

TENNESSEE CITIZENS for WILDERNESS PLANNING

Newsletter No. 152*

October 13, 1986

This special edition of the NEWSLETTER is devoted almost exclusively to information about candidates in the November 4 election. PLEASE VOTE!

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1. CHEROKEE NATIONAL FOREST WILDERNESS BILL PASSES

Things moved fast on H.R.5166, which adds another 33,735 acres of the Cherokee NF to the National Wilderness Preservation System (NL 151 ¶1A). The House passed the bill on Sept. 22 by voice vote. Reps. Quillen and Duncan were sponsor and co-sponsor, respectively. Rep. Cooper had written in support, and it is likely that most other TN representatives voted for the bill. Senators Sasser and Gore, working hard to beat the adjournment rush, scheduled Senate hearings for Sept. 25 (at which they testified); and the full Senate passed the House bill by voice vote on October 3. Although the bill includes two areas in the southern Cherokee (which were previously wilderness study areas), its principal accomplishment is designation of the first wilderness ever in the northern Cherokee NF. For the Cherokee as a whole, 10.6% is now wilderness.

* We hope you will express your gratitude to Rep. Jimmy Quillen (House Office Bldg., Wash. DC 20515) and to Senators James Sasser and Al Gore, Jr. (Senate Office Bldg., Wash., DC 20510) for their good work. Will Skelton, who led the citizen effort on behalf of the bill, has written up a more detailed account of its legislative history, which you may wish to request (send stamped, self-addressed envelope to address at bottom of this page).

2. TCWP ACQUIRES NEW STAFF

After Sam Suffern had to give up his part-time job as TCWP executive director (NL 151 ¶9A), the TCWP Board was fortunate in receiving applications from two fine applicants. Since it was hard to decide between them, and since each also has another part-time job, we hired both -- each about quarter-time. They are Liz Singley and Craig Walker, both from Knoxville. Hope you'll get a chance to meet them at our Annual Meeting, Nov. 7-9.

B. TCWP CANDIDATES FOR 1987

Submitted by the Nominating Committee: Miriam Kertesz, Ronald Foresta, Harold Smith

PRESIDENT: Liane (Lee) Russell, Oak Ridge, geneticist at ORNL. A TCWP founder, V.P. 1966, Pres. 1967-1970, 1986, dir. 1971-1985; Newsletter editor 1966-pres. Instrumental in authorization and implementation of BSFNRRA and Obed WSR. Also active on stripmine, wilderness, and dam issues.

VICE PRESIDENT: Martha Ketelle, Knoxville, Assistant to Dir. for Environmental Quality at TVA. TCWP member for 12 years. Professional career has provided 8 years experience in areas of environmental policy and legislation on a national and local level. Concerned about rivers and water quality issues.

SECRETARY: Flossie Sparling, Oak Ridge, retired teacher after 24 years in Oak Ridge school system. Enjoys all kinds of outdoor activities, canoeing, backpacking, etc. Lifetime interest in conservation issues.

TREASURER: Charlie Klabunde, Oak Ridge, physicist at ORNL. TCWP Treasurer for 13 years, in charge of membership records. Past president of SMHC, member of TTA, active folk dancer.

DIRECTORS: (5; in addition, Bill Russell, as past president, remains on the Board)

Richard Ambrose, Oak Ridge, Zoologist/Ecologist with Science Applications International Corp. TCWP member of 16 years. Concerned about destruction of natural habitats. Believer in public information and political action to accomplish goals. Interested in sailing, backpacking, hiking, and photography. TCWP board, 1986.

Charles Coutant, Oak Ridge, Senior Research Ecologist at ORNL, TCWP board 1982-1986. President of Citizens Council for Clinch River Planning; Chairman of EQAB. Interested in preserving undamaged ecosystems.

Ronald Foresta, Knoxville, Asst. Prof. of Geography at UT, specializing in land-use planning. Author of books on land protection and on the National Park Service. TCWP board, 1984, 1986; V.P. 1985.

Eric Morgan, Cookeville, Assoc. Professor of Biology, TN Tech. Univ., TCWP board, 1984-1986. Has done water quality analyses and biological monitoring in Smokies, Cherokee, Duck River, Ocoee, etc.

Lynn Wright, Kingston, ecologist at ORNL, TCWP member since 1975, Sect. 1976-1978, Pres. 1979-1980, Treas. 1981. Interested in wilderness and water-quality issues. Wants to increase visibility and membership of TCWP.

NOMINATING COMMITTEE: (3)

Don Jared, Oak Ridge, Martin Marietta Energy Systems Technology Transfer Program Manager, background in biology, life member of TCWP and past board member. Special interests are river environmental control, protecting the environment, and using technology to solve environmental problems.

Fred Sweeton, Oak Ridge, retired physical chemist from ORNL, long-term member of TCWP and former board member. Member of SMHC, Pres., 1952, board member. Interested in land preservation and the dilemma of costs vs. benefits of environmental action.

Don Todd, Wartburg, retired teacher. TCWP board member for many years, V.P. 1981-82, Pres. 1974-76. Pres. TTA 1971-72. Played major role in initiating TN Trails Systems Act and obtaining National Wild River status for the Obed.

4. CANDIDATE INFORMATION (TO HELP YOU VOTE NOV. 4)

As in past election years, we try to help you assess candidates for public office with respect to environmental issues of particular concern to Tennesseans. We provide two types of information:

- (a) how incumbents performed in the past; and
- (b) what positions incumbents and challengers take on specific questions.

The information for (a) comes from actulatl entries in past TCWP NEWSLETTERS (we are grateful to Eric Morgan and Bill Russell for helping us search for this information). At the end of each listed issue, you will find the reference (e.g., 130/6B means Newsletter 130, item 6B) so that you can look up details, if you wish. If you want to delve farther into the past, see a similar table made 4 years ago (NL 124).

The information for (b) comes from 50 questionnaires we mailed in early September to addresses provided by the State Election Commisssion. These questionnaires were sent to all opposing candidates in the following races: (1) all U. S. House races, except District 4, which was unopposed; (2) the gubernatorial race; (3) selected Tennessee General Assembly races -- for 2 senatorial and 11 representative seats.

A. U. S. HOUSE OF REPRESENTATIVE RACES: PERFORMANCE OF INCUMBENTS

Nos. 1-12 at the top of the following table refer to issues close to home (Obed, Smokies, Cherokee, etc.), which are described below, together with the meaning of the +/- symbols. The League of Conservation Voters (LCV) score is for national issues. Even though there are no Senatorial races this year, and the 4th District House seat has no opponent, we have made entries for Sasser, Gore, and Cooper, along with the others (save for the future).

1. In 1983, actively supported \$1 million appropriation for land acquisition for Obed WSR. Action ended in success. [129/2, 130/1A, 131/2A, 132/2A]
2. In 1984, actively supported \$0.5 million appropriation for land acquisition for Obed WSR. Action ended in success. [136/1A, 137/2A, 138/1]
3. In 1986, urged Corps of Engineers to give high priority to acquisition of remaining Big South Fork NRR lands. [149/2A]
4. Wilderness bill for southern portion of Cherokee NF introduced (++) 11/1/83 in House [132/1B, 133/4A] and 4/25/84 in Senate [135/3, 136/6]. Co-sponsorship, +. Bill passed [138/2].
5. Wilderness bill for northern (and southern) portion of Cherokee passed 1986. ++, primary sponsor; +, active supporter. Others may have voted for it (voice vote). [151/1A, 152/1]
6. In July 1986, urged Forest Service to issue Declaration of Taking to protect Grassy Ridge in Roan Highlands. [150/2, 151/1B]
7. In October/November 1983, introduced (++) or co-sponsored (+) bills to designate 476,000 acres in the Smokies as wilderness [132/1A, 135/2]. The bill was subsequently abandoned by one of its chief sponsors, Sen. Baker, and scuttled by Helms [135/2, 141/6A].
8. 1985 Smokies Wilderness bill introduced, similar to bill mentioned in 7. [143/4]
9. In May 1983, introduced or sponsored resolution requesting TVA to allow use of Ocoee River for floating 110 days/year [130/2B]. Action ended in success.
10. In May 1986, was instrumental (++) or highly active (+) in getting the Office of Surface Mining to release Abandoned Mine Lands Funds for Tennessee. [149/5B]
11. In 1983 and 1984 introduced bills to prevent "privatization" sale of Oak Ridge Turnpike Green [130/11A, 136/10D]. However, the Green was sold in 1986.
12. October 1983 vote on harmful amendment to Parks Protection bill: +, helped defeat the amendment; -, voted for harmful amendment.

Distr.	Incumbent	Performance on issue No.: ^a												LCV score			
		1	2	3	4	5	6	7	8	9	10	11	12	'85	'84	'83	'82
I	Quillen (R)		+			++							-	17	11	6	7
II	Duncan (R)	++	++		++	+		++		+			-	8	25	21	29
III	Lloyd (D)	++	++		+			+				+	-	26	21	33	34
IV	Cooper (D)	++	++	+	+	+		+		+	+		+	75	73	91	*
V	Boner (D)		+		+			+					+	50	56	61	56
VI	Gordon (D)	*	*		*			*		*		*	*	42	*	*	*
VII	Sundquist (R)	+						+					-	42	25	30	*
VIII	Jones (D)	+	++		+			+					+	42	59	52	53
IX	Ford (D)	+	+		+									75	81	57	80
IV	Gore (D) 1983, 1984	++	++		+			+					+	*		79	71
Senate	Gore (D) 1985, 1986			*		++	+		+	*	+						
Senate	Sasser (D)	+	++		++	++	+	++	+		++						

^aSee preceding page for explanation

*Not a member of that House of Congress at that time

B. U. S. HOUSE OF REPRESENTATIVES RACES: QUESTIONNAIRE RESPONSES

Incumbents and challengers are listed below. The names of those who answered the questionnaire are underlined.

District

1	Jimmy Quillen (R) -- no response	<u>John B. Russell</u> (D) -- answered
2	John J. Duncan (R) -- no response	<u>John F. Bowen</u> (D) -- no response
3	<u>Marilyn Lloyd</u> (D) -- answered	Jim Golden (R) -- no response
4	Jim Cooper (D) -- questionnaire not sent by us (no opponent)	
5	Bill Boner (D) -- no response	Terry Holcomb (R) -- no response
6	<u>Bart Gordon</u> (D) -- answered	Fred Vail (R) -- no response
7	<u>Don Sundquist</u> (R) -- answered	M. Lloyd Hiler (D) -- no response
8	Ed Jones (D) -- wrote letter*	<u>Dan H. Campbell</u> (R) -- answered
9	Harold Ford (D) -- no response	Isaac Richmond (I) -- no response

*Rep. Jones wrote that the proliferation of surveys made it impossible to respond.

"I am confident that you will find my position in past years agreeable to the high principles and goals advocated by TCWP."

1. Part of the Great Smoky Mtns. National Park (467,000 acres) is being administered as wilderness. In 1984, a bill that would have given that area permanent protection by including it in the National Wilderness Preservation System was stalled when Sen. Helms and the Administration proposed a wilderness boundary that excluded a large portion of the Park north of Fontana Reservoir. Would you actively support a bill that designates at least 467,000 acres in the Smokies as wilderness?

Russell (D), Distr. 1

Yes, I would support a bill to protect the Smokies, at least 467,000 acres.

LLOYD (D-3): In the 98th Congress, I cosponsored the Gt Smoky Mtns Wilderness Act ... I was disappointed when the bill was not successful in getting passed in [House and Senate committees]. If a similar bill appears in the House again, I will gladly join in cosponsoring the measure as I did in the previous Congress.

GORDON (D-6): ... Wilderness areas are vital to the preservation of the pristine beauty of the Smoky Mtns. I would strongly support legislation which would designate 467,000 acres in the Smoky Mtns as wilderness.

SUNDQUIST (R-7): Need more information.

CAMPBELL (R-8): Yes, I have camped out in the Smoky Mtns with my son and a business associate several times. We love the wilderness as it is and surely appreciate this great beauty of God's creation. We, by all means, would fight for its protection. ...

2. *A bill (H.R.5166) introduced in 1986 would designate 6 wilderness areas in the Cherokee National Forest, including the first ever to be set aside in the northern Cherokee. Altogether 10.6% of the total Cherokee acreage (and only 0.2% of Tennessee's overall area) would then be wilderness. If action on this bill is not completed in 1986, would you actively support a similar measure in 1987?*

RUSSELL (D-1): Our wilderness areas in Tennessee will be protected and enhanced in size, but I also feel that the federal government should supplement the tax base of any county when land is acquired for Park Service.

LLOYD (D-3): H.R.5166 ... will designate [enumeration of the 6 areas] ... [and] will release national forest system lands in specific counties which were reviewed in the RARE II program from further review by the Dept of Agriculture, pending the revision of initial national forest management plans. H.R. 5166 passed the House with my full support on 9/22, and it was [passed] by the Senate on 10/7. I was glad to see this worthy bill successfully emerge from both Houses.

GORDON (D-6): The House of Representatives passed H.R.5166 ... on 9/23/86. I strongly supported this legislation which will designate six separate areas -- encompassing 33,375 acres -- within the Cherokee National Forest as wilderness. This brings the total number of wilderness acres in the Cherokee NF to 66,637 acres.

SUNDQUIST (R-7): I strongly supported H.R.5166 and was pleased when it passed the House this month.

CAMPBELL (R-8): I was very active in Memphis in support of the clean air act referred to as the Muskie bill. I certainly support protection of our national forest and would truly fight to continue the battle in 1987 if necessary.

3. *The Obed is Tennessee's only National Wild and Scenic River, and one of only three in the southeastern United States.*

- a. *Will you actively support expeditious completion of land acquisition within the designated boundaries by urging speedup of National Park Service actions, and (if necessary) by seeking additional appropriations?*
- b. *Would you support adding to the designated boundaries the upper 50 miles of the Obed River? This portion was highly recommended for inclusion in the study conducted under the National Wild and Scenic Rivers Act.*

RUSSELL (D-1): (a) Yes, with the same qualification as #2. (b) Yes.

LLOYD (D-3): Nine years ago, I introduced a bill that was eventually passed to designate the Obed as a National WSR. It is ... a national treasure. The Tennessee Congressional delegation, responding almost unanimously to the strong and steady statewide support for protection of this river system, succeeded both in 1983 and 1984 in augmenting the initial appropriation for the Obed. But so far, only about 1/4 of the land needed has been acquired. Holdups have been the result of Sec. Watt's anti-acquisition philosophy and bureaucratic slow-downs. Due to recent Congressional pressure, the NPS has negotiated

to acquire a large area of land. But 3,000 more acres need to be acquired. I expect action on this in the near future.

(b) Not answered.

GORDON (D-6): (a) I would support the expeditious completion of the land acquisition as prescribed by NPS recommendations. I would additionally do my part in speeding up the acquisition process.

(b) Should the legislative opportunity arise to expand the designated boundaries of the Obed River as recommended by the National WSR Act, I would make every effort to support the bill.

SUNDQUIST (R-7): (a) Yes. (b) Yes.

CAMPBELL (R-8): (a) Sincerely I would. (b) Yes.

4. *The Big South Fork National River and Recreation Area in Tennessee and Kentucky was authorized to include 125,000 acres, but the Corps of Engineers has deferred acquisition of about 14,000 acres in favor of expending available authorization on developments.*
- Assuming a 1986 bill is passed that will raise the authorized spending limit by about \$52 million, will you press the Corps to make completion of land acquisition their first priority?*
 - Assuming the bill is not passed in 1986, would you actively support a similar bill -- with the same priority -- in 1987?*

RUSSELL (D-1): (a) I would apply pressure on the Corps to do their job as the law demands. (b) Yes.

LLOYD (D-3): (a) Land acquisition is a priority and should be for the Corps. I have been in touch with the Corps concerning the acquisition of the Laurel Fork Creek and White Oak Creek parcels, the largest portion of the remaining 14,000 acres. H.R.6, which contained the additional authorization of \$52 million, has passed the House and is now in conference. I hope we will see final consideration of this bill soon.

(b) As you know, budget constraints are running high in Congress right now, but I will do my best to see that the BSF Area gets adequate funding, if not in this Congress in next.

GORDON (D-6): (a) Should a bill pass Congress which authorizes an increase in the Corps of Engineers spending limit by \$52 million, I will do my part in encouraging the Corps to put land acquisition on the "fast track."

(b) Assuming a bill of this nature is not passed in the 99th Congress, I would seriously consider all variables involved, including the budget situation.

SUNDQUIST (R-7): (a) Yes. (b) Yes.

CAMPBELL (R-8): (a) Yes. (b) Yes.

5. *Completion of Columbia Dam on the Duck River has been stalled for many years, and the project has never had a benefit/cost ratio greater than 1.0. A careful 1986 study by TVA found that only 50¢ in benefits would be returned for every \$1 spent. Would you actively support abandoning the dam in favor of alternative development, such as promotion of this portion of the Duck River as a float stream, with a protected greenway strip on the banks?*

RUSSELL (D-1): I would have to study the overall impacts of the dam both economically and socially on the area, then if the Duck R. is to be a float stream, I will support it.

LLOYD (D-3): ... Despite the numerous arguments against it, in 1980 Congress authorized funds to complete the Columbia Dam project under a general appropriations authorization bill. I will continue to stay in touch with all parties involved in this issue. All options should be explored.

GORDON (D-6): With respect to the various options concerning the completion of the Columbia Dam, I will represent the views of the majority of my constituents in that area.

SUNDQUIST (R-7): No, I am inclined to support the completion of the dam.

CAMPBELL (R-8): Yes, because I believe it would preserve the natural environment rather than flooding the area. Also, such a project would protect wildlife as wildlife is always being interfered with for what we call "progress." It is time we preserved the gifts of nature God has given us. ...

6. *The Surface Mining Control and Reclamation Act of 1977 established the Abandoned Mine Lands Reclamation Fund, the money being derived from a small tax per ton of currently mined coal. The Administration has allowed only a minute portion of this fund to be spent for its intended purpose. Would you support measures to bring about release of this money?*

RUSSELL (D-1): I will gladly support cleaning up our stripmined mountains. I will bring pressure on the Administration to support additional measures to release funds for the reclaiming of our mountains.

LLOYD (D-3): Yes. ... Under ... USDA's Rural Abandoned Mine Program, funding levels are allowed [by law] to be up to 20% of the revenues of tax paid by coal operators ... but the appropriations levels have averaged less than 5%. I support an increase in appropriations to reach the 20% that was authorized. -- Additionally, due to Tennessee's withdrawal from the state's primacy, this Administration has held back funds for mine reclamation programs. I am working on the federal level to restore this funding in any other way possible without primacy, while encouraging the state of Tennessee to restore primacy under its own program. ...

GORDON (D-6): ... Tennessee lost their primacy several years ago. Consequently, we are not receiving our fair share of mine reclamation funds from OSM. I have written the Secretary of OSM, requesting that he direct monies from the Secretary's Discretionary Fund to for mine reclamation to the state of Tennessee. Additionally, I have written the head of the USDA Soil Conservation Service and requested his utilization of a special earmarked portion of their budget for reclamation purposes and direct it toward Tennessee.

SUNDQUIST (R-7) did not answer this question

CAMPBELL (R-8): I would instigate an investigation into why such funds have not been put to proper use to reclaim the land that man has so scared [sic]. We also need to take heed from this example that funds also not be withheld from the Superfunds to clean up dangerous waste.

7. *The Land and Water Conservation Fund (LWCF), which derives from off-shore oil-leasing revenues (and not from the tax-payer), provides the money needed to add lands to Congressionally authorized National Park System units, National Wildlife Refuges, etc. Although LWCF money is "in the bank" and is earmarked for land acquisition, the Reagan Administration has consistently refused to seek appropriations for this purpose and/or has tried to rescind money appropriated by the Congress.*

- a. *Would you actively support LWCF appropriations for acquisition of designated parklands?*
- b. *After the LWCF expires in 1989, would you support creation of a Trust Fund to be used for such land acquisition?*

LLOYD (D-3): (a) This year the administration requested only \$15 million for the LWCF. For such a comprehensive fund this is a near-zero amount. The House with my support and Senate both passed appropriations ... over \$160 million. Congress is fighting efforts by the administration to kill this fund.

(b) ... There will be several options open to Congress, including reauthorization of the Fund. Congress will be better able to determine what is the best road to take that will ensure continued land acquisition.

GORDON (D-6): (a) As you know, the acquisition of public land has been continually attacked by the Administration. If legislation came before the House which addresses the issue of

of LWCF appropriations for land acquisition, I would support the measure.

(b) I would take an indepth look at the ramifications a trust fund would have on the availability of funds, new tax liabilities and budgetary considerations.

SUNDQUIST (R-7): (a) Yes. (b) Yes.

CAMPBELL (R-8): (a) Yes, I also would request accounting of such negative behavior which causes delay of the use of funds for protection of and expansion of our national wildlife refuges. (b) Definitely.

8. *(In 120 words or less) What contributions do you hope to make to environmental protection in Tennessee and the Nation? (Incumbents may wish -- instead, or in addition -- to summarize their record)*

LLOYD (D-3): I believe it is essential to take steps now in order to preserve the environment for tomorrow. Our natural resources are some of our country's strongest assets, and we should all be concerned about protecting our lands, waters, air, and various forms of wildlife. In Tennessee we have some of the most beautiful scenery in the country. Once that is lost, it can never be reclaimed. I will continue to support measures that effectively protect our natural resources so we can pass them on to our children.

GORDON (D-6): During my first term in Congress I have made a special point of being a leader in environmental protection. I supported all strengthening amendments to the Superfund reauthorization bill and have encouraged my colleagues on the Superfund Conference Committee to report the strongest possible bill. I am also the most vocal opponent to the DOE's plan to place [an] MRS nuclear waste dump in Tennessee. The costs to construct an MRS are prohibitive, the concept is faulty and the idea of placing the dump in TN is simply irresponsible. Finally, I have moved to the forefront of the radon contamination issue by expediting EPA's approval of TN's request for 3000 radon detection units to conduct a state-wide study. I am presently reviewing possible legislative remedies to assist homeowners with radon mitigation.

SUNDQUIST (R-7): ...I have had a particular interest in those environmental issues under the jurisdiction of the Public Works and Transportation Committee on which I serve. -- ... As a member of the Board of Directors of the Congressional Office of Technology Assessment, I have actively promoted recycling alternatives. My concern has been that we do not have a comprehensive, nationwide hazardous waste policy, a policy that encourages environmentally and economically sound disposal methods, a policy that sets reasonable goals and objectives, or a policy that pools research efforts. It is for these reasons I support a sound Superfund bill. -- I have voted in favor of the Clean Water Act, Safe Drinking Water Act, [and] wilderness designation legislation, particularly those affecting areas of Tennessee.

CAMPBELL (R-8): Provide support as well as leadership to protect and expand protection of our wildlife areas. As it is they are rapidly decreasing and, in many cases, with no hope of future protection. I love the great national heritage our forefathers left us. As Congressman I guarantee to battle against those who would destroy our wildlife refuges. Positive leadership in this area would be the byword and action our thrust. For only with positive support can we protect our national wildlife areas. You can count on my support of your program.

C. GUBERNATORIAL CANDIDATES: PAST PERFORMANCE

WINFIELD DUNN

- + Signed Tenn. Trails Act (1971) supported by his administration [40/1A]
- + Signed Tennessee Natural Areas Act, 1971 [40/1A]
- + Sponsored bill (1973) to designate a number of specific Natural Areas [52/5C]
- Endorsed Normandy and Columbia Dams [43/2, 45/II(2), 64/5D]

WINFIELD DUNN (continued)

- + Opposed Tellico Dam and requested scenic river status [45/4, 52/II(2)]
- (+)/- Opposed bill removing Harpeth R. from State Scenic Rivers Act, but did not work to defeat it, and failed to veto it [47/3, 49/8B(2)]
- +/- His administration sponsored 1972 stripmine law (which TCWP and SOCM efforts managed to strengthen), but opposed most important strengthening amendments [47/4A, 49/8B(1)]
- His Commissioner of Conservation and his environmental advisor contacted Tennessee delegation in US Congress urging opposition to federal stripmine bill [58/6B]. They opposed strengthening of the state Act passed in 1972 [58/6C]
- + Signed 1974 amendments to stripmine law that included some (but not all) of the strengthening features strongly promoted by TCWP [61/7B]
- /+ In Sept. 1972 appointed Commissioner of Conservation (Hinton) who had very poor environmental record [50/8]; but in March 1973, appointed Deputy Commissioner (Koella) with good record [54/6A]
- + Transferred some land from Brushy Mtn Prison to Frozen Head State Park, instead of allowing it to be opened to stripmining [54/6B]
- + North Ridge Trail (Oak Ridge) designated State Recreation Trail [55/9]
- + In 1974, supported conservationists' proposal on Tennessee areas to be included in the federal Eastern Wilderness Act [62/6]
- His Dept. of Transportation in 1974 challenged a federal ruling that would have spared Overton Park, Memphis, from being traversed by Interstate highway [62/9]

NED RAY McWHERTER

- In 1979, as House speaker, he bottled up container-deposit legislation (this was widely attributed to his being in the beverage distribution business). He successfully sponsored bill providing for prison inmates to pick up road litter [94/7]
- In 1985, when Natural Areas funding was before the legislature, it was jeopardized by McWherter opposition. To counteract this, TCWP had to send special ALERT [3/19/85, between NL 140 and NL 141]
- In Feb. '86, he referred billboard-removal bill to a House committee known to be hostile to it [147/1C]

D. TENNESSEE LEGISLATURE: PAST PERFORMANCE

Below, we list favorable and unfavorable mentions of state legislators in NEWSLETTERS of the past 3-4 years. (Note: not all are candidates in this election.) *Leadership role.

<u>FAVORABLE MENTION</u>	<u>UNFAVORABLE MENTION</u>
Natural Areas funding (won)	
Rare Plant Protection (won in weaker form)	*Speaker McWherter [Alert of 3/19/85] Rep. J. Henry [141/3A]
*Sen. D. Henry [141/3B] *Rep. Cobb [140/2]	
Prevent Collins River removal from State Scenic Rivers Act (lost)	
Senators Atchley, Burleson, Cohen, Dunavant, Garland, D. Henry, Kyle, Longley, Ortwein, Person, Rochelle, Sharp [135/5]	*Rep. Rhinehart; Senators Koella, Shockley, Rucker [135/5]
Oil and gas, rights of surface owner (no action)	
Rep. Loy Smith; Sens Atchley and Shockley [134/8C, 135/10A]	

<u>FAVORABLE MENTION</u>	<u>UNFAVORABLE MENTION</u>
Oil and gas, regulation (no action) Sen. Koella [147/1A]	Rep. Duer [148/4C]
Stripmine: prevent scuttling of state law (lost) Sen. Atchley [135/7] Reps. McAfee and Jared [135/7] Reps. *Jared, Sir, Murphy, Owen, Cobb, Chiles [136/8A] Sens. *Darnell, Burks; Rep. M. Murphy [140/4B]	*Rep. M. Robertson [132/6B, 134/1] *Sen. Albright [133/1] *Rep. McNally [135/7]
Parks Resources Trust Fund Sens. Lashley, Lewis; Rep. Rhinehart [128/4Aa]	
Septic tank control (no action) Rep. Yelton [128/4Ab]	
Tennessee Conservation Corps (passed without funding) Rep. M. Murphy; Sen. Ortwein [128/4Ac]	
Control of racoon hunting (lost)	Sen. O'Brien; Rep. Robertson [127/7B]
Hazardous waste control (compromise) *Sen Davis [128/4Ae]	
Billboard removal (no action) Sens. Atchley, Cohen [147/1C] Reps. McNally, Scruggs, May [147/1C]	Speaker McWherter [148/4E, 147/1C]
Wetlands acquisition funds (won) Rep. Byrd; Sen. Richardson [147/1E] Reps. McNally, Scruggs, Severance, May, Peroulis, Drew [148/4A]	
Soil conservation and related issues (won) Rep. Byrd; Sen. Richardson [147/1E]	
Eastern State Wildlife Management Area, Knox Cy. (withdrawn) Reps. Severance, Peroulas, Scruggs, J. Davis [147/1F]	Rep. Severance
Surface owners' relief re mineral rights (lost) Sens. Burks, Koella, Longley, Moore; Reps. Crain, Covington, Hillis, Jared, Kernell [147/1G]	Rep. J. Cross [148/4C]
Abandoned mine state reclamation funds (won) Sen. Albright [147/1H]	

E. GUBERNATORIAL AND STATE LEGISLATOR RACES: QUESTIONNAIRE RESPONSES

The questionnaires mailed to gubernatorial, Senate, and House candidates were identical, except that the gubernatorial candidates got two extra questions (Nos. 1, 2). Since Dunn did not return his questionnaire, we are using his responses to four questions (Nos. 2, 3, 6, 10) that were also included in a pre-primary questionnaire sent by TEC.

The following responses were received from candidates for the legislature:
(Caldwell and Garrett also kindly met with us to discuss their responses)

DISTRICT	DEMOCRAT	REPUBLICAN
Senate 5	<u>Marvin Gene Caldwell</u>	(McNally -- no response)
House 18	<u>Lester F. Kefauver</u>	(Peroulas -- no response)
" 33	<u>Jo Ann Garrett</u>	<u>Dave Coffey</u>
" 34	(Wheeler -- no response)	<u>Michael Williams</u>
" 55	<u>Gene Odom</u>	(Gibson -- no response)
" 56	(Bushing -- no response)	<u>Beth Halteman</u>

1. *What criteria/prerequisites will you apply to your selection of:*
 - a. *Commissioner of Conservation?*

McWHERTER: Whomever he or she is, the Commissioner of Conservation will reflect a background that contains 3 elements: a willingness to be an advocate for environmental priorities; a commitment to historical preservation as well as environmental preservation; and the management experience to handle a multimillion budget.

- b. *Commissioner of Health and Environment?*

McWHERTER: It is desirable, but not mandatory, that the Commissioner have experience in the medical profession. Responsibilities that range from surface mining to Medicaid require management qualities of the highest order.

2. *Do you believe the Safe Growth Cabinet Council and Safe Growth Staff created by the current administration have been effective in providing coordination and oversight of environmental problems? Would you continue the Safe Growth (or a similar) structure?*

DUNN: The Safe Growth Program has been very effective. I had a similar but smaller program in my administration in 1971-1974. Something similar would almost certainly continue under my administration, although administrative structure might be altered.

McWHERTER: [Please see bottom of p. 15]

3. *The current administration has supported 3 consecutive appropriations of \$2 million/year for acquisition of natural and cultural resources.*

- a. *Would you support appropriations at similar levels to continue such acquisitions?*
 - b. *Would you, in addition, support appropriations for adequately staffing the Natural Areas program?*

DUNN: The acquisition of natural areas (including trails and rivers), archeological parks, and historical parks was actively pursued and heavily funded during my administration in 1971-1974. Funding levels varied but were generally in the \$2-\$4 million range annually (in pre-Carter-inflation dollars). I strongly support continuing the program; however, funding levels and mechanisms may change, based upon changes in economic conditions and tax laws, to assure that the taxpayers receive maximum benefit from expenditures.

McWHERTER: (a) I have supported the program for the acquisition of cultural and natural areas in the General Assembly. The idea works well and should be continued.

(b) It would be necessary to identify more clearly present staffing patterns before committing to additional staff.

CALDWELL (D), S5: (a) Support. (b) Yes.

KEFAUVER (D), H18: (a) Yes. (b) I do not know what the staffing requirements would be at this time but would consider this after review of particular costs, etc.

GARRETT (D), H33: (a) Yes. (b) Yes.

COFFEY (R), H33: Yes. Those acquisitions have established a healthy precedent.
(b) I would need more information to decide what would seem to be adequate staffing.

WILLIAMS (R), H34: (a) Yes, I would be supportive of such legislation. (b) Yes.

ODOM (D), H55: (a) On its face, this seems reasonable but I would need additional information in order to make a definite commitment to such funding levels.

(b) Obviously the program needs adequate staffing and I would work for such if our current staffing is inadequate.

HALTEMAN (R), H56: (a) Yes. (b) Yes.

4. *Tennessee was the first state in the nation to pass a comprehensive law to protect selected scenic rivers, but in 18 years very little has been done to implement this law. Would you favor creating a Division of Scenic Rivers in the Department of Conservation?*

McWHERTER: A commitment to this or any other program depends more upon the priorities of the Commissioner and the Governor than the existence of a special Division in the Department. It is impossible at this point to predict the need for creating a new Departmental Division.

CALDWELL (D), S5: Yes

KEFAUVER (D), H18: Yes if the State can afford such. We are faced with many issues that relatively affect the Health and Welfare of Tennesseans that are proprietary to this.

GARRETT (D), H33: Yes.

COFFEY (R), H33: It seems to me that a Division of Scenic Rivers would be beneficial. However, simply forming this division would not assure action. A specific program with objectives and target dates would seem more useful. Our scenic rivers are a precious resource.

WILLIAMS (R), H34: No. What I am in favor of is the enforcement of the law. If additional funding is necessary to help implement the law, I would support it.

ODOM (D), H55: If it is essential in order to make certain our existing laws are enforced. I would need more information regarding the specific reasons why our laws have not been enforced.

HALTEMAN (R), H56: Yes.

5. *Several of Tennessee's state forests contain significant ecological and scenic resources. Would you support legislation that would:*
- prohibit clearcutting ("even-age management") in state forests?*
 - prohibit surface mining in state forests?*
 - require the Forestry Division to conduct systematic studies to identify some State Forest areas for addition to the Natural Areas System?*

McWHERTER: a) I could certainly support legislation that placed more clear guidelines on clearcutting. There is considerable debate, however, as to whether a blanket prohibition would be universally beneficial.

(b) I would be inclined to support such legislation. (c) Yes.

CALDWELL (D), S5: (a) and (b) Favor in specific areas. (c) Favor.

KEFAUVER (D), H18: (a) Yes. (b) Yes. (c) Yes.

GARRETT (D), H33: (a) Yes, (b) Yes. (c) Yes.

COFFEY (R), H33: (a) My first impression is that clearcutting should not be allowed. However, I would reserve committing to a firm position until after discussion with forestry experts. (b) Undecided. (c) Yes.

WILLIAMS (R), H34: (a) Yes. (b) Yes. (c) Yes.

ODOM (D), H55: (a) Yes. (b) Yes. (c) Yes

HALTEMAN (R), H56: (a) Yes. (b) Yes. (c) Yes.

6. *In 1984, Tennessee chose to give up primacy in regulating surface mining and reclamation. Would you support attempts to regain primacy? If so, what measures would you take to ensure adequate enforcement?*

DUNN: State rights and state responsibilities are inherently inseparable, or should be. I support state responsibility for surface mining control, but only if the state has the right to control it without day-to-day federal interference. -- I supported a re-write of surface mining laws and regulations in 1972 and greatly increased enforcement resources. If we take over the program again, and we should, I will provide the resources and the commitment to do the job properly.

McWHERTER: I will initiate efforts to regain primacy of the surface mining program during my first 100 days in office. Losing primacy has cost Tennessee millions of dollars in reclamation funds, and has hampered efforts to manage adequately the surface mining program. This is one area which never received the attention of the present administration, and which calls out for some aggressive management.

CALDWELL (D), S5: The most important measure would be to hire knowledgeable staff.

KEFAUVER (D), H18: After being involved in surface mining I cannot emphasize enough how important strong regulation of surface mining can be and also reclamation should be stringent.

GARRETT (D), H33: I believe it's very important for the state to regain primacy in regulating strip mining and reclamation, if for no other reason, to restore Tennessee access to its share of AML funds. -- Adequate training and pay for inspectors, provision for confiscation of equipment of violators, bonding requirements, timely issuance of permits should be part of any law, so that enforcement can be ensured.

COFFEY (R), H33: I do support an effort to regain primacy. The balance of power between state and federal programs needs careful negotiation. Our U.S. senators and representatives must be involved in these negotiations to assure a workable solution. The best means of enforcement should be decided in these negotiations.

WILLIAMS (R), H34: Yes. Develop a task force to implement the rules and regulations of the state department.

ODOM (D), H55: I am not sure why we gave up primacy. I would appreciate any information you can provide regarding TCWP's position on this issue.

HALTEMAN (R), H56: Stiffer penalties and additional staffing to enforce.

7. *In order to regain primacy, Tennessee must pass a state law that is at least as stringent as the federal law. In a new law, would you support:*
a. special standards for mining on steep slopes?
b. prohibition of mining within 100 feet from any perennial stream?

McWHERTER: (a) Yes. (b) Don't know without further data.

CALDWELL (D), S5: (a) Yes. (b) Yes.

KEFAUVER (D), H18: (a) Yes. (b) Many streams are damaged and ruined by careless operators.

GARRETT (D), H33: (a) Yes, our hilly terrain mandates special standards. (b) Yes.

COFFEY (R), H33: (a) Yes. (b) Depends on contour, 100-year flood level, etc.

WILLIAMS (R), H34: (a) Yes. (b) Yes.

ODOM (D), H55: (a) Yes. Such standards would seem to be a reasonable component.
 (b) Again, this seems reasonable but I would like some resource information.

HALTEMAN (R), H56: (a) Yes. (b) Yes.

8. *Unregulated oil and gas drilling are presently a major cause of environmental damage to the surface and underground waters of our state. Would you support bills that:*
 a. *require total reclamation of surface disturbance?*
 b. *require drillers to post adequate bond to ensure full reclamation?*

McWHERTER: (a) No industry should be exempt from their obligations to environmental responsibility. (b) This would probably be a desirable policy.

CALDWELL (D), S5: (a) Yes -- I am not sure about the word total (b) If this would work.

KEFAUVER (D), H18: (a) Within reason. I know that good operators often do the very best to reclaim however at times the impossible is required. (b) Yes.

GARRETT (D), H33: (a and b) Yes to both -- if we require it of coal mining, it is certainly appropriate to require it of oil and gas drillers.

COFFEY (R), H33: (a) Yes, however, it would not be reasonable to require total reclamation of previous damage.

(b) Probably, if bonding is not used as a measure to delay and discourage activity, but rather as the legitimate guarantee that reclamation will be accomplished.

WILLIAMS (R), H34: (a) Yes. (b) Yes.

ODOM (D), H55: (a) Yes. (b) Yes

HALTEMAN (R), H56: (a) Yes. (b) Yes.

- 9a. *Would you support a bill that requires refundable deposits on beverage containers?*

McWHERTER: Yes, if the program can be structured fairly for both consumers and retailers.

CALDWELL (D), S5: Yes.

KEFAUVER (D), H18: Not particularly.

GARRETT (D), H33: Bottles, yes. Cans seem to have disappeared from roadsides to be redeemed for cash at collection centers.

COFFEY (R), H33: Perhaps. I would need more information on the effects of such legislation

WILLIAMS (R), H34: Yes.

ODOM (D), H55: Yes, if such legislation is constitutional.

HALTEMAN (R), H56: Yes.

- 9b. *Would you support a bill that requires removal of billboards from state or interstate highways?*

McWHERTER: The challenge is draft billboard legislation that penalizes the rural businesses to the benefit of urban counties.

CALDWELL (D), S5: It depends on the cost to taxpayers.

KEFAUVER (D), H18: I am partial to the method of Interstate signs used in Virginia I-81. These are informative and adequately serve the purpose of the traveler.

GARRETT (D), H33: If not removal, certainly regulation as to size.

COFFEY (R), H33: Yes. Billboard clutter has grown beyond a tolerance level. Almost as bad is the lingering problem of auto dumps.

WILLIAMS (R), H34: No. But I am in favor of limiting the number of billboards along our interstate highways.

ODOM (D), H55: Yes, as long as a mechanism is made available for a logo system that is not government owned. I do not believe that state government should compete with a private industry that provides jobs and a valuable service to business. It is my understanding that other states have implemented laws that meet these concerns.

HALTEMAN (R), H56: I have not made a decision on this issue and would like additional information from your organization if available.

10. *Briefly state what you consider to be the greatest environmental threats and the greatest environmental opportunities for Tennessee?*

DUNN: Assigning priorities is always difficult and priorities may change with time and conditions. Three of my top environmental priorities are hazardous wastes, groundwater, and water supply. New initiatives in groundwater (as a result of the new policy study group's recommendations) and water supply can be expected.

McWHERTER: Our greatest environmental threats are the enormous volume of unmanaged hazardous waste, the health threat from unreclaimed surface mines, and the potential that many of our TVA lakes are in danger of dying. Our opportunities lie in the extent to which we can marshal the commitment to deal with these threats in time to maintain our ecological balance.

CALDWELL (D), S5: The greatest environmental threat is trash and garbage in all forms. Opportunities: (1) The natural beauty of our state, (2) park system, (3) Scenic rivers, (4) the diverse character of the three states of Tennessee.

KEFAUVER (D), H18: Clean up the inadequacies in mining regulations, i.e. regain primacy in Tennessee. Many of our rivers are being polluted by industrial waste and this must be stopped now. I am aware of facilities surrounding me that currently violate not only the law but all sense of reason in pollution.

GARRETT (D), H33: Degradation of our streams and water table offer the greatest threat to our environment. Preserving our scenic vistas and mountainsides and rivers for future generations to enjoy while we still can offers our greatest opportunity.

COFFEY (R), H33: The greatest threat seems to be groundwater contamination. The effects of acid rain is another serious concern. Our greatest opportunity may be in tracing, monitoring and controlling water contaminants.

WILLIAMN (R), H34: Greatest environmental threat -- the pollution of our rivers and air. Greatest environmental opportunity -- coal industry.

ODOM (D), H55: Industrial pollution and illegal dumping and littering would be significant threats. Damage caused by mining and oil & gas drilling could also be serious threats. Opportunities include preserving the natural beauty of our state by creating an effective mechanism to protect our natural resources.

HALTEMAN (R), H56: Greatest threat: air pollution, stripmining violations. Greatest opportunities: the wonderful state park/forest system we have in this state and the challenge to maintain it.

(omitted accidentally from p. 11)

McWHERTER (response to question 2): The record of the Safe Growth Team has been mixed. I believe there have been serious shortcomings in the surface mining program and in the effort to manage our tremendous volume of toxic wastes. Because conservation and environmental programs reside in different departments, it is probably necessary to retain some kind of mechanism to provide a common focus between policies.

