

TENNESSEE CITIZENS for WILDERNESS PLANNING

Newsletter No. 156*

May 13, 1987



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

11. ACTION SUMMARY

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No.	ISSUE	CONTACT	"MESSAGE!" or ACTION
1	Smokies wilderness	Bill sponsors TCWP	"Thank you!" Let us know if you can testify
2E	Surface owner's relief	Rep. Coffey	"Thank you!"
3E	O.R. Natural Areas	City Council	"Guarantee continued preservation!"
4A	Chickamauga Cr.	OSM	"Grant unsuitable-for-mining petition!"
4C	Stripmine regs	TCWP	Assist in securing "standing"
5B	River Watch	American Rivers	Volunteer to be "intervenor" re dams
6A	Chickamauga Reservoir	TVA	Comment on reservoir plan
6D	TVA	US Rep & Sens.	"Fund natural resources programs!"
7A	Arctic Refuge	US Rep & Sens.	"Designate Coastal Plain wilderness!"
7C	Land & Water Fund	US Rep & Sens.	"Enact our recommended funding!"
8B	Endangered Species	US Rep & Sens.	"Strengthen Act and reauthorize!"
9	TCWP business	TCWP	Suggest exec. director candidates; volunteer for filing.

Senator Joe Doe
United States Senate
Washington, DC 20510

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

Dear Senator John Doe
Dear Congressman/woman Doe
Sincerely yours,

To call a Representative or Senator, dial Congressional switchboard, (202) 224-3121

- The Student Conservation Assoc., Inc., (P.O. Box 550, Charlestown, New Hampshire 03603, Ph. 603-826-5206/5741) publishes a listing of ca 700 summer and fall positions offered annually in over 230 resource areas in 35 states. Volunteers receive board and transportation, plus stipend to cover living expenses.
- TEC will hold a "home grown" auction June 11, at 5:30 p.m. at the Cumberland Museum, 800 Ridley Blvd, Nashville. Benefits go to TEC. Call TEC, Nashville, 615-321-5075 (1719 West End Ave, #227, Nashville 37203).
- "An Action Plan for Creating an Interconnected Network of Trails across America" is published by the American Trails Network (\$3 from ATN, c/o RTC, Suite 400, 1325 Mass. Ave., NW, Wash. DC 20005).
- "Tennessee Recreation Lands of the State and Federal Government," is a map showing holdings of DoC, TWRA, NPS, TVA, USFS, and USFWS -- altogether 2.25 million acres, or 8.5% of the land in TN (\$5 from Tenn. DoC, 701 Broadway, Nashville 37219).
- "State of the States 1987" is a 6-page report that provides the first look at environmental progress at the state level. (\$10 from Fund for Renewable Energy and the Environment, 1001 Connecticut Ave., NW, Suite 638, Wash, DC).
- "State of the World, 1987" by Lester R. Brown, Bill Chandler, et al., is published by Worldwatch Inst. (\$9.95 paperback, from Worldwatch, 1776 Mass. Ave., NW, Wash. DC 20036).

1. SMOKIES WILDERNESS BILL: HEARINGS IMMINENT

The House and Senate wilderness bills were introduced March 9 and 10, respectively. H.R.1495 was filed by NC Congressman James Clark, with Tennessee Reps. Duncan, Boner, Lloyd, Cooper, and Sundquist as original co-sponsors, and Reps. Quillen and Gordon adding their names subsequently in response to requests by constituents. (Rep. Gordon's office, in fact, called TCWP to state that he had co-sponsored after getting our letter.) The Senate bill, S.693, is sponsored by Jim Sasser (TN), with Al Gore, Jr. (TN) and Terry Sanford (NC) as co-sponsors. Sen. Sasser has been an active proponent of Smokies wilderness since 1977.

H.R.1495/S.693 would designate 467,000 acres as wilderness. This corresponds essentially to the area designated Natural Environment-Type 1 Subzone in the 1982 General Management Plan. The legislation would thus assure that current management practices would remain in effect, rather than being subject to the whim of administrative decisions. The 467,000 wilderness acres are specifically stated to include the 44,000 acres north of Fontana Reservoir that were subject to the "1943 Agreement" and which Sen. Jesse Helms (with the concurrence of the Reagan Administration) attempted to exclude from a similar bill in 1984, thus causing environmental groups to withdraw their support.

H.R.1495/S.693 further resolve the northshore road controversy that arose from the 1943 Agreement; it ends any federal obligation to build such a road, in return for federal payments to Swain Cy., NC, of \$9.5 million. (To build the environmentally destructive road would cost over \$100 M.) In addition, the remaining repayment of a federal loan to Swain Cy. (for school construction) would be forgiven. Because of these provisions, the bill has the unanimous support of Swain County commissioners. A similar settlement was, in fact, negotiated between NPS and the County Commission in 1980, and it is estimated that, by not accepting the conditions at that time, the county has lost \$7.6 million in interest and loan payments in the interim.

The bill also specifies that NPS "shall provide for permanent special access to any cemetery located within the Hazel Creek Area." Amendments will probably be added (a) to limit access to specifically named cemeteries (in order to forestall forever expanding demands in the future), and (b) to assure reasonably comfortable means of transport for cemetery visitors. It will also be important to ensure that the wilderness map does not exclude cemetery access routes from wilderness, but simply designates them as administrative roads within the wilderness boundary.

The National Parks and Public Lands Subcommittee of the House Interior Committee will hold hearings on the Clark bill, probably in June. After this, the bill may move through the House quickly. In the Senate, Jesse Helms must be reckoned with (he has his own bill, S.695). Passage of a strongly supported good House bill will put some pressure on the Senate, and it is not impossible that the bill would pass over Helms' objections.

* WHAT YOU CAN DO: (1) Write to the bill's Senate and House co-sponsors and thank them for their support. (2) If you live in Rep. Jones' or Ford's districts, urge these gentlemen to become co-sponsors. (3) If you can testify at the House hearings, let us know. If not, submit a brief written testimony for the hearings (call us for particulars--see p.1).

2. WHAT HAPPENED IN THE 1987 STATE LEGISLATIVE SESSION

The Tennessee General Assembly adjourned May 7. The following is a summary of their performance on some matters of interest to TCWP.

A. No new Natural Areas funding

During each of the last three years of the Alexander administration, \$2M was appropriated for acquisition of natural and cultural areas. Because the state bureaucracy moves slowly, only about half of the total \$6M has been spent. McWherter therefore proposed no new natural areas funds this year, and, at one point, there was even some talk that he might rescind the remaining \$3M. This has not happened.

B. Natural Areas authorizations

A bill to add 200 acres to the Radnor Lake Natural Scientific Area in Nashville passed both the House (HB700, Chiles, Bushing) and the Senate (SB103, Henry). -- A resolution (SJR70, Atchley) was passed requesting land acquisition at the House Mountain Natural Area, Knoxville. Another House Mtn. bill (HB259/SB66) was enacted which bars land acquisition by eminent domain; but it also removes the requirement for a special appropriation for House Mtn. land purchases -- they can now come out of the existing Natural Areas Fund. -- An attempt to add 1000 acres of Shelby Farms Forest to the Tenn. Natural Areas System received a setback when a House committee put off consideration of HB417 (Kernell) for one year. This old forest on the Wolf River in Shelby Cy is threatened by a 6-lane highway.

C. Regulation of-oil-and-gas drilling damage: bill passed

The original three bills (see NL 155) were combined into one, SB141 (Henry, Dunavant)/HB871 (Burnett, Bushing, Jared), which was signed into law on May 7. The legislation, which was based on last year's task force report (NL153/6D), had been carefully crafted by the Environmental Action Fund in consultation with the Tenn. Oil and Gas Association (TOGA). Despite this, it encountered some TOGA opposition and certain weakening amendments (by Duer and Severance). Sponsors are nevertheless pleased that the bill contains specific requirements for revegetation, erosion control, etc. The Oil and Gas Supervisor (presently, Bill Hill, who had been active on the task force last year) has the authority to approve or disapprove plans that the driller is required to submit. (Regulations implementing the statute will be written.) The bill also mandates a \$1500 bond per well site (most of these are less than an acre in size). The issue of the plugging of orphan wells was not settled; instead, the bill requires the Dept. of Conservation to conduct a study on this problem before next year's legislative session.

D. Septic tanks: bill postponed

HB348/SB725, which would have forbidden the blasting of bedrock for septic-tank construction, has been deferred to next year.

E. Surface owners' relief bill is passed

On hundreds of thousands of acres of Tennessee lands, surface and mineral estates have been separated -- sometimes over 100 years ago. This has resulted in major problems to landowners (difficulty in acquiring financing, uncertainty about title), and in loss of county tax revenues from mineral estates. SOCM was the major supporter of the Surface Owners' Relief bill, HB619 (Herron et al.)/SB561 (Dunavant, Moore) which provides, among other things, that mineral rights "abandoned" for over 20 years revert to the surface owner, and that the burden is on the mineral owner to identify mineral tracts to the property assessor. To confuse the issue, the Tenn. Oil and Gas Assoc. (TOGA) filed a superficially similar bill which, however, required a surface owner to go to court to claim abandoned minerals.

An amendment to HB619/SB561 specifies a procedure whereby the surface owner registers with the clerk of chancery court his intention to own the underlying "dormant" minerals; if no contrary claim is filed within 60 days, the judge then orders the mineral interest to go to the surface owner. Sen. McNally credits passage of this amendment for his ultimate vote for the bill (on the floor). Despite hearing from innumerable constituents -- including TCWP members -- and despite editorial and county-court support for the SOCM bill, he had actively opposed it in committee. Rep. Dave Coffey, on the other

hand, was one of the bill's staunchest supporters. On April 20 and 22, the SOCM bill passed: 81:17 in the House, 33:0 in the Senate. It will become law on July 1.

WHAT YOU CAN DO: Write to Rep. Dave Coffey (115 War Memorial Bldg, Nashville 37219) and thank him for his support. A short note will be fine.

F. The two-acre loophole is closed

Since Tennessee repealed its stripmine law in 1984, and the federal law under which stripmining is now regulated applies only to mines larger than 2 acres or extracting more than 250 tons, there has been no meaningful way to control the under-2-acre sites (which represent strips of considerable length). A weak bill was introduced into this session, but its sponsor, Rep. Burnett, was willing to accept 8 of 10 strengthening changes proposed by SOCM. This bill passed both Houses unanimously.

G. Commercialization of wild animals

SB986 (Lashlee)/HB944 (Burnett, Stallings) would place native wildlife (bears, bobcats, deer, etc.) into a classification that includes pets (gerbils, guinea pigs, etc.), thus permitting private ownership, commercial breeding, roadside cages, etc., and severely curtailing enforcement of poaching regulations. The bill would also make Tennessee the only state to allow the marketing of deer meat. At press time, we don't know the status of this legislation.

3. OTHER STATE NEWS

A. The McWherter budget

The major state budget cuts announced March 4 will have impacts on all the state agencies that deal with environmental matters. The Dept. of Conservation is being cut 5% overall; but, within it, the Div. of Ecological Services (which deals with natural areas, endangered species, wetlands, etc.) has been asked to take a 17% (!) cut. A comprehensive state wetlands survey will thus be terminated. Other Divisions of the DoC were hurt little if at all; the Div. of Forestry, e.g., received a capital improvement project of \$467,000 to complete the East Tenn. Pine Nursery. -- In the Dept. of Health and Environment (TDHE), the Bureau of Environment (air and water quality, hazardous waste) is losing 48 staff positions; and the Division that oversees wastewater facilities construction is being cut by 30%. -- The Safe Growth Team, with Dir. Ben Smith and Asst. Dir. Ruth Neff, has been renamed "Environmental Policy Group," and now operates out of TDHE Commissioner Word's office, with reduced funding.

B. New appointments of interest

Penny Harrington, who served as lobbyist for the Environmental Action Fund in 1983 and 1984, has been appointed as General Counsel of the Department of Conservation. She succeeds Lee Ellis in this position. -- The new Scenic Rivers coordination in the Parks Div. of DoC is Bob Allen, who replaces Kathy Shaw. Bob, who holds degrees from U.T., has extensive environmental experience, having been a founder of the Tenn. Valley Energy Coalition, a representative of Trust for Public Lands, and an active Sierra Club member, among other things. -- The new Natural Areas coordinator in the DoC's Div. of Ecological Services is Earl Cunningham. Hopefully, his appointment will withstand the budget axe (see ¶3A). -- Larry Marcum was recently appointed Chief of Wildlife, succeeding Ron Fox who becomes Asst. Director of the Tenn. Wildlife Resources Agency. Marcum, whose UT-MS thesis was on black bears, has worked for TWRA since 1974.

C. Prentice Cooper State Forest

The management plan being prepared by the DoC's Forestry Division may propose a considerable increase in clearcutting for the Prentice Cooper State Forest, near Chattanooga. A group of Marion County citizens is gathering information and monitoring activity around the Forest. If you know the forest and feel that it has uses besides timber production, get in touch with us (see p.1), or with Susan Williams (SOCM, P.O. Box 457, Jacksboro, TN 37757).

D. Highlands of the Roan

The good news: The Southern Appalachian Highlands Conservancy has purchased an additional 189 acres, namely, 150 on the SE side of Big Yellow Mtn., and 39 on Heaton Creek (where SAHC already owns other tracts). The bad news: the Grassy Ridge situation is still unresolved. The Senate version of the 1987 Interior appropriations bill directs the USFS to acquire or protect the entire 200-acre tract that had a road bulldozed on it last year (NL150 ¶2). This has had no effect. In fact, there has even been a delay in the condemnation of the 54-acre portion which the USFS was willing to undertake.

E. State Natural Areas on lands Oak Ridge wants to buy from DOE

The DOE-owned Oak Ridge Reservation includes eight areas registered under the Tenn. Natural Areas system. Of these, one (Campbell Bend river bluff) is in the "O Segment" recently sold to Boeing (see NL151¶2B), and three are on the ca 3000 acres the City wants to buy from DOE for residential and industrial development. One (in Parcel 14) is Bull Bluff, a 200-foot rise above the Clinch River; the other two (in Parcel 1) are Poplar Creek hemlock bluffs. Oak Ridgers should contact their Councilman/woman to urge that the City sign an agreement with the Dept. of Conservation committing itself to the preservation of these areas, should the parcels be acquired from DOE.

F. Radnor Lake

About 8 miles south of downtown Nashville, and surrounded by urban developments, lies the ca 1000-acre Radnor Lake State Natural Area. Although the first acquisition for this area was made 14 years ago, no definitive boundary study or plan have ever been formulated. Now, there is the threat of developments encroaching on critical adjacent properties, such as the ridgetops overlooking the lake. Friends of Radnor Lake has been reestablished to encourage more land acquisition (note the recent authorization of an additional 200 acres, see ¶2B, this NL) and to promote land and money donations, scenic easements, land swaps, etc., until optimum boundaries are achieved.

G. The Dead Pigeon River

Champion International's paper mill in Canton, NC, has, since 1908, been polluting the Big Pigeon River, 27 miles of which flow through Cocke Co, TN. The state of NC issued an NPDES (pollutant discharge) permit to Champion which is so weak that it has been vetoed by the EPA. EPA has prepared its own draft permit, which would bring the paper mill into compliance with federal criteria. Champion, with reported assets of \$6 billion, claims it cannot afford the technology that would restore the river. EPA is holding public hearings on the draft permit on May 14 (in Canton, NC) and May 16 (in Newport, TN). These come just a few days after Tennessee Clean Water Week, May 3-9, which, among many activities, featured a ground-water conference. (Note that, though our state has over 19,000 miles of rivers and streams and over 538,00 acres of lakes, this represents only 2% of our water; the other 98% is ground water.) Note added in proof: the May 14 meeting at Canton has been cancelled because of the threat of violence.

H. Tennessee ranks low in nongame programs

While hunters and fishermen pay for management of game species through their license fees, nongame wildlife has no paying constituency, except in states that have enacted income-tax checkoffs. In a recent Audubon tabulation, Tennessee ranks 4th from the bottom in terms of % of the state's total wildlife budget that is devoted to nongame programs. Our percentage is only 1.1% (\$225,000 in FY1986), and we employ only 3 people in this program.

4. STRIPMINE ISSUES

See also items reported in ¶2E and 2F, this NL.

A. North Chicamauga Creek unsuitable-for-mining petition needs our support

The Office of Surface Mining (OSM) has issued a Draft Environmental Impact Statement (DEIS) in response to a Sec.522 petition by the Sierra Club and the Guardians of North

Chickamauga Creek (NCC) to declare 80 square miles of the Creek's gorge unsuitable for mining. The DEIS may be borrowed from TCWP. The river starts high atop Walden's Ridge, north of Chattanooga. Tumbling brooks culminate in a deep gorge with alternating clear pools and waterfalls. After leaving the mountains, NCC becomes a pastoral river with a fine tree canopy; finally it enters the Tennessee River in Chattanooga. The highly scenic watershed is widely used for a variety of outdoor recreations, and is a unique natural resource so near a large urban area.

The "522" petition, filed a year ago, is carefully drafted and profusely documented. The DEIS, however, plays down, or altogether discounts, the Creek's most important virtues. It is now very necessary for us to demonstrate substantial public support for the petition. Please write -- even a short comment is acceptable -- and do it soon: deadline for written comment is May 29. (Send to Willis Gainer, Chief, Southern Branch, Div. of Tenn. Permitting, Office of Surface Mining, 530 Gay Street, SW, Suite 500, Knoxville, TN 37902.) Your comments might note resources that would be destroyed by mining, such as aesthetic values and natural systems, water supplies (wells, aquifers), surface water quality, archeological and historical values, and outdoor recreation resources (canoeing, hiking, photography, birdwatching, fishing, archeology).

B. Status of Rock Creek unsuitable-for-mining petition

OSM's preferred alternative in response to the Rock Creek "522" petition was to designate part of the area (essentially the gorge) unsuitable for mining. EPA, on the other hand, stated that the whole watershed should be so designated (see NL153 ¶5A). Despite a meeting between the two agencies, and an exchange of letters, EPA has not backed down from its disagreement with OSM's alternative. Now it is up to OSM to announce its decision. Even if OSM fails to designate the entire watershed, a considerable amount of protection ensues from EPA's requirement that OSM must do an Environmental Assessment on each proposed minesite in the watershed, and that EPA must comment on each such permit application.

C. Industry tries to resurrect James Watt's stripmine regs

Former Interior Secretary James Watt tried to negate the purpose of the 1977 federal Surface Mining Act by emasculating the regulations that had been promulgated under the law. In the intervening years, most of his attempted changes in the regs were challenged by citizens' groups, and the majority were struck down by a federal District Court (NL145 ¶4C). Now, the coal industry is trying to undo the citizens' legal victories in the Appeals Court by challenging the "standing" of the groups that fought Watt's regulatory changes. The groups must therefore show that they have members who are affected by coal mining and by the manner in which it is regulated. If you are affected by these issues -- even if the impact is on your outdoor recreation activities, rather than on your residence -- please let us know, so we can send you a form to fill out (see address on bottom of p.1).

D. States score only 40% in citing stripmine violations

A GAO study carried out at the request of the House Government Operations Energy and Natural Resources subcommittee finds that the states are not properly enforcing stripmine laws. Teams of GAO staff and OSM inspectors visited 82 mines in 4 of the 24 states that have state programs (Tennessee does not), and found that state inspectors who had immediately preceded them had failed to cite 78 of 129 existing violations (=60%). Of these 78, 44 included problems that are likely to lead to off-site environmental damage, such as water pollution and soil erosion. Among reasons given for missed violations: state inspectors wanted to "work with the operators". The report also notes that when federal OSM inspectors find violations during their routine oversight visits, the states generally fail to accept these findings as a basis for citing mine operators.

5. RIVERS AND WETLANDS IN TENNESSEE AND THE NATION

A. Water-quality controls for Tennessee bridge projects established

The Lavender Bridge pollution case on White Creek, which began with formal complaints

filed by TCWP, TSRA, and Victor Ashe in 1985 (NL147 ¶ 5B), has now had a concrete outcome: on March 6, the Tenn. Dept. of Health and Environment issued Permit 87-014, which establishes water-quality-protection procedures for Dept. of Transportation bridge and culvert projects. The statewide permit, which took effect May 1, enumerates 11 specific conditions under which the work must be carried out.

B. River Watch Program put into operation: you can help

Hydroelectric power projects are being planned all over the country, often at the expense of other river values. Congress recently passed a law which requires that recreation or environmental values be given equal consideration with power generation in the decision on whether a license for dam construction is to be granted by the Federal Energy Regulatory Commission (FERC). Any lay person can file a simple written intervention. To make full use of these opportunities for preventing harmful projects, River Watch uses 3 groups of volunteers: (a) a team in Washington to visit the FERC offices and obtain information on license applications, etc; (b) a nationwide network of "intervenorers;" and (c) a team of legal advisors to assist intervenors on a pro-bono consulting basis. Will you volunteer for team (b)? You will receive an instruction package to help you with the relatively simple requirements (and you can remove your name from the list any time you wish). Contact AMERICAN RIVERS, 801 Pennsylvania Ave, SE, Suite 303, Wash, DC 20003.

C. Wetlands restoration in Tennessee

The TDHE's Division of Water Pollution Control now requires all agencies and private enterprises to restore one acre of wetlands for every acre destroyed. The restored acre must be in the same wetlands system as the acre lost. The southeastern U.S., incidentally, was responsible for 84% of all wetlands lost in this country between the mid-1950s and the mid-1970s.

D. Let's help protect rivers in national forests

About 80% of the national forest plans now being developed fail to give adequate consideration to, and fail to protect, rivers listed in the Nationwide Rivers Inventory (NRI). AMERICAN RIVERS and NRDC will appeal forest plans that fail to protect NRI rivers. It is the Forest Service's duty to (a) review all rivers for national river system eligibility, (b) classify eligible rivers "Wild", "Scenic," or "Recreational," and (c) determine whether a river is eligible for designation and protect it until the suitability study can be done.

E. President's Commission (PCAO) makes good river recommendations

The finally released report of the President's Commission on Americans Outdoors (see also ¶8A, this NL) makes several recommendations pertaining to rivers, such as: (1) America should protect 2000 river segments by the year 2000, "through local initiative, with state and federal support where possible;" (2) "The federal government should consider ending subsidies for new development within flood plains;" and (3) River segments already found eligible for Wild and Scenic Rivers designation should be protected until Congress acts to add them to the system. Other recommendations concern state river inventories, comprehensive statewide rivers protection programs, public hearings when recreation resources are threatened by hydro proposals, prohibition of hydro licenses that affect river segments listed in the Nationwide Rivers Inventory, establishment of a federal technical-assistance office for river-protection efforts, and the removal of federal incentives for wetland destruction.

F. Recent GAO rivers report is misleading

A recent GAO report (NL154 ¶3D) concluded that rivers studied but not designated under the Wild and Scenic Rivers Act (including the Tennessee Buffalo) "generally maintained the qualities which made them eligible for the national system." According to AMERICAN RIVERS, however, an analysis of the report's data shows that "every one of the 13 rivers would be in better shape today if state or federal action had occurred."

G. Wildernesses have a right to water

In 1985, a federal district court judge ruled that federal wilderness areas have a right to enough water to preserve the character of the wilderness -- even if this interferes with competing interests upstream (mining, agriculture, industry). The judge ordered the Forest Service (USFS) to produce a water protection plan. Instead, the USFS appealed the ruling. Now, the Appeals Court has refused to reverse the original ruling and the USFS must write its protection plan after all. The case was handled by the Sierra Club Legal Defense Fund.

6. TVA NEWS

A. Chickamauga Plan: input sought

X TVA is initiating a new project to develop a plan for the use and management of 10,000 acres of TVA land bordering the reservoir. Five informal workshops were held between May 4 and 12. But it is not too late if you wish to have input into the planning process, e.g., to urge the setting aside of specific natural areas. To receive info about the Chickamauga Project, call TVA's toll-free Citizen Action Line (1-800-362-9250 in TN, 1-800-251-9242 in other Valley states); or call Spencer Boardman or Wm. Ambrose at 615, 632-1557.

B. Water-quality problems

A report by TVA's environmental staff, completed in June 1986, did not come to light until Sen. Sasser produced it at a recent Senate appropriations hearing. The report ranks the Tennessee River 23rd among 25 major U.S. rivers in dissolved oxygen levels. These low levels result from the design of TVA dams, which generate power with the oxygen-poor water from the bottoms of reservoirs. (David Freeman initiated a demonstration project to show that this problem could be corrected.) The oxygen-poor water is anathema to aquatic life and limits the pollution-withstanding quality of the river, thus discouraging industries from locating in the area. Sen. Sasser is concerned, not only with this particular problem but with TVA's overall deficient commitment to water quality.

C. Is TVA uninterested in environmental issues?

Under David and Richard Freeman, TVA took major steps to improve communications with the environmental community; one of these was to organize a big environmental constituency meeting each year. Out of this grew TVEN, the Tennessee Valley Environmental Network (loosely representing several groups, including TCWP), which developed issue papers for the conferences, and generated recommendations from the presentations and discussions that followed. Last fall's TVEN recommendations were on the subjects of energy conservation, hazardous-waste management, and river-systems management. They were transmitted to the TVA Board, and reiterated in a subsequent letter. TVA has not responded yet (except to acknowledge the input). Now, the Tenn. Environmental Council is urging TVA to react. One of the recommendations, e.g., concerned the water-quality problems resulting from low dissolved oxygen, now a major issue with Sen. Sasser during the Senate appropriations process (¶6B, this NL). And why is TVA proposing to use a new source for power generation, without first addressing the deficiencies in energy conservation pointed out by TVEN?

D. Will Howard Baker's new position benefit TVA?

TVA still doesn't have a third director; and its annual budget woes are being replayed, as has become custom during these past few years. Former Rep. Wm. Hendon withdrew his name from consideration for the Board vacancy in late February, denying that this decision had anything to do with the severe criticism his imminent nomination had elicited from the Tennessee delegation. Just prior to Hendon's withdrawal, Sen. Gore had written to Pres. Reagan to oppose the nomination and to outline the traits he felt a candidate needed for the job: a firm commitment to the continuation of TVA's mission, a clear vision for the future, the respect of the divergent interests within the Valley. Now, Senator Baker, as Reagan's Chief of Staff, has the opportunity to influence the

third appointment. The present two directors, Charles Dean and John Waters, were Baker nominees. So far, no rumors, except that Houston engineer Robert Page turned down the suggestion. -- And how about TVA's budget woes: will next year be a replay of the Administration's usual major budget-slashing proposals? This year, the Reagan proposal for TVA's nonpower programs is for only \$72.8 million (\$27.2 million down from last year's level). Natural resources programs would be cut by 22%. The Tennessee Congressional delegation is working to restore funding, but encouragement from you is still in order.

7. PUBLIC-LAND ISSUES

A. Arctic Coastal Plain: untouched ecosystem vs questionable oil

The Coastal Plain, a 1.5-million-acre portion of the 18-million-acre Arctic National Wildlife Refuge, is one of the last great untouched ecosystems of the Earth, where land and water habitats of over 200 arctic species are interrelated in incredible diversity. It is also an area in which the Administration has proposed a major oil development (because, some believe, Prudhoe Bay, 60 mi. to the West, is fast becoming depleted). From the PR now being propagated by the Dept. of the Interior (USDI), one would never guess that, buried in the report of the 6-year USDI study, there is documentation that oil development will destroy wilderness values. Also buried is the information that there is only a 19% chance of finding economically recoverable oil, and that, even if such is discovered, the most optimistic projection is that the oil would last only 2 years. Truth is that earlier Alaska compromises have already opened almost 90% of the North Slope to oil and gas leasing.

USDI had to be forced by a law suit to make public its draft report that recommends opening the Refuge. By then, the oil industry had already been tutored on how to convince Congress. The industry's claim that the Prudhoe Bay oil field has not harmed the North Slope environment is not backed by scientific studies -- only by photos of happy caribou against a background of oil derricks. However, air pollution originating in Prudhoe Bay has been noted up to 100 miles away. The Coastal Plain, 60 mi. to the east, is very special to caribou (to say nothing of ca 200 other species) because it is here that the 200,000-head herd migrates each spring to calve and nurse its young.

As to the claim that we need to extract the oil now for national security: how much of it would we sell to Japan? If, on the contrary, we use it all, is it really in the interest of security to deplete our own reserves first? And, finally, the Energy Conservation bill vetoed by Pres. Reagan in 1986, but now enacted in 1987 (see ¶8D, this NL) will save over twice the amount of energy that most probably underlies the Refuge. WHAT YOU CAN DO: Write to your U.S. Rep and Senators to tell them what you think of the issue. Support H.R.39 (Udall), which would designate the Coastal Plain as wilderness, and oppose H.R.1082 (Young), which would open the area for leasing. For address, see p.2.

B. Land and Water Conservation Fund must not expire

For the past 23 years, the Land and Water Conservation Fund (LWCF) has been the principal source of money for the acquisition of federal parklands, and has contributed grants for State and local land purchases as well. Over the years, the fund has helped acquire almost 6 million acres of park and recreation land. The fact that authorization for the LWCF expires in 1989 has been a major cause for concern to those interested in resource protection. A month ago, the House overwhelmingly passed H.R. 1320, (Vento, Udall) which would extend the life of the LWCF for 25 years beyond its expiration date. The presently authorized level of \$900 million per year would be retained. (Actual appropriations have only been a small fraction of this amount, especially in the past few years -- see ¶7C, below.) Several LWCF bills are pending in the Senate.

LWCF dollars are derived primarily from outer continental shelf oil and gas leasing receipts which, next fiscal year, are expected to amount to \$5.2 billion. The President's Commission on Americans Outdoors (¶8A, this NL) has recommended that the LWCF be succeeded by an endowed, self-sustaining, trust fund, which would provide a

minimum of \$1 billion a year. In a poll conducted for the PCAO, 81% "strongly agreed" that "local, state and national governments should preserve natural areas for the use of future generations."

C. Recommendations for 1988 LWCF appropriations

A coalition of 12 of the nation's major national conservation groups has issued a thoughtful report which recommends that ca \$488M be appropriated for the federal share of the Land and Water Conservation Fund in FY1988. The FY1987 appropriation was only \$188.4M, in contrast to an average appropriation of \$596.4M for FY1976-80, and \$257.9M for FY1981-86. The Reagan administration proposes no new acquisitions for FY1988, and would actually like to rescind \$65M from the FY1987 LWCF. In developing a priority list, the conservation-group coalition took into account serious threats to a resource, a likelihood of willing sellers, and other factors. Under the conservationists' proposal, the NPS would receive \$169M, the USFS \$142M (the agency has a backlog of \$1.9 billion of authorized acquisition), the Fish and Wildlife Service \$146M, and BLM \$31M. Tennessee projects included in the recommendations are Chickasaw Natl Wildlife Refuge (\$7.5M for 10,000 acres), inholdings along the Hiwassee River in the Cherokee Natl Forest (\$300,000 for 214 acres), and parcels along the Appalachian Trail. -- The coalition additionally recommends that at least \$200M be appropriated for the state share of the LWCF. Of this, Tennessee would receive \$3.8M.

WHAT YOU CAN DO: Urge your U.S. Rep. and Senators to make the recommended appropriations to the LWCF. Mention the Tennessee projects. For addresses, see p.2

D. Forest Service budget makes mockery of "multiple use"

Of the Administration's proposed \$1,665,000,000 budget for the USFS, 84% would go for resource extraction (logging, mining, grazing), and only 16% for resource stewardship. The USFS' 1988 timber-sales target exceeds this year's by over 10% (and exceeds sustained-yield capacity in the Northwest); and the agency is building many more miles of roads than it needs for timber sales (the excess in the past 4 years alone was 2,203 miles). Conservationists have recommended a reduction of \$116M in the USFS road appropriations for FY1988. The Wilderness Society is urging that the recreation budget be increased by \$54M and the trail budget by \$5M. That this makes economic sense, too, is shown by the following figures. Of the jobs created by 7 national forests in the Greater Yellowstone Ecosystem, only 13% were connected with timbering (despite subsidies from below-cost timber sales); by contrast 83.4% of the jobs generated by these forests were in the recreation sector.

E. Politization of Park Service structure and policy

Since Interior Secretary Hodel does not create the extremist image projected by Reagan's first Interior Secretary, James Watt, the general public is unaware that the Watt agenda has been quietly reappearing, ever since Hodel replaced Wm. Clark two years ago. Where the National Park Service is concerned, the Watt agenda trickles down through the Asst. Sec. for Fish Wildlife and Parks, Wm. P. Horn (who, in the 1970s, had fought environmentalists over the Alaska Lands legislation) to NPS Director William Penn Mott. Mott, much admired by environmentalists, was signed on 2+ years ago to prop up the Administration's dismal environmental record (that had been created by James Watt and Ann Gorsuch); unfortunately, he is constantly being undermined by those above him.

Administration interference with the NPS 70-year tradition of independence from politics has been along two lines: personnel structure and policy. Horn and Hodel changed performance ratings given by Mott to senior NPS staff, and accomplished a major reorganization (including the replacement of Richard Briceland by Eugene Hester) that weakened the Service's commitment to natural-resources protection. The political appointees are battling the NPS professionals over a re-writing of the NPS Management Policies manual. A Horn memo states that "The Secretary has noted our mandate to conserve resources for the benefit of people as opposed to protecting resources from people." Visitor experience is to be considered more important than resource protection. The Secretary has, specifically, proposed that parks receive top ranking ("good condition") if as little as 80% of the natural resource base is undamaged; this is a major departure from the 1916 law

creating the NPS which charges the agency with conserving resources "in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations." Specifically, the policy change would permit a downgrading of ecological protection, and a lifting of restrictions against ORVs, hunting and trapping, exotic species, and use of pesticides in certain Park Service units.

Already, the Secretary has interfered with NPS' attempts to protect parks from peripheral interferences. For example, Hodel decided to suppress an NPS listing of 173 "integral vistas" in 43 national parks, which would have protected park air quality under a proposed EPA regulation. Similarly, a proposed EPA regulation against air pollution from coal stripmines peripheral to parks (e.g., Bryce and Zion) was squelched by Horn. And NPS recommendations to limit overflights of the Grand Canyon were totally by-passed by Horn.

8. OTHER NATIONAL NEWS

A. Court dismisses lawsuit against Americans Outdoors report

Dissemination of the report by the President's Commission on Americans Outdoors (PCAO, chaired by Gov. Alexander) was held up by a lawsuit filed by an organization that opposes parkland acquisition. In early April, a U.S. district court dismissed the suit, ruling that this organization had had ample opportunities to make its views known during PCAO's numerous public hearings. USDI is now proceeding with publication of the report, which is also available from Island Press (Americans Outdoors, P.O. Box 53406, Wash. DC 20008, \$19.95 before 6/30/87, then \$24.95). PCAO's major recommendations include: (a) to spend at least \$1 billion/year on land acquisition by local, state and federal agencies, funding this through a dedicated trust fund (see ¶7B, this NL) derived from offshore oil revenues, and from taxes on mining, land development, and recreation equipment; (b) to establish a network of greenways, particularly along rivers, to link urban and rural natural areas; (c) to protect 2000 river and stream segments by the year 2000 (see ¶5E, this NL). Some members of PCAO (Sen. Wallop, Rep. Vucanovich) refused to endorse the \$1-billion trust fund (which, however, survived as a major proposal); and some opposed recommendations to complete the national park system and to ban subsidized development in 100-year flood plains. While environmental groups consider PCAO's recommendations concerning federal lands and federal environmental laws to be very weak, they are pleased with the overall report.

B. To halt the species losses

Harvard scientist Edward O. Wilson estimates that our annual species loss is now 10,000 (and that this figure will increase); he believes that this is the folly for which our descendants are least likely to forgive us. Human beings, representing only one of 5 billion species, will number 11 billion by the year 2050. Much of this problem is, of course, an international one. What are we doing on the homefront? The Endangered Species Act did not get reauthorized last year. This year's bill, S.675 (Mitchell)/H.R. 1467 (Studds), would reauthorize the Act -- without substantive changes -- for 5 years and with an authorization of \$56M, increasing annually to \$66M. Hearings have been held by both House and Senate subcommittees. The Administration has asked for a 4-year reauthorization with no increase in funds. Environmental groups are supporting a 5-year reauthorization, an approximate doubling of funds, and several strengthening amendments, particularly with regard to plant protection. The most pressing need is for more staff resources. At present funding levels, the Fish and Wildlife Service would need over 20 years just to list the 1000 "candidate species" known to be headed for extinction. Neither the Forest Service nor BLM have ever devoted enough staff resources to meet their obligations under the ACT.

WHAT YOU CAN DO: Contact your U.S. Rep and both Senators to let them know your feelings on a strengthened endangered species program. Addresses on p.2.

C. IRS regulations threaten existence of tax-exempt organizations

The IRS recently proposed regulations that would make it virtually impossible for tax-exempt organizations (such as TCWP) to operate, and for any organization to obtain

grants from foundations. The proposed regs would greatly expand the definition of "legislative activity" to cover such events as meetings about public policy at which just the need for legislation is discussed (even if there are no pending bills). The worst feature is that the rules would be retroactive, thus threatening the very existence of thousands of "501(C)(3)" organizations. TCWP was among many organizations that wrote to legislators on this issue. Subsequently, at the urging of the Senate Finance Committee, the IRS agreed to drop the retroactivity of the regulations, but is keeping the remainder intact. The Senate Finance Committee is holding hearings on the subject May 11, and Sen. Gore has assured us that our concerns will be aired at this time.

D. Energy-efficient appliances are coming -- despite earlier veto

Late in 1986, Pres. Reagan pocket-vetoed the Natl Appliance Energy Conservation Act (NAECA), which had been passed unanimously by the Congress. The bill was reintroduced this year, passed by the Senate and House in mid-February and early March, respectively, and signed by the President on 3/17/87 (PL100-12). Appliances consume 1/4 of the electricity used in the USA. NAECA, by increasing efficiency by a minimum of 1/6, is expected to save energy equivalent to the output of 20-30 large coal or nuclear plants, or of 1.5 billion barrels of oil, by the turn of the century. SO₂ emissions will be reduced by 1 million tons/year.

E. Environmental performance of candidates

League of Conservation Voters' (LCV) 1985/86 scores (in %) for Presidential hopefuls may be of interest. Republicans: Bob Dole (KS), 35; Paul Laxalt (NV), 18; Jack Kemp (NY), 3. Democrats: Dale Bumpers (AR), 54; Joe Biden (DE), 86; Richard Gephardt (MO), 74; Al Gore, Jr. (TN), 67. [Gary Hart's was 81]. No Congressional scores available for Babbitt, Dukakis, and Jackson; LCV will make evaluations of all candidates later. For 14 Republican and 19 Democratic Senators who are up for election in 1988, the average 1985/86 scores are 55 and 68, respectively. Scoring 70 or higher are 4 Republicans (Stafford 100, Durenberger 92, Heinz 90, Chafee 75) and 7 Democrats (Proxmire 100, Lautenberg 99, Mitchell 92, Sarbanes 92, Riegle 90, Metzenbaum 83, Kennedy 78, Chiles 72 -- Stennis' 0% pulls down the average). Average Congressional scores are highest in New England (Senate 79, House 68), almost tied by the Mid-Atlantic States (Senate 76, House 58); they are lowest in the Mountain States (Senate 27, House 33). The Southeast is third from bottom (Senate 37, House 37). Of 5 senators with scores of 0%, and 12 Reps with scores below 10%, 4 and 11, respectively, are Republicans.

F. Acid rain and clean-air capsules

In a recent Congressional testimony, EPA Administrator Lee Thomas said that 70 urban areas with populations over 200,000 would fail to meet a December 1987 deadline established by the Clean Air Act Amendments of 1977.

While no Tennessee location is among the 16 that showed the highest average acidity in 1984, Oak Ridge contributed one of the country's 20 most acidic samples in that same year: pH 3.47 (this is 135 times more acidic than the average pH of pure rainfall, 5.6).

The U.S. Supreme Court on April 28 upheld by a 5:3 vote the power of the Justice Department to put the label "political propaganda" on Canadian acid rain films (including the award-winning "If You Love This Planet"). Dissenting justices stated that this type of labeling fosters public skepticism about the film, as one "laced with lies and distortions."

9. TCWP BUSINESS

- On May 2, TCWP and TVA officially cut the ribbon for the Whites Creek Trail in the Small Wild Area on Watts Bar Reservoir. TVA set aside this area a few years ago at TCWP's urging, and TCWP has blazed the trail and is maintaining it. Since our last visit, TVA has furnished some fine signs, build steps into a steep, eroding part of trail, and removed rotted bridges. Altogether 13 people showed up for the hike and enjoyed a wonderful, sunny day.

- Sam Suffern, a recently past TCWP executive director, represented us at a Washington grassroots conservation workshop for Natl Parks and Conservation Assoc "park watchers." Following this, he visited Congressional offices, and attended the conference "Beyond the President's Commission: Preparing for the Future of Parks and Conservation." Most of his expenses were paid out of a special grant to NPCA.
- Help! we're still without a staff person.
We need part-time paid help. The ideal person is someone who doesn't have to have a job but who wouldn't mind making money for something he/she is enthusiastic about doing anyway. The person must be a self-starter and must enjoy getting into varied activities. Please send us applications or suggestions.
- We're also still in need of volunteers who can spend a couple of hours a month doing easy filing (magazines, books, newsletters) at the TCWP office in Oak Ridge. Please call 482-2153 (evenings) if you can help -- even if it's just once.
- Not having an executive director, Board members have taken on special issues. Within the past 2 months, Ron Foresta, Lynn Wright, Martha Ketelle, and Dick Ambrose have handled correspondence on the Smokies, Tennesseans Outdoors, Land between the Lakes, and the Arctic Wildlife Refuge.
- TCWP Vice Pres., Martha Ketelle, has written a fine article, "The Tennessee River, A Timeless Resource," for the Tennessee Conservationist.
- We gratefully acknowledge help by volunteer for the past several newsletter-assemblies.
NL153: Louise Markel, Marion Garber, Alice Runtsch, Bob and Ruth Kernohan, Al Brooks, Charles Klabunde, Dick Ambrose.
NL154: Flossie Cosgrove, Peggy Turner, The Frank Hensleys, Donald Davis, Jean Bangham, Dick Ambrose.
NL155: The Kertesz', Alice Runtsch, Barb McBride, Chas. Shoup, Flossie Cosgrove, Don Powers, Chas. Klabunde, Dick Ambrose.
- We are sad to report the death at 78 of long-term TCWP member Alex Duris, of Hendersonville, NC. Alex had been very active in squelching a series of dams on the French Broad. More recently, he ran his own volunteer clipping service, sending articles of interest to us (and others) on a regular basis.

10. JOB OPENINGS, EVENTS, THINGS TO READ

- Job Openings
 1. Tennessee Envntl. Council Administrative Assistant. Writing and communications skills required. \$12,000-14,000 plus benefits. Call John Sherman, Nashville 615-321-5075 (TEC, 1719 West End Ave., #227, Nashville 37203).
 2. Teacher/Naturalists for Gt. Smoky Mtns Inst. at Tremont. Call Townsend, 615-448-6709 (Rt. 1, Box 81, Townsend, TN 37882).
 3. American Rivers, Inc., conservation executive. Experience with conservation org. or public agency required. Call Kent Olson, Washington, 202-547-6900 (801 Pennsylvania Ave., SE, #303, Wash. DC 20003).
 4. Nature Conservancy botanist fellow to assist in Latin American programs. Fluent Spanish required. Call Richard Warner, 202-483-0231.
 5. National Wildlife Federation natural resource specialist for Portland, Oregon, office. Needs PhD or MS in wildlife or forest management. Call Bruce Apple, 503-222-1429.
- Land for sale near A.T. in Virginia. A donation of 69 acres has been received by the Trust for Appalachian Trail Lands, which wishes to resell this land to aid the Trust's efforts elsewhere. Tract is undeveloped forest land, 2.5 N of Hiway 50, with frontage on Rte. 606. Contact Bill Hoppes, TATL Administrator, 304-535-6331 (P. O. Box 807, Harpers Ferry, WV 25425.)

(continued on p. 2, below ACTION SUMMARY)