

TENNESSEE CITIZENS for WILDERNESS PLANNING

Newsletter No. 157

July 20, 1987

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12. ACTION SUMMARY

No.	ISSUE	CONTACT	"MESSAGE!" or ACTION
1D	Annual Mtg: Smokies	TCWP	Preregister
3A	Columbia Dam	TCWP	Volunteer for brainstorming, etc.
3B	Big Pigeon R. pollution	EPA	Comment on WQ permit
4C	Appalachian Natl Forests	Forest Service	Suggest issues in vegetation mngt
5C	Prentice Cooper St Forest	TCWP	Volunteer for planning effort
5E	Wild Flowers	Your nursery	Buy only nursery-propagated flowers
7C	Stripmine-regulation suits	TCWP	Inform us if stripmining directly affects you
8A	Oak Ridge cedar barren	TCWP	Volunteer to help manage
9B	Parkland Acquisition Funds	US Senators	"Support higher LWCF appropriation!"
9C	Endangered species	US Rep & Sens.	"Support S.675/HR.1467!"
9D	Cave protection	US Rep & Sens.	"Support HR.1975/S.927!"
9E	Clean air	US Senators	"Cosponsor S.300 and S.321!"
9F	National park threats	US Senators	"Support resource protection and I&M programs in appropriation!"

Senator Joe Doe
United States Senate
Washington, DC 20510

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

Governor Ned McWherter
State Capitol
Nashville, TN 37219

Dear Senator Doe
Sincerely yours,

Dear Congressman/woman Doe
Sincerely yours,

Dear Gov. McWherter
Respectfully yours,

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

To find out about the status of a federal bill, call (202) 225-1772

1. SMOKIES WILDERNESS ON THE MOVE

A. Report on Congressional hearings on wilderness bills

Senate and House hearings on Smokies wilderness bills were held June 23 and 25, respectively, presided over by Sen. Dale Bumpers and Rep. Bruce Vento. The conservationists' bill, which would designate 467,000 acres as wilderness, was before both Houses (S.693/H.R.1495), while the Helms bill (S.695), which would designate only 400,000 acres and would permit road construction in the 44,000 acres north of Fontana Reservoir, was heard by the Senate committee only. Members of Congress testifying at the hearings were Senators Sasser (D,TN) and Sanford (D,NC) and Congressman Duncan (R,TN) in favor of the conservationists' bills, and Sen. Helms (R,NC) in favor of his own bill. At both hearings, National Park Service Director William Penn Mott, accompanied by Smokies Superintendent Randall Pope, presented the official NPS position, which supports S.693/H.R.1495, but would designate the 44,000 acres north of Fontana as Potential Wilderness, pending resolution of the "retained-rights" issue (see 1B); Mr. Mott, however, expressed his personal opinion that the 44,000 acres could be designated as wilderness right away. NPS strongly opposes road building in that area.

Appearing at the Senate hearing in support of S.693 was a panel of environmental-group representatives and the Commissioner of Swain County, NC, representing the county's elected officials. Two panels, one from Swain Cy. and one from Robbinsville, opposed S.693. The only opposition in the House came from a representative of the North Shore Cemetery Association.

B. Prospects for wilderness legislation

There is a chance that the House bill might be marked up and passed before the August recess, but various problems may prevent such quick action. The major issue is the Administration's recommendation (rumored to have been stimulated by Sen. Helms) to designate the 44,000 acres north of Fontana as only "Potential" Wilderness because of the possibility of "retained rights." An effort by wilderness advocates is underway to convince the committees that any problem with such "rights" is so remote that it should not prevent full wilderness designation: (a) TVA and NPS staff have settled on most of the legislative language to dispose of TVA's retained rights; and (b) according to good legal opinion, outstanding mineral rights are invalid.

Another issue is that of the financial compensations to Swain Cy. While all bills agree that the county is to receive \$9.5 million, they can constitute only an authorization for this sum, with the actual payment having to be accomplished via one of the appropriations bills. (Also being discussed is the possibility of adding to this authorization/appropriation the county's outstanding School Bond debt of \$1.6M, since the Farmers Home Administration opposes the forgoing of this debt that was specified by the wilderness bills.) It is highly likely that the bills will be amended to make wilderness designation effective only on actual payment of the appropriation to Swain Cy. -- A final issue is the opposition by the Appalachian Trail Conference to inclusion of Silers Bald and Spence Field in the Wilderness; ATC wants vegetation management to keep these areas open. Other groups are opposed to this, and NPS would withdraw support from the wilderness bill if these balds are excluded.

C. Reintroduction of otters into the Park

Otters were chased out of the Smokies by logging in the 1920s. In February 1986, U.T., NPS, TVA, and TWRA (Tenn. Wildlife Resources Agency) started a reintroduction program. Ten otters (5 males and 5 females) most of them trapped in North Carolina, were released in the Abrams Creek area of the Gt. Smoky Mtns NP. As far as is known, only one otter died (a male drowned in a fishing trap); 8 others built dens shortly after release. Power on the radio transmitters ran out before the mating season, but the researchers are hopeful that the otters have begun to reproduce. (A dozen otters were released in the Obed National Wild and Scenic River in 1985 and are assumed to be doing well.)

D. TCWP'S 1987 annual meeting to feature the Smokies

We'll celebrate the Smokies this year at our annual meeting, Oct. 2-4 at Tremont. If a wilderness bill has passed by then, we'll shout with joy: if not, we'll strategize on how to speed the process. We'll look at what the Park has to offer and at what its problems are. And with Destry Jarvis, Vice Pres. of the National Parks & Conservation Assoc. as one of our speakers, we'll broaden our view to look at the state of the National Park System in general. In addition, there'll be outings, films, parties, and good fellowship -- all the things that have made TCWP annual meetings famous over the years. So pay special attention to the announcement you received last week and be sure to send in your pre-registration form.

2. BIG SOUTH FORK PROBLEMS AND DEVELOPMENTS

A. County-road issue should not be allowed to drag on

The law that created the Big South Fork National River and Recreation Area (BSFNRRRA) was carefully crafted to allow a sufficient number of road crossings and river accesses (7 to the BSF and 4 to major tributaries within the Area) and at the same time protect the wilderness character for major stretches of the gorge. It is, after all, the undisturbed wild aspect of the Gorge Area which is the essence of this major resource -- with nothing comparable left in the eastern U.S. Last year, however, largely as a result of the efforts of one individual, Scott County agitated to keep some additional roads open in the BSFNRRRA and to put them under sole jurisdiction of the county (NL 150 ¶1A). Recently, a somewhat similar case arose in McGreary County.

TCWP last month called on the Corps of Engineers to finally fulfill the intent of the law by speedy acquisition of these road right-of-ways. The law requires this, and continual postponement of action simply allows ill feeling to fester in the counties. TCWP and other organizations have offered to meet with the Corps on this issue, if necessary.

B. Mine reclamation in the Big South Fork Area

Part of the Abandoned Mine Lands funds that were finally released by OSM as a result of Sen. Sasser's filibuster last year (NL 149 ¶5B) will be used for a reclamation project in the Big South Fork NRRRA. The sites are not too far downstream from Leatherwood Ford. An outslope of gob will be regraded and revegetated, and 13 mine portals will be sealed. An earlier experiment by TVA to control erosion from the outslope by means of wire netting proved inadequate. [For other abandoned mine reclamation projects, see ¶7C, this NL.]

C. Charit Creek Hostel dedicated

The former Parch Corn Lodge (also known as "hog farm") in the Station Camp area of the BSFNRRRA was renovated by the Park Service and Corps of Engineers, and was dedicated on May 9. The Charit Creek Hostel, as it is now known, is listed by American Youth Hostels and sleeps about 4 dozen in bunks in the lodge and two cabins. There is also a camp store, stable space, a sanitary facility (cold-water sinks), kerosene-lantern lighting, and wood stoves. Access is by about 1 mile of trail from a parking area located 4.7 miles off TN 154 on a dirt road. The hostel charges \$5 per night, and reservations can be made by calling 615, 879-4289.

3. THE DUCK, THE PIGEON, AND OTHER RIVERS

A. Columbia Dam supporters proposing to make it a "private" project

Since it looks quite unlikely that -- in the face of a highly negative benefit-cost ratio (NL 146; NL 150 ¶7A), an endangered mussels situation, and a scarcity of federal funds -- TVA will ever complete the Columbia Reservoir project (see also ¶6A, this NL), the local dam proponents are trying another ploy. Refusing to enter into a planning process for dam alternatives (NL 153 ¶2), the Upper Duck River Development Agency has taken two noteworthy steps: (a) it got the Tennessee General Assembly to pass a bill giving UDRDA authority to issue \$200 million in bonds for the acquisition of lands,

construction of facilities, and purchase of already acquired facilities (in other words, the concrete dam structure almost completed by TVA); (b) it voted to petition Congress to turn the Columbia Dam project over to UDRDA. This raises some interesting questions. Can a private agency condemn land? Does it have the power to destroy a federally endangered species? Can it adequately repay the taxpayer for all the money that has already been sunk into this unjustifiable project? It is obvious that some researching, brainstorming, and coordinating will have to be done by friends of the Duck River, and we should welcome your volunteering for such an effort (see bottom of page 1 for where to write; or call Jenny Johnson, 577-5219).

B. Bring the Dead Pigeon to life!

Champion International's papermill at Canton, N.C. has been polluting the Big Pigeon River ever since 1908. Above Canton, the Big Pigeon is a clear mountain stream; below the mill, the river becomes a coffee-colored, smelly, foamy mess that supports very little aquatic life. It remains unfit for recreational use as it winds its way through 27 miles of Cocke Co., Tennessee, to its eventual confluence with the French Broad River. For close to 80 years, the state of N.C. has done virtually nothing to force Champion into pollution abatement, granting the company lenient permits for its operation. In 1985, the U.S. Environmental Protection Agency (EPA) vetoed the N.C. permit on the grounds that it violates federal law.

Subsequently, EPA drafted a permit with considerably stricter standards and invited public comment. Hearings for this purpose were scheduled for May 14 and 16 of this year (see NL 156 ¶3G), but Champion spread rumors that it would close the papermill if EPA got tough, and this provoked threats of violence which led to an extension of the public-comment closing date until September 16. In the interim, EPA will "fully evaluate the technical and economic data recently submitted by Champion Intl. Corp."

The Tennessee legislature recently passed a resolution "urging the EPA to maintain and enact its restrictive draft permit," and Sen. Jim Sasser has joined the Dead Pigeon River Council, a Cocke County-based citizen group trying to put pressure on Champion. Nobody need worry that Champion is financially unable to operate the mill if it has to pay for pollution control. The corporation is the second largest private landowner in the USA and the fourth largest forest-products company. A filtration process is available that can clean up the Big Pigeon.

WHAT YOU CAN DO: By September 16, send comments (however brief) to the Office of Congressional and External Affairs, U.S.E.P.A., 345 Courtland St. NE, Atlanta, GA, 30365 Attention: Ms. Suzanne D. Potter. At the start of your comments refer to Public Notice No. 87NC0001A and to NPDES permit application No. NC0000272.

C. The Nationwide Rivers Inventory and public lands

The Nationwide Rivers Inventory (NRI), an activity of the National Park Service, lists 1500 river segments worthy of protection as of 1982. It is not a static, but a living, document that can be added to if proper evidence is provided to NPS. The Bureau of Land Management, another U.S. Dept. of Interior agency, has, however, totally ignored the NRI rivers in its resource management planning process. About 70 NRI rivers flow through BLM lands, most have spectacular scenery and valuable fish and wildlife habitat. They are threatened by cattle grazing, mining, and water-diversion projects. American Rivers, a national organization, has requested that BLM provide direction to its regional offices to protect these rivers as part of the management planning process.

National Forest lands contain several hundred NRI rivers. Here, considerable progress has been made by American Rivers and the Sierra Club Legal Defense Fund. As a result of these groups' activities, the USFS is issuing a rivers planning chapter for the Service's planning handbook. In addition, the Eastern Forest Service Region will soon decree interim protection for all its NRI rivers while river protection amendments are being completed for those forest plans which did not adequately consider rivers.

D. Do you know how few rivers are protected?

About 600,000 miles, constituting 15% of all U.S. river miles, have been irrevocably altered. By contrast, far less than 1% of our river miles have been protected!

E. U.S. estuaries are in bad shape

According to a recent report by the Congressional Office of Technology Assessment, almost 1900 industrial or municipal facilities discharge effluents directly into estuaries, and thousands more pour effluents into rivers upstream from estuarine regions. About one-third of productive shellfishing areas currently pose human health problems (some harvests have had to be banned or restricted), and so does swimming in large areas. OTA recommends expansion of regulations on dischargers, but notes that federal budget cuts threaten implementation of even existing laws.

4. THE CHEROKEE AND OTHER NATIONAL FORESTS

A. Appeal of the Forest Service plan for the Cherokee National Forest

A year has gone by since the Wilderness Society, joined by 4 other groups (including TCWP), filed a Statement of Reasons for appealing the USFS plan for the Cherokee (NL 149 4A). There followed a Cherokee NF Responsive Statement, a reply to that by our attorneys (NL 154 4A), and a meeting to agree on procedures for the negotiations process. Negotiations over the past 5-6 months have concerned the extent of clearcutting, road construction, protection of specific roadless and natural areas, and wildlife (particularly, black-bear) protection and enhancement. If no compromise can be reached, the appeal will go to court. Some issues in the appeal that have national importance are pending decisions at the level of Chief of the Forest Service. These include low-cost timber sales (the Cherokee NF receives only 38¢ for each \$1 it spends on the timber-sales program) and the method by which timber-land suitability is determined.

B. Grassy Ridge: Forest Service dragging its feet

Last year in the beautiful Highlands of the Roan area, a landowner bulldozed a road almost to the summit of Grassy Ridge, even though the USFS already had 54 acres near the Appalachian Trail corridor under condemnation (NL 15012). There was also some verbal and physical aggression against bikers. A large amount of mail to both Houses of Congress resulted in a resolution, passed by both House and Senate, calling upon the USFS to acquire the entire 200-acre tract. The Administration, however, appears inexorably opposed to acquiring any more than the 54 acres needed for the A.T. In fact, not even these 54 acres have become public property yet; the owners have been successful in getting the condemnation trial postponed time and again.

C. Vegetation management in National Forests in the South

The USFS is preparing a series of Environmental Impact Statements (EIS's) on this subject, including one for the Appalachian Mountain region. In Tennessee, the EIS will apply to all Cherokee National Forest lands. We are being asked to help determine what issues the EIS needs to address. Issues may include concerns about environmental or human health effects, but must exclude clearcutting and road building, which were addressed in the Land & Resource Management Plan (see 4A, above). Suggestions of issues in vegetation management to be addressed should be sent by August 21 to: USDA, Forest Service, 1720 Peachtree Rd, NW, Atlanta, GA 30367.

D. Logging does not control pine beetles

In addition to their other adverse effects, clearcutting and pine farming in national forests are a major cause of huge epidemics of southern pine beetles -- yet the USFS plans are perpetrating these practices. Worse yet, the USFS is cutting big pines in designated wildernesses in the name of beetle control, though more than half the cut trees are uninfested, and though the logging is wreaking havoc with other tree and shrub species in the areas. In 1985, in 7 wildernesses, loggers cut 1,305 acres to protect only 212 acres. A number of forest entomologists from major universities have testified before Congress (a) that the cause of the pine beetle's spread is the increase in the

relative densities of pine stands brought about by timber growers, and (b) that there is no evidence what the logging done to "control" the beetle has reduced population size or spread of the insects. (For more info, write Texas Comm. on Natural Resources, 5934 Royal Lane, Suite 223, Dallas, TX 75230-3803.)

5. STATE NEWS

A. First parcel on House Mountain may be acquired soon: TCWP helps

Although House Mountain, close to Knoxville, has been on the list of Tennessee Natural Areas for some time, local controversy has prevented implementation of this status. This year's General Assembly forbade condemnation of property in the area, but at the same time lifted the restriction that land could be acquired only with specially appropriated funds (instead of with general Natural Areas funds) (NL 156 ¶2B). The Trust for Public Land (TPL) recently exercised an option on a 500-acre parcel offered by a willing seller on House Mtn. This followed a vote by the cabinet-level State Building Commission in favor of state acquisition of this parcel in the near future. The timely TPL action prevented the parcel from being subdivided and getting into the hands of developers.

One prerequisite for the favorable vote by the State Building Commission (SBC) was TCWP's commitment to act as interim coordinator of trail development in the area. It is likely that other organizations will come forward to take over this function from us, but their commitment could not be secured in time for the SBC's vote, while TCWP was able to act quickly.

B. Oil and Gas surface regulations

Many of us have become increasingly disturbed by the growing damage to the Cumberlands from oil and gas operations. The state Act to regulate the surface effects of such activities, whose passage this year we reported earlier (NL 156 ¶2C), is such an important piece of legislation that we feel you might be interested in some of its provisions.

- (1) The permit application must include a detailed plan for (a) prevention of damage during the operation, and (b) reclamation. Failure to comply with the plan constitutes grounds for revocation of the permit and forfeiture of the bond.
- (2) The reclamation bond is \$1500 per well site. Half of the bond is released after regrading of the site and the planting of permanent vegetation (which must occur within 30 days of plugging the well). The remainder is released after the vegetation has survived 2 growing seasons.
- (3) Reclamation standards are stated only in general terms in the law, with details left to the regulations that are to be promulgated. This is an area for us to watch.
- (4) Any penalties collected will go into a Reclamation Fund, to be used on orphan sites, or on sites where reclamation costs exceed the amount of bond forfeiture.
- (5) Left undone: (a) mandatory regs for reclamation of access roads (the Act, in fact, states that any regs on this subject are to be guidelines only); and (b) measures pertaining to abandoned, unplugged wells (the Act directs the Dept. of Conservation to study the subject by 2/1/88).

The legislation was based largely on a 1986 report by the DoC's Oil and Gas task force, but when the new administration did not submit a bill, the effort was taken up by the Environmental Action Fund (a coalition of which TCWP is a member). EAF's Legislative Chairman, John Williams, and EAF lobbyist, Steve Cobb (a former State Rep.), deserve a great deal of credit. The primary House and Senate sponsors were Tommy Burnett and Leonard Dunavant, respectively. Among other legislators deserving thanks are Senators Randy McNally, Ronnie Greer, and Doug Henry; and Reps Jerry Jared, Charles Severance, Jan Bushing, and John Chiles.

C. Prentice Cooper State Forest management plan

An inventory of this state forest is being conducted as a preliminary to the development of a management plan. Prentice Cooper contains some outstanding scenery and, being close to Chattanooga, affords good opportunities for hiking and other outdoor recreation to urban people. Many area citizens therefore hope to have an input into the planning and hearings process in order to minimize consumptive uses of the forest, especially clearcutting. If you can help with this effort, contact us (see bottom of p.1) or Susan Williams (SOCM, P.O. Box 457, Jacksboro, TN 37757).

D. Savage Gulf buffer acquisition among Nature Conservancy projects

During last year's TCWP Annual Meeting, many of us learned for the first time that the Savage Gulf State Natural Area extends only up to the bluff rim, leaving the gorge highly vulnerable to developments just back from this rim. Visualize the horror of looking up from the wilderness below and finding a condominium under construction above you! The Nature Conservancy, which was most helpful in helping the State with the original acquisition of Savage Gulf back in 1974, is now attempting to purchase critical buffer property overlooking Big Creek Gorge. Much more of this type of acquisition -- conservation easements or fee simple -- will be needed to accomplish the goal of buffer-zone protection, and the State must get on the ball before it is too late.

Other current Nature Conservancy projects in the state include Pocket Creek Cove in Marion Cy. (an area resembling Savage Gulf), Radnor Lake parcels, and portions of the North Chickamauga Creek gorge.

E. You can help preserve wild flowers

Many of us now have wild-flower gardens. Have you ever stopped to think that buying certain wild flowers translates into paying for their destruction? One way to avoid this is to ask your nursery men how they acquire the wild flowers they sell. Buy only propagated material. Some plants, like wild orchids (including lady's slippers) cannot be propagated and should therefore not be purchased. Remember that every time a plant species vanishes, as many as 12 other dependent species also become extinct!

6. TVA APPROPRIATIONS; RIVER RECREATION

A. The non-power budget: House restores funds cut by Administration

As in past years of the Reagan administration, the President's FY 1988 budget request for TVA's non-power programs was drastically below the preceding year's spending level (which in turn was reduced from spending of the past). In FY 1987, estimated spending was \$106.6 million, while the administration requested only \$72.7 million for FY 1988 (see NL 154 4B). A House appropriations committee recently recommended \$105 million for FY 1988, restoring funds for operating expenses of most programs essentially to the FY 1987 spending levels. The Administration's most drastic proposed reductions had been in the Land and Forest Resource and Water Resource programs, cut by 85 and 66%, respectively; in addition, the Administration proposed total eliminate of the Economic Resources program. As regards capital investment, the House generally went along with the Administration budget request, and actually made a couple of small cuts. No money is appropriated for Columbia Dam -- and none was requested.

B. TVA to explore more river-recreation opportunities

Impressed by the phenomenal demand for river recreation on the Ocoee (where, in 1986, 120,000 visits contributed \$2 million to the local economy), TVA is this summer trying dam releases on two other rivers, the Hiwassee and the South Holston. These events are scheduled for only 2 days for each river: July 11 and August 8 for the Chatuge Dam (Hiwassee), and July 18 and August 15 for the S. Holston Dam. The added current will make riffles and small waves; there are few rocks or other obstructions, so the trip should be ideal for beginner or family canoeing. Put-ins are on the Chatuge Dam Reservation near Hayesville, NC, for a 12-mile trip (4-6 hours), and on the S. Holston Dam Reservation near Bristol for an 11-mile trip (3-4 hours).

7. STRIPMINE NEWS

A. The two-acre loophole is closed on the federal level

The 1977 federal Surface Mining Control and Reclamation Act left a large loophole when -- to accommodate small mom-and-pop operations -- it exempted mines below 2 acres in size from the requirement to obtain a permit. The abuses that followed in the next 10 years are legion. One example was the "string of pearls," in which an operator leaves just a few feet of unmined land between a large series of 2-acre plots. The exemption has also made it much harder to crack down on wildcatters -- one reason some legitimate companies (and not just environmentalists) have disliked it.

Realizing this support from both sides, Rep. Morris Udall (D-AZ) quietly undertook what everyone had been scared to do: amended the 1977 law. The reason for the fear was that, once you open a law to a specific amendment, you have little control over what other amendments might be thrown in. Udall, however, obtained prior support from both sides that this would not happen, and the 2-acre exemption was quietly repealed toward the end of April. Rep. Udall deserves our sincere gratitude! It is ironic that, in ignorance of what was about to happen on the federal level, SOCM this year put a great deal of effort into closing the 2-acre loophole on the state level (NL 156 ¶ 2F). The federal law (PL100-34) now supersedes the state law, and, after Nov. 8, 1987, OSM will regulate the small sites along with the larger ones.

B. A final decision in the Rock Creek unsuitable-for-mining petition

OSM has decided to adopt the EIS's "preferred alternative", (NL 156 ¶ 4B) and to designate the gorge system (Rock Creek, Hall Creek, and Middle Creek) as unsuitable for coal mining -- surface as well as underground. While the designation does not include the entire watershed, as concerned citizens had advocated and as EPA had insisted, the decision nevertheless represents a great victory for those who worked so hard on the petition -- especially so since it includes a major restriction on mining in the remainder of the watershed. This restriction applies to the Sewanee coal seam, which has been designated as unsuitable for mining by "conventional" methods; a toxic-material-handling plan must be approved before permits are granted for that seam. Already, one operator has deleted that seam from his permit application.

C. OSM'S new "final" regulations: Sec. Watt reborn?

Under Sec. James Watt's rule at Interior, major regulatory changes were proposed by OSM that abominated the intent of the 1977 federal stripmine law. Environmental groups sued, and in 1984-85 the court ruled to remand virtually every major change that had been sought by the Administration. OSM then went to work rewriting, and -- lo and behold -- the new effort is just as disastrous as the Watt proposals. Unfortunately, there is no choice but to go to court again; but the good news is that the case has been given to the same judge who made the 1984-85 rulings. Again we appeal to any of our readers who are affected by stripmining (e.g., as it impacts on their outdoor recreation or their homes) to let us know, since this information may be needed in securing adequate legal "standing" in the case.

D. A start is made on orphan-mine reclamation in Tennessee

In 1985/86, we were engaged in an effort to secure Abandoned Mine Lands (AML) monies from OSM to reclaim orphan mines in Tennessee. Tennessee had lost its right to ca 50% of such funding when it relinquished primacy in 1984; however, nothing prevented our getting the other 50%, especially so since some of the tax on current mining, which constitutes the AML Fund, has been and is being collected in Tennessee. It was finally Sen. Jim Sasser's filibuster of Jed Christensen's confirmation as OSM Director that broke loose some AML money for Tennessee (NL 149 ¶ 5B), and this was roughly matched by a state appropriation (NL 149 ¶ 6A). So far, only 4 projects have been approved under this funding; they will reclaim a total of 90 acres (out of 46,000 estimated to be abandoned in E. Tenn.) and will cost \$600,000. One of them is in the Big South Fork NRR (see ¶ 2B, this NL). The other federal project is the Hatfield site on Anderson Mtn. in Scott Co. The two state projects are Board Camp Creek (65 acres), NW of Soddy Daisy, and the

Robbins Slide (3 acres), in Scott Cy.

E. Congress about to give up on OSM

For the third time in four years, the House Committee on Governmental Operations has investigated OSM's performance. It failed to find any improvements to have resulted from earlier censures. Some of the problems may go beyond OSM to its parent agency, the U.S. Dept. of The Interior. For example, money appropriated to OSM for enforcement of stripmine regulation has been diverted to other USDI activities; and about \$38 million of the Abandoned Mine Land (AML) Fund, a tax collected from miners, is not in OSM's but some other USDI accounts. The AML is earmarked to be spent on reclamation of abandoned (or "orphan") mines, but after all these years OSM doesn't even know how many of these remain unreclaimed; they think it may be 6,000. While collection of AML monies has proceeded, and the Fund now stands at close to \$2 billion, the paying out of money for orphan reclamation has been all but nonexistent. Thus, as of 10/1/86, reclamation worth \$146 million had been ordered or promised, but only \$1.5 million worth carried out.

OSM is also virtually impotent at collecting imposed fines. At the time of the 1985 investigation, OSM had collected only 9% of \$108 million in assessed fines; but more recently, even after being admonished to do better, OSM collected only 0.7%! OSM made much of its fine-reduction program under which operators negotiate with OSM to reduce fines through corrective action, thus avoiding prolonged litigation. However, in 20% of these cases the negotiated settlement has violated regulatory requirements; furthermore Congressional investigators found that many of the files pertaining to these negotiations were subsequently altered. Perhaps worst of all, OSM does not follow through on cease-mining orders where an operation poses imminent harm; only about 15% have resulted in injunctions. And, after all these years, OSM still does not have a successful system for identifying those permit applicants who have a past record of violations and unpaid fines.

Is this dismal performance due to a lack of commitment by policymakers, a lack of leadership, or sheer incompetence? Regardless of the cause, the committee concluded that OSM in its present setting is apparently incapable of improvement. As a result, the committee recommended that the General Accounting Office study the possibility of transferring OSM out of the USDI to another government agency.

8. AROUND OAK RIDGE

A. Cedar Barren: TCWP may enter agreement to protect Registered Natural Area

TCWP President Lee Russell recently met with City staff and personnel of the TN Dept. of Conservation to discuss an agreement by which the City of Oak Ridge would register the 7-acre cedar barren (behind Jefferson Junior High School) as a State Natural Area, and TCWP would undertake to protect it, following initial clean-up by the City. It was planned to have City Council vote on zoning the barren as Greenbelt at its June 22 meeting. In the meantime, however, the developer (Kessler) who had proposed a residential subdivision (which would exclude 7 acres of the barren), pulled out of the deal, and the City became reluctant to make zoning changes in the area before getting commitments from another developer, this time for a shopping mall. Natural Area registration also has been put on hold. Such registration involves no change of title or transfer of ownership, nor does it carry any penalty for violation. Protection thus depends on the good will of the owner and, in this case, on the degree of public sentiment in support of protection. The Dept. of Conservation would provide technical management assistance to TCWP, as well as informational signs. In anticipation that the agreement will be finalized before long, we ask TCWP members to volunteer to help us manage the area -- periodic trash pickup, possibly fence construction, possibly trail development. Call the number at the bottom of p.1, or contact Jenny Freeman Johnson, 577-5219.

B. Coal-barge terminal proposed for South Clinton -- again

The U.S. Army Corps of Engineers has issued a permit for construction of a coal-barge terminal on the Clinch River in South Clinton. The terminal would be a 42-acre \$6-million development that is projected to attract 500,000 tons of trucked-in coal per year, for a start (lots more coal trucks on local roads!). What is not clear at this time is where the markets for the barged coal would be. TVA's Bull Run and Kingston steam plants have no plans to construct barge facilities. The developer hopes Alabama industries would purchase the coal.

9. NATIONAL NEWS

A. Future of the Land & Water Conservation Fund

The LWCF, which pays for the bulk of federal land acquisition for parks, forests, and fish & wildlife refuges, is currently authorized only through Sept. 1989. A bill passed by the full House on April 1 (HR.1320) extends the Fund for 25 years beyond its expiration at the current ceiling of \$900 million annually. Also continued would be the source of the LWCF, namely, a portion of the revenues the government receives from Outer Continental Shelf oil & gas leasing. -- The Senate is considering two bills. S.84 resembles the House bill but sets a slightly higher level (\$1 billion annually); S.735, on the other hand, would utilize 25% of revenues from oil & gas leasing on wildlife refuges to finance the LWCF. The latter bill is viewed as an attempt to make the controversial leasing of the Arctic National Wildlife Refuge (NL 156 ¶7A) palatable to environmentalists. The President's Commission on Americans Outdoors (NL⁵³ ¶ 8) as well as national environmental groups recommend that a permanent source of money, such as a trust fund, be set up when the LWCF is renewed, with a minimum of \$1 billion annually for land acquisition.

B. Land & Water Conservation Fund appropriations for FY 1988

Though the current annual appropriation ceiling for the LWCF is \$900 million (see ¶9A, above), actual appropriations have lately been but a small portion of this -- despite the fact that the backlog of acquisition projects exceeds \$2 billion. For 1976-80, appropriations averaged \$596.4M, but for FY 1987, the appropriated LWCF was only \$188.4M. Now it looks as though it will be even lower next year. TCWP wrote to each Tennessee member of the House of Representatives urging an appropriation of \$488M for the federal share and \$200M for the state share -- amounts recommended after careful study by a coalition of 12 of the nation's major conservation groups. The House passed HR.2712, the Interior Appropriations bill, on June 25. It includes only \$125M for the federal portion of the LWCF, and absolutely nothing for the state portion. It is now important to urge our Senators to support a higher appropriation.

C. Endangered Species Act and broader species issues

Last year's Congress failed to reauthorize the Act. Pending this year are S.675 (Mitchell, D-ME) and HR.1467 (Studds, D-MA), nearly identical bills that would extend the Act for 5 years while gradually increasing spending. (The Administration has asked for a 4-year reauthorization with no increase in funds.) TCWP has written to the Tenn. House delegation, and these bills also deserve your personal strong support (see p.2 for addresses of U.S. Reps and Senators). In addition to extending the present Act, which is well crafted, we need measures that would increase protection for endangered plants, provide more money for state endangered species programs, speed up the evaluation of species, and improve recovery-plan implementation.

On a broader scale, remember that worldwide, 10,000 species are vanishing each year. Human beings are only one of about 5 billion species on earth, but their activities consume over 30% of the energy converted into food for living organisms through plant photosynthesis. One essential step in slowing the loss of species must be to reverse the expansion of the human population (it is estimated that there will be 11 billion of us in the year 2050). Another is to stop the loss of tropical forests -- two other activities for you to support if you care about the Earth and its wondrous variety of life.

D. Cave-protection bills need support

Of all federal jurisdictions, only the National Park Service provides adequate protection to caves. Caves on other public lands are often pillaged, and cave life is destroyed. HR.1975 (Boucher, D-VA) and S.927 (Daschle, D-SD) require the Secretaries of Interior and Agriculture to consider cave resources in land management planning, and to withhold cave-location information until proper management programs are implemented. If you care about cave protection, write your Senators and Congressman/woman and urge them to co-sponsor the above bills.

E. Acid rain control: this year's Clean Air bills get earlier start

Last year, the single biggest amount of lobbying money went into agitation against Clean Air legislation. Over \$3 million (i.e., 5% of all lobby funds) were paid by utility and coal companies, mostly for mass mailings designed to stimulate letters to Congressmen. Thus, nothing happened in 1986. In 1987, the legislative process got underway early on the New Clean Air Act, S.300 (Stafford, R-VT), and on S.321 (Mitchell, D-ME), the Acid Deposition Control Act. Both bills would scale back NO_x releases, cut SO₂ releases by 50%, control ozone-precursor emissions, and embrace a "polluter pays" philosophy. They would thus control acid rain and air toxics and protect the ozone layer. Urge your Senators to cosponsor S.300 and S.321 and to work for their passage.

F. Threats to our national parks

While the establishment of our National Park System occurred largely before our time, the defense of the System must be a heavy concern for us and those that follow. Our parks are beset by innumerable threats and pressures. Altogether 4,345 of these were documented in the NPS' 1980 "State of the Parks" report -- air-quality and water-resource threats affecting almost half the parks, visitor overuse, and urban encroachment. Since 1980, very few of these conditions have improved, and some have worsened. Some parks have inholdings that are being developed before they can be acquired (see ¶9B, this NL). Others, like Everglades NP, have vital water "stolen" from them. A systematic challenge to their water rights also threatens many western parks, such as Zion and Dinosaur. Constant aircraft overflights significantly disturb wildlife and the visitor experience at Grand Canyon, Haleakela, and Yosemite. Geothermal exploration on adjacent lands threatens Yellowstone's geyser fields. And Glacier NP is now tightly ringed, smack up to its borders, by logging, oil & gas wells, subdivisions, and summer-homes. An administration unsympathetic to park values (NL 156 ¶7E) is taking few steps to fight these and other threats, despite valiant efforts by NPS Director William Penn Mott, Jr. Do not take your national parks for granted! Keep alert to fight threats to your favorite park(s). One important program to support is the inventoring of the parks' resources, followed by monitoring of critical resources (I&M) to assess any adverse changes that indicate a need for remedial action. Adequate funding is also needed for the Natural Resources Protection Program to deal with already-identified threats. Urge your Senators to support this in the Interior Appropriations bill (see p.2 for addresses).

G. The Park Service deserves praise for its decision not to spray for black-flies within the New River Gorge National Scenic River. NPS withstood considerable pressure from area citizens to eliminate the black-flies, which are, however, an important part of the food chain.

10. TCWP NEWS

- We are delighted to announce that our great friend Jenny Freeman Johnson is once again working as TCWP executive director. Jenny has spent much time during the past couple of years studying pandas in China, alongside her husband, Ken Johnson, who is working there on a World Wildlife Fund project. Jenny was TCWP's third exec. director; and though 6 people have worked in that position since then, she had no trouble at all getting back into the swing of things again.
- We gratefully acknowledge help by the following volunteers who assembled NL 156: Alice

Runtsch, Eline Larcher, Jean Bangham, Al Brooks, Dave and Willa Reister, and Dick Ambrose. From our helpers' list for NL 155, we inadvertently omitted the names of Steve and Nancy Young. The recent preliminary announcement of this year's annual meeting was prepared and assembled by Martha Ketelle, Ron Forester, and Jenny Freeman Johnson.

11. JOB OPPORTUNITIES, EVENTS, THINGS TO READ

- Aug. 1,2, "Historic Rugby Pilgrimage," tours of privately-owned and public historic buildings, and several events (call 615, 628-2441).
- Aug. 3-5, "River Conservation Workshop, Atlants, GA. Sponsored by the Natl. Park Service, SE Region, State & Local River Conservation Assistance Program (Call NPS, Atlanta 404,221-5838).
- Oct. 2-4, TCWP Annual Meeting at Tremont in the Smokies. See #1D, this NL.
- Nov. 3-4, Conference, "The Southern Appalachians: Our Land, Our Future," Asheville, NC, sponsored by the Southern Appal. Research/Resource Mngt Coop, a consortium of government agencies and universities (Call John McCrone, Clemson, SC 803,656-5680).
- Nov. 8-11, "First International Outdoor Ethics Conference," Lake Ozark, MO (write IWLA, Box IOEC, 1701 N. Ft. Myer Dr., Suite 1100, Arlington, VA 22209).
- JOB SCAN is the Student Conservation Association's listing of job opportunities in the environmental-quality and resource mngt. fields with corporations, govt. agencies, non-profit organizations, etc. Subscription, \$20/6 mo., or \$35/yr. (Call Charleston, NH, 603,826-5741.)
- "A Cooperative Erosion Control Plan for the Copper Basin" was recently completed by the Soil Conservation Service, Tenn. Chemical Co., and TVA. The plan would complete revegetation and solve some water-quality problems in the Ocoee and other area streams (Call Polk Cy SCS, Benton 615,338-2841, Ext.234).
- "Watching the Watchdogs: How to Influence Federal Agencies" is an activist's handbook. Free from the National Wildlife Fed. (1412 - 16th St. NW, Wash. DC 20036-2266.)
- "Getting Into Print," is a 4-page leaflet on how to publicize an issue, interest media in covering the issue, write press releases, etc. (65¢ from League of Women Voters, 1730 M St., NW, Wash. DC 20036.)
- World Resources Inst., a policy research center, has publications on energy and climate, tropical forests, agriculture and many related subjects. (For catalog, write WRI, P.O. Box 620, Holmes, PA 19043.)
- "The 1986 National Trails Assessment" reviews the status of National Trails and recommends future actions. Order from National Park Service (Recr. Resources Assistance Div. [765], P.O. Box 37127, Wash. DC 20013-7127).
- "Acid Rain and Waterfowl" is a 1987 report by Paul W. Hansen, distributed by the Izaak Walton League of America (1701 N. Ft. Myers Dr., Suite 1100, Arlington, VA 22209). Waterfowl, it seems, suffers from acid rain almost as much as do fish.
- "Whither the Beloved Mountains" by Carl A. Reiche documents the 1969-75 battle to save Joyce Kilmer Memorial Forest/Slickrock Creek, and relates subsequent (1977-83) conservation efforts in the area. It also describes 26 hikes in the Greater Kilmer region. In addition to providing a historical record, the document alerts the reader to ongoing threats. (\$12.75 from Western N.C. Mountain League, Box 34, Green Mountain, NC 28740. Add \$2 if you want color photo of JKMF.)

