

# TENNESSEE CITIZENS for WILDERNESS PLANNING

Newsletter No. 177

July 17, 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 S. Fork funding	Sens. Sasser, Gore; Rep. Cooper	"Thanks for efforts to complete BSFNRA land acquisition!"
2C	Scenic rivers brochure	TCWP	Volunteer help with distribution; solicit groups to contribute funds
4A	Publicly-owned resources	Tenn. Comptroller	Inform him of harmful developments affecting state and nat'l parks, etc.
5A	Ancient forests	US Rep and Sens. US Senators US Rep. US Senators US Rep.	"Reduce allowable sale quantity!" "Cut USFS road-building funds!" "Co-sponsor HR 4492!" "Support companion bill to HR 4492!" "Sign 'Dear Colleague' letter!"
5C	Court challenges of Forest Plans	US Senators	"Oppose any limits to judicial review!"
5D	Benton MacKaye Trail	US Forest. Serv.	"Allow completion of BMT in Tenn.!"
6A	Clean Air in parks	Rep. Marlyn Lloyd	"Support strong House provisions in conference committee!"
8A	Arctic Refuge	US Rep. and Sens.	"Go on record as opposing ANWR drilling!"
8B	Clean Air Act	Information sources listed	Find out how best to influence conference deliberation for strong Clean Air Act
8C	Dolphin protection	US Senators US Rep.	"Support S 2044!" "Support HR 2926!"

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

## 1. BIG SOUTH FORK PROBLEMS

### A. Status of BSFNRR funding

About 20,000 acres remain to be acquired for the Big South Fork National River & Recreation Area, the so-called Deferred Areas (NL172 ¶1). Most of these are critical components of the project, and some are under imminent threat of adverse developments. There is therefore an urgent need to complete land acquisition. Under current arrangements -- with the Corps of Engineers in charge of the Area -- there are no prospects for obtaining the needed funding, since the CoE interprets land acquisition to be subject to local cost sharing. In deliberating the problem with our Congressional delegation, we have arrived at the conclusion that a transfer from CoE to NPS (National Park Service) control is the best strategy for re-initiating land acquisition. An eventual transfer is provided for in the 1974 legislation that authorized the BSFNRR, and will probably take place by administrative procedures within the next year. However, an additional legislative transfer must also occur in order to authorize the use of the Land & Water Conservation Fund, which is barred under the existing authorizing Act (which envisioned CoE acquisition); the LWCF is the NPS' only source of acquisition money.

Transfer language has been drafted by NPS at the request of Sen. Sasser. TCWP had an input and concurs with most of the wording. It is too late in the Congressional session to get a free-standing bill passed. Therefore, Sens. Sasser and Gore and Rep. Jim Cooper are searching for another suitable bill that is well on its way toward passage, to which the BSFNRR transfer language could be attached. That's the first step; the second is to secure funding as part of a separate appropriations bill. Since Sen. Sasser is prominent on the Budget Committee, he is a natural contact for this effort.



**WHAT YOU CAN DO:** Senators Sasser and Gore and Rep. Jim Cooper are all working hard on this issue and probably do not need any further urging. However, they would undoubtedly appreciate a note of thanks for their ongoing efforts to complete BSFNRR land acquisition. Addresses on p.2.

### B. Superintendent talks about resource-conservation problems in the BSFNRR

On May 31, BSFNRR Superintendent Bill Dickinson talked to a full house in the Oak Ridge library auditorium at a meeting organized by TCWP. After showing slides of the beauties and special features of the park, Dickinson switched to another carousel that depicted adverse impacts on the Area's water quality and other resources. Outside the BSFNRR boundaries, there are abandoned stripmines and drift mines that contribute silt and

acid to the rivers (the New River alone receives 500,000 tons of silt in 3 days). Lumbering, road construction, and the use of off-road vehicles around the periphery also are heavy contributors to soil silt. Some of the adverse influences occur within the boundaries; e.g., there are about 300 oil and/or gas wells in the park that can generate pollution from spilled oil, detergents and hydraulic fluid; and wild hogs do some of the same damage in the BSFNRR that we have become familiar with in the Smokies. Lawless behavior of some Park users also depletes resources. For example, about 90% of the estimated 10,000 archaeological sites have been looted; poaching of game is common; and illegal dumping continues to occur even while NPS is attempting to clean up existing dumps.

TCWP members concluded that NPS' ability to combat resource degradation is rather limited. Thus, there are only 4 persons on the resource-management staff for the entire Park. Numerous badly needed studies remain undone, e.g., carrying-capacity studies for the Charit Creek area and for horse use, inventories of endangered plants (of which many are found in the Deferred Areas, see ¶1A, above), analyses of soil types. About 70% of the boundary has not yet been surveyed or marked (this should have been the Corps' job but will probably be left for NPS to do after the transfer).

In discussions following the talk, some TCWP members concluded that among things to strive for are these: to educate people in the area to be more positive about the park; to look at the BSFNRR as a regional resource that needs protection outside as well as within boundaries; and to lobby Congress to provide more funding for NPS.

## 2. RIVER CONSERVATION NEWS; TCWP RECEIVES GRANT FOR RIVERS BROCHURE

### A. Status of the Tennessee Scenic Rivers System

In April 1968, Tennessee was the first State in the nation to pass a Scenic Rivers Act, but it has done precious little to implement this legislation. Over the years, instances of local adverse reaction, generated largely by misinformation about the contents of the Act, resulted in several river segments being deleted from the State System; as a result, successive administrations considered Scenic Rivers to be a politically hot potato and adopted a hands-off position.

Last year, at the request of the Scenic Rivers Advisory Council, Tennessee's Attorney General issued an Advisory Opinion that holds that the Commissioner of Conservation has a legal responsibility to establish boundary areas along State Scenic Rivers and to apply certain land-use

restrictions within these boundaries. The restrictions are set forth in the 1968 Act and are slightly different for the three Classes of rivers. The Opinion concludes that the setting of such restrictions constitutes a valid exercise of the State's authority to regulate land use, and does not constitute a "taking of private property" (NL172 ¶2A). A Joint Resolution passed during the latest legislative session instructs the Department of Conservation (DoC) to promulgate rules and regulations regarding Scenic River boundaries and land use within these boundaries.

#### B. Educational activities

Rivers have been a contentious issue, and the danger exists that DoC's upcoming efforts to solicit public input concerning river boundaries and land-use restrictions may stimulate further adverse local reactions. On the other hand, such a public participation effort also has the potential for building a grassroots constituency for the Tennessee Scenic Rivers program.

TCWP is embarking on an effort to stimulate public awareness of, and appreciation for, our State's scenic rivers. As a first step we are undertaking to produce a brochure (the brainchild of exec. director Jenny Freeman) for wide distribution to Chambers of Commerce in counties where State Scenic Rivers are located, to outfitters and markets that cater to river users, and to local organizations such as civic groups, scouts, and garden clubs. The brochure will feature a map of the System, photographs illustrating the beauty and diversity of our rivers and their recreational uses, and a short descriptive text.

#### C. The grant and other funding

Jenny, with the aid of TSRA's conservation chair Bill Allen, applied for financial support to the National Rivers Coalition, which administers a seed-grant program funded by Recreational Equipment, Inc. (REI is a nationwide retailer of outdoor gear and clothing, and recognizes the importance of protecting rivers.) On June 25, TCWP was awarded a seed grant of \$1,000 to help the Department of Conservation build a grassroots constituency throughout Tennessee that supports the state scenic rivers program and that increases public awareness and appreciation of the state's scenic rivers. The total cost of the brochure is estimated at \$2,500. TCWP and TSRA have voted to contribute an additional \$500 each. An effort will be made to raise the balance from other interested organizations and individuals.

you belong to any group (e.g., a canoe club) that might be willing to contribute toward the final \$500 needed for the brochure? Please solicit them yourself, or let us know, so that we may try.

#### D. A new tool for river conservationists

The National Park Service's Rivers and Trails Conservation Assistance Program, in cooperation with the National Association for State River Conservation Programs, has published the "1990 River Conservation Directory." Nearly 1000 entries list practically every agency and organization (including TCWP) involved in managing and protecting America's rivers. The Directory can be a vital resource for anyone involved in river conservation; it can help in building networks, spreading ideas, and tracking down information. Copies may be ordered for \$6.00 by requesting document #024-005-01058-1. Call 202-783-3238 if you plan to pay by Visa or MasterCard. Or write Superintendent of Documents, U.S. Government Printing Office, Wash., DC 20402-9325.

### 3. FROZEN HEAD AND OTHER STRIPMINE NEWS

#### A. OSM's Frozen Head decision is appealed

On June 20, about 3 months after OSM (the Office of Surface Mining) declared the 5,250-acre Flat Fork watershed unsuitable for surface coal mining operations (NL176 ¶1A), the decision was appealed to the U.S. District Court by the Emory River Land Co., which claims to own coal reserves in the watershed. The plaintiff's brief states that Sect. 522 of the federal Surface Mining Act (under which we had filed the petition that eventually resulted in OSM's decision) is unconstitutional in that it results in the taking of private property for public purposes without the payment of just compensation.

We understand that similar court cases have been brought in the past regarding the "taking" issue and been found not to have any validity in law. However, the mere fact that the appeal has gone to court means time and effort on behalf of our attorney, and undoubtedly additional expenses on our part. The defendants listed in the case include - in addition to OSM - the three individuals and the three organizations (one of which is TCWP) that filed the original "522" petition to have the Flat Fork watershed designated unsuitable for surface mining.

#### B. Environmental group reps meet with OSM Director

OSM Director Hany M. Snyder visited Knoxville on May 14, and in the evening met with 13 citizens representing six groups (including TCWP). The participants thanked Mr. Snyder for OSM's "522" decision regarding the Flat Fork watershed (see



**WHAT YOU CAN DO:** Some effort will be required to get the brochure to the appropriate recipients and to perform other educational services. Any help you can volunteer in this regard will be much appreciated. Address on p.1. Also, do

§3A, above), and then discussed a number of topics, such as enforcement of mining regulations (Mr. Snyder appears committed to improving this), and OSM's upcoming decision on Valid Existing Rights (VER) expected for January 1991. The group strongly urged Snyder to obtain maximum citizen involvement prior to proposing the VER rule, which, in an earlier draft, would have brought about mining impacts and similar areas (NL168 §2A).

TCWP Exec Director Jenny Freeman raised the issue of Abandoned Mine Lands (AML) funding. Since Tennessee gave up its regulatory program in 1984, it lost the right to that portion of the AML Fund that is automatically distributed to states that have primacy. Our state should, however, still be eligible for the Secretary's discretionary portion of the AML Fund. Despite the fact that AML fees (which feed the Fund) continue to be collected for current coal-mining operations in the state, Tennessee has received no AML moneys in the past two years. Consequently, our orphan mines continue to bleed and to contribute silt and acid drainage to such important rivers as the Big South Fork (particularly via the New River) and the Obid System (via the Emory).

In responding to Jenny's follow-up letter after the meeting, Mr. Snyder wrote, on the subject of AML, that he planned to get together with Gov. McWherter "in the near future to discuss the possibility of the State resuming primacy for the regulatory program in Tennessee." Unfortunately, Tennessee's track record in a number of areas does not encourage optimism regarding the State's funding an effective program to control strip mining.

#### C. Re-mining bill dead for this year

HR 4053, introduced by Rep. Nick Rahall (D-W.Va.), would amend the 1977 Surface Mining Act (SMCRA) by adding a section on re-mining of abandoned sites. It has long been claimed (but not substantiated) by the coal industry that this process could mitigate the abuses of pre-SMCRA mining practices. Our major concern with HR 4053 was that it provided major incentives for the re-mining of acid-producing areas by greatly limiting the operator's liability for any damage caused (NL176 §1B).

In marking up HR 4053, the House Interior Committee, however, amended the bill by laying the burden for the clean-up of acid mine drainage on the coal operator, though keeping him free from liability for other damages. The National Coal Association has now withdrawn its support for the bill. There is no companion bill in the Senate, and the measure is likely to die at the end of this session. It is expected that an attempt will be made next year to link re-mining provisions to a bill that is needed to extend the authorization for the AML Program.

## 4. STATE CAPSULES

### A. Study on protecting the state's publicly-owned resources

Senate Joint Resolution No. 452, passed near the end of the latest session of the General Assembly, requests the State Comptroller of the Treasury to determine "the current methods of protecting the state's publicly-owned resources and possible alternatives for improving that protection. Such resources might include national and state parks, ... state wildlife management areas, state forests, ... national fish and wildlife refuges, and state owned real property designated as part of a State Scenic River or State Scenic Trail." The results of the study are to be presented to appropriate House and Senate Committees by 12/31/90.

The Comptroller's office has asked for information that would be helpful in studying the issue. Specifically, (a) Have any publicly-owned resources already been negatively impacted by development? (b) Are any such resources in imminent danger of such harm? (c) What alternatives would increase protection of Tennessee's publicly-owned resources? (d) Can any other states be used as models for ways to protect such resources?



**WHAT YOU CAN DO:** The Comptroller needs to know about harmful developments that affect our publicly-owned resources, be they state or federal. We strongly urge you to write and let him know of any cases you are aware of. Express your opinion on the need for state control of land use in zones that surround state or federal resources in Tennessee. Write to Ethel Detch, Assistant Director Local Government, Comptroller's Office, State Capitol, Nashville, TN 37219-5043; or call 615-741-4288.

### B. The South Cumberland Recreation Area

This year, TCWP members will get better acquainted with the South Cumberland region as our annual meeting (November 9-11, see §10A, below) will be held at Monteagle, the heart of the South Cumberland Recreation Area. SCRA, established in 1973, now consists of eight areas totaling about 12,500 acres scattered over a 100-square-mile region. Except for the 11,500-acre Savage Gulf State Natural Area, the other units are small; most are in the 150- to 250-acre range, and most are designated State Natural Areas. The Savage Gulf, encompassing spectacular gorges, waterfalls, and over 500 acres of virgin timber, has an interesting and complex preservation history we'll hear about during our annual meeting.

Two recent publications may be of interest to you as you wait for our November meeting. (1) "The South Cumberland and Fall Creek Falls: a Hiker's Guide to Trails and Attractions," by Russ Manning and Sondra Jamieson, the same authors who earlier brought us the excellent Guide to the Big South Fork area. The new book describes 32 hikes and outings in clear detail, and provides maps and photographs, as well as chapters on history, geology, etc. (\$7.49, including tax, plus \$1.15 shipping from Laurel Place, POBox 3001, Norris, TN 37828). (2) The Grundy Conservation Board has issued a 3-page "Cumulative Report, 1967-1989" about its role in establishing the SCRA, now named South Cumberland State Park. You can obtain a copy by sending a self-addressed stamped envelope to TCWP (address on p.1).

#### C. *Pigeon River clean-up*

Cleaning up the Pigeon River will not cost very many jobs after all. For quite some time now, Champion International has threatened that meeting clean-water standards could mean shut-down of its Canton, NC, paper mill, and, at best, would cost 1000 jobs. No wonder NC residents were upset at having Tennesseans insist on clean water in the Pigeon. Recently, however, Champion announced plans for remodeling the Canton mill which will result in the loss of only 300 jobs, most of them by attrition.

#### D. *Save Our Streams project*

Tennessee's Save Our Streams project, coordinated by Dr. Raymond Norris of Nashville, plans to use volunteers to test water quality at 300 sites over the State's 19,000 miles of streams and waterways. A national group, the Izaak Walton League of America, has announced major financial support for the project over the next 12 months.

#### E. *Tennessee ranks low again*

The Institute for Southern Studies, Durham, NC, has graded states for laws passed in 45 environmental areas. In terms of initiative taken by the state legislature, Tennessee ranked 40th, with a score of 30.5%. Overall, Tennessee ranked 31st, with a score of 38.9% (no state earned higher than 75%, incidentally).

### 8. ENDANGERED ANCIENT FORESTS AND OTHER FOREST NEWS

#### A. *Ancient forests in grave danger*

Where are the richest temperate rainforest on Earth? Right in our own country, in the Pacific Northwest. These cathedral groves of cedar, hemlock, spruce, and fir contain trees hundreds, and often thousands of years old, carpets of mosses and ferns, rich growths of lichens and fungi,

and numerous animal and plant species not found elsewhere, including over 150 endangered ones.

But if things were to proceed as they have, this description would soon have to be written in the past tense, for over 90% of our ancient forests have been destroyed already; 71,000 acres are being tilled annually -- that's equivalent to over 2 square miles per week. The 10% of the original forest that remains is highly fragmented, making the survival of many species questionable. Into these remaining old forests, the US Forest Service is constructing roads at a frightening rate (there are 353,000 miles of forest roads already), opening up the pristine areas.

There is an immediate need to reduce logging levels and road building. Beyond that, our ancient forests need *positive* protection measures, as proposed in the recently introduced Ancient Forest Protection Act, HR 4492 (Jontz, D-IN). HR 4492 would initiate a process for determining which areas should be given permanent protection by Congress. While these determinations were in progress, there would be in effect an interim "reserve system" of the remaining ancient forests, along with associated second-growth areas to link the highly fragmented old-growth stands (thus increasing wildlife habitat and survival).



**WHAT YOU CAN DO:** (1) Urge your Senators and your Rep. to reduce the Forest Service annual allowable sale quantity (ASQ) below 2.9 billion board feet for Washington and Oregon, and below 1.22 billion board feet for California. (2) Urge your Senators to cut from the Administration's budget the roughly \$100 million designated for destructive road building in the national forests. (Note that the USFS will still be able to finance roads with revenues from timber sales.) With Sen. Sasser on the Senate Appropriations Committee, we in Tennessee are in a good position to help achieve this cut (which would also help reduce the deficit!). (3) Urge your Rep. to co-sponsor HR 4492; urge your Senators to support a companion bill. (4) Urge your Rep. to sign the Bonior/Schneider "Dear Colleague" letter which goes on record in support of ancient-forests protection. (5) If you wish to get more involved in forest issues, contact the Native Forest Council (POBox 2171, Eugene, OR 97402).

#### B. *The job-loss and timber-supply factors*

A blue-ribbon panel of government scientists, convened to study protection for the northern spotted owl (an indicator species for ancient forests), recommended in April that the allowable cut be reduced by 25% in national forests and by 30-40% on BLM lands. The Northwest Congressional delegation immediately reacted by stating that implementation of these recommendations would cost 10,000 timber-related jobs.

However, a recent economic study indicates that even if all stands of ancient forests were given protection, the job loss would be lower than stated and would be spread over a period of years. If ancient forests were not protected, timber jobs would decline anyway as the timber industry automates. Significantly, Oregon alone adds 39,000 new non-timber jobs to its employment base each year.

Another big factor in the employment picture is the matter of log exports. Over 4.2 billion board feet annually are sent abroad, bypassing local timber mills. In May, the House Foreign Affairs Committee approved a bill that would ban the export of 75% and 100% of logs cut on state lands in Washington and Oregon, respectively. The Senate had already approved a similar proposal in April. A complete and permanent ban on log exports would save American mill jobs and would better protect ancient forests.

Would saving our ancient forests make us fail to meet timber needs? A 1980 Forest Industry Council study states that domestic timber demand could be entirely supplied by private forest lands alone, if land owners can realize a 10% annual return on their investment.

#### C. Attempts to limit judicial challenges

The timber industry, enraged by environmentalist successes in winning forest protection through court challenges of USFS Management Plans, has been pressuring Congress to limit such court actions. If the industry succeeds, this will effectively insulate the Forest Service from public scrutiny and will place remaining ancient-forest lands on the chopping block. Even worse (if possible) such legislation limiting judicial review would establish a dangerous precedent that could then be used to undermine other important laws protecting our basic civil and constitutional rights.

**WHAT YOU CAN DO:** Urge both of your Senators (address on p.2) to oppose any limits to judicial review, whether they appear in appropriations bills or any other legislation. Congress must not restrict judicial authority to review and enforce US environmental laws pertaining to the management of our national forests. Such restriction would put government agencies above the law by insulating their actions from scrutiny by the courts.

#### D. The Benton MacKaye Trail in the Cherokee NF

The route proposed by Benton MacKaye in the 1920s for the Appalachian Trail (AT) was on the western crest of the southern mountains, rather than in its present location. The Benton MacKaye Trail Assoc. recently completed 76 miles of that trail from Springer Mountain in Georgia to the

Tennessee state line. There is now an effort to extend the trail northward to US 64, and to complete the loop to connect the BM Trail with the AT. Kirk Johnson informs us that the US Forest Service has some resistance to this plan. He suggests that you write in support of completing the BM Trail loop in Tennessee. If you are willing to assist with trail construction, say so in your letter. Address: John Alcock, Regional Forester, 1720 Peachtree Rd, NW, Atlanta, GA 30367. If possible, send copies to Forest Supervisor, Cherokee National Forest, PO Box 2010, Cleveland TN 37320, and to Sens. Sasser and Gore and Rep John Duncan, Jr. (addresses on p.2).

### 6. NATIONAL PARK NEWS

#### A. The Clean Air Bill and parks

A recent General Accounting Office report found that, ever since 1977, states have not acted to improve the protective classifications of national parks and other special lands. Responding to this GAO finding, the Clean Air Act amendments passed by the House on May 23 (see 188, below) undertake to improve park protection in two ways: (a) they classify additional parks as Class-I areas (highest degree of protection), and (b) they add more stringent requirements for new sources of pollution that seek to locate near Class-I parks.

Class-I protection was extended to all parks larger than 6,000 acres that were added to the system since 1977; 12 parks meet these criteria. As regards the decision process for approving new pollution sources near Class-I areas, the burden of proof has been on the federal land manager if a permit is to be blocked because of danger to park values. Under the terms of the recently passed House bill, the burden of proof shifts to the proponents of the new pollution source, who must now demonstrate that adverse impacts on park values will not occur.

**WHAT YOU CAN DO:** These strong House provisions must survive the upcoming Senate/House conference on the Clean Air Act. Rep. Marilyn Lloyd is a conferee who should hear from you. To find out which other conferee(s) should be contacted by you and urged to support strong provisions, call Libby Fayad, Nall Parks & Conservation Assoc., 1-800-628-7275.

#### B. Concessions in national parks

A recent report by the Inspector General reveals that concessioners keep virtually all of the profits they make from being allowed to operate within the national parks. The average fee is only 2.5% of gross receipts; the long-entrenched Yosemite Park and Curry Co. pays as little as 0.75%! In return for minuscule payments, they are allowed

to operate virtual monopolies in our most spectacular public lands," says NPCA Pres. Paul Pritchard. Most park concession operations have been taken over by large corporations, such as Music Corp. of America, and Trans World Services. The franchise fee paid by concessioners goes to the US Treasury at large, rather than to the National Park Service.

#### C. **Open-space-acquisition funds**

A bill (HR 876) that would create the American Heritage Trust Fund (AHTF) is languishing in committee. It would restructure the Land & Water Conservation Fund (LWCF), currently the Government's main land-buying account, into a trust fund dedicated to the acquisition of parks and other open-space lands (NL 171 ¶8; NL 172 ¶7A). A central feature of HR 876 is that it would augment the capital of the AHTF by the \$8 million backlog that now exists in the LWCF. Following Sen. Moynihan's recent revelation of what has happened to the Social Security Trust Fund (it's been used to offset the deficit), it becomes pretty clear that the backlog of the LWCF has also been used up for general purposes rather than the purpose for which it was legislated.

Late last year, the Bush Administration floated a proposal for a National Endowment for the Environment, to take the place of the LWCF. However, shying away from perceived opposition, the Administration never got as far as introducing a bill. A new proposal is promised for January, as part of the FY 1992 budget.

### 7. TVA CAPSULES

#### A. **TVA Board vacancy**

Charles H. "Chili" Dean, Jr. retired from the TVA Board on May 18, at the end of his full 9-year term, during the early part of which he served as chairman. So far, the seat remains vacant. It is widely assumed that Dean's successor will be from a TVA state other than Tennessee. Mississippi's two Republican Senators are promoting Harry A. Martin, executive vice president of the Tupelo-based Community Development Foundation. Martin believes that TVA should be involved in educational and environmental issues in which he has "a genuine personal interest." Two other candidates have been proposed by Alabama Gov. Hunt: one is general manager of the Huntsville Utilities Board, the other is the state banking superintendent.

#### B. **Planned changes in reservoir system operations**

TVA recently issued a Draft EIS for its Tennessee River and Reservoir System Operation and Planning Review. Among proposed changes in reservoir operations are maintaining high summer

lake levels for longer periods, maintaining minimum flow below dams during low-rainfall conditions, and aerating turbine releases to increase dissolved oxygen below dams. The first of these proposals is probably the most controversial one. Longer duration of high summer lake levels means cutting down on hydro-power generation, with resulting greater use of coal-fired plants that have undesirable atmospheric emission. The greatest beneficiaries of the high lake levels would be water recreationists and the associated tourist businesses; critics feel that user fees should be imposed to alleviate adverse environmental impacts from added tourism.

Although the comment period on the Draft EIS has ended, you may wish to inform yourself on the issues in order to be able to comment on the final EIS when it is issued next year. For a copy of the brochure "TVA's Lake Improvement Plan," contact Chris Ungate, Reservoir Planning Review Office, TVA, 415 Walnut Street, Room 120, Knoxville, TN 37902.

#### C. **TVA and AQ**

In the 1970s, we had to take TVA to court for being the worst polluter of the air in our region (this action resulted in a consent decree requiring considerable cleanup of TVA's coal-fired steam plants). To tell its story of the 1980s, TVA has issued a 24-page public information report, entitled "How Clean Is Our Air? A Decade of Change." You may request a copy by phoning William J. Parkhurst at 205-386-2793 (or write TVA Atmospheric Science Dept., Rm 2W 208A, Muscle Shoals, AL 35660-1010). Your questions and comments are invited.

### 8. NATIONAL NEWS

#### A. **Drilling in the Arctic Refuge**

The oil companies' clamor (supported by the Administration) to open the Arctic National Wildlife Refuge (ANWR) to oil & gas drilling was temporarily stilled after the Exxon Valdez disaster. This reticence may not last much longer. According to the business magazine *Barron's*, the Department of Energy, with the full blessing of the White House, is mounting a strategy to open ANWR to drilling. "The strategy calls for an omnibus energy bill, to be drafted by December, that will address a host of energy and environmental issues, but will have as its major intent winning congressional approval for drilling on lands that the lawmakers ... have put off limits." It is significant that this program will be released after the November elections, and that the bill will probably contain several provisions that environmentalists can support. Apparently, the Administration hopes that this sugar coating will make us swallow the bitter pill of ANWR drilling.



ANWR is a fantastic wilderness and provides the calving grounds for America's largest caribou herd, the breeding grounds for millions of birds, including snow geese and swans, and habitat for musk oxen, grizzlies, wolves, and arctic foxes. [I have been there, and, believe me, it's an area well worth saving!] The probability of finding oil in ANWR is only 19%, and even if oil is found, there is enough for only a 200-day U.S. supply. The Reagan rollback of auto fuel efficiency standards cost us 400,000 barrels of oil a day; that is four times what ANWR could ever produce daily.

**\* WHAT YOU CAN DO:** Get your Rep. and Senators on the record (before the election) that they will oppose opening up ANWR to drilling. Addresses on p.2.

#### B. Clean Air bills pass both Houses

The Clean Air bill that passed the House of Representatives 401:13 on May 23 was stronger than the version that had emerged from committee in early April. In the intervening weeks, many deals were crafted between Rep. Waxman, the chief Clean Air proponent, and Rep. Dingell, a spokesman for the auto industry; Dingell yielded to citizen pressure on several items. As a result of these deals, hardly any contentious items remained for the floor debate. There was only one key vote on the floor, and that was to extend the required warranty on auto-pollution equipment. Three Tennesseans (Ford, Gordon, and Lloyd) voted on the (winning) environmental side and deserve our thanks; the remaining six voted on the industry side.

The House bill is stronger than the Senate bill that passed on April 3 (NL176 §9B), particularly in the area of urban smog. Both bills are stronger than the Bush Administration proposal. While the President deserves credit for finally getting the Congress to act on reauthorizing the Clean Air Act, his opposition to provisions that he believed were costly to industry served to weaken the legislation, and particularly the Senate bill. Many Senators, including Sen. Sasser (NL176 §9B), succumbed to the threat of a veto and voted against certain strengthening amendments that they might otherwise have supported. Industry opponents threw phenomenal financial resources into their lobbying efforts, and claimed that the bill would cost the tax-payer \$40 billion annually. Even if this estimated cost were not an exaggeration, it would be balanced by the estimated benefits: thus, according to an American Lung Association study, current pollution annually costs \$40-50 billion in medical care, and produces 120,000 premature deaths.

Both House and Senate bill reduce to one-half the emissions that trigger acid rain (by the year

2000, there will be annual 10-million and 2-million-ton reductions of SO<sub>2</sub> and NO<sub>x</sub>, respectively) and set a nationwide cap to maintain this goal. Both bills control about 200 toxic air pollutants by requiring industry to use best available control technology. Both bills call for tighter automobile emission standards in the mid-1990's and mandate cleaner gasoline and clean-fueled vehicles in some cities; but neither bill requires the second round of reduction of tail-pipe emissions after the year 2000, that many experts consider essential for maintaining air quality. Both bills phase out production of chemicals that contribute to the depletion of stratospheric ozone. There are, however, numerous differences between the House and Senate bills (we are in possession of a 22-page side-by-side comparison) that will be resolved by the conference committee that hopes to complete its work by September. Tennessee (3rd Dist.) Congresswoman Marilyn Lloyd is a member of this committee.

**\* WHAT YOU CAN DO:** If you are interested in influencing the conference deliberations call 202-298-0218 (League of Women Voters) or 1-800-628-7275 (Libby Fayad at NPCA) to get detailed information. The fact that Rep. Lloyd is a member of the conference committee gives us extra access to the proceedings.

#### C. Dolphin protection bills

Over the past 20 years, six million dolphins have been killed in the purse seine nets of tuna fishermen. The tuna fleet, has changed dramatically over the years; two decades ago, U.S. ships accounted for 90% of the dolphin kill, now 80% of the deaths are due to foreign ships that are not subject to our Marine Mammals Protection Act. A new legislative approach, embodied in HR 2926 (Boxer)/S 2044 (Biden), is to require that all products from tuna fish caught by methods that kill dolphins be labeled as such, and that all other tuna products may be labeled "dolphin safe." Since the USA is the world's largest consumer of tuna fish, the proposed legislation could effectively influence foreign fleets in their practices. StarKist, the world's largest tuna canner, supports this legislation. StarKist, Bumble Bee, and Chicken of the Sea now refuse to sell tuna caught in association with dolphins in purse-seine nets (see NL176 §9A); StarKist will also not sell albacore tuna caught with gill or drift nets. Drift nets, which stretch for up to 30 miles, are even worse killers than the tuna fleet. A U.N. resolution calls for a worldwide ban on drift nets, but Japan, Taiwan and Korea have ignored this ban.

**\* WHAT YOU CAN DO:** Urge your Senator to support S 2044; urge your Rep to support HR 2926. Addresses on p.2.

#### D. Endangered species capsules

- The process of listing plant species as threatened or endangered is even slower than that for animals. Only 9% of the plants proposed in 1976 (145 taxa) have been listed or are now proposed for listing. Unfortunately, programs (such as endangered-species studies) that don't have vocal lobbies, are likely to suffer even further during current deficit-reduction efforts.

- A National Academy of Sciences report published in May concludes that turtle mortality resulting from incidental capture in shrimp trawling operations may actually be three to four times higher than the 11,000 annual deaths conservationists had previously estimated. Thereport recommends use of TEDs (turtle excluder devices) in coastal waters from Cape Hatteras to the Texas-Mexico border. The National Marine Fisheries Service "plans to ... consult with interested and affected parties before proposing any modification or expansion to the existing regulations."

- Mexico is home to 10 of the world's 11 species of sea turtles, including the imminently endangered Olive Ridley's. More than 35,000 Olive Ridelies were butchered in Mexico in 1989, as well as 75,000 to 100,000 of the otherspecies, several of which are also endangered or threatened; the official quota had been 20,000. Japan is the world's leading consumer of sea-turtle products, buying most of them from Mexico. In May, under pressure from environmental groups, President Salinas signed an executive order declaring an end to Mexico's turtle industry. The government will close turtle slaughterhouses, and will provide money to help turtle fishermen to diversify. These intentions are highly praiseworthy, but the test will come in enforcing them. Mexico should also be pressured into joining the 107-nation CITES convention, which bans trade in endangered species; Mexico is the only country in the Western Hemisphere that has not signed the accord.

- According to a World Resources report of June 1990, world rain-forest losses amount to 40-50 million acres per year. That translates to about 1.5 acres per minute. There is, however, good news from Brazil. Jose Antonio Lutzenberger, that country's most respected environmentalist, became Secretary of Environment on March 15. In 1984, he had testified before the U.S. Congress against a World Bank loan for development of the Western Amazon. Shortly after becoming Sec. of the Environment this year, Lutzenberger told the *New York Times* that his first priority was to reverse the devastation in Amazonia. Indications are that he may have succeeded in stopping construction of a highway linking Brazil's western forests with the Pacific coast in Peru. Such a road would un-

doubtedly have greatly accelerated logging of the rainforests in that region.

#### E. The government's dismal energy conservation record

Testimonies at recent House hearings reveal that programs by federal agencies to conserve energy have virtually disappeared since 1985. Between 1975 and 1985, federal installations cut energy use by 17%. Since 1985, however, energy consumption has actually been on the increase. The worst offender is the Dept. of Defense, which accounts for 80% of the government's energy requirements. During the 1975-85 period, DoD devoted over \$1 billion to energy conservation; last year, by contrast, only about one-thousandth of that amount was spent for making buildings more energy efficient.

### 9. THE POLITICAL SCENE

#### A. Greenscam

Earth Day stimulated a kind of fraud that has been called "Greenscam" by the League of Conservation Voters (which rates members of Congress annually on their environmental votes). All of a sudden, politicians of all persuasion were clothing themselves in green; many of those with the worst record planted trees, recycled, and issued press releases about their Earth Day activities. It is expected that, as the election draws closer, candidates will increasingly use media to publicize support for the environment; LCV and other groups will have to help inform the electorate as to who really is an environmentalist.

Americans are already beginning to evaluate political leaders on their environmental actions as opposed to their rhetoric. According to a recent *New York Times*/CBS poll, only 18% believe that President Bush has actually made progress in protecting the environment, while 69% say that he has mainly talked about it. To an April *Washington Post* poll asking "Do you think Pres. Bush is an environmentalist or not?", 37% responded "Yes" and 57% said "No."

#### B. Training in electoral skills

Good environmental legislation comes through good environmental legislators. Therefore, it behooves us to elect such legislators. AMERICANS for the ENVIRONMENT is a new non-profit organization, based in Washington, that helps to provide training in a variety of electoral skills. Anyone interested in attending a one-day AFE training workshop, probably in September, should contact TCWP (address on p.1).

## 10. TCWP NEWS

### A. Annual meeting set for Nov. 9-11

We will hold our annual meeting in the heart of the South Cumberland Recreation Area, at the DuBose Conference Center, Monteagle. The accommodations are comfortable and attractive, food very good, prices reasonable. As always we are planning a most interesting program of speakers. Outing possibilities in the Savage Gulf and elsewhere will be plentiful, and fall colors should still be with us. You will soon receive a preliminary mailing to which we hope you will respond. For other information about the area, see ¶4B, this NL.

### B. TCWP's March for Parks money benefits Big South Fork

TCWP's major Earth Day activity was to organize a March for Parks fundraiser to benefit the Big South Fork NRRRA. (see NL175 ¶9A, and special mailing of 3/1/90). We have now received the final figures for the amount we raised: \$2,007. Our thanks to all those who contributed as well as those who solicited contributions. A portion of the money collected goes to national park protection efforts. The BSFNRRRA's share, \$1153, will be used to purchase badly needed water-quality monitoring equipment and to print site bulletins.

### C. More Cedar Barrens fencing added

Erecting fencing for the Oak Ridge Barren was TCWP's second Earth Day activity which, as a result of bad weather, had to be postponed to May 26. On that date, a dedicated group of volunteers, with the help of City post-hole-digging equipment, finished a section of fence along Fairbanks Road. Then, on June 16, the volunteers, coordinated by Maureen Cunningham and Cyd Ryman, spent a second Saturday adding to the fencing. TCWP members were joined by several Bechtel and City employees. Despite the fact that City equipment was called away for an emergency and all of the post holes had to be dug by hand, the group finished the entire Fairbanks Road frontage. Behind the school, on the remaining roughly 200 ft. they encountered so much rock that they were unable to proceed (there is a possibility that even mechanical equipment might not be able to handle this site).

### D. TCWP's Francis McKinney Memorial Fund to be donated for cave protection

Francis McKinney, a TCWP member interested in preserving the natural environment of caves, died in a caving accident, and a memorial fund was started in his name. On June 5, the TCWP Board voted to donate \$1,000 from this fund for the purpose of installing a gate to the Tobaccoport cave in Stewart County. This gate will protect the cave environment, while providing access to the endangered bats that live there. Francis will be

memorialized by a plaque to be placed near the gate.

### E. Stanley A. Murray, in memoriam

Stan Murray died at his home in Kingsport on April 11 at the age of 67. A major part of his lifework was devoted to protecting the natural environment. He was Chairman of the Appalachian Trail Conference from 1961 to 1975, during a period when the National Trails bill was passed and the A.T. was legislatively protected. Stan was instrumental in bringing the A.T. to the Highlands of Roan, and in founding the Southern Appalachian Highlands Conservancy, to which he devoted the last 16 years of his life. He served many terms as SAHC president, and eventually as its executive director. As a result of his untiring efforts, large acreages in the Roan Highlands have been perpetually protected. Stan was also a long-standing member of TCWP and always served as our prime Upper East Tennessee contact for state and federal conservation issues. SAHC has established a fund honoring Stan. Donations may be sent to the Stanley A. Murray Memorial Fund, SAHC, PO Box 3356, Kingsport, TN 37664.

### F. News about TCWP members

- TCWP Pres. Mariha Kettle has changed jobs within TVA and is now working in the Environmental Auditing Department of the Environmental Quality Staff.
- Don Todd and Jenny Freeman represented TCWP at the recent meeting with OSM director Harry Snyder (see ¶3B, this NL).
- Maureen Cunningham, along with Cyd Ryman organized the recent fencing activities at the Oak Ridge Barren (see ¶10C, this NL).
- Lee and Bill Russell, along with Don Todd, have been meeting with the Park Service to examine problems in completing Obed land acquisition (see NL176 ¶2B).
- Bill Russell recently represented The Nature Conservancy in accepting a check from the Oliver Springs Elementary School. The students had collected almost \$400 to help with acquisition of habitat for the endangered Tennessee cone flower.

## 11. JOBS, ACTIVITIES, READING MATTER

- There is an opening for a Research Director at the Minerals Policy Center, 1325 Massachusetts Ave, NW, Suite #550, Washington, DC 20005. Write for a description of the position and of needed qualifications; or call 202-737-1872.

- The League of Conservation Voters is looking for a few good people to work on campaigns for one to several weeks during the 1990 cycle. LCV pays travel expenses, and the targeted campaign finds free lodging. For more info, call LCV at 202-785-8683.
- For job listings, try Environmental Opportunities (sponsored by the Environmental Studies Dept. of the Antioch/New England Graduate School), POBox 788, Walpole, NH 03608; Ph.: 603-756-9744. For other job listings, see NL176 ¶11.
- The final Nickajack Reservoir Land Management Plan has been published by TVA. The Plan will be revised in about 10 years. For a copy of the Plan, plus two appendices, write William S. Ambrose, Land Resources, TVA, Norris, TN 37828.
- "Preserving America's Tropics" is a colorful two-page brochure produced by the Natural Resources Defense Council. Areas covered are Hawaii, Puerto Rico, the US Virgin Islands, and American Samoa. For one or more copies (e.g., for school use), write Faith T. Campbell, NRDC, 1350 New York Ave, NW, Washington, DC 20005. Ph: 202-783-7800. The brochure is also available in Spanish.
- The two volumes (1200 pages) of the Official World Wildlife Fund Guide to Endangered Species of North America contain a photo or drawing and description for each of the 547 U.S. species that were listed as endangered at the time of publication. (\$195 from Beacham Publishing, inc., 2100 S Street, NW, Washington, DC 20008).
- Good Planets Are Hard To Find! is billed as an environmental information guide, dictionary, and action book for ages 8 and up. The 44-page book is written to empower young people and to instill the belief that each one can help save the planet. (\$8.00 + \$1.00 postage from Earth Beat Press, POBox 33852, Station D, Vancouver, B.C., Canada, V6J 4L6). Bulk discounts are available, and the company allows re-sales for fund-raising purposes.
- Videos on Wilderness experience and wilderness skills are available from West Wind Productions, Inc., POBox 3532, Boulder, CO 80307-3532.