-and-burn gardening); (2) "Amazonia: A Celebration of Life," a World Wildlife Fund film on Peru's two largest protected areas (giant otter, ocelot, tapir, monkeys, etc); (3) "Monkey of the Clouds" a WWF film about the Andean cloud forest in northern Peru. No entrance fee.
- The Smoky Mountain Field School has scheduled a full program of intensive weekend and five-day field courses for 1986. For example, in May: Botanical Photography; Backpacking Mt. LeConte; Geologic Evolution of the Great Smokies. A sampling for June: Forests and Trees; Wild Edibles and More!; Identification of Ferns; Research on Wild Mammals. The School is run by the National Park in cooperation with the UT Div. of Continuing Education. Contact Dr. Gayle D. Cooper, 2016 Lake Ave., Univ. of Tenn., Knoxville 37996-3515, Ph. (615) 974-6688.
 - The Gt. Smoky Mtns. Natural History Assoc., in cooperation with the Park Service conducts a number of programs at the Gt. Smoky Mtns. Institute at Tremont (formerly, Tremont Env'tl. Education Center). Among these is an Appalachian Culture Week, June 15-21, and a Teacher Training Weekend, Aug. 3-8. For info, write to the institute, Rt. 1, Box 81, Townsend, TN 37882.
 - Volunteers are needed to do survey work for the "Tennessee Breeding Bird Atlas," to be published in 1990 on the basis of a 5-year study which will identify species that live and breed in our state. The distribution and relative abundance of these species will be determined and habitats will be described. The atlas is a joint venture of the Tenn. Ornithological Soc., DoC, TWRA, and TVA. Those interested in participating should contact Dr. Paul Hamel, Dept. of Conservation, 701 Broadway, Nashville, TN 37219-5237. Phone (615) 742-6546.

WANTED: Applicants for positions of
(a) Natural Areas Administrator, and
(b) Plant Ecologist, Tenn Dept. of Conservation
See ¶13, p.14

1. NATIONAL GUARD'S SPENCER TRAINING RANGE PROPOSAL IS DEAD (MAYBE)

Ever since we first learned of it at our 1985 annual meeting, we (along with SOCM, Sierra Club and other groups) have been fighting the Tennessee National Guard's (TNG) proposal to turn a 119,000 acre area between Fall Creek Falls and Savage Gulf into a tank, artillery, and helicopter training range. On February 26, we received a call from the Washington office of the Knoxville News Sentinel asking for our reaction to Congressman Jim Cooper's announcement that the proposal was dead. Rep. Cooper based his announcement on a meeting he had had that morning with Major General Herbert R. Temple, Jr., Director of the U.S. Army National Guard.

Like us, Cooper wanted confirmation in writing. He subsequently sent us copy of a March 6 letter from Temple which contains the following statement: "I have concluded that the National Guard does not have adequate resources to acquire and develop this training area. In addition, we do not have sufficient manpower resources to manage, nor can we effectively utilize on a consistent basis, a facility of this magnitude. Accordingly, we have decided to take no further action on this proposal. This effectively concludes any effort by the Army National Guard to obtain this area." A letter of the same date by Paul W. Johnson, Deputy Asst Sec. of the Army (Installations and Housing) states that acquisition costs were estimated (by the Corps) "to be in excess of \$70 million" and construction costs for ranges and support facilities were estimated (by the TNG) "to be in excess of \$80 million." He too concludes: "we have no plans to take further action on this proposal."

Five days after Major General Temple told Rep. Jim Cooper in Washington that Spencer Range was dead, the Chief Facilities Engineer for the TNG, speaking at Sewanee, TN, implied that efforts would continue to develop the Range. TNG is apparently proceeding with work on an Environmental Impact Statement. The VOLSTATE GUARDMAN of January/February (a TNG publication) has a long article describing the Army Corps of Engineers' "Real Estate Planning Report" as wholly favorable to development of Spencer Range. Not having seen the Corps' report, we don't know how selective the GUARDMAN's quotes from it are. Apparently, the Corps recommended adding 5000 acres to the Range (114,000 → 119,600 acres), estimated that acquisition would cost \$75,970,000 (see, also, above), found that about 600 landowners would be displaced, and told the TNG that it did not need to pay for avigation rights since the aircraft would be flying above regulated altitudes.

All in all, we get the strong feeling that the TNG is going to keep pushing, and that -- unless we stay watchful -- it may succeed in getting enough money from somewhere to get its foot in the door.

X We hope you will thank Rep. Jim Cooper for his efforts to get straight answers from the Army on this matter and for keeping us informed of developments.

2. BIG SOUTH FORK NRRA: FAVORITES AND STEPCHILDREN

A. "Deferred Areas" -- the Corps' stepchildren

Sure you get more visibility and hoopla by dedicating a supercampground (see B., below) than by preserving a fragile area from adverse developments; but that doesn't mean you should abandon your efforts on the latter, especially since doing so would contradict the intent and the letter of the legislation that established the BSFNRRRA.

The Corps "deferred" acquisition of 13,635 acres (95% of these in Tennessee) in order to build extensive developments and still stay within the \$103.5 million ceiling. Now, there is a good chance that the ceiling will be raised by \$52 million as part of the pending nationwide water projects authorization bill (see ¶10G, this NL). The authorization to appropriate such an additional sum will be for the BSFNRRRA as a whole, rather than for any specific project within it. It is our strong belief that, under the raised ceiling, the Corps should acquire all the lands specified in the 1976 Act that created the BSFNRRRA (immediately scrapping the term "deferred") before proceeding with further developments. There should still be plenty of authorization left for the latter (probably \$35-40 million),

and time will not run out on a lodge, for example, as it will on fragile lands whose values, if unprotected, can quickly and irrevocably be destroyed by adverse development or use.

Of seven "deferred" areas on which we have information, the largest and most important is the 9452-acre North Whiteoak area. It is a beautiful wilderness threatened by pressures for coal and oil extraction. The Corps should immediately initiate land acquisition in this area and then proceed to acquire the others.

WHAT YOU CAN DO: Write to Senators Sasser and Gore and to Congressman Cooper (addresses on p. 2) and urge them to contact the Corps on the matter of acquiring "deferred" areas, starting with North Whiteoak. Send a copy of your letter(s) to Col. W. Kirkpatrick, District Engineer, Nashville District, U.S. Army Corps of Engineers, P.O. Box 1070, Nashville, TN 37202.

- B. The Bandy Creek Recreation Area will be officially dedicated April 19. This 275-acre area offers overnight camping, a campstore, an activities building, rentals of canoes, bikes, and horses, picnicking, trailhead parking for hiking and equestrian trails, and an amphitheater for programmed activities. Bandy Creek is the first of two major recreation sites in the BSNRRA; the other will be Blue Heron, near Stearns, Ky., for which the Corps is seeking a \$9 million appropriation in the FY 1987 budget. -- Sec. of the Interior Donald Hodel will be the keynote speaker at the Bandy Creek dedication ceremonies.

3. OBED NEWS

- A. Fee-simple acquisition needs to be increased; all acquisition needs to be speeded up
Just after Christmas, we wrote to NPS Director Mott to express our concern about too little fee-simple acquisition on the Obed (see NL 145 11A). Under the terms of the National Wild & Scenic Rivers Act, up to 4520 acres could be acquired in fee and up to 9944 in easements, yet the Obed Land Protection Plan proposes only 1583 acres in fee and 2084 acres in easement. The Land Protection Planning process, a brainchild of former Interior Secretary Jim Watt, was designed to have the government acquire "only the minimum interest necessary to meet management objectives." On the Obed, this resulted in 38 tracts (1550 acres), virtually all within the gorge, being downgraded from "fee" to "less-than-fee" acquisition. In our letter to Mott, we explained why we thought management objectives would not be met under this less protective acquisition. We were, further, worried that, as a result of the poor reception given by landowners to the easement idea (sellers would continue having to pay property taxes), NPS would relax easement restrictions.

Mr. Mott responded on February 28, saying that NPS did "not intend to relax the restrictions necessary to assure protection of the river and adjacent land." Further, while the plan establishes the "preferred course of action," it does not restrict the NPS to this course; specifically, NPS could acquire any given tract in fee if site-specific information and appraisal data indicate this to be preferable. The easement values are estimated to be in the range of 60-75% of the fee values.

Despite the fact that acquisition is over the half-way mark now, it is still very slow. It is still being handled out of Atlanta (SE Regional Office) -- the local acquisition officer who left over two years ago never have been replaced. The all-important personal contacts with local landowners are thus not being cultivated, and, besides, the SE Regional office is currently busy on the Cumberland Gap tunnel project.

B. Obed Visitor Contact Station

The Obed office is currently located in a couple of rooms of the federal building in Wartburg. This means that it must be closed weekends, that no pictorial displays are possible, etc. Consequently NPS is considering leasing another site in Wartburg. This strikes us as a good idea provided that it does not use money that otherwise would be spent on acquisition.

C. Lavender Bridge pollution issue escalates

A hearing was to have been held before the Water Pollution Control Board on March 13, concerning an official complaint by TCWP, TSRA, and Victor Ashe about pollution of White Creek by bridge construction (NL 147 ¶5B). On March 6, the hearing was postponed (it was later rescheduled for July 16) and all parties were ordered to exchange lists of witnesses by March 31. The Department of Transportation (which seems to speak for the Lockwood Construction Co. as well) subsequently named 18(!) witnesses it intended to call. The three complainants named 6 witnesses including 2 of the 18 that are to be called by DoT. We'll be grateful to anyone offering to help us on this matter (aquatic biologists, civil engineers familiar with erosion control, etc.) Call 577-2596 or 482-2153.

4. STATE LEGISLATURE: WE WIN ON WETLANDS, LOSE ON MOST OTHER BILLS

A. Wetlands acquisition (SB433/HB145): a winner

After being changed back and forth in various committees, this bill (NL 147 ¶1D) passed the Senate by a 24:6 margin in its original form, i.e., by raising the real-estate transfer tax from 26¢ to 30¢ per \$100 value, the 4¢ going into a Wetlands Acquisition Fund. The Board of Realtors opposed this small increase on principle and lobbied House members accordingly. On the other side, the Alexander administration indicated that if the 4¢ were not added, it would oppose taking wetlands monies out of the existing 26¢/\$100. The Environmental Action Fund alerted supporters that the bill was in real danger of being lost in the House. TCWP members then called their legislators, particularly in the Knox and Anderson County areas, and evidently succeeded in changing the minds of several key people. The House vote on 4/9/86 was 69:25 in favor, with Reps. McNally, Scruggs, Severance, May, Peroulis, and Drew, among others, voting aye. These legislators deserve our thanks. In its final form, the bill raises the tax by only 2¢ (26¢ → 28¢), but 4¢ will nevertheless go into the Wetlands Acquisition Fund (except in the first year, when only 2¢ are thus earmarked). Tennessee is almost alone among the states in having such a law and may be proud of its accomplishment. Without protection, all of West Tennessee's 83,000 acres of wetlands are likely to be lost by the year 2000. The Tenn. Wildlife Resources Agency will administer the acquisition Fund.

B. Funding for Natural Areas: we get part, plus new staff position

The \$2 million budget item (NL 147 ¶1B) was reduced to \$1 million at the very end of the legislative session. The good news: a Natural Areas Administrator position was funded; this gives the program more manpower and more visibility. -- A resolution was passed asking the Dept. of Conservation to study a House Mountain Natural Area proposal (NL 147 ¶2A).

C. Oil and gas regulation bill (SB95/HB303): dead

In the Senate, this bill (NL 147 ¶1A) got as far as a subcommittee (for study), but House "sponsor" Shirley Duer, did not want to move it at all. The oil and gas lobby claims that reclamation is already "standard operating procedure," while the assistant supervisor for the state Oil & Gas Board says, "It might take us 20 years to clean up what problems we already have" (The Oak Ridger, 3/19/86). The bill that died would have required drillers to file a site plan, pay a permit fee of \$150, and post a bond for reclamation and the plugging of a dry or abandoned well. The existing bond does not cover surface disturbances, either at the drill site or away from it (e.g., the bulldozing of haul roads).

D. Surface Owner's Relief bill (SB1314/HB1589): dead

Under the provisions of this bill (NL 147 ¶1G), abandoned mineral rights would revert to the surface owner, and surface owners would get first right to purchase when a mineral tract underlying them was sold. Not only the bill, but its chief proponent, SOCM, was viciously attacked by Rep. Jerry Gross (of Campbell County), who even refused to meet with constituents to discuss the proposed legislation. On March 11, the House Conservation Committee sent the bill back to subcommittee for further study.

E. Billboards (SB1742/HB1618): dead

The Governor's "Cleaner Highways" initiative (NL 147 ¶1C) was deferred indefinitely by the Senate Transportation Committee and never made it out of the hostile House Commerce Committee, to which it had been referred by Speaker McWherter. This committee deferred consideration of HB1618 for a year, and instead approved an industry-backed bill, which has such provisions as requiring steel uprights for signs larger than 100 sq ft, and allowing repair of old billboards in lieu of removal. For a while, there was some hope that HB1618 could be added as an amendment to the industry bill, but this did not happen. The Safe Growth Team and TEC had provided excellent factual material and highly persuasive arguments in favor of restricting billboards, but some analysts feel that the Governor should have done more working behind the scenes to line up key Democrats, and that he should have assigned an experienced lobbyist.

F. Soil-conservation bills: one maybe; one dead

Two bills (see NL 147 ¶1E) resulted from a study showing that soil loss in Tennessee staggers the imagination (average: 9 tons/acre/year). The Soil Conservation Committee duties bill (SB1318/HB1295) was greatly weakened in the Senate by removal of the requirement for a long-range statewide plan for soil conservation. The House made only minor changes. As we go to press, no info on the conference committee's decision. The bill was strongly opposed by the Commissioner of Agriculture. The Committee Membership Expansion bill (SB1856/HB1780) died in the House Conservation Committee.

G. Eastern State Wildlife Management Area (HB1397/SB1691): dead

Due to strong pressure by Knox County Executive Dwight Kessel and the Knoxville Chamber of Commerce, Rep. Severance withdrew his support from this bill, which would have permanently transferred these 330 acres of old fields and woodlands to TWRA as a Wildlife Management Area.

5. OTHER STATE MATTERS

A. TCWP testifies at Tennesseans Outdoors hearings

At the March 10 listening session of this State counterpart of the President's Commission on Americans Outdoors, two TCWP testimonies were presented. Bill Russell spoke on the need for implementing the Tennessee Scenic Rivers System and endorsed the recommendations of the Tenn. Scenic Rivers Task Force (NL 144 ¶6A). And Pam Petko-Seus stressed the need to protect undeveloped lands for the future by acquisition, and urged the Commission to consider non-consumptive forms of recreation, or (in the case of ecologically sensitive areas) a ban on recreation. She made a special plea for the state to hang on to Eastern State Wildlife Management Area (see NL 147 ¶1F, and this NL ¶4G). A third TCWP testimony was presented at an earlier listening session in Nashville (NL 147 ¶3A).

B. New Natural Areas

Sunk Lake, an 1800 acre wetland site in Lauderdale County, was purchased in February by the Tennessee Field Office of The Nature Conservancy and has been transferred into the State's Natural Areas System (i.e., purchased by the State from TNC). Sunk Lake was created in the New Madrid earthquake of 1811-12, which also created Reelfoot Lake. The area presently consists of 5 open lakes connected by swamps and marshes and surrounded by bald cypress trees, some of which are over 500 years old. It provides prime habitat for the Mississippi kite, migratory waterfowl, and river otter. Sunk Lake is not far from the Chickasaw National Wildlife Refuge, 5832 acres in Lauderdale County that were purchased by TNC's Wetlands Conservation Project last summer and transferred to the U.S. Fish & Wildlife Service. The area had for 30 years been leased by the state from a lumber company and managed as a wildlife area (NL 143 ¶5B).

C. Rails-to-Trails: an opportunity for Tennessee

The L&N/Seaboard System Railroad has applied for abandonment of 108 miles of line running between Nashville and Monterey. The Environmental Assessment for this removal, which has been filed with the Interstate Commerce Commission (ICC) lists two federally endangered

species (the Dromedary Pearly Mussel and the Obey Crayfish) that may be affected by the abandonment proceedings, i.e., by removal of bridges, tearing up of rails, etc. If the right to abandon is granted by the ICC, this may present a great opportunity for the state to convert the railroad easement to a public hiking trail (with perhaps parts of the 108 miles for biking or horse trails). Contact Commissioner Charles A. Howell, III Tenn. Dept. of Conservation, 701 Broadway, Nashville, TN 37203) to let him know that trails conversion would be a good idea.

D. The Wolf River Conservancy was formed recently to protect Memphis' Other River. A long-range plan of this group is to make a "greenbelt" of the river's banks and a portion of its floodplain. Task groups, formed in January, will inventory existing habitats, develop nature appreciation areas and educational programs, monitor and speak up for environmental quality, and develop recommendations for preserving the river and its valley. Contact: Charles M. Cooley, Jr., P.O. Box 171159, Memphis 38187-1159; Phone (901) 685-2100.

E. Groundwater: an important, and threatened, resource in Tennessee

In a series of seminars recently conducted by TEC, it was brought out that over half the state's population uses groundwater for drinking. Daily, 250 million gallons are withdrawn for residential and municipal use, and 160 million gallons for industrial use. The state has almost 4500 known waste dumps. Most toxic chemicals are not effectively removed by soil percolation. Once contaminated, groundwater is for all practical purposes permanently polluted, since very little cleansing can take place in deep, saturated regions in the absence of sunlight, oxygen, or biological processes. About 30% of Tennessee households use septic tanks, yet the state has the least stringent septic-tank-system regulations in the country. Among other things, the state allows developers to blast into bedrock to create a leachfield. This can fracture rock strata, allowing sewage to seep into groundwater supplies. Other sources of contamination: oil and gas exploration/production, coal mining, wastewater impoundments.

F. Nonpoint source pollution is not specifically addressed by state

Mining, urban, agricultural and forestry activities contribute to this pollution. The state does not regulate -- it merely participates in some Federal or local programs. TVA manages nonpoint pollution originating on TVA-owned or -controlled land. The Division of Forestry and the State Soil Conservation Committee are responsible for management of forestry- and agriculture-related activities, respectively. However, nonpoint pollutions from these two activities are specifically exempted from regulatory action as a result of a 1977 amendment to the Tenn. Water Quality Control Act. Thus, regardless of the severity of a problem, no action can be taken against nonpoint agricultural or forestry polluters. In recent comments on the Tennessee Water Quality Criteria and Stream Use Classification Regs, TVA expresses its belief that these general exemptions "should be eventually repealed in the interest of more effective water quality management." Amen!

G. Acid-rain mitigation to be studied in Laurel Branch, Tellico River Basin

The state's Office of Water Management, in cooperation with the U.S. Fish & Wildlife Service, will conduct a 5-year study on the ecological responses of the liming of surface waters impacted by acid rain. Historical data on Laurel Branch by Dr. Eric Morgan of Tenn. Tech. Univ (a TCWP Director) indicate that the system is acid stressed during high-flow periods and that there are occasions of zero alkalinities. Thus, the site is said to provide a good regional-representation study for the Southeast U.S. mountain range.

H. Chattanooga is chosen as the country's first EMTS,

i.e., Environmental Methods Testing Site. For the next 5-15 years, EPA and other US (and perhaps international) agencies will study Chattanooga's environment and population to develop and test environmental exposure monitoring methods. Among the reasons for choosing Chattanooga were its relative isolation from other population centers, a strong public-health network, the existence of a vast computer data base developed by TVA, and a dynamic economy.

6. CHEROKEE NATIONAL FOREST AND GT. SMOKY MTNS. NATIONAL PARK

A. The Cherokee National Forest Management Plan was officially released on April 1. It is being reviewed by representatives of several organizations to determine where it falls short of the goals for an appeal. Sen. Sasser has written, promising to continue his efforts to ensure that the USFS Plan for the Cherokee makes economic and environmental sense. He will be particularly watchful of timber cutting projections, since the government is currently losing money on Cherokee timber harvests.

B. Smokies wild hog control program needs our support

The wild hog of the Smokies, an exotic species, is causing great damage to native plants and destroying the habitat of brook trout and of an endangered species of salamander. The hogs' habit of wallowing in springs threatens water quality. Unfortunately, while these exotic animals are being aggressively controlled in the Tennessee portion of the Park, a political decision made in Washington several years ago, and still in effect, restricts Park personnel from carrying out an effective program on the North Carolina side of the Smokies. This permissive policy was formulated as a favor to North Carolinians who want the Park to be a breeding ground for hogs that are used to stock commercial hunting areas outside. Some have even proposed legal public hunting within the Park. For hog poachers, the policy has created a paradise.

The only solution is to have a uniformly aggressive control policy, applicable to the NC as well as the TN side of the Park. This decision must come from NPS Director Mott who should publicly announce his support for it.

WHAT YOU CAN DO: Write to Mr. William Penn Mott, Jr., Director, National Park Service, U.S. Dept. of the Interior, Wash. DC 20240. Send copies of your letter to Sens. Al Gore, Jr. and Jim Sasser and to Reps. John Duncan, Jimmy Quillen, and Marilyn Lloyd. See p. 2 for addresses.

C. River otters reintroduced

The last native river otters were seen in the Smokies in 1927; they were trapped virtually to extinction, and their habitat destroyed by heavy logging. But 3 otters from the North Carolina coastal region were released in the Abrams Creek area of the Park about 2 months ago, and several more were to follow in the next few weeks. Scientists will track some of the animals through radio collars. UT, TVA, TWRA, and the Park Service are cooperating in this project.

7. PETITIONS TO HAVE AREAS DECLARED UNSUITABLE FOR SURFACE MINING

A. Frozen Head (Flat Fork watershed)

On 11/25/85, 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 (see NL 145 ¶3). On 1/7/86, LEAF, representing us 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 (see NL 147 ¶6). On 2/11/86, OSM asked IBLA to expedite their review of our 1/7/86 appeal; and on 2/14/86, LEAF filed a request for oral argument. IBLA has now denied both the OSM and the LEAF requests. Denial of the OSM request causes us no problems since no mining can occur in the area unless OSM rules negatively on our re-filed petition to declare the area unsuitable; and OSM cannot rule at all until IBLA has made a decision on whether or not to order OSM to accept the original DHE designation. We hope you're not confused!

B. Rock Creek watershed

On behalf of area residents, LEAF on 10/10/84 filed a petition to designate about 23,000 acres in the Rock Creek watershed as unsuitable for coal surface mining. Rock Creek forms a beautiful gorge in the Waldens Ridge area of Bledsoe and Hamilton Counties. In March, OSM issued a draft Petition Evaluation and Environmental Impact Statement. While we have not analyzed this document in detail, a cursory reading indicates that OSM dismisses

virtually all allegations of adverse mining impacts that were presented in the petition. A public hearing on the draft will be held May 8 at the Bledsoe Cy Courthouse, Pikeville. All those willing to help analyze the OSM document and/or testify should call SOCM at 562-6247. Your help is badly needed and would be much appreciated.

8. TENNESSEE STRIPMINE TROUBLES FROM ABANDONED AND CURRENT OPERATIONS

A. The state will not try to regain primacy

When the General Assembly repealed most of Tennessee's Surface Mining law almost exactly 2 years ago, Gov. Alexander said we'd reinstitute a state program in 1986. The Administration drafted a bill for the 1985 session of the legislature, and the Environmental Action Fund had an alternative ready -- but nothing happened. Subsequently, it became increasingly apparent that the Administration wouldn't push a bill in the 1986 legislative session, and Gov. Alexander made it official on March 5, citing the problems of federal oversight of inspection and enforcement as the rationale for the state's abdication. Analysts believe that the real reason is the industry's contentment with the present Federal program. [Incidental intelligence: a majority (53%) of those responding to a poll conducted by Rep. Randy McNally said they wanted state surface-mining laws to be more stringent than the federal law.]

B. State relinquishes claim to obligatory portion of federal Abandoned Mine Lands (AML) Fund; to substitute State \$\$?

By refusing to re-establish primacy, the State kisses about \$16 million of Federal funds goodbye. (This is the 50% of the severance fees collected from Tennessee's coal miners that would normally be returned to Tennessee, if only we had primacy -- see NL 143 ¶6A). To make up part of the deficit, the Alexander administration wants to spend \$1.3/year for 10 years from general funds to reclaim abandoned mines (see NL 147 ¶1H). This is an item in the state budget being considered by the legislature this week. While such funds are certainly badly needed, some people are wondering how our state could have ever gotten itself into a situation where it has to use your and my money for something that should be paid for by the industry, and for which, in fact, money is already "in the bank" in the federal system.

C. And what about the discretionary portion of the AML Fund?

Of the money collected from severance fees, 40% goes into the Secretary of Interior's discretionary portion of the AML Fund to be used where the need is greatest. On the basis of an ORNL inventory and prioritization of abandoned sites, the federal Office of Surface Mining (OSM) determined not too long ago that Tennessee would receive \$1.5 million/year from the discretionary Fund. Subsequent attempts to get this money for "non-emergency" situations have, however, proved futile since OSM wants to use it as the "carrot" in inducing the state to regain primacy. In the meantime, the ca 50,000 acres of abandoned stripmines in Tennessee are eroding 5 million tons of soil per year, polluting our streams, and causing ugly scars as well as hazards to people. If you haven't done so already, you may want to urge your Congressman/woman to support getting discretionary AML funds for our state. Address on p. 2.

D. And what about TVA's offer to help find solutions for the AML dilemma?

This offer was made by TVA chairman Dean to Interior Sec. Hodel on 1/14/86 (NL 147 ¶7C). On Feb. 21, the Acting OSM Director, Ted Christensen, responded to Dean, saying the offer would "be taken under consideration" He goes on: "The quickest and most efficient way to resume a viable AML program in Tennessee is for the State to regain regulatory primacy..." [But, Mr. Christensen, our administration refuses to try for primacy!]

E. The nitty-gritty of Tennessee stripmining: local citizens denied opportunities to comment

We'd like to present an abbreviated case history that gives ominous signals that both the feds (OSM) and the state (Commissioner Word) are ready to ignore citizens'-rights provisions of the Surface Mining Control & Reclamation Act (SMCRA) and the National Pollutant

Discharge Elimination System (NPDES). [To stripmine coal, an operator must have both an SMCRA permit (from OSM) and an NPDES permit (from the state's Dept. of Health & Environment, DHE)].

When the Rith Energy Co. applied for permits to strip 89 acres in the headwaters of Crystal Creek (Bledsoe Cy), local residents were concerned about damage to wells, sedimentation and toxic contamination of the creek (which forms the 70 ft Crystal Falls into the Sequatchie Valley), and possible blasting damage. To minimize intimidation of individuals, a local minister requested a public hearing, but was subsequently pressured by the coal company into withdrawing his request. Other citizens then requested a hearing and were told by an OSM staffer that one would be held, but the head of the Tennessee OSM office, George "Buck" Miller, overruled the staffer and quickly granted a permit, even while a meeting was still pending between him and the citizens. It is noteworthy that this SMCRA permit was approved by OSM even though the NPDES comment period was still open. A petition, signed by 10 residents, then requested a hearing on the NPDES permit, and the DHE staff set to work to schedule one. A few hours later, the staff was ordered by DHE Commissioner Word to cancel the hearing and immediately issue the NPDES permit. Simultaneously, coal removal began on the Rith Site. Neither citizens nor OSM were notified of the NPDES permit issuance and, as a result, attempted to stop the operator from what they thought was illegal mining. Subsequently, Rith was found not to mine in accordance with the approved plan; but when citizens complained, OSM immediately granted a permit revision, despite the fact that this was a "significant" revision and thus, by law, required public notice with opportunity for a hearing.

Even this very abbreviated account makes it pretty obvious that both OSM and DHE are apparently much more concerned about the coal industry than about people and environment. TCWP wrote to Gov. Alexander and got a response from DHE's Chief of Staff, stating that the issues identified by the citizens (contamination of Crystal Creek/Falls and domestic water wells) had been "fully addressed" in the permit-application review. Because of that, "it was determined that a public hearing would add no new information for consideration prior to permit issuance."

9. TVA NEWS

A. Watts Bar Reservoir Land Management Plan

A draft of this Plan was issued on March 10, and TCWP submitted written comments on April 7. In general, the plan is sensitive to the values of the natural landscape and the habitats that this provides. E.g., industrial sites and related developments would be clustered in only a few places at or near existing developments. TCWP submitted general comments on planned land uses, comments on specific tracts, and comments on implementation. Among other things, we recommend that highways and utility corridors be specifically barred from certain tract classifications, that motorized vehicles be specifically barred from Small Wild Areas, that either the "forest management" classification be made more restrictive (e.g., no clearcutting) or some tracts now classified "forest management" be reclassified as "wild area" or "open space," that new commercial recreation facilities that would increase motorboat traffic not be pursued, etc. If you want a copy of our comments, send a self-addressed, stamped (22¢) envelope (address at bottom of p. 1).

B. TVA Board vacancy

The 18-month-premature departure of Richard Freeman from the TVA Board (NL 147 ¶7A) was a major blow to those concerned about the agency's environmental achievements. The Board will now consist of 3 Reagan appointees, but since the Senate ratifies nominations. Senators from the Tennessee Valley states must be made to realize that the public-interest community wants to see balance on the TVA Board -- and we don't mean just geographical balance. With the remaining two directors (Dean and Waters) being from Tennessee, it is taken for granted that a non-Tennessean will be named by Reagan. One candidate proposed by Virginia Senators is Sen. Bakers nephew, William Wampler, Jr., a 26-year old insurance agent. Seven candidates have been proposed by Alabama Senator Jeremiah Denton. One of

these, Bill Satterfield, a protegee of former Interior Sec. James Watt, was considered a front runner but has now withdrawn his name. Two (Elbert Peters and Darlene Scoggins) were earlier considered for the Board position to which John Waters was eventually named; both got poor marks from the citizens' TVA Board Appointment Coalition. Two (in addition to Peters) were named by Denton mostly on the basis of their having worked in his election campaign; they are J. D. Clanton and Richard Lee. Nothing is known about Carl Kisener, a local school official from North Alabama. The TVA Board Appointment Coalition is relatively enthusiastic about only one proposed nominee, Robert Pott, General Counsel for the Univ. of Alabama at Tuscaloosa.

WHAT YOU CAN DO: Unless a better candidate is suggested, Pott is the person to support. Write to your own Senators, and to those from other Tennessee Valley states, stressing the need for a Board member who will champion environmental concerns. See p.2 for address.

C. S. David Freeman's new job

Since January, Dave Freeman, former TVA Director and Chairman, has been general manager of the Lower Colorado River Authority, based in Austin, Texas. A newspaper article (sent us by former TCWP Board member Andy Butler) conveys the impression that Freeman is really trying to shake up the 52-year-old LCRA, which has in the past been very unpopular with environmentalists and others. He has announced a cost-cutting policy to make LCRA "lean and mean," withdrawn a proposed electric-rate increase, and has raised major questions about LCRA being in the lignite-mining business. Many of the article's descriptions sound familiar to those of us who know and miss Dave Freeman: Texans find him full of energy, candid, outspoken, unconventional, conveying a sense of excitement, and willing to go great distances (literally) to meet people.

D. Columbia Dam hearing aftermath

After speaking at the February 19 hearing in Columbia, Pam Petko-Seus sent copies of the TCWP testimony to Tennessee senators and representatives. Sen. Al Gore, Jr. responded: "The results of the benefit-cost analysis [the project would return only 40¢ in benefits for every dollar required to complete it] have dealt a serious blow to the prospect of finishing this project, but supporters are continuing their efforts. They have prepared their own analysis, with dramatically different results. Meanwhile, the legislative status of the Columbia Dam remains unchanged, and it appears unlikely that any new initiative will take place." (Since TVA dams are not authorized by legislation, we assume that the phrase "legislative status" refers to absence of appropriations for further work on this project.)

We see an opportunity for Tennessee senators to learn from history. When the Devil's Jumps Dam proposal for the Big South Fork had repeatedly failed in Congress (partly due to our opposition to this unjustifiable project), Senator Cooper of Kentucky, the dam's major proponent, authorized a study of alternatives. This study ultimately resulted in the Big South Fork National River and Recreation Area, which will benefit the region immeasurably more than yet another reservoir could have. Senators Sasser and Gore may wish to hear from you on this matter.

E. Environmental Quality in the Tennessee Valley Region -- 1985

This report, which has just been issued by TVA's Environmental Quality Staff, addresses air, water, and land resources and waste management. Air quality: overall improvement in the Valley (due to Clean Air Act compliance), but nonattainment problems for CO and/or O₃ (ozone) persist in 10 Tennessee counties (including Knox, Roane, Hamilton); toxic air pollutants are not routinely monitored. Water quality: 16 TVA reservoirs have impaired use due to poor water quality (sedimentation, toxics, sewage, etc.); low dissolved oxygen in the water released by 14 TVA dams adversely affects ca 300 miles of river; non-point source pollution from mining, agricultural, and urban activities remains a very serious problem (see also ¶5F, this NL); insufficient state legislation exists to protect the heavily impacted groundwater resources (see also ¶5E, this NL). Land resources: 51% of the region's cropland is eroding at rates greater than soil-loss tolerance; there are

over 50,000 acres of unreclaimed surface-mined areas in the Valley; the region is likely to lose up to 170,000 acres of farmland per year to nonagricultural uses.

10. NATIONAL NEWS

A. How our US Representatives voted on energy and the environment in 1985

The League of Conservation Voters recently issued a compilation of 12 key votes in 1985. LCV scores for Tennesseans are as follows (with 1984 and 1983 scores also included)

	<u>1985</u>	<u>1984</u>	<u>1983</u>		<u>1985</u>	<u>1984</u>	<u>1983</u>
Quillen (R)	17	11	6	Gordon (D)	42	-	-
Duncan (R)	8	25	21	Sundquist (R)	42	25	30
Lloyd (D)	26	21	33	Jones (D)	42	59	52
Cooper (D)	75	73	91	Ford (D)	75	81	57
Boner (D)	50	56	61				

The national average score for 1985 was 52%, the Southeast average 40%, the Tennessee average 42%. Congressmen Cooper and Ford are well above this and should be congratulated. The League of Conservation Voters is a non-partisan group that helps elect candidates with outstanding environmental credentials running in close races. This year, more than ever, it is important to get such people elected. Your contribution will help (LCV, 320 Fourth St, NE, Wash. DC 20002).

B. Dams and national parks are incompatible

Rep. Richard Lehman (D-CA) recently introduced HR 4089, which would prohibit dam construction within authorized boundaries of national parks and monuments. The bill would also prevent expansion of existing facilities, would require permits from the Sec. of Interior for ongoing operation of existing facilities, and would set strict guidelines for the repair of such facilities. For further info, contact Mary Lou Cooper in Rep. Lehman's office. (Address on p. 2).

C. A new park protection bill

S.2092, introduced by Sen. Chafee (R-RI) on Feb. 25 and entitled the National Park System Resources Act, tries to address both internal and external park threats. (a) It prohibits federal funds to be spent for projects on federally managed areas adjacent to parks unless the Sec. of Interior determines such activities to be harmless to park resources. (b) For parks that have been designated as international "Biosphere Reserves" (e.g., the Smokies), the bill requires a determination of whether the park boundaries are sufficient for U.S. participation in the Man and the Biosphere Program. (c) The bill calls for a comprehensive biannual reports to identify threats to park resources and to provide baseline data. (d) It allows user fee increases for certain parks, with revenues to flow back into the park system. -- This bill is significant because it is the first on the Senate side of the Congress; the House has twice in recent years passed comprehensive park protection legislation.

WHAT YOU CAN DO: Ask your Senators to co-sponsor S.2092. See p.2 for address.

D. Court upholds NPS on hunting/trapping regs

The National Rifle Assoc., some time ago, asked the courts to block NPS regs issued June 1983 which prohibit hunting and trapping in park areas except where specifically authorized by law. A U.S. District Court recently upheld the NPS regs.

E. Endangered Species Act: reauthorization and budget outlooks

The Senate Environment Committee on 12/4/85 reported out S.725 (Chafee), which would reauthorize the Act through FY 1988 without significant changes. The full Senate is expected to vote on this bill in April. The House passed a 3-year reauthorization last July, making only minor changes in the present Act. It is expected that the Senate will accept the House amendments during conference.

While the outlook for the law itself thus looks uneventful, the President's FY 1987 budget gives much cause for concern. The President wants to eliminate all land acquisition,

including that for endangered species habitat which has constituted about 50% of all acquisitions in recent years. Apart from land acquisition, the endangered species program would be cut by 23%(!). A big part of this cut would be due to total elimination of §6 Grants to States (currently \$4.2 million), the excuse being that several states have tax checkoff programs for non-game species. Many states, however, do not (including Tennessee). Another big need for funding is that required for the listing of endangered species, an activity that is lagging far behind the need; thus, of about 4000 candidate species, only 60/yr are listed. Already, 20 animal and 60-200 plant species have become extinct while awaiting listing.

WHAT YOU CAN DO: Write to your U.S. Rep and both Senators asking that land (habitat acquisition) not be eliminated, that §6 Grants to States be restored, and that funding for species listing be increased. See p. 2 for addresses.

F. BLM lands: the last chance to save wilderness

The largest category of federal lands, those administered by USDI's Bureau of Land Management (BLM), was not even mentioned in the Wilderness Act of 1964. BLM supervises 270 million acres -- 3 times as much as either the park or refuge systems. This omission from the Wilderness Act was corrected by the 1976 Federal Land Policy and Management Act, which directs BLM to study all roadless areas over 5000 acres in size regarding their suitability for inclusion in the wilderness system. By the end of 1985, only 368,281 acres of BLM lands had been designated wilderness by the Congress, most of them without BLM's blessings; this represents only 0.4% of the national system. The potential is, however, great. In 1980, BLM designated (in states excluding Alaska) 682 Wilderness study areas (WSAs) totaling almost 24 million acres. But, of the roughly 19 million of these acres that had been further studied by October 1985, only 7.3 million (38.4%) were recommended by BLM as suitable for wilderness. A dangerous reason for this hatchet job has just come to light. BLM invited mining companies to submit inside info on WSAs; if such secret data indicated a mineral conflict, the study area was dropped without further ado, i.e., without opportunity for public challenge.

G. Water Resources Development Act

Congress has not passed a major omnibus water projects authorization bill for many years, mainly because of disagreements over cost sharing. The House passed a bill with some cost-sharing and navigation-tax provisions in November 1985. Senate passage of a bill with similar, but not identical, provisions is imminent. It would authorize 170 new Corps projects. -- The FY 1987 Reagan budget contains \$3 billion for the Corps of Engineers (up from a \$2.3 billion request for FY 1986), including 19 new starts and 40 projects from the FY 1985 supplemental. This budget request assumes passage of the omnibus authorization bill.

11. COME HIKE ON TWO TCWP-MAINTAINED TRAILS, MAY 3 AND 17

Both of these hikes will combine work with pleasure. Bring large plastic bags to pick up any garbage we may find; gloves; pruning shears or clippers if you have them (don't worry if you don't). Wear sturdy shoes and carry drinking water. For info, call 483-5976 or 482-2153.

A. Northridge Trail, Oak Ridge, May 3

Meet 8 a.m. at Key Springs Park (road leading down to it turns off Outer Drive W of New York Ave intersection). We will walk to the western end of the trail, ca 4 miles. If enough people show up, one group will go to the eastern end of the trail (Endicott Lane), ca 4 miles. Car shuttles will be prearranged; this means we start walking at 8 a.m. Maps of the Northridge Trail are available at the O.R. Public Library.

B. Whites Creek Small Wild Area, May 17

This is the area we encouraged TVA to set aside. TVA has made the trail; we've offered to maintain it. For about 4 miles, you can walk into hardwood coves, along the crests of ridges, and down to the shores of the Whites Creek embayment of Watts Bar Lake. Part of

the return trail goes across Bowaters land (by their permission); it has recently been cut over, but we hope to watch it grow up over the years.

People coming from Oak Ridge will meet 8 a.m. at Big Turtle Park (off the Turnpike, W of traffic light #13) for carpooling. Others should be at the trailhead parking area on Watts Bar at 9:15 a.m. To get there via Rockwood: Take I-40 exit #347. Proceed south on US27 through Rockwood. On the far side of Rockwood, check your odometer where US 70 takes off on the right, but stay on US 27; 4.5 miles from that point, US 27 passes over two blue bridges, in tandem. A memorial (cross) is located between them (on the left). Almost exactly 2 miles farther along on US 27, you come to a crossroad where you should turn left (the sign reads Bethel Baptist Church, and there is an abandoned white house on the corner). Proceed about 1 mile to the lakeside parking lot. If you are coming from the south, go north on US 27 and proceed about 7 miles north of Spring City to find the Bethel Baptist Church sign, where you turn right and go 1 mile. Bring a lunch, water, a swimsuit if it's warm, family and friends.

12. TCWP NEWS

- Pam Petko-Seus, our part-time executive director, who also worked part time for the IJAMS Nature Center, has left to work full time for IJAMS. She will however, represent TCWP at the Lavender Bridge hearings (#3C, this NL). The TCWP Board will next week consider two possible candidates for the part-time exec. director position.
- On March 5, Dr. David Dawson, former director of the U.S. Forest Service Research Lab and now consultant to the Conservation Foundation, talked to some of us on National Trends in Environmental Issues. We had very short notice of Dr. Dawson's willingness to talk, and the newspaper announcement omitted to mention the place of the meeting. Nevertheless, about a dozen of us enjoyed the talk and stimulating Q and A session that followed.
- Thanks so much to the following who helped to stuff envelopes for NL 147: Flossie Cosgrove, Fred and Phyllis Sweeton, Alfred Brooks, Dave and Carol Cox, Donald Davis, Donald DeAngelis, and organizer Dick Ambrose.
- Here is a list of a few other TCWP activities since the last NL:
 - Testimony at Columbia, TN, on TVA's Columbia Dam b/c re-study; transmission of comments to Senators and Congressmen
 - Two testimonies at Knoxville at hearing of Tennesseans Outdoors Talk to East Tennessee White Water Club (monthly meeting)
 - Meeting with Exec. Committee of Sierra Club's Harvey Broome group re BSFNRRRA "deferred areas"
 - Phone-chain activity in support of Wetlands Acquisition bill
 - Comments on Draft Watts Bar Reservoir Plan
 - Field study of Lavender Bridge pollution
 - Letters concerning: oil & gas drilling bill (5 addressees), billboard removal (to all legislators), Eastern State WMA (3), House Mountain (4), Surface owner's relief (6), abandoned mine lands funding (3), TVA budget cuts (3), cuts in environmental programs (3), denial of requested hearings regarding stripmine permits.

13. THINGS TO DO AND THINGS TO READ

- Hikes on TCWP-maintained trails. See #11
- The TN Dept. of Conservation is looking for applicants for two positions: (a) Natural Areas Administrator -- a newly created position (#3B, this NL), and (b) Plant Ecologist -- a 9-month job. Contact Dan Eagar, Director, Ecological Services Division, TN Dept. of Conservation, 701 Broadway, Nashville, TN 37203. Ph (615) 742-6545.
- Those interested in threatened tropical rain forests are in for a triple treat on Thursday, May 1 (7:30 p.m., Amer. Museum of Science and Energy, Oak Ridge): (1) Slide program and film on insect life and jungle gardening in a nature preserve at the headwaters of the Amazon (jungle gardening techniques may help preserve the rain forest from the current

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