

# TENNESSEE CITIZENS for WILDERNESS PLANNING

Newsletter No. 172

September 18, 1989

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1. Crisis on the Big South Fork: Deferred Area in imminent danger of being degraded. ....	p. 3
2. Rivers in Tennessee. ....	p. 4
A. Scenic Rivers Act interpreted	D. Pigeon R. (Champion permit)
B. Stream Alteration permits	E. Channellization vs SORG
C. Columbia Dam study	
3. Other News from the State of Tennessee. ....	p. 5
A. Highlands of Roan setback	D. Knox recycling center
B. Pothills Parkway damage	E. Howell to oppose Gore?
C. Resource-land buffers	
4. Smokies wilderness bill. ....	p. 6
5. Stripmine news. ....	p. 6
A. Abandoned Mine Lands	B. Urge OSM enforcement
6. TVA capsules. ....	p. 7
A. Appropriations increase	B. Land Between the Lakes
7. U.S. Public Lands. ....	p. 7
A. Amer. Heritage Trust Fund	E. Tongass timber reform
B. National Park Service reform	F. The 1872 Mining Law
C. Arctic Natl Wildlife Refuge	G. Fire-management policy
D. Old-growth forest	
8. Other national capsules. ....	p. 9
A. More on the Exxon spill	C. Records of House Demo leaders
B. Key USDI appointments	D. Solid-waste consciousness
9. TCWP volunteers. ....	p.10
10. Activities; reading matter. ....	p.10
11. ACTION SUMMARY. ....	p. 2

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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
1A	Big S. Fork crisis	US Sens & Rep TCWP	"Help in getting 'Deferred Area' acquired!" Send contribution to pay for appraisal.
2B	Stream alterations	Dept. of Health & Env't	Ask to be put on mailing list
2E	Channelization	McWherter, Sasser, Tanner	"Thanks for efforts to substitute SORG for channelization!"
3A	Highlands of Roan	US Rep. copies to Quillen & Clarke	"Support National Scenic Area!"
3C	Resource lands in TN	State Sen. Greer & Rep. Hillis	"Support buffer-zone legislation!"
5A	Abandoned mines	US Rep; copy to Rahall	"AML fund assignments should be independent of primacy!"
5B	Stripmine regulation	OSM Director	"Enforcement should be highest priority!"
7A	Amer Heritage Trust	US Rep Gordon, Cooper, Sasser, Lloyd	"Support HR 876!" "Thanks for co-sponsoring HR 876!"
7B	National Park Service	USSens	"Urge Sen. Bradley to move S 844!"
7E	Tongass timber policies	US Sens	"Support companion bill to HR 987!"

Senator John 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 federal bills, call (202) 225-1772

***"We did not inherit the land from our ancestors; we borrow it from our children"***  
(American Indian saying)

(Continued from Page 10)

- The week of April 22, 1990, has been designated for a National Celebration of the Outdoors, when, it is hoped, groups throughout the USA will organize activities to create public awareness of, and support for, protection of scenic resources and openspace. One function of the Celebration is to include protection of land resources among the issues that will gain prominence when the 20th Anniversary of Earth Day is celebrated in April 1990. For suggestions on activities that you might wish to organize, and other info, write Nat'l Celebration of the Outdoors, 1250 -- 24th St. NW, Suite 500, Wash, DC 20037.
- July 1, 1990, is the deadline for a photo contest (with prizes) entitled "Tennessee Scenery: Trees not Billboards," sponsored by the Tennessee Federation Of Garden Clubs and Tennesseans for Scenic Beauty. Photos, ranging from 3 x 5 to 8 x 10", should show the negative impacts of billboards. There is no limit to the number of entries. For details, call Arthur Smith, Kingsport, 615-247-7895; or Gene Burr, Knoxville, 615-522-5238.

## 1. CRISIS ON THE BIG SOUTH FORK

### The Problem

Within the authorized boundary of the Big South Fork National River and Recreation Area (BSFNRRRA), there are over 16,000 acres that have not yet been acquired by the government. The largest, and possibly most important of these "Deferred Areas" (see Background, below) lies to the west of the BSF and includes the North Whiteoak Creek and its Laurel Fork tributary. In addition to forming highly scenic gorges, these two rivers contribute a major portion of the BSF's water -- and it is clean water, badly needed to dilute the silt and acid brought into the BSF by the New River, upstream. Several endangered species (plants and mussels) are found within this area.

Within the North Whiteoak Creek Deferred Area, a ca 900-acre tract is now in imminent danger of being roaded, logged, and sold for residential development. The owners have already had it surveyed for these purposes and have received an offer on the timber (much of which is in mature-growth forest). Not only would the loss of this valuable tract be quite disastrous in itself, but it is likely to produce a domino effect, with other landowners in the Deferred Area following in the footsteps of this first one.

The problem is this: can we break the logjam that has held up Deferred Area acquisition? and can we do it fast enough to prevent destructive development on the threatened tract?

### Background

Though the National Park Service (NPS) administers the BSFNRRRA, the 1974 authorizing legislation charges the Corps of Engineers with land acquisition for the Area and with development within it. Funds come from the Energy and Water Appropriation (rather than from the Land & Water Conservation Fund, as they would have, had NPS been charged with land acquisition). Because of political pressures for development (Leatherwood Ford Road and Bridge, Bandy Creek Campground, Bue Heron Mining Camp restoration, etc.), the Corps reached the authorized spending limit long before it had completed land acquisition. This -- plus the Reagan Administration's bias against federal ownership of land -- resulted in the Corps' drawing up a "reduced-scope plan" under which the non-acquired lands were designated as Deferred Areas.

TCWP and others worked hard to have Congress raise the BSFNRRRA spending ceiling; indeed, the Water Resources Development Act (WRDA) of 1986 did authorize an additional \$53 million. Unfortunately, this same Act also contained a provision that the cost of water-resource projects must be shared by non-federal entities, such as state or local governments. [It should be understood that the bulk of the projects covered by the WRDA are dams, channelizations, etc; the cost-sharing provision was enacted to discourage boondoggles that are so common among such projects.

Unfortunately, the BSFNRRRA, which is *not* a boondoggle, got tarred with the same brush.]

For projects that had been authorized prior to 1986 (the BSFNRRRA was authorized in 1974), cost sharing would apply to any component that could be defined as "separable." The Reagan Administration's OMB chose to define the remaining BSFNRRRA land acquisition as separable. However, watershed-boundary and water-quality considerations clearly make the Deferred Areas non-separable. Even more significant, the Congressional Research Service has found that existing law (enacted before the 1986 WRDA, and not invalidated by it) exempted national recreation areas from cost-sharing requirements.

With the cost-sharing albatross around its neck, aware that the non-federal share was most unlikely to be forthcoming, the Corps didn't even try to secure new appropriations for the BSFNRRRA, even though about \$48 million of the additional \$53 million authorization are still available. Thus, there are now two impediments to government acquisition of the threatened tract in the North Whiteoak Creek Deferred Area: (a) there are no federal \$\$ in the BSFNRRRA bank, and (b) even if there were, they could not be expended unless a local entity were willing to share the cost on a 50:50 basis.

### Current efforts

The Superintendent of the BSFNRRRA, Bill Dickinson, is energetically confronting the problem. He has convened two recent meetings that were attended by representatives from the Corps' Nashville office, staffers from Tennessee Congressional offices, the director of the Tennessee Nature Conservancy, and several TCWP members.

The offices of Senators Sasser and Gore, and of Rep. Jim Cooper are exploring actions that would get Congress to explicitly remove the cost-sharing requirement that the 1986 WRDA unjustly imposed on the BSFNRRRA (which -- as a National Recreation Area -- should be exempt, see Background). If this can be accomplished, appropriations will be sought in the future -- it is too late to do so in 1989. Various approaches are also being made to the administration (the Corps, OMB) to get them to change their interpretation of the 1986 WRDA. In the meantime, The Nature Conservancy (TNC) is talking to the landowner about buying the tract which, TNC hopes, will later be purchased from them by the federal government. But before making the investment, TNC must have some assurance that the latter step will eventually come about. Therefore, it is very important to get the cost-sharing mess cleaned up by the Congress in a hurry (i.e., within the next few weeks, before the landowner has the tract logged in lieu of selling it to TNC). It will be a challenge to the know-how and astuteness of our Senators to pull this off.

### WHAT YOU CAN DO:

✱ How energetically Sen. Sasser, Sen. Gore, Rep. Cooper (and, hopefully, Rep. Hal Rodgers and the Kentucky senators) pursue the needed two-pronged

approach may well depend on how much encouragement they get from the grassroots. Please contact these individuals without delay and urge them to do all they can (a) to remove the cost-sharing requirement for land acquisition in the BSFNRA, and (b) to obtain appropriations for completing land acquisition. Point out the great urgency of the matter: highly scenic and ecologically significant river gorges and uplands that are integral parts of the BSFNRA could soon be destroyed unless action is taken. The major federal investment represented by the already existing portions of the Area is jeopardized if water quality in the main stream (the BSF) is ruined as a result of destructive developments in what is a significant portion of the watershed.

\* There is another important way in which you can help, and that is with a generous financial contribution. TNChashadto order an appraisal of the threatened tract in order to be able to bid on it. This had to be done in a big hurry, and TCWP offered to pay half the cost. Your contribution is therefore very important. Please send us your check -- as much as you can afford -- made out to TCWP, Inc., and earmarked BSF Deferred Area. Thank you.

## 2. RIVERS IN TENNESSEE

### A. Legal interpretation of the Tennessee Scenic Rivers Act

At the request of the Scenic Rivers Advisory Council, Tennessee's Attorney General, Charles Burson, has issued a 22-page Advisory Opinion that answers several longstanding questions about the State Scenic Rivers Act (SRA). According to the Opinion, the Commissioner of Conservation has a legal responsibility to establish boundary areas along state scenic rivers, within which boundaries land-use restrictions will apply. The SRA establishes 3 classes of rivers, and specifies maximum boundary dimensions, as well as restrictions, separately for each class. For example, for Class-I rivers (maximum boundaries 3000 and 1000 ft for gorge and swamp rivers, respectively), there may be no paralleling roads, no new buildings, and no mining; for Class-II and Class-III rivers (maximum boundary 450 ft from river bank), only farm-use buildings and recreational structures may be erected, and mining is prohibited.

The Opinion concludes that the Commissioner's designation of boundaries and the resulting land-use restrictions are a valid exercise of the state's authority to regulate land use and do not constitute a "taking of private property" for which the state would have to pay the landowner. However, the SRA encourages the Department to acquire -- through voluntary sales (condemnation is not permitted) -- easements (preferably) or fee title to preserve the natural environment within the boundaries of the system.

Although the 1968 SRA clearly requires the Commissioner to designate a boundary for each river within 2 years, this has never been done. The law also encourages the Commissioner to make and enforce regulations to carry out the requirements of the SRA. According to the Opinion, this, too, has never been done.

The Opinion is likely to spark heated discussion about the purposes and effects of the SRA. Hopefully, it will also focus the attention of state officials on the long-neglected, badly underfunded Scenic Rivers Program and will bring about some improvements in that program. The Scenic Rivers Advisory Council is meeting Sept. 18 to discuss the implications of the Opinion.

(Based on a contribution by John Williams)

### B. Get involved in stream-alteration permits

State law requires that anyone intending to impair or interfere with the quality or quantity of state waters requires a permit. The land-development industry -- builders of shopping centers, condos, and industrial structures -- is increasingly applying for permits to channelize, fill in, box in, or relocate the many little streams that are the essential feeders of our larger rivers. The permit process can be used to educate developers on the necessity for maintaining these vital links of our water resources, and to encourage them to come up with creative alternatives to destruction, e.g., building around a stream, creating a greenbelt through the project, etc.

Applications for stream-alteration permits are open for public comments, and public hearings will be held if this is requested by commenters. Obviously, the more public involvement, the better. You can request to be placed on the ARAP permit mailing list by calling 615-741-7883 (TN Dept of Health & Environment). You will receive public notices describing the location and probable impact of each planned project, and informing you on where and when to send your comments.

### C. Duck River/Columbia Dam study

For years, the Columbia Dam has stood partially built, its completion temporarily stalled by the discovery of endangered mussel species, but, hopefully, permanently halted by TVA's inability to justify the huge remaining expense (about \$160 million) of completing the project. This spring, a Task Force from the University of Michigan, consisting of economists, sociologists, biologists, political scientists, etc., completed a thoughtful, extensive fact-finding review and analysis, not only of the project but also of the broader, long-term problems of the area. They propose tearing down the dam (with a dissenting opinion to leave it standing, uncompleted) and developing a Regional Development and Management Plan.

For further information on the study, and on how to obtain a copy of the report, contact Frank Fiy (P.O. Box 398, Murfreesboro, TN 37133-0398; 615-896-4154).

#### D. *Hearings on proposed Champion permit*

Hearings were held in mid-August on the EPA's latest draft of a wastewater permit for the Champion papermill in Canton, NC, that has for 80 years been polluting the waters of the Pigeon River in Tennessee. The permit would require Champion to meet Tennessee's water-quality standards in 3 years. J. W. Luna, Tenn Commissioner of Health & Environment, testified that the state would like to have the permit include a set schedule of incremental improvements to be made during this 3-year period. Several additional modifications of the permit were requested in the hearings, e.g., that monitoring be done at the state line, rather than 1 mile downstream where polluted water from NC is occasionally held back by a power dam; the Pigeon R. is fed by two clean tributaries; that dioxin testing be done in fish, rather than in water, where even EPA officials admit it is impossible to detect at the levels set forth in the permit; that an independent company be authorized to monitor Champion's compliance; and that the allowable temperature at the plant's discharge (which may go to 89°) be lowered. Written comments on the draft permit were due 8-25-89.

#### E. *Obion-Forked Deer channelization is not ended*

Recent news articles reported that the Corps of Engineers was withdrawing from the \$100 million West Tennessee Tributaries (WTT) project "because of persistent environmental disputes." According to Chester McConnell, Wildlife Management Institute, these reports are misleading: what the Corps was, in fact, withdrawing from was its legal appeal to the State's denial of a Section-401 Water Quality Certification for channelization in the S. Fork Obion R. The Tenn Div of Water Pollution Control has advised the Corps that there are probably no other locations within the WTT project area for which the state is willing to issue a 401 Certification for channelization; but, that it would be issue permits if Stream Obstruction Removal Guidelines (SORG) methods were substituted for channelization. The Corps, however, appears uninterested in the use of SORG methods, which, in addition to being acceptable to the state and to local citizens, would reduce project costs from \$100 million to \$10 million.

During the 1989 session of the Tennessee General Assembly, Rep. Michael Kemell introduced a bill that would require SORG to be the only method allowable to correct streamflow problems in Tennessee. Currently, Gov. McWherter and Sen. Sasser are striving to bring about sound changes in the WTT project. You can help by notifying Gov.

McWherter, Sen. Sasser, and Congressman Tanner of your support for their efforts to substitute the SORG method for destructive channelization on the WTT project.

### 3. OTHER NEWS FROM THE STATE OF TENNESSEE

#### A. *Setback for Highlands of Roan National Scenic Area*

Rumors (helped along by one or more persons) have resulted in strong opposition to the proposed National Forest Scenic Area legislation (NL170 §3; NL171 §5A), particularly in Mitchell County, NC, where the County Commission passed a negative resolution, based entirely on error. The local newspapers have been remarkably uncooperative in bringing the truth to their readership, and even the *Knoxville News-Sentinel* had a one-sided front-page article that quoted numerous vitriolic comments by opponents while failing to mention a single fact about the bill (other than the size of the proposed area). Naturally, Sen. Jesse Helms (R-NC) has gotten into the act, accusing proponents of the legislation of wanting "to blow their whistles to see how many people in the capital they can get to jump." What is more surprising is that Rep. Jamie Clarke (D-NC), whose election and reelection were supported by conservation groups, withdrew his support from the bill until such a time as the Mitchell County Commission reverses its negative vote.

These are the facts that need to be brought out. The Highlands of Roan, with their unparalleled mountain scenery and unique vegetation, are of national significance and in need of protection. The boundaries of the proposed Scenic Area were drawn so as to exclude most residential and agricultural tracts. The very few that are included (one in NC, 7 in TN) would not be acquired by condemnation unless there were a material change in land use that threatened the character of the Scenic Area. No existing roads or trails would be closed.

You can help undo some of the recent campaign to vilify the proposal by writing to your Congressman/woman, with copies to the Hon. Jimmy Quillen and the Hon. Jamie Clarke. Addresses on p.2.

#### B. *Damage from Foothills Pkwy construction*

Recently, TCWP was party to an official complaint concerning the manner in which the Tenn Dept of Transportation's (TDOT) is constructing the Carr Creek - Wears Valley segment of the Foothills Parkway; we and three other groups believe that the state's Water Quality Act is being violated (NL171 §3A). On August 30, TCWP President Martha Kettelle testified at a hearing held to consider a permit for constructing another Foothills Parkway segment, namely, that between Wears Valley Road and Crooked Arm Ridge.

TCWP commended the Department of Health & Environment for having initiated the preparation of draft guidelines for erosion control during construction, but urged the state to go to additional lengths to ensure that the guidelines are followed. We also urged the Federal Highway Commission to include detailed erosion-control requirements in contract specifications before these go out for bids. Although it was too late for us to have an input into the design of the Foothills Pkwy segment, we made several general points for the record. Finally, we urged continuous monitoring and feedback to avoid water-quality damage from construction.

**C. Bill would create protective buffers around resource lands**

Among the recommendations of the 1985/86 Governor's Commission on Tennesseans Outdoors (NL144 ¶6C, NL153 ¶7) was that protection be provided for publicly-owned resource lands in Tennessee (e.g., National and State Parks) by establishing buffer zones around them. The Tennessee Recreation and Parks Association (TRPA) has now drafted a bill that, they hope, addresses this objective. The bill creates a "Statewide Resource Protection Council" -- made up of heads of various departments of state -- that would designate an 800-yd-wide (or narrower) zone around each "Statewide Resource." Local governments or other authorities would be required to establish ordinances or regulations that assure compatible land use within these zones. Where local governments, etc., fail to do so, or where no local entity exists that has the authority to regulate land use, the Council itself would promulgate and enforce such regulations.

TCWP agrees with the purposes of this draft bill, but believes that the measure should be broadened (e.g., by including National Wild and Scenic Rivers and Recreation Areas), as well as strengthened (e.g., by giving the Council some means -- staff, funding -- with which to perform the functions outlined by the bill). We hope to work with TRPA in this regard. The following legislators will play a key role in the success of this measure: Sen. Ronnie Greer and Rep. I.V. Hillis. Their support of a broadened, strengthened bill should be requested (see Political Guide for their addresses).

**D. Recycling Center in Knoxville**

A recycling center in the Carter Community, established through the efforts of the Knoxville Recycling Coalition, collects newspaper, mixed paper, glass, plastic, aluminum, and used motor oil. The Center is open 2-6 (M-F) and 8-3 (Sat.)

**E. Ex-conservation commissioner may run against Gore**

According to a recent news account, Charles Howell III, Conservation Commissioner under former Gov. Lamar Alexander, heads a list of 6 possible

Gore opponents under consideration by state Republican leaders. The National Republican Senatorial Committee has earmarked up to \$375,000 in national party funds for the campaign against Gore, who has excellent environmental credentials.

**4. SMOKIES WILDERNESS BILL**

Sen. Terry Sanford (D-NC) has drafted, but not to date introduced, a Smokies Wilderness bill that has a major flaw: it omits the 44,000 acres north of Fontana Reservoir from wilderness in order that a study be conducted (within 9 months of enactment) of the feasibility, cost, and environmental impacts of each of two types of road (10- or 20-ft wide) within that area. Sen. Sanford implies that the study will conclusively show that a road cannot be built in this part of the Park and will thus put to rest the road argument for all time. Conservationists, however, point out that, regardless of study outcome, they oppose road construction in any area of the Park (including the 44,000 acres north of Fontana) that is presently designated, and managed, as Type-I Natural Environment under the 1982 General Management Plan. Even if the study were to prove the road clearly unfeasible, it would be much harder to add the 44,000 acres to wilderness later on, after the bill is passed without it. We would therefore not support a wilderness bill that didn't include the 44,000 acres to begin with.

Sen. Sanford's draft bill has also increased the amount of money Swain County would receive as compensation for the road, to offset any interest lost since 1980, when the amount was first approved by Sec. Andrus. It may be argued that periodic increments that offset the passage of time give the County less of an incentive to come to grips with the problem.

At this point, it looks unlikely that the Sanford draft bill will be introduced.

**5. STRIPMINE NEWS**

**A. To extend Abandoned Mine Lands Fund**

The Abandoned Mine Lands (AML) program, a part of the 1977 federal Surface Mining Act (SMCRA), is set to expire in 1992. Currently, coal-mine operators pay a reclamation fee of 35 cents or 15 cents per ton of surface or deepmined coal, respectively, and these fees make up the AML Fund, which is used to reclaim land that was abandoned before the 1977 law was passed. In August, an Interior subcommittee approved HR 2095 (Rahall), which reauthorizes until the year 2007 the reclamation fees section of SMCRA. Through September 1988, \$2.3 billion of such fees had been collected, but another \$4 billion will be needed to complete priority reclamation projects after 1992. HR 2095 halves the fees for any state that certifies that all of its priority reclamation projects have been completed.

Because Tennessee repealed its state stripmine law in 1984 and, since then, has had a federal regulatory program in place, we are very much interested in how the new bill will handle the relation between "primacy" and assignment of AML funds. Under existing law, 50% of the reclamation fees collected in a given state go directly for AML projects in that state, but only if that state has primacy (i.e., is in control of its own regulatory program). This restriction seems unfair, since the current mining that generates the fees has an impact on a state regardless of whether or not that state has primacy. Most of the other 50% is at the discretion of the Sec. of the Interior, and is intended for reclamation of the worst sites nationwide, regardless of who has primacy; however, despite the good efforts of Sen. Sasser, Tennessee has seen little of that money. HR 2095 would change the distribution of collected reclamation fees by making them subject to appropriations by Congress. Although there is, as yet, no companion bill in the Senate, Rahall (D-W.Va.) will make a strong effort to get action on the AML bill in this Congress.

**WHAT YOU CAN DO:** Urge your Congresswoman/woman to support extension of the AML program in a manner that makes assignment of funds independent of a state's primacy. Send a copy to Rep. Nick Rahall. Addresses on p.2.

#### B. Urge OSM to enforce regulations

For years, the federal Office of Surface Mining (OSM) has not been exactly energetic or effective in enforcing regulations under the 1977 Surface Mining Act. Now, with a new OSM Director in place, we may have a chance to change official attitudes. The Citizens Coal Council is urging interested citizens in all coal states to write to Harry Snyder, welcoming him in his new job, and urging him to make enforcement of the law his very highest priority. A short letter will do. Address: Harry Snyder, Director, Office of Surface Mining, USDI, 1951 Constitution Ave. NW, Washington DC 20240.

### 6. TVA CAPSULES

#### A. Appropriations increase

While TVA's power program is self-supporting, all other TVA efforts require annual appropriations. For the past 8 years, the administration has attempted to make major cuts in TVA funding, but Congress has each year restored much of the money, keeping the funding level at roughly \$100 million; it was \$103 million in 1989. The Reagan budget for FY 1990 proposed \$88 million for TVA, but the House Appropriations Committee has recently approved \$121 million, a 17% increase over last year's appropriation. The bulk of this increase is earmarked for fertilizer test facilities, economic development, water resources, and maintenance of TVA-owned properties.

#### B. Land Between the Lakes Initiates Field School

LBL has set up a field school, modeled after those operating at the Gt. Smoky Mountains and Yellowstone National Parks. In its first session, the LBL Field School will offer 14 courses, 12 of them on the Oct. 14-15 weekend, and two on the Sept.30/Oct.1 weekend. Four of them deal with the ecology of LBL, fauna and flora (birds, grasses, aquatic animals, etc.); others cover such topics as backcountry ethics and camping, landscape painting, and photography. Another series of courses is tentatively planned for May 1990, but unless at least 10 persons register for the majority of courses being offered this fall, the field school will not be repeated. For more info, contact Tom Forsythe, LBL Field School, TVA, 100 Van Morgan Drive, Golden Pond, KY 42211-9001; or call him at 502-924-5602, ext.242.

### 7. U. S. PUBLIC LANDS

#### A. American Heritage Trust still needs support

The American Heritage Trust (AHT) would provide the means that should be -- but are not -- available under the Land & Water Conservation Fund (LWCF) for completing already authorized park units and/or slowing down the alarming loss of open space in America. Recently (NL171 §8), we reacquainted you with the problem and with the contents of HR 876 (Udall), the American Heritage Trust Act; your help is still needed.

HR 876 would restructure the LWCF, the government's main land-buying account, into a dedicated trust fund, invested in interest-bearing accounts. The initial investment in the AHT Fund would come from the unappropriated balances of the LWCF and Historic Preservation Fund, over \$7 billion altogether. Subsequently, offshore oil & gas revenues would be added to the AHT Fund (at the present LWCF level of \$900 million a year) until \$1 billion in annual interest is generated, at which time the Fund would become self-sustaining. The interest would be automatically appropriated for federal and state land-acquisition and outdoor-recreation needs.

Last year, a similar bill stalled, despite 235 co-sponsors, because it was opposed by the Appropriations Committee, which dislikes any proposal that removes programs from the annual appropriations process. This year's bill (which was approved by the House Interior Committee on May 3) has been amended in an effort to address these objections by specifying that the distribution of money from the Fund will be allocated "pursuant to annual appropriations legislation."

The bill still faces opposition from the Bush Administration (despite a Bush campaign promise) and Interior Committee Republicans, who claim that the unappropriated balances of the LWCF and HPF

revel to general revenue and are thus not available as AHT Fund seed money. Public-land users (mining, grazing, and timber interests) and park inholders are also lobbying against the bill, while various associations of governors, state legislatures, and mayors support it. A companion bill (S 370, Chafee; Sen. Sasser is a co-sponsor) lies dormant in the Senate Energy Committee, which is waiting for the House to complete action before moving forward.

\* **WHAT YOU CAN DO:** Thank Reps. Jim Cooper, Bart Gordon, and Marilyn Lloyd for co-sponsoring HR 876. Urge other Reps to co-sponsor and support HR 876. Your communication is badly needed to counteract the lobbying campaign by the bill's opponents. If you know of a local area, or one in your state, that has been lost to development, or an area that could still be protected if only funds were available, use this as an illustration in your letter. If not, write anyway (or call, or wire). Address on p.2

#### B. *National Park Service reform*

A bill (HR 1484, Vento) designed to remove the National Park Service (NPS) from ever-increasing political interference passed the House on July 17, though in somewhat weaker form than originally introduced. HR 1484 would make the NPS Director a presidential appointee, subject to Senate confirmation, with a fixed term of 5 years (thus straddling administrations). The bill would also create 3 new deputy directors (for parks, for historic preservation, and for recreation, conservation, and open space), and would transfer all current NPS functions and authorities from the Secretary of the Interior to the NPS Director. To increase the bill's chance of passage, Vento deleted language that would have established a park system review board; despite this accommodation, the administration has promised a veto.

To date, no hearings have been held on the Senate companion bill (S 844, Bradley). In the last Congress, a similar bill passed the House but was never actioned in the Senate.

\* **WHAT YOU CAN DO:** Write to both your Senators (addresses on p.2) and tell them how important it is to remove the NPS from the political influences that have plagued it for the past several years. Urge them to ask Sen. Bradley to move his bill, S 844.

#### C. *Phase of the Arctic National Wildlife Refuge*

A bill that would allow oil & gas drilling in ANWR (S 684, Johnston) was approved by the Senate Energy Committee just two weeks before the Exxon Valdez spilled its oil into Prince Williams Sound (see ¶7A, this NL); but right now everyone agrees that no drilling legislation will move through the Congress until action on comprehensive oil-spill legislation is completed. Leasing proponents suffered a further loss through the retirement of former Speaker Jim

Wright, on whose help they had counted for getting a leasing bill out of Interior Committee.

The bad news is that Congress seems equally disinclined, at this time, to take up bills (HR 39, S 39) that would add the ANWR Coastal Plain to the National Wilderness Preservation System. Furthermore, Congressmen concerned about protecting ANWR failed in their attempt to pass legislation that would have forced the administration to redo the environmental impact statement it used to support its recommendation to open the Coastal Plain to drilling.

Badly as we need regulations that would greatly reduce the risk of oil spills, such regulations would not make ANWR oil drilling any more acceptable. [Further, the oil is not needed -- see NL171 ¶9]. The local destruction that would occur in the Coastal Plain through the massive intrusion of mechanical equipment would make its effect felt over an area vastly larger than the Plain, for all of ANWR is a continuum -- from the Brooks Range down to the Arctic Ocean -- for the many mammals that regularly migrate through it. As for the birds that regularly nest in the Coastal Plain, the continuum is even larger, for most migrate for huge distances. ... And the feeling of wonderful wilderness would be gone forever.

What looms as an even greater horror is the coal surface mining that may see as a sequel to oil drilling. See NL171 ¶9 for a personal account of a recent trip through ANWR.

#### D. *Attempts to save old-growth forests*

The 12 national forests of the Pacific Northwest contain trees that are among the world's oldest (500-1000 years old) and largest (250 ft tall). But, at the current rate of logging, all sizable tracts of old growth will be gone in another 15 years -- with much of the timber having been sold to Japan. (Logs equivalent to a 600,000-acre forest have been shipped overseas in the past 10 years).

The northern spotted owl, an indicator species for old-growth forests in the Pacific Northwest, is in danger of extinction. After earlier pressures from the Reagan Administration not to do so, the Fish & Wildlife Service finally, on June 23, proposed to list the owl as a threatened species; but, so far, this is only a proposal. It, in fact, the FWS proceeds with the listing, the US Forest Service will have to ensure that its activities do not jeopardize the species or its habitat. The timber industry is therefore crying "owl versus jobs."

The only way to slow the headlong rush into old-forest destruction has been through the courts. Currently, 2.5 billion board feet of timber are under court injunction in the Pacific Northwest. To tree this timber for logging, Sens Mark Hatfield (R-OR) and Brock Adams (D-WA) have added an



amendment to the Interior Appropriations bill that would restrict the ability of federal courts to freeze timber sales while considering the merits of law suits brought by environmental groups. The Ancient Forest Alliance, a coalition of over 80 national and local environmental groups, is working to alter these provisions of the Hatfield-Adams amendment.

#### E. **Reform of Tongass NF timber policies**

Two provisions of the 1980 Alaska National Lands Act (ANILCA) mandate special management of the magnificent 17-million-acre Tongass National Forest in SE Alaska: (a) an automatic annual \$40-million appropriation is in place to fund road construction and intensive forest management; and (b) the Forest Service must make available to the industry at least 4.5 billion board feet of Tongass timber per decade, regardless of market conditions. On July 13, the House, by a vote of 356 : 60, passed HR 987, which accomplishes the following reforms: (a) it repeals the two above ANILCA provisions; (b) it terminates two controversial 50-year logging contracts; (c) it designates 1.8 million acres of new Tongass wilderness. [Passage of this bill will save the country a great deal of money.]

What about the Senate? Last year, the House also passed a Tongass Reform bill (not as strong as this year's), but Alaska's Sens. Murkowski and Stevens prevented any Senate action. Now, however, these two gentlemen evidently expect some sort of reform bill to pass in this Congress, and so they have their own bill. It would repeal the first of the ANILCA provisions (the \$40 M permanent appropriation) and would change the \$4.5-billion-board-feet provision from a requirement to a ceiling. It is expected that the bill that might emerge from the Senate Energy Committee will be something intermediate between the Murkowski-Stevens bill and HR 987.

**WHAT YOU CAN DO:** Urge your Senators to support the provisions of HR 987 in a Senate bill. Address on p.2.

#### F. **Reform of the 1872 Mining Law**

The Mining Law of 1872, enacted to promote settlement of the western states, allows individuals to prospect on federal lands for minerals such as gold, silver, copper, lead, iron, and uranium, and to claim and patent land for these minerals for \$2.50 per acre. (Since 1920, oil shale has been a leasable mineral that is not subject to patents.) The claimant has a legal right to mine, no matter what the environmental consequences, and he can sell the minerals without paying the government any fees or royalties. There are no requirements for reclamation of the land.

On June 6, Sen. Dale Bumpers (D-AR) introduced legislation (S 1126) that will ensure fair payments of royalties to states and to the federal government, will provide improved environmental

protection, and will require reclamation. Mailup may occur in the fall.

#### G. **Fire Management Policy for public lands**

The Fire Management Review Team, set up by the Departments of Agriculture and Interior following last year's Yellowstone NP fire, has published its final report and recommendations. After several months of research and public hearings, the team reaffirmed the existing fire policy for national parks. [For copies of the report, write Chief, Office of Public Affairs, National Park Service, POB 37127, Main Interior Bldg, Wash. DC 20013.]

#### 8. **OTHER NATIONAL CAPSULES**

##### A. **More on the Exxon oil spill**

In August, the US Dept of the interior released a lengthy document on the oil spill. This report makes no dollar assessment of damages, and suggests in only broad terms what studies should be done to determine the effects of the spill on mammals, birds, fish, and other natural resources. Almost incredibly, the report directs that all environmental studies that are used for determining the extent of oil-spill damage be completed *over the next 6 months!* A number of environmental groups have pointed out that this directive would result in a serious underestimate of harm to the environment and thus would limit the recovery of damage costs from Exxon. The extent of damage to migratory species (e.g., eagles, salmon) will not be known until the young born this year would normally be returning to the region in 3-4 years.

The July 6 *Wall Street Journal* carried a well-researched story by Charles McCoy, reporting on irresponsible procedures used by Alyeska, the pipeline consortium in which Exxon owns 20% interest. "Over the years, Alyeska has gradually and quietly scrapped many safeguards and never built others that it told Congress it planned. Several past and present employees say they occasionally fabricated environmental records. Alyeska has fought proposed new regulatory controls in long, expensive legal wars of attrition...."

The following is an excerpt from a report by the US Coastguard to Alaska state officials: "Local media report that Exxon staged stepped-up work efforts at Gore Point for 14 May filming by USA Today.... Many workers were shuttled to Gore Point prior to shooting and then removed. The next day, 40 workers were laid off." For two months, Exxon crews spent their time hosing down just one 1,500-yard stretch of beach. Yet news coverage of these contrived clean-up efforts led many Americans to think that Exxon was making real progress.

As you have undoubtedly heard, Exxon pulled out their clean-up crews on Sept. 15, "because winter is coming" (however, even in Alaska, winter does not arrive just after Labor Day!) Some

environmental groups have publicly wondered how Exxon can insist that winter clean-up of the spill is unsafe, while at the same time insisting that oil companies can safely transport North Slope crude oil in Alaskan waters year-round.

#### B. Interior Department appointments

On August 3, Constance Hariman was sworn in as Assistant Secretary of Fish, Wildlife, and Parks, a position overseeing the National Park Service and the Fish & Wildlife Service. She is an attorney, who had served as associate solicitor in Hodel's USDI. -- John Turner, a Wyoming state senator has become director of the Fish & Wildlife Service. -- Frank Bracken, an Indiana businessman, was confirmed as Undersecretary of the Interior. -- Cy Jamison was confirmed by a vote of 18-1 as director of BLM. Sen. Bradley, who cast the dissenting vote, said that he felt Jamison lacks a clear vision of the balance between environmental protection and development."

#### C. Environmental records of the new Democratic leadership in the House

The League of Conservation Voters has analyzed the environmental records of the new House leaders, and overall finds an increased commitment to environmental protection.

- Speaker Tom Foley's average score from 1970 through 1989 is 57%. This breaks down as follows: Public Lands, 89%; Pollution, 53%; Energy Policy, 40%; Water Resources, 10%.
- The following are averages from 1981-1988:

• Dick Gephardt, Majority Leader	71%
• Bill Gray, Majority Whip	75%
• Steny Hoyer, Caucus Chair	71%
• Vic Fazio, Caucus Vice Chair	65%

#### D. Solid waste consciousness

National beverage container recycling legislation is on the move. Two "bottle bills" have been introduced: HR 586, Henry (R-MI); and S 932, Hatfield (R-OR) and Jellords (R-VT). For information on the contents and status of these bills, contact National Container Recycling Coalition, 712 G Street, SE, Suite 1, Wash., DC 20003 (202-543-9449).

Several major plastics manufacturers have joined the Council for Solid Waste Solutions, an industry task force created for the purpose of finding and implementing long-term solutions to the solid waste crisis. The Council sponsored a 12-page special advertising section, entitled *The Urgent Need to Recycle*, in the July 17 issue of TIME.

#### 9. TCWP VOLUNTEERS

- The following assisted in assembling NL 171 and in getting it ready for mailing: Dick Ambrose, Don and Vera Davis, Don DeAngelis, Jenny Freeman, Ruth Kernohan, and Ed Sonder.

- The fine program for our Sept. 22-24 annual meeting was organized by Martha Ketele and Jenny Freeman. Members of the Board are performing other functions designed to make the annual meeting informative and enjoyable for everyone.

#### 10. ACTIVITIES; READING MATTER

- "The Best of the Big South Fork National River and Recreation Area: A Hiker's Guide to Trails and Attractions," by Russ Manning and Sandra Jamieson, not only describes 30 hikes in an easy-to-follow manner but also has brief chapters on Geology, Human History, Plants and Animals, and Park History (in which TCWP has played such a prominent part). Despite its extensive contents, the book is of a size and shape to fit easily into day pack or paika pocket. The Guide is for sale at Apple Tree Bookstores and What the Dickens Bookseller in Knoxville, and at The Bookstore in Oak Ridge. Or, you may order it from Laurel Place, PO Box 3001, Norris, TN 37828. Cost is \$4.45 + 0.33 tax (for Tennesseans) + 0.95 postage and handling.
- Sept. 30, 2-4 pm, book signing of Manning's Big S. Fork book (see above, ¶10) and BSF slideshow, at What the Dickens Bookseller, Franklin Square, 9700 Kingston Pike, Knoxville.
- Oct. 5, 6 pm, Savage Gulf Preservation League Annual Meeting at the Methodist Assembly Grounds, Beersheba Springs. The SGPL was instrumental in achieving the preservation of Tennessee's largest State Natural Area, Savage Gulf. Reservations for dinner (\$6.00) must be sent by 10/2/89 to Edward Oliver, 215 West Sparta St. McMinnville, TN 37110. No reservations are needed for the program that follows.
- Oct. 14, Conasauga River Trail day hike. The Conasauga is a State Scenic River, and trip leader, John Doyal, promises that the hike will convince us that the Conasauga should be a National WSR. To preregister and find out where to meet, call 615-624-4302.
- Oct. 14-15, LBL Field School. See ¶6B, this NL.
- Oct. 28-29, Intergrout 89 (sponsored by the Tennessee Environmental Council) at the 4-H Conference Center, Greenville. Workshop subjects include water quality, pesticides, recycling, air quality, land protection, fundraising, lobbying. For info, call TEC (Nashville) 615-321-5075.
- Nov. 3, 6:30-8:30 pm, Nature Photography Exhibit, buffet, and light music, sponsored by the Environmental Action Fund at the American Center, 3100 West End Ave, Nashville. All proceeds go to EAF, the lobbying arm of the Tennessee environmental movement. Call Sheila Shay, 322-3304 or 298-5154.
- March 15-26, 1990, International Raft Rally, Nantahala and Ocoee Rivers. The first such rally was held in May 1989 in Siberia: Soviet teams will be joining the 1990 event. Call Bunny Johns, Nantahala Outdoor Center, 704-488-2175.

(Continued on Page 2)