

# TENNESSEE CITIZENS for WILDERNESS PLANNING

Newsletter No. 174

January 12, 1990

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

12. ACTION SUMMARY

¶No	Issue	Contact	"Message" or Action
1A	Big South Fork	Sens. Gore, Sasser; Rep Cooper, others see p. 12	"Do <u>not</u> amend ACT; allow <u>no</u> additional roads in Gorge Area!"
1D	Big South Fork		"No vehicles on O&W! Tenn lodge at Tabard site!"
2A	Obed	TCWP or NPS	Inform us of suspicious activities in area.
2B	Obed	Sen. Sasser	"Urge NPS to install local land-acquisition officer!"
3	Frozen Head	US Sens & Rep	"Ask OSM to choose Alternative 1!"
5B	Natural Areas	Gov. McWherter	"Support natural-areas protection!"
6A	Abandoned Mine Lands	U.S. Senators	"Extend the AML Program!"
7	Conasauga River	John Doyal	Offer to help achieve W&S Rivers status
8A	Amer. Heritage Trust Fund	U.S. Reps	"Co-sponsor HR 876!"
8E	Old-growth forests	Natl. Audubon	Join Ancient Forest Leadership Network
8F	Snowmobiles in parks	Natl Park Service	"Impose moratorium on winter use until carrying capacity is studied! Do not allow Snowmobile Trail thru Tetons!"
9C	Pressure on the media	Turner Broadcasting System	"Thanks for airing Audubon Specials!"
9E	Antarctic Protection	Sen. Gore Other Senators Pres. Bush	"Thanks for Resolution 206!" "Co-sponsor Res. 206!" "Antarctica should be ecological reserve!"
10A	Earthday	TCWP	Volunteer help
10B	Dues	TCWP	Pay promptly

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

**What we need are critical lovers of America – patriots who express their faith in  
their country by working to improve it." (Hubert Humphrey)**

(Continued from Page 11)

- "The Field Guides to Wildlife Habitats," by Janine Benyus, uses the "habitat-first" approach. The two guides (eastern and western) help you to understand 38 habitats and to find the plants and animals they are likely to harbor. Publ. by Fireside Books/Simon & Schuster; available in bookstores.

## 1. BIG SOUTH FORK ISSUES

## HIGH PRIORITY ITEM

A. *Again, we must counteract pressure for roads in gorge*

Two of the five counties involved in the Big South Fork National River & Recreation Area (BSFNRRRA), Scott and McCreary, have for some time been agitating to open roads into the gorge; the three other counties (Fentress, Pickett, and Morgan) have been perfectly happy to indicate they had no interest in any gorge roads. In our last issue (NL173 ¶2A), we reported that the Scott County Commission had passed a resolution requesting the Congress to allow additional roads into the gorge, and that two county officials had been authorized to travel to Washington to lobby for this amendment to the BSF authorizing legislation.

Now, in neighboring McCreary County, KY, the Fiscal Court has passed a similar resolution and is lobbying the Kentucky, as well as Tennessee, congressional delegations. The McCreary County resolution is particularly insidious in that two of the three roads it asks for would go not only down into the gorge but run along the river for considerable distances, thus totally destroying the feeling of solitude and wilderness that the Gorge Area was designed to protect.

The law that authorized the BSFNRRRA established two management zones, the Gorge Area and the Adjacent Area (uplands). While various sorts of development are permitted in the latter, the Gorge Area is to be maintained with the least amount of man-made intrusion; mining, drilling, timber cutting, structures, and motorized/and/or water vehicles are expressly barred. The legislation did, however, permit 11 specified road crossings or river accesses (6 in TN, 5 in KY), including 7 that involve the BSF itself and 4 that involve major tributaries. These 11 vehicular accesses or crossings provide ample opportunity for people of all types to visit or use the river. Any more accesses -- and certainly any roads running within the gorges -- would destroy the values for which the BSFNRRRA was created in the first place. There are many roads to, and along, rivers in our country, but very few stretches of rivers remain in the eastern US that are still undisturbed by human intrusions. People from all over the USA come to the BSFNRRRA because of these values; eventually, we hope, the county politicians, too, will come to recognize this.



## WHAT YOU CAN DO: High priority

The current push to degrade the Gorge Area must be neutralized. PLEASE, write a short note to Senators Gore and Sasser, and to Rep. Jim Cooper (addresses on p.2); send copies to Kentucky Senators McConnell and Ford, and to Rep. Hal Rogers. Tell them NOT to open the Act for

amendments: it was very carefully crafted, with input from a lot of diverse people. Especially, ask them NOT to allow the Gorge Area to be degraded by the addition of roads -- we've got 11 already! Your letter can be very short, but please don't fail to write.

B. *No bids on lodge*

Earlier this year, the National Park Service (NPS) went to considerable effort to get the private sector interested in building a lodge in the Kentucky portion of the Big South Fork NRRRA, the Corps of Engineers having cleared the way by issuing a Master Plan Supplement and Environmental Assessment for such a lodge (NL169 ¶1A; NL171 ¶1A). A prospectus for a concession contract at the Blue Heron site was published on July 10, and offers were due by October 10. About 1300 letters went out to people connected with the hospitality industry to discover who might be interested in the prospectus; 70 requests were received; but zero offers resulted.

Currently, NPS is trying to determine the reasons for this non-response. (There could be many reasons, e.g., the initial costs, the uncertainty about financial returns, concerns about infrastructure, etc.) In mid-November, a letter was mailed to potentially interested persons asking for suggestions on how to attract interest in future endeavors of this type by the National Park Service. Our concern is that the NPS might be pressured by those who badly want the lodge (primarily, the Kentucky political structure) into giving up building restrictions required by the Master Plan Supplement, the most important one of these being that the lodge buildings must not be visible from the river. Already in the Prospectus, NPS did not refer to the limits on construction spelled out in the Master Plan.

C. *Landfill proposed near BSFNRRRA boundary*

So far unidentified backers are behind a proposal to open a landfill on a 2200-acre tract at Winfield, about 3 miles from Oneida, and close to the boundary of the Big South Fork NRRRA. At least 25% of the garbage would come from out of state. Any drainage from this landfill would go into Bear Creek, a tributary of the BSF. A number of sensitive species (mussels and crayfish) are found in that area of the BSF. In addition, visitors to the park, especially those coming on US 27, would be greeted by a parade of garbage trucks.

Quite understandably, folks living in the Oneida area are quite upset and have formed Concerned Citizens for a Better Scott County. One reason for their concern is that Oneida has proposed to make a reservoir for recreation and economic development in the upper reaches of Bear Creek, and the landfill would be quite incompatible with this. NPS has supported this

small reservoir because it would be located in a previously stripmined area and its construction would clean up wastes from the earlier stripmining which are currently polluting Bear Creek. Two members of the Concerned Citizens contacted TCWP, and we were able to be of help to them by finding experts (geologist, hydrologist) willing to provide the technical assistance that might kill the landfill proposal. TCWP's Jenny Freeman testified against the proposal on December 19, at a Scott County Commission hearing. NPS (charged by the BSF authorizing Act to take measures to protect water quality within the National Area) submitted a statement opposing the landfill location. The ultimate decision will be made at the State level. If it goes against the landfill, the interests that are pushing for this project will probably go to court.

\* BSF ACTION CALL on p.12  
2. OBED ISSUES

### B. Upstream dams for recreational lakes

Near its origin in the Crossville area, the Obid has for some time been dammed to form a small recreational lake, Lake Holiday. Recently, an application was received to build a dam upstream from that and make another small lake. What is more worrying are persistent rumors of recreation developments involving dams below Lake Holiday and/or on the Clear Creek or other major Obid tributaries upstream from where the National Wild & Scenic River protection begins. Many of us had not given up hope that, eventually, these upper reaches could be included in the WSR designation. Moreover, dams in the watershed could seriously affect the water flow in the Obid (with adverse influence on biota, as well as on river recreation), and recreation developments are potential sources of downstream pollution. NPS is also concerned about the possibility of dam failure and will demand to examine dam plans, with riversafety in mind.

Our various efforts to check on the veracity of the rumors have so far been unsuccessful. NPS has contacted the agencies that would be involved in the permitting process, and none has heard anything. Developers, however, often proceed quite secretly until the last moment. We therefore urge all of you who visit the area in any capacity to keep us (and/or the Park Service) informed if you see any suspicious activities.

### B. Obid land acquisition still slow

At our request, Sen. Sasser contacted NPS to find out why Obid land acquisition was so slow. In its response, the SE Regional office of NPS stated that 3,100 acres of the highest-priority tracts (as defined in the Land Protection Plan) have been acquired (in fee or scenic easement), with only another 90 acres to go. There remain, however, about 1,500 acres of lower-priority tracts that must be purchased to protect the scenic qualities of the

river corridor. According to NPS, "little, if any, resource damaging activities are anticipated within these lands in the near future." The pace of acquisition "has been slowed," says NPS, because the agency chooses "to negotiate with landowners on an amicable basis," rather than resorting to eminent domain.

It has now been almost 14 years since the Obid National Wild & Scenic River was authorized, and though the acreage is relatively small, less than two-thirds has been acquired *after all this time*. One way in which NPS could definitely speed up completion is to again station a land-acquisition officer in Wartburg; such personnel were there in the early days of the project, but for years now, everything has been handled out of the Atlanta office of NPS. Local people often need repeated and friendly personal contacts before agreeing to a sale; this is much easier to achieve by an NPS employee who lives right in the area and can become part of the local community. You may wish to make this suggestion to Sen. Sasser, and ask him to pass it onto NPS.

### 3. FROZEN HEAD: OSM EVALUATING COMMENTS

After the recent public hearing and the subsequent input of written comments, nobody should have any doubt about the strength of public support for designating the Flat Fork watershed unsuitable for mining (see NL173 ¶1). A large crowd turned out in Wartburg on November 16 to voice their opinion on the alternatives discussed in OSM's Draft Environmental Impact Statement issued in response to the citizens' "522" petition. Every one of the 17 people who made oral statements urged OSM to adopt Alternative #1, the designation of the entire petition area as unsuitable for all surface or underground [check] mining. Among the speakers were the Deputy Commissioner of Conservation (Tom Ripley), the director of the Flat Fork Utility District, someone transmitting a petition with 700 signatures in favor of Alternative 1, TCWP's president and executive director (Martha Ketelle and Jenny Freeman), and 7 other TCWP members. When one of the speakers asked members of the audience to stand if they supported Alternative 1, close to 100 people stood up. By the time the deadline for written comments had arrived, the unofficial count was 99 for Alternative 1, and only one against (the coal company). Among those favoring Alternative 1 was the Oak Ridge Environmental Quality Advisory Board.

Some time prior to the hearing, TCWP had urged Governor McWherter to have the State become an official intervenor in the "522" petition. Unfortunately, this was not accomplished prior to OSM's November 13 deadline. On Nov. 30, the Governor wrote to TCWP, stating that "the Department of Conservation and other state agencies have ... commented on the Draft EIS. ...

in an effort to protect the Park and Natural Area, these agencies support OSM's Alternative 1." He goes on to say: "Let me assure you that I join the Department of Conservation and our other state agencies in strongly urging OSM to ... grant the petition for the entire area as defined in Alternative 1."

Will the Governor's position have any influence over those who will make the decision within OSM? It is widely assumed that this decision will be made at some level above OSM's Knoxville office. In an attempt to stimulate some lobbying at this higher level in the federal bureaucracy, TCWP's executive director, Jenny Freeman, met with Congressman John Duncan, Jr. (a Republican, who might thus be expected to have more of a voice with OSM). Though Duncan seemed rather noncommittal during the interview, he subsequently called OSM to enquire about how the public was lining up on the issue, and to state that he expected OSM to make a decision consistent with public sentiment. The staffs of Senators Gore and Sasser, and Rep. Cooper, have also contacted OSM to urge action advocated by their constituencies.

**\* WHAT YOU CAN DO:** Your letters to your Senators and Rep can make a difference (address on p.2). Urge them to contact OSM Director Harry Snyder and express their support for Alternative 1.

#### 4. THE TENNESSEE SCENIC RIVERS ACT

While we had been hopeful that the State Attorney General's Opinion, issued in August, might finally cause the Dept of Conservation (DoC) to take effective positive steps in the implementation of the 1988 Tennessee Scenic Rivers Act (SRA) (NL172 §2A; NL173 §3A), it looked instead as if DoC was going to delay action by proposing various study committees. According to the Opinion, DoC has a legal responsibility to establish boundary areas around the state scenic rivers and to apply certain land-use restrictions within these boundaries. The Tennessee Scenic Rivers Advisory Council (TSRAC), and subsequently a group of us convening at the TCWP Annual meeting on Sept.23, endorsed the DoC actions prescribed by the Opinion, but stressed the urgency of securing grassroots support in the designation of river boundaries. We suggested that local advisory councils be set up, and that DoC add at least one staff person to work full-time with these councils.

When none of this seemed to be happening, TCWP's executive director Jenny Freeman organized a meeting with high-level staff from the governor's office (James Hall and Billy Stair, exec assistants), DoC (Mike Countess, Deputy Commissioner of Conservation; Bob Allen, Dir., Scenic Rivers Program), TSRAC (Ann Tidwell), and environmental groups (Mary Buer, Mike Murphy, and Tom Sterritt, EAF; Bill Allen, TSRA; and, of course, Jenny, TCWP). Everyone attending the meeting was grateful that someone had got things going at long last; subsequently, Mike Countess wrote: "It is

very gratifying to be a participant in activities to 're-energize' the State Scenic Rivers program." Jenny had prepared a written package on what has been done and what could be done, and she found the governor's assistants to be well informed.

Three specific action plans emerged from the meeting. (1) A Resolution will be drafted for action in the Legislative Assembly (see details, below). (2) The administration will be lobbied for funding for a second staff position for rivers in the DoC (but, more recently, DoC has written that "it is doubtful that budget constraints will permit funding new positions for river efforts). (3) TCWP and TSRA will design and print a brochure to "market" scenic rivers in Tennessee. The legislative Resolution, presently being drafted, praises the value of Tennessee's rivers and of the State Scenic Rivers Act, and goes on, (a) to instruct the DoC to establish a broadly based committee (representation spelled out) to develop a consensus on the management of rivers and report to the governor after 8 months; (b) to establish a local advisory committee for each designated Scenic River; (c) to establish a second staff position for rivers in the DoC; (d) to establish a systematic data base for all the rivers of Tennessee (not just presently designated Scenic Rivers), enumerating their various resources, thus helping to set priorities for future protection efforts.

In the meantime, Chris Brown, Chief of the National Park Service's Technical Assistance Branch, who attended our Annual Meeting, has written to a dozen river advocates, throughout the country, who are well-acquainted with the local advisory council planning process, and has asked them to make themselves available to those of us who are trying to revive the Tennessee Scenic Rivers program.

#### 5. OTHER TENNESSEE ISSUES

##### A. Land acquisition for natural areas protection

Currently, there are two sources of money for acquiring lands that need to be protected as natural areas: (a) the Safe Growth Fund, established by former Governor Alexander, and, (b) the Natural Resources Trust Fund, created as a result of the efforts of Charles Howell, past Commissioner of Conservation (NL173 §4A). The former of these (which had received three successive appropriations of \$2 million each) has just about dried up; no additional appropriations have been made under McWherter. The Environmental Action Fund (EAF), with input of its member organizations (of which TCWP is one), is now considering legislation that will create new funding for natural areas legislation. Several revenue sources are under consideration, including the levying of severance taxes on the extraction of certain minerals (not including coal, oil, or gas). The present intention is to introduce a "caption bill" (essentially, just the title of a bill) intine for the filing deadline; this would provide more time

to work up the type of full bill that is likely to be acceptable to various interests. Look for future reports and (possibly) action calls.

The existing Natural Resources Trust Fund has not always been well managed. This Fund is fed by revenues from the sale of State-owned non-renewable resources, e.g., minerals or real estate. However, we have learned that the first year's corpus was not invested (losing about \$100,000 in interest), and that, all along, several kinds of pertinent revenues have not gone into the Fund (e.g., those that could be derivable from the sale of sand and gravel dredged from waterways in which the State owns the river bottom). So far, no moneys have been spent from the Trust Fund.

There are certain questions about how the Fund is to be spent: (a) should it be spent for the presently specified five purposes (and, if so, in what ratio?), or should one or more purposes be eliminated? (b) who is to make the proposal on how the Fund be spent -- the Commissioner or the Legislature? The Tennessee Recreation & Parks Association (TRPA), while not "pushing for expansion of recreation facilities" (as we mistakenly stated in NL173), has drafted a bill that would reaffirm the original five purposes (land & water conservation, natural-areas acquisition, historical-places acquisition, recreation-facility development, and matching grants to local governments), and would require the Commissioner of Conservation to generate a list of priorities (based on a rating system to be developed by DoC) within each of these categories. With regard to the matching-grants category, the Commissioner would have to stimulate requests from counties and municipalities prior to generating his priority list. It is our belief that these local requests would be primarily for recreation-facility development; few, if any, local governments would be going out for natural-areas acquisition. Thus, assuming all five categories were to be funded equally, only 20% of the Trust Fund would go for natural-areas acquisition and probably 40% would go for recreation facilities. EAF is currently neither supporting nor opposing the TRPA bill.

#### B. *TEC representatives meet with Governor*

Two months ago, Tennessee Environmental Council's executive director, John Sherman, and board member Michael Cody (former state attorney general) met with Governor McWherter and presented him with a briefing book on six issues, including natural areas acquisition and protection. The TEC representatives told the governor that, in general, he had not been supportive of adequate budgets for environmental programs, or supportive of environmental legislation. They report that McWherter made a few insightful comments but promised nothing; he appears to have reacted

negatively to natural areas acquisition unless the counties are compensated for lost property taxes. **WHAT YOU CAN DO:** write to Gov. McWherter (address on p.2) and urge him to support natural-areas protection, as well as supporting TEC's other positions on the environment.

#### C. *The shrinking budget for State environmental agencies*

At a time when the Dept of Health & Environment (DHE) and its Divisions are faced with increased regulatory responsibilities ordered by the EPA, the State budget for these agencies is actually shrinking, and has been, for three years. This translates into greatly reduced numbers of positions (20% decreases in some DHE Divisions), and even this reduced number does not get filled because the pay for technical staff is so low. The current backlog of permit applications (air, water, solid or hazardous waste) that have not been acted on is close to 1000. The Tennessee Environmental Council (TEC) has proposed a number of possible ways to raise enough funds to support an adequate staff for agencies charged with environmental protection. TEC suggests that fees be charged for processing water- and air-pollution permits; that fees be charged per ton of pollutant; and that penalties collected from violators be dedicated to environmental programs. In addition, revolving loans and bonds should be made available to help industries take measures that would reduce, or even stop, pollution.

#### D. *The State appears to have money for some things - golf courses*

While our State has no money for natural-areas acquisition (see §5A, above) or for environmental-agency staffing (see §5C, above), it does have funds for one of the really important things in life: golf. The State recently spent \$1.9 million to renovate the golf course in Montgomery Bell State Park. (Source: Protect, Dec.'89)

#### E. *Tennessee Capitol now recycling paper*

By executive order of Gov. McWherter, about 15,000 state employees working in Nashville's Capitol Hill Complex started to recycle on December 18. It is expected that 3.5 tons of paper daily will be collected and sold. This should reduce the current annual cost of paper disposal from \$300,000 to \$120,000. In addition to paper, cardboard, cans, glass, and certain plastic containers will be recycled. Though McWherter's order applies to the executive branch of government only, the General Assembly and the State Supreme Court have voluntarily agreed to participate in the recycling program. If the pilot project is successful, all 35,000 state employees will be recycling by the end of the year. In the meantime, the University of Tennessee, under contract with the state, is handling a study on

the issues that would be involved in statewide recycling.

## 6. STRIPMINE NEWS

### A. House votes to extend Abandoned Mine Lands Funding

On October 23, the US House of Representatives voted 281 : 63 in favor of Rahall's HR 2095, which reauthorizes until the year 2007 the reclamation-fee section of the 1977 federal surface mining law. These fees (35¢ and 15¢ per ton of surface-mined and deep-mined coal, respectively) go into the AML Fund, used to reclaim mines abandoned prior to 1977. By August 1992, when the current authorization expires, \$3.3 billion will have been collected, but another \$4.4 billion will be needed to complete priority coal-mine cleanup projects. For additional details on HR 2095, see NL173 ¶6A. So far, there has been no action on a Senate companion bill, and Western coal interests, which oppose HR 2095, are expected to lobby heavily against AML extension.

✱ **WHAT YOU CAN DO:** Urge both of your senators to support legislation to extend the AML program. Addresses on p.2.

### B. Is this a new and improved Office of Surface Mining?

The coal industry is upset at indications that OSM may be getting ready to do a better job of enforcement. As a result of a 1985 lawsuit by the National Wildlife Federation (NWF), the court ordered OSM to establish a computer system for tracking companies with uncorrected violations of the law. The system was to have been operational two years ago, but the program was apparently a complete failure, and NWF went back to court earlier this year to force OSM to fix it. Recently, NWF and OSM reached an agreement on changes the agency is to make in the violator-tracking system. The coal lobby, which had everything going their way during the Reagan years, is now worried that the agreement establishes a pro-environment precedent that will set the tone for several controversial issues coming up soon. The lack the industry is taking is to claim that the NWF-OSM agreement represents such widespread changes in policy as to amount to a "rule making," which requires public comments. USDI Secretary Lujan is reviewing the agreement, and it will be interesting to see whether he ratifies it or gives in to the coal lobby.

### C. Coal-field citizens meet with OSM director.

In November, representatives of the Citizens Coal Council met with OSM Director Harry Snyder in Washington and urged enforcement of the law. The Tennessee members of the Council pointed out that since we do not have a State program, and enforcement is handled at the federal level, OSM's

performance in Tennessee will be particularly indicative of the agency's approach and philosophy. Mr. Snyder was, reportedly, quite disturbed by accounts of some of OSM's past enforcement actions (or, lack thereof) in our State.

## 7. CHEROKEE NATIONAL FOREST CAPSULES

- Board member David Adler represented TCWP at the Cherokee National Forest Annual Management Conference, a meeting between Forest Service (USFS) personnel and conservation-group representatives, held at U.T. on Dec.9. Among items discussed were planned management activities (timbering, road building, etc.) in various compartments of individual Ranger Districts. "Cherokee Forest Voices," the umbrella organization of concerned conservation groups, has protested the extremely short comment periods that USFS has designated for most of these plans.
- ✱ • The Conasauga is one of eight Cherokee NF rivers eligible for studies to determine whether it is worthy of inclusion in the National Wild & Scenic Rivers (WSR) System. This scenic river is free-flowing, and free of closely paralleling roads or powerlines, but clearcutting is occurring nottoofar away. Your input into the USFS study and/or your support of WSR status for the Conasauga are needed. Contact John Doyal, Jr., 615-624-4302, who is coordinating volunteers for this project.
- TCWP President, Martha Ketelle, recently submitted a statement for the record of field hearings on forest management practices in the national forests of the southeast. These hearings were conducted by Sen. Wyche Fowler, Jr., for the Subcommittee on Conservation and Forestry. The TCWP statement opposed below-cost timber sales and the construction of any additional roads that are not specifically justifiable in the Cherokee NF. It supported reduction in the overall USFS road-construction budget and the re-direction of funds to presently neglected programs, such as trail maintenance, ecosystem enhancement, soil and water conservation, and land acquisition. The statement also stressed the importance of wilderness within the Cherokee NF, and supported the National Wild & Scenic River study and designation of nine Cherokee rivers (see NL173 ¶3C).

## 8. NATIONAL NEWS: PUBLIC LAND ISSUES

### A. Two proposals for land-acquisition trust funds

A bill to create the American Heritage Trust (HR 876, Udall) was reported by the House Interior Committee last May but has been stalled since then because of opposition from the Bush

Administration and public-land users (oil, mineral, and grazing interests). A Senate companion bill (S 370, Chafee) is not expected to move out of committee until the House completes action on trust-land legislation. HR 876 would restructure the Land & Water Conservation Fund (LWCF, currently the Government's main land-buying account) into a dedicated trust fund to acquire parklands, wildlife refuges, forests, and historic sites. The AHTF would be financed (as the LWCF is now) by offshore oil and gas revenues; in addition, the capital of the AHTF would be augmented by the \$8-billion backlog that now exists in the LWCF (since appropriations have for years been on a pay-as-you-go basis). The capital would be invested in interest-bearing accounts yielding about \$1 billion annually, which would be automatically appropriated for federal and state land acquisition (see NL171 ¶8 and NL172 ¶7A for more details).

The Bush Administration (as did the Reagan Administration before it) has argued that the unappropriated balance of the LWCF reverts to general revenue and is thus not available for AHT seed money. Now, Bush's Dept of the Interior is reportedly drafting its own trust-land bill. Funding sources would include, in addition to offshore drilling receipts, income from onshore mineral and timber sales; there would be no seed money from the unappropriated LWCF balance. Interest is estimated to provide \$600 million annually. Unlike HR 876, the USDI bill would use this interest not only for land acquisition, but also for maintenance and construction.

**WHAT YOU CAN DO:** Write to your US Representative in support of Udall's HR 876. For address, see p2.

#### B. *Nationwide park-boundary study*

HR 3383 (Vento: Lightfoot), introduced last fall, would establish the first systematic, comprehensive review of all national-park-unit boundaries. For most park-system units, boundaries were drawn without regard to ecosystems or natural-resource limitations, and 69% of primarily natural areas are estimated to be in need of boundary adjustments. HR 3383 would provide a professional database to allow informed, systematic decisions on boundary questions; it would, further, report on the best methods to protect park resources, maintain desirable viewpoints, and preserve pertinent adjacent lands. No Senate companion bill has been introduced to date.

#### C. *Bill to reform Park Service stalled?*

There is no change in the status of this House-passed bill (HR 1484, Vento), which is intended to remove the National Park Service (NPS) from ever-increasing political pressures, essentially separating it from the Dept of the Interior (NL172 ¶7B). Pres. Bush still threatens a veto because of the bill's

provisions that would make the NPS director a presidential appointee, subject to Senate confirmation, and with a fixed 5-year term (so that he cannot be in a new administration). No hearings have been held on the Senate companion bill, S 844 (Bradley).

#### D. *1990 may see reform of abominable timber management in the Tongass NF*

For years, the government has seemed determined to destroy the magnificent Tongass National Forest in southeastern Alaska by over-timbering. A 1980 law decreed a permanent \$40-million annual appropriation for road construction and other intensive forestry management practices in the Tongass; and the Forest Service had to make available to industry 4.5 billion board feet of timber per decade, regardless of market conditions. In July of last year, the House passed HR 987, which repeals both of these provisions, cancels two controversial 50-year logging contracts, and designates 1.8 million acres of new wilderness. Because this bill would save the nation \$40 million annually, the House last fall included it in the budget-reconciliation package. The Senate, however, had failed to report a Tongass bill earlier in the year, and so there was no Tongass reform in its version of the budget reconciliation. Conferees, who met repeatedly toward the end of the session (especially, Alaska Sen. Murkowski and California Rep. George Miller), failed to reach an agreement, but are said to have come close. There is, therefore, hope that the issue will be settled in 1990.

#### E. *Old-growth forest*

The timber programs of the USFS and BLM in Washington and Oregon are threatening the very survival of old-growth forests (for which the spotted owl is an indicator species). While court injunctions can temporarily halt timber sales, it will take legislative changes to bring about more permanent solutions. Initially, prospects for such legislation looked bleak. The Senate last summer passed an appropriations bill that not only continued the high rates of old-growth logging, but sharply limited citizens' legal rights to challenge timber sales. Things improved slightly when the bill went to a House-Senate conference committee. First, the amount of timber authorized to be sold from Pacific Northwest forests was reduced by about 10%; the volume is still huge, however, and 120,000 acres of ancient forest are required to be sold. For the first time the federal agencies (USFS and BLM) were directed to "minimize fragmentation" of the remaining old-growth forests and to protect spotted-owl habitat. On the other hand, citizens' legal rights that had been taken away by the Senate bill were only partially restored.

**WHAT YOU CAN DO:** If you want to be informed on when and how to take action on behalf of



permanent protection for the most significant stands of oldgrowth (2-3 million acres in the Pacific Northwest), join the Ancient Forest Leadership Network by contacting Brock Evans, National Audubon Soc., 801 Pennsylvania Ave. SE, Suite 301, Washington, DC 20003. See, also ¶9C, this NL.

#### F. **Yellowstone and Grand Teton National Parks threatened by snowmobiles**

Over 100,000 people visited Yellowstone last winter, the bulk of them on snowmobiles. This explosion of visitors and the emerging demands for more facilities are jeopardizing Yellowstone's wintering wildlife and destroying the tranquility of the park's winter landscapes. Promoters of the 340-mile Continental Divide Snowmobile Trail are pushing the National Park Service (NPS) to approve passage through Grand Teton National Park by way of a new off-road snowmobile trail. This trail would go through wintering wildlife areas and would violate current NPS policies that prohibit all off-road snowmobile travel in national parks. The NPS is currently working on a winter-use plan for Yellowstone and Grand Teton. They have heard a lot from snowmobile organizations; they need to hear from those of us concerned about park values and wildlife.



**WHAT YOU CAN DO:** Write to NPS (address at end of paragraph) and demand a moratorium on new or expanded facilities or transportation systems until NPS has completed a carrying-capacity study for winter use. This study should include research on the effects of winter use on wildlife and on other park values (including visitor enjoyment of solitude). Oppose the development of the Continental Divide Snowmobile Trail through Grand Teton (other alternatives are possible). Address: Richard Alesch, Winter Use Plan Project Director, National Park Service, Denver Service Center, P.O.B. 25287, Denver, CO 80225-0287

#### G. **Questionable dealings by those who would open up ANWR**

The Reagan, and then the Bush Administration's efforts to win Congressional approval for oil & gas development in the Arctic Wildlife Refuge's Coastal Plain were put on the backburner after the Exxon Valdez oil spill, but now the Dept of Interior (USDI) is said to be trying to revive some interest in the leasing proposal (for background, see NL173 ¶8D; NL172 ¶7C; NL171 ¶9). Under the Alaska legislation of 1980, USDI was required to conduct an environmental impact study on whether the ANWR Coastal Plain should be opened to drilling; and in 1987, the Department's recommendation (the so-called "1002 Report") was to go ahead with oil & gas exploration. A large number of groups have analyzed the report, and have concluded that it fails to address several

important environmental impacts and does not examine reasonable alternatives to development. Several of these groups, jointly, have gone to court in an effort to get USDI to reissue its analysis, especially in the light of newer knowledge about the non-concern of oil companies about environmental safeguards.

The oil industry, in the meantime, has launched a campaign of distributing slick pamphlets, organizing community meetings throughout Alaska, and spending almost \$50,000 a week to arrange for citizens and legislators to tour the industry operations at Prudhoe Bay. We witnessed some of the latter activity when we were in Fairbanks last June: members of four groups from the Lower 48 were whisked up to Prudhoe Bay and back in a day at very little expense to themselves.

The General Accounting Office has recently uncovered an interesting bit of history. In 1983, USDI gave an Alaska Native organization 92,000 acres of subsurface estate in the ANWR Coastal Plain in exchange for some land in the Gates of the Arctic National Park; and the Department allowed the Native organization to retain exclusive access to data from the only test well in ANWR. The current parallel to this bit of history is that USDI has recently been pursuing a so-called "megatrade," i.e., a plan to swap more ANWR oil & gas interests for land held by Native corporations in seven wildlife refuges elsewhere in Alaska. Financially, GAO finds this to be a bad deal for the government. In addition, the megatrade is properly viewed as an attempt by USDI to enlist support of Native Alaskans for ANWR oil exploitation.

#### B. **OTHER NATIONAL AND INTERNATIONAL ISSUES**

##### A. **Planning for rivers**

Appropriations voted last year will indirectly help support rivers protection. The National Park Service's (NPS) State and Local Rivers Assistance Program received a 25% increase; BLM received a 15% supplement for rivers planning, and the Forest Service's recreation planning budget (which includes rivers studies) will be larger than ever before. This year, a multi-objective river-planning bill will be introduced by Congressmen McDade (PA) and Udall (AZ). This bill is designed to encourage river conservation and restoration at the state and local level through cooperation between development and preservation interests. Methods used would include incentive grants, information exchange, and a new national register of rivers (similar to the National Register of Historic Places). A rivers coordinating council, working with staff support from NPS, would be created to fill a leadership gap in how rivers are addressed in the national policy arena.

#### B. Unsuitable nominee for sensitive post withdraws

James Cason was nominated by Pres. Bush for Assistant Secretary of Agriculture in charge of the Forest Service and Soil Conservation Service. His nomination was strongly opposed by virtually all national environmental groups because, in his former position at USDI, Cason had been a James Watt clone, consistently favoring private economic interests at the expense of the public interest and of environmental protection. Among other things, Cason signed the proposed rule redefining Valid Existing Rights that would have opened national parks, wilderness areas, etc., to stripmining (NL 168 ¶2A). He also suppressed a report of his own USDI scientists urging protection of the northern spotted owl (indicator species of old-growth forests, see ¶8E, this NL). The list could go on. In mid-November, after Senate Majority Leader Mitchell and Minority Leader Dole agreed to send the nomination to the President without action, Cason asked Bush to withdraw his name.

#### C. Timber industry attempts to influence the media

The timber industry decided -- without having seen it -- that they did not like the Audubon TV documentary "Ancient Forests: Rage over Trees." Instead of making an effort to present its own view, the industry set out to kill not only this particular documentary, but the entire Audubon TV series. The Stroh Co., the series' chief underwriter, was told that loggers would boycott Stroh beer; Stroh consequently withdrew its sponsorship. Not content with that, timber interests also pressured 6 major corporations to cancel the ads they had purchased for the four broadcasts of the documentary.

There is a hero in this story, however -- Ted Turner. Turner Broadcasting has stuck by Audubon and has aired "Rage over Trees" without any advertising, which translates into a \$250,000 loss. **WHAT YOU CAN DO:** Praise TBS for its broadcasts of Audubon Specials; letters like yours can help them win back commercial sponsors. Write to Ted Turner, Turner Broadcasting, One CNN Center, Atlanta, GA 30348-5366.

#### D. Protection of plants

Efforts to protect endangered plants have long lagged behind those to protect endangered animals. Of 562 United States taxa (species, genera, or families) listed as endangered or threatened, 39% are plants, but only 39% of these (a total of 86) have recovery plans. There are over 2,000 candidate plant species awaiting listing action. About one-third of listed US plant species are found on federal lands. The managing agencies have virtually no resources for protecting these species. For example, BLM, which has 56 listed

and 620 candidate plant species, employs only 16 botanists (for 270,000,000 acres!). So far, only in the case of the Forest Service, has Congress begun to earmark funds specifically for sensitive plants; in response, the USFS has begun hiring botanists and other staff, and already has 31 times as many per acre as does BLM. [Local note: The Forest Service has proposed two Roan Highlands plants for listing; they are the spreading aven and the Roan Mountain bluebell.]

#### E. Gore sponsors Antarctica protection resolution

Currently, a prospecting moratorium is in force for Antarctica. In 1986, however, representatives of Antarctic Treaty nations adopted the Convention on the Regulation of Antarctic Mineral Resource Activities (CRAMRA), to regulate what some see as inevitable future mineral exploitation of the continent (NL 173 ¶8E). Under the terms of CRAMRA, the 7 countries that make territorial claims in Antarctica, plus 16 of the 20 that operate research stations, must ratify the treaty; but two of the former group of countries (Australia and France) and two others (Belgium and Italy) oppose CRAMRA because they believe that mining is not compatible with protection of the fragile Antarctic environment. The USA, on the other hand, has signed the treaty, but the Senate has to date been reluctant to ratify it.

In September, Sen. Al Gore, Jr., introduced Senate Joint Resolution 206 calling for the "full protection of Antarctica as a global ecological commons ... closed to commercial minerals development and related activities." Gore's Resolution (which, at last report, was co-sponsored by 11 senators) calls for the U.S. to encourage immediate negotiation of a new agreement among the Antarctic Treaty nations to protect the continent.

**WHAT YOU CAN DO:** (a) Thank Sen. Gore for Res. 206 (address on p. 2); (b) Ask other senators to co-sponsor and support the Resolution; (c) Urge Pres. Bush (The White House, Wash. DC 20500) to support a permanent ban on minerals exploitation and to support making Antarctica an ecological reserve.

#### F. International concern for global environment

Legislators from 33 countries (including the USSR) will meet at the Interparliamentary Conference on the Global Environment on April 29. The Senate resolution that authorized this conference was introduced by Sen. Al Gore, Jr., who will chair the U.S. delegation. The delegations will work to agree on a new set of environmental policies they are willing to support and advance. This is the first gathering of legislators, the people ultimately responsible for developing and passing

into law the policies needed to change the future of the world.

## 10. TCWP NEWS

### A. *Participation in Earth Day*

In connection with Earth Day, April 22, 1990, TCWP plans to sponsor a "Walk for Parks." This is designed to foster appreciation of our public-land and -water resources and to raise funds (to be shared 50:50 with the National Conservation & Parks Assoc) that can be used for the preservation of such resources (e.g., land acquisition of fragile areas or inholdings). The Walk will probably be held some time prior to Earth Day itself. To make this a success, we need lots of volunteers, both for organizing the event and for participating in it. We urge you to volunteer your help by calling Marsha Ketelle (Knoxville 522-2443) or Lee Russell (Oak Ridge 482-2153).

Anyone who already has activities planned for Earth Day, should call Ann Toplovich at the Tennessee Environmental Council, Nashville, 615-321-5075. TEC is the official Tennessee affiliate of the Earth Day 1990 organization, and has set up committees that include TCWP representatives.

### B. *Political Guide*

Your 1990 Political Guide -- state and federal -- is enclosed, as is an updated list of state legislators. Save this material in an accessible place and use it frequently. Our thanks to Lynn Wright and Bob Luxmoor for updating the Guide and list!

### C. *Dues are due*

Unless you have already paid your dues for 1990, you will find a statement enclosed with this Newsletter. We urge you not to put it aside, but to send it in (with your check) just as soon as possible. Delayed dues payments cost us not only lots of money, but a great deal of volunteer time in terms of complicated book keeping and followup. PLEASE HELP US BY BEING PROMPT!

### D. *We thank our volunteers*

The following helped with assembling NL 173: Dick Ambrose, Jean Bangham, Miriam and Francois Keresz, Helen and Ken Warren, and Ruth Young. We are particularly grateful to these folks because, due to other constraints, they had to give up part of a weekend for the job.

## 11. ACTIVITIES: READING MATTER

- **Job opening:** The Nantahala Outdoor Center (NOC), located in Western N.C. is looking for a Marketing Vice President. Marketing experience essential; knowledge of NOC and the outdoor-

recreation field a plus. Contact John Buron, NOC, 704-488-2175, ext 246.

- **Volunteers wanted:** The Green Turtle Research Station at Tortuguero, Costa Rica, needs volunteer researchers. Tortuguero is a major sea-turtle nesting spot, and this year, research on leatherbacks will be added to the usual tagging of green sea turtles. Ten- and 17-day sojourns, from March through June, are available. Call 800-289-9504, or 617-259-9500 (Mass. Audubon).
- **"The American Rivers Guide to Wild and Scenic River Protection,"** by Kevin J. Coyle, details step-by-step processes, and discusses the most frequently encountered issues and opportunities. 180 pp., 10 appendices. (\$15.95 + \$2 shipping from American Rivers, 801 Pennsylvania Ave. SE, Suite 303, Washington, DC 20003. Bulk rates available.)
- **"The Conservation Directory, 1990"** is an up-to-date, reliable guide to environmental and wildlife organizations, government agencies, and public-land units in North America. (\$18 + \$3.50 postage from National Wildlife Federation, 1400 Sixteenth St, NW, Wash, DC 20036-2266. NWF Activist Kit is \$5.95 extra.)
- **"Mining Conservation Directory '89"** lists 140 different organizations and offices working in the area of mineral-development threats. (Order from Mineral Policy Center, Room 550, 125 Mass. Ave., NW, Wash, DC 20005; free to members, \$5 for others.)
- The second edition of **"Whither, The Beloved Mountains,"** by Carl A. Reiche, was published in October, subtitled "30 Years of Conservation Battles and Hiking Joys, with My 52 Favorite Hikes in the Southernmost Appalachians." \$25; but those who purchased the first edition can order the additional 26 hikes, maps, and other additional material for \$10. (Carl A. Reiche, 9157-A, SW 82 Terrace, Ocala, FL 32676.)
- **"1990 Directory of Environmental Organizations,"** edited by Nancy Sue Pearlman, has over 4,000 updated entries. (\$30 + \$2 postage, from Educational Communications, POB 35473, Los Angeles, CA 90035; subject index, \$5 extra.)
- **State of the World 1990,"** by Lester R. Brown and 9 others, is Worldwatch Institute's latest annual guide to the world's resources and how they are being managed. Conclusion: "The '90s may be our last chance to reverse the trends that are undermining the human prospect." (\$18.95 hardcover, \$9.95 paperback, from Worldwatch inst., 1776 Mass. Ave, NW, Wash. DC 20036. Major discounts on multiple paperback copies.)
- **"Mountain Treasures at Risk"** is a Wilderness Society study of management plans for 6 Southern Appalachian National Forests and for the Great Smoky Mountains NP. (Free, from Peter C. Kirby, The Wilderness Soc, 1819 Peachtree Rd, NE, Suite 714, Atlanta, GA 30309.)

(Continued on Page 2)

## 1 (cont'd). BIG SOUTH FORK - late-breaking ACTION CALL

**D. O&W use, and Tennessee lodge - your input badly needed**

We have very little time to have input on two issues vitally affecting Big S. Fork protection. On Jan.12, we received notice of a public meeting to be held just 11 days hence at Oneida on the subjects of (a) uses for the O&W right of way, and (b) locations for the Tennessee lodge. We protested the extremely short notice, and it is possible that another meeting might be scheduled and/or that an extended time for written comments may be provided. In the meantime, we hope you will do your best to attend the Oneida meeting and/or to submit written comments (details below).

**a. The O&W right of way**

Running from Verdun (SE of Oneida), down the Pine Creek, along the Big S. Fork for quite a distance (in the Narrows portion), across the river (on a derelict bridge), and up North Whiteoak Creek is the abandoned railbed of the O&W RR. The authorizing Act for the BSFNRRA [P.L.93-251, Sec.108(e)(7)] requires the Secretary to "study the desirability and feasibility of reestablishing rail transportation ... or an alternative mode of transportation ..." and "to report to Congress his recommendation with regard to development of this facility." The Corps conducted studies on this subject in 1977, 1978, and 1988. The first report favored a bicycle path among 5 alternatives studied. The latest report considers a railroad (commercial and/or scenic), a rubber-tired tram, and a bicycle path, and concludes that the environmental impacts would be greatest from the first, and smallest from the last of these.

Our position from the beginning has been that we are *unalterably opposed* to developing the O&W railbed for *private vehicular traffic*, which would bring noise, smell, and crowds into the fragile gorges. If rail transportation were to be restored, extreme care would have to be taken to make the strips alongside the railbed, and the bridges, *unusable* for motorcycles. Similarly, if a bicycle trail, equestrian trail, or a path for a rubber-tired tram were to be developed, definite measures would have to be taken to keep out private motor vehicles. And, above all, if any federal money becomes available, it should go first for acquisition of the Deferred Areas (which are seriously threatened), and only later to develop the O&W.

**b. Location of the Tennessee lodge**

The authorizing Act states [Sec.108(e)(3)]: "... the Secretary is authorized to construct two lodges with recreational facilities within the adjacent areas" [i.e., upland areas, as opposed to gorges -- ed.]. The Master Plan subsequently identified lodge sites above Bear Creek in KY, and at or near the former Tabard Inn near Rugby, TN. Since there is currently no prospect for federal money to build these lodges, there have been political pressures to allow private interests to construct, as well as operate, such facilities (see also ¶1B, this NL). Such private interests, in turn, are expected to exert pressure for a lodge "with a view," i.e., right on the gorge rim. Tennessee sites we have heard mentioned are the Honey Creek overlook and the overlook reachable from the NPS buildings east of Leatherwood. To all of us concerned about preserving the primitive character of the Area, such suggestions are unthinkable.

The Tabard Inn location, on the other hand, would not intrude on natural values. Provided a lodge at that site were constructed with strong input by Historic Rugby concerning design and operation, it would, we understand, be acceptable both to Historic Rugby and to the Rugby community. It would add historical values to the visitor experience, thus complementing the experience gained elsewhere in the Area. Potential concessionaires would find it attractive because of the availability of an infrastructure (nearby roads, electricity, etc.). Finally, it would provide to Morgan County some of the economic benefits from the Area, which otherwise would go almost entirely to Scott and Fentress Counties.

**\* WHAT YOU CAN DO:** We strongly urge you to have input into these two issues, or we'll be swamped by pro-development interests.

If at all possible, attend one of the two Oneida meetings on Tuesday, Jan.23: 2-4 or 7-9 pm (Eastern Time), at the First Trust & Savings Bank, 232 S.Main Street. (Call 615-482-2153 or 574-0860 if you want to carpool). If you can't go, send a written statement, by February 20 to BSFNRRA, National Park Service, POB 630, Oneida, TN 37841. Send a copy to Linda Hendricks, BSF Project, US Army Corps of Engineers, POB 1070, Nashville, TN 37202-1070. Also send copies to Senators Sasser and Gore, and to Rep. Jim Cooper (addresses on p.2).

Your messages, in brief: (A) Never allow private vehicular traffic on the O&W right of way; do not spend federal money on O&W development until after Deferred Areas have been acquired. (B) No lodge should be built on, or near, the gorge rim. The most favorable Tennessee location would be Tabard Inn, Rugby, but only if this is done in complete partnership with Historic Rugby.

# TENNESSEE CITIZENS for WILDERNESS PLANNING

March 1, 1990

Dear friend of parks:

We invite you to participate in TCWP's **EARTH DAY 1990** activity, which will contribute to the protection of natural-resource values in the Big South Fork National River and Recreation Area (BSFNRR). Join the nationwide

## MARCH FOR PARKS, March 24, 1990

TCWP, a March organizer for Tennessee, has chosen the Big South Fork, both as the location of our event and as the financial beneficiary of the money we raise. A major objective is to increase public awareness of the natural values of the BSFNRR.

### How you can participate:

- (1) Walk with us on March 24. There will be a choice of 4 trails of varying lengths and degrees of difficulty.
- (2) Prior to that date, solicit donations from park supporters. All walkers do this prior to walking; but you may also solicit for the March without you, yourself, being a walker.
- (3) Publicize the event, and what will be accomplished as a result of it.
- (4) Volunteer your time to help us organize the event.

### How the money will be used:

50% of what we raise from individuals, plus 100% of what we raise from businesses and corporations will go toward protecting natural resources and furthering environmental education in the BSFNRR. Specifically, proceeds will be used for:

- (1) the purchase of much-needed water-quality testing equipment;
- (2) the printing of site bulletins on topics such as the Area's bio-diversity, plant and animal life, and geology;
- (3) the partial support of a BSFNRR clean-up, scheduled for April 22 (Earth Day).

The remaining proceeds will go to the National Parks & Conservation Association to fund *national* park- and open-space-related efforts.

### What you need to do:

We hope that all of you will participate to at least some degree. Just as soon as you can (March 24 is almost upon us!), please return the tear-off sheet, below, in the envelope provided. Each of you who offers to participate will receive a collection form and envelope, as well as further particulars about the event (times, locations, driving and car-pooling directions, etc).

If you need more information, call (in Knoxville) Jenny Freeman 584-6016 or Martha Kestelle 522-2443; (in Oak Ridge) Maureen Cunningham 483-8312 or 576-8123; (in Norris) Judith Barlow 494-9421 or 632-1592.

.....  
 Your name.....  
 Address.....  
 .....

Phone (daytime) .....  
 (evening) .....

- ☐ I cannot participate in the March, but here is my donation for the BSFNRR
- ☐ I would like to participate, as follows:
- ☐ I plan to walk and to solicit donations. (If you can solicit from businesses, also, check here ☐ so we can send you posters)
- ☐ I plan to solicit donations only, but cannot walk
- ☐ I can help in organizing the event

TENNESSEE CITIZENS FOR  
WILDERNESS PLANNING  
130 Tabor Road  
Oak Ridge, Tennessee 37830

Non-profit Organiz.  
U. S. Postage  
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Oak Ridge, TN 37830  
PERMIT # 178

**TCWP's  
EARTH-DAY  
EVENT**

BILL & LYANE RUSSELL  
130 TABOR RD  
OAK RIDGE TN 37830

M77