

# TENNESSEE CITIZENS for WILDERNESS PLANNING

Newsletter No. 193

May 14, 1993



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*Haw Ridge Canoe Trail*  
*Saturday, July 17, 10 a.m.*  
*See ¶9A*

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## 12 . ACTION SUMMARY

1/No.	Issue	Contact	"Message!" or Action
1A	Big S. Fork acquisitions	Rep. Jim Cooper (copies to Reps Yates, Bevill) Sen. Sasser	"Work for \$3 million appropriation!"  "Thank you for leadership!"
2A	Obed (Clear Creek Dam)	FmHA (copies to EPA; US Rep and Sens; Governor)	"Abandon dam proposal!"
2B	Obed GMP	Natl. Park Service	"Add me to mailing list!"
4A	Pickett addition	Comm. Luna	"Purchase Stearns lands!"
4B	Flery Gizzard	Comm. Luna	"Use Ramsey Lake as water supply!"
5B	Nolichucky	Sen. Mathews (copies to Rep. Guillen; your Rep; Sen. Sasser)	"Sponsor Nolichucky WSR bill!"
5C	Olympics on Ocoee	Cherokee Natl Forest	"Send me Draft: EIS!"
5D	Red-cockaded woodpecker	Cherokee NF supervisor	"Restore the species!"
8A	National forest logging	Pres. Clinton	"Thanks for phasing out timber give-aways!"
8B	Forest Service appeals	USFS, USDA (by 5/28/93)	"Draft regs must be rewritten!"
8C	Ancient forests	Pres. Clinton	"Save timber communities through measures other than logging ancient forests!"
9A	Public-land give-aways	Pres. Clinton	"End destructive give-aways!"
9B	Public-land purchases	Pres. Clinton	"Support appropriation of at least \$350M!"
9C	Property-rights bill	US Sens. & Rep Pres Clinton	"Oppose S177/HR.385 and HR 561!" "Rescind Exec. Order 12630!"
9D	Roads through wilderness	Sec. Babbitt	"Rescind 'Model Policy' (R.S.2477)!"
9E	Arctic Refuge	US Sens and Rep	"Cosponsor S.39/HR.39!"
10B	March for Parks	TCWP	Help us with our contribution to BSFNRRF
10C	Phone tree	TCWP	Volunteer to be a caller.

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 LAND ACQUISITION

### A. *The time is critical for your support of acquisition fund*

Senator Sasser has committed himself to work for a \$3 million appropriation to acquire some of the lands needed to complete the Big South Fork NRRRA. His efforts are especially significant in view of the fact that such funds are not included in the Administration's budget for Land & Water Conservation Fund appropriations, which total only \$209 million for all projects nationwide (§98, this NL).

The BSFNRRRA appropriation is badly needed to purchase highly scenic and fragile lands that are still in private ownership and are threatened with resource degradations such as logging, roads, and residential developments. These tracts are located in the 11,329-acre North Whiteoak Creek/Laurel Fork area which is vital to completion of the park, both because of the scenic and ecological values of this currently primitive region and because of the need to protect the water quality of these major tributaries to the Big S. Fork.

Last year, a BSFNRRRA-acquisition appropriation made it through the Senate, but there was no counterpart in the House, and the conference committee bypassed the Senate proposal in favor of another project in Tennessee (NL190 ¶2A). With your help, we can try and get House support this year. Congressman Jim Cooper has expressed a willingness to work for a BSFNRRRA appropriation in the House bill, and he will be strengthened in this endeavor by getting encouragement from you. (As you know, he is planning to make a bid for Al Gore's old Senate seat in 1994, so all Tennesseans are his potential constituents.) Since he is not a member of the Interior Appropriations subcommittee, we also need to contact additional people (see next paragraph).

**WHAT YOU CAN DO:** (1) As soon as possible, urge Rep. Jim Cooper to work for an appropriation of \$3 million for the acquisition of threatened lands within the BSFNRRRA's authorized boundary. (2) Send a copy of your letter, with a brief cover note, to Rep. Sidney Yates, Chairman, Interior Appropriations Subcommittee; ditto for Rep. Tom Bevill (attention Olivia Baron), member of the same subcommittee. (3) Thank Sen. Sasser for his leadership role in seeking this appropriation. All addresses on p. 2.

### B. *NPS starts acquisitions in Big South Fork NRRRA*

The National Park Service has in hand \$3 million (from 1990 and 1991 appropriations) and, having completed the Land Protection Plan last year, is now in a position to carry out land acquisition. (Note: all

earlier acquisitions were carried out by the Corps of Engineers prior to the transfer of BSFNRRRA jurisdiction to NPS). NPS has now purchased the 1,200-acre Willamette tract in the headwaters of Laurel Fork -- one of the most pristine areas within the authorized boundary -- from the Tennessee Nature Conservancy, which last year pre-acquired the tract for NPS. In addition, some of the previously appropriated money is being used for NPS appraisals of five other tracts (some of them very large) within the North Whiteoak/Laurel Fork area. The \$3 million is inadequate to purchase all tracts currently being negotiated and appraised, leave alone others for which appraisals haven't yet been started.

### C. *March for Parks to benefit BSFNRRRA*

TCWP organized a March for Parks event on May 1 (§10B, this NL). The money raised will be turned over to the Big South Fork NRRRA and will pay toward the printing of nature-trail brochures and/or the purchase of water-quality-monitoring equipment.

## 2. OBED ISSUES

### A. *Voice your opposition to the proposed Clear Creek Dam*

The Clear Creek is one of the two major tributaries of the Obed River, and its Morgan County portion is included in the Obed National Wild & Scenic River. Incredible as it may seem, a proposal has been made for damming the Clear Creek, above its protected portion, to create a 100-acre reservoir to supply water for the Catoosa Utility District (NL191 ¶1B; NL192 ¶1B). The Farmers Home Administration (FmHA) is the federal agency that would fund the project to the tune of \$3,370,000 -- half grant and half loan.

- The dam would be located directly on a river that forms one of the three stems of a National Wild & Scenic River (NWSR). The Obed is Tennessee's only NWSR, and one of only three in the Southeast.
- The dam would rob a minimum of 1.5 MGD (million gallons per day) of water that belongs into the Obed NWSR. This water is required by the Obed's ecosystems, as well as clearly contributing to the NWSR's scenic and recreational resources. Because of the latter, the water theft would also have adverse economic impacts in Morgan County.
- The dam project could have serious effects on the water quality (as well as quantity) downstream, (a) during the construction phase, especially if one of the several coal seams in the area is disturbed, and (b) as a result of developments that would grow up around the reservoir shoreline.

- Several federally- and state-listed, or proposed-to-be-listed, threatened or endangered species exist in the area that would be affected.
- For the reasons enumerated, the scenic, recreational, and fish & wildlife values of the Obed NWSR would be *unreasonably* diminished (it is important to include this adverb because it is used in Sec. 7(a) of the National Wild & Scenic Rivers Act as a criterion for prohibiting dams outside NWSR boundaries).
- An additional water-supply dam for the region is not needed. For example, within a 3-mile radius of the proposed Clear Creek dam, there are 8 other reservoirs.
- The Clear Creek Reservoir project is uneconomical. An engineering study completed in 1991 found that the cost of treated water from the Clear Creek reservoir would be 31% higher than the cost of purchasing potable water from Crossville.

If FmHA does not agree to abandon the project outright, the agency should at the very least generate a full Environmental Impact Statement that explores a range of realistic alternatives for the project and investigates the level of environmental impacts associated with each alternative.

**WHAT YOU CAN DO:** Using some of the above arguments, (1) write to Mary Sue Brent (Environmental Coordinator for Tennessee, Farmers Home Administration, USDA, 3322 West End Avenue, Suite 300, Nashville, TN 37203-1071) and protest the damming of Clear Creek. At the bottom of your letter, indicate where you are sending copies (see 2. and 3., below). (2) Send copies to your US Representative and Senators and to Gov. McWhorter (addresses on p.2). (3) Send a copy to Heinz J. Mueller, Chief, Environmental Policy Section, United States Environmental Protection Agency, Region IV, 345 Courtland Street, NE, Atlanta, GA 30365.

#### B. Get on mailing list for Draft General Management Plan

Following input from several workshops (NL188 ¶1; NL189 ¶3A; NL190 ¶2B; NL191 ¶1C), the National Park Service (NPS) began generating a draft of the Obed General Management Plan (GMP). Another GMP workshop was held at Wartburg on March 24, at which the Southeast Region Planning Team presented two alternatives. Bill Allen represented TCWP and wrote up an extensive and thoughtful report for us.

A general management plan is designed to formulate the philosophy and concepts governing any future decisions, and should thus precede a development plan. Some of us have expressed concern that some items that belong in a development plan are being included in the GMP. It

is therefore not yet clear whether what will emerge in the Draft GMP will resemble the previous we have had. Comments from TCWP members will clearly be important. Later, we plan to bring you our analysis of the NPS draft document. In the meantime, we hope you will get yourself on the mailing list, so you can be sure to receive a copy of the GMP draft as well as announcements of any public meetings that may be held on the subject.

**WHAT YOU CAN DO:** Write to, or phone, Patricia Trap (National Park Service, Southeast Regional Office, 75 Spring Street, SW, Atlanta, GA 30303, Phone 404-331-5835) and ask to be placed on the mailing list for any publications or announcements pertaining to the Obed General Management Plan.

#### C. Acquisition stirrings

Under the terms of the National Wild & Scenic Rivers Act, the managing agency loses condemnation rights after half of the total acreage to a WSR has been acquired. Because NPS thought it was very close to the 50% point, it ceased acquisition activities several years ago. More recently, two things have happened: (a) a recalculation of acreages indicated that about 250 additional acres could be purchased before the 50% limit is reached; and (b) the tracts that would have to be condemned (probably only four) were identified, and (after all other avenues had been exhausted) condemnation proceedings were initiated. NPS has now begun to appraise some high-priority tracts that involve willing sellers, and may before long proceed to purchase at least the acreage that can be bought within the ceiling.

#### D. Obed Site Manager leaves

On May 1, Don Forester, who so ably served as the Obed WSR Site Manager for the past several years, transferred to the Little River National Preserve in Alabama. Applications for his replacement are currently being evaluated by the Park Service.

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### 3. BILLS BEFORE THE TENNESSEE GENERAL ASSEMBLY

#### A. Bill to impose moratorium on Catoosa WMA clear-cutting is killed

HB 155 (Windle)/SB 247 (O'Brien), which would have imposed a one-year moratorium on clear-cutting in the Catoosa Wildlife Management Area, was deferred to 1985. While Morgan County supporters of the bill were prevented by a filibuster of the bill from appearing before the House Conservation Committee, the Committee was lobbied by the West Knoxville Sportsmen's Association, which got the support of Committee members Severance, Battle, and Cross in claiming

that the bill was anti-hunting, and that Catoosa WMA was created for the sole purpose of hunting. Apparently these voices won over those of TCWP members and others, who made many phone calls in support of HB 155/SB 247. (Note that clear-cuts are claimed to enhance deer populations, but deer are already in over-abundance in Catoosa. The bill was also opposed by the forest-products industry and by TWRA, which does not want to be directed in how to manage its WMAs).

Because of the defeat of HB 155/SB 247, and because three other bills (NL192, 192A) that would have legislated clear-cutting prohibitions for various state lands never even made it into committee, Senator O'Brien introduced a Senate Joint Resolution to study the use of clear cutting on state-managed lands. A study committee would be created to include 4 committee chairs and 4 private land owners appointed by them, as well as a representative each from TWRA, Dept. of Conservation, Dept. of Agriculture, and UT Forestry Dept. O'Brien's SJR is currently in the 3-man Delayed Bills Committee and may or may not emerge before the end of the session.

#### **B. Golf courses in state parks**

Bills to authorize bond issues for constructing golf courses in various state parks (Cumberland Mountain, Chickasaw, Rock Island, and Panther Creek) passed the Senate Energy and the House Conservation Committees, but were referred to the finance subcommittee for a recommendation as to which, if any, of the locations were financially feasible. (Existing golf courses in state parks more or less break even on operating costs, but the state has not recouped either construction costs or debt service.)

As amended, the bill would allow the State Building Commission and the Dept. of Conservation to commission feasibility studies on the profitability of proposed new golf courses, and to enter into joint-venture agreements to construction of new courses at locations determined to be self-supporting.

The bill would permit the letting of general obligation bonds. It is not clear to what extent this provision would draw on the bond issues authorized last year that were intended to support land acquisition for state-park boundary protection and for needed maintenance and improvement of existing state park facilities. Even one golf course could absorb this entire fund. Our additional concerns about locating golf courses in state parks are that sensitive lands are likely to be selected as sites, and that water resources would be very negatively impacted (pesticides, herbicides, irrigation).

#### **C. Stripmine primacy resolution, HJR 236 (Rhinehart)**

This resolution, written by a coal-industry association, would direct the state to negotiate with the federal Office of Surface Mining (OSM) concerning resumption by the state of primacy in implementing the federal stripmine law (SMCRA). Tennessee gave up primacy in 1984, when it found enforcement too expensive and ineffective; coal mining activities in the state have subsequently been regulated directly by the federal government (OSM). With a new administration in Washington, the coal industry fears that OSM will stop being as accommodating to operators as it has been in recent years and will at last enforce SMCRA the way it was intended to be. Interestingly, Gov. McWherter was not informed about the Rhinehart resolution, and the state is even less able now than it was in 1984 to administer SMCRA. Rhinehart argues that Tennessee coal production will increase if the state resumes primacy; records show, however, that Kentucky and Virginia did not increase their coal production by retaining primacy.

#### **D. Subsurface sewage, SB 491 (Graer)/HB 540 (Odom)**

The objective of this bill (an EAF Initiative) is to eliminate "bootleg" subsurface sewage disposal systems that are installed without the approval of the Dept. of Environment & Conservation (DoEC) and have the potential of polluting ground water. Consumers would be protected from unknowingly building on land that cannot support a subsurface sewer system. The Senate bill passed unanimously on March 15. However, the House bill, which the week before had passed out of the Conservation Committee (with a clarifying amendment), got stalled in a subcommittee of the Finance Ways & Means Committee.

The bill has been clarified and amended to meet objections that it constitutes too much of a burden on electrical inspectors. Under its provisions, a homeowner or builder wishing to install a septic tank would need to apply for a subsurface sewage permit from the local office of the Tenn. Dept. of Health. The applicant would give the permit-application number to the electrical inspector prior to the latter's granting access to electrical service. The electrical inspector would not have to wait for the actual issuance of a sewage permit, and the burden of ensuring that the sewage system subsequently installed was in compliance would rest with the DoEC.

An amendment by Rep Tommy Head (D-Clarksville) would affect about 100 existing permits, allowing blasting for septic-tank installation (previously outlawed under a 1991 compromise) through the first half of 1993. Rep. Head, in addition, vowed to add gutting amendments to the bill when it reached the House floor. If this happens, the Senate

sponsor will insist the bill go to a conference committee. Presumably, by the time you read this, all will be over one way or another.

**E. Forestry Study, SJR 100 (Henry, Greer, Crutchfield)**

This Senate Joint Resolution, which calls for creation of a study committee to consider the management of timber resources in the state, was supported by EAF in lieu of a bill that would require forest operators to use Best Management Practices (BMPs) (see NL191 §3B for problems with such a bill). SJR 100 has gone to the Delayed Bills Committee but may possibly re-emerge before the end of the session.

**F. Citizens' Suit bill, SB 1496 (Coker/HB 1381 (Clark))**

This bill (also an EAF initiative), which would give citizens the right to bring lawsuits against industries that violate Tennessee's environmental laws, was "rolled" until 1994.

#### 4. STATE LANDS THAT NEED PROTECTION

**A. Encourage State acquisition of scenic lands abutting Pickett**

The Stearns Coal & Lumber Co., which has gone into receivership, is selling highly scenic lands on the western boundary of Pickett State Forest (NL192 §3A). About 8,000 acres remain unsold -- a perfect opportunity for the State to protect and enhance Pickett at a relatively low cost. Revenues are available from the parklands acquisition fund, established in 1991. We have heard that the funds are currently growing at the rate of \$150,000 - \$250,000 per month, but that (because of apathy and red tape) the state is yet to buy a single acre. It is estimated that the available Stearns acreage west of Pickett, including mineral rights, could be purchased for \$1.2 million.

There is a great deal of support from Pickett and Fentress Counties for such a state purchase. Sen. Anna Bell O'Brien, Rep. John Mark Windle, and Rep. Tommy Burkes have all spoken in favor of this project, and a Joint Resolution was passed by the General Assembly urging the State to consider the purchase a priority. The Trust for Public Lands would probably pre-acquire the land (since the state moves so slowly) but would need a written commitment from the state administration.

**WHAT YOU CAN DO:** Write to Commissioner J.W. Luna (Tennessee Department of Environment and Conservation, 701 Broadway, Nashville, TN 37243) and urge him to commit part of the state's parklands acquisition fund for the purchase of all available Stearns lands on the West side of Pickett

State Forest. This highly scenic area would greatly enhance and protect the presently small Pickett acreage.

**B. Environmental quality must not be sacrificed in protecting Fiery Gizzard**

Because of the considerable opposition we have raised to the damming of Big Fiery Gizzard Creek (NL199 §4A; NL191 §3C; NL192 §3B), the matter has been moved from the Divisional to the Departmental level within the Tenn. Dept. of Environment and Conservation, and other alternatives are now being considered. There is a disturbing rumor that one prominent alternative is a dam on Sewanee Creek, a tributary of the Little Sequatchie. This creek is even more scenic and ecologically significant than the Big Fiery Gizzard Creek, and has been designated a "special aquatic site" by EPA.

There is no reason why one would have to choose between two alternatives for new dams -- both eminently unsuitable -- when there are other ways available to meet Tracy City's water supply needs. One is an already existing reservoir, Ramsey Lake, which would simply require a little upgrading. It should also be borne in mind that the project justification for Big Fiery Gizzard Creek invalidly assumes that the town of Tracy City must fully replace its current water system instead of merely supplementing what it presently relies on.

**\* WHAT YOU CAN DO:** Contact Commissioner J.W. Luna, Tennessee Department of Environment and Conservation, 701 Broadway, Nashville, TN 37243 (referring to the Tracy City water supply), and urge him to give strong consideration to Ramsey Lake as an alternative to both a Big Fiery Gizzard Creek and a Sewanee Creek dam.

#### 5. CHEROKEE NATIONAL FOREST

**A. Timber sales may be phased out by 1996**

Under an Administration plan currently being generated (§8A this NL), timber sales will be phased out in national forests that have been losing money from such sales. This includes the Cherokee and other forests in our southeast region. If these proposals are implemented, timber sales should cease in 1996 for the Cherokee (TN), Daniel Boone (KY), Pisgah (NC), Nantahala (NC), and other NC national forests. Dare we hope? Please see §8A, this NL for action suggestions.

**B. Protection of the Nolichucky River**

As long as 6 years ago, Cherokee NF staff recommended that the Nolichucky River be included in the National Wild & Scenic Rivers

System. To bring about the Congressional action that would accomplish this will require concerted citizen support. Sen. Harlan Mathews has expressed some interest in looking at the matter. His office is currently investigating public sentiment pro and con, so let him hear from you.

**WHAT YOU CAN DO:** Contact Sen. Harlan Mathews (attn.: Will Calloway) 505 Dirksen Senate Office Bldg., Washington, DC 20510, Phone 202-224-3345. Send copies of your letter to Rep. Jimmy Quillen and your own US Rep., as well as to Sen. Jim Sasser.

**WHAT YOU CAN DO:** Write to John Ramey (Supervisor, Cherokee National Forest, PO Box 2010, Cleveland, TN 37312), tell him you know that Tennessee's last remaining red-cockaded woodpecker colony is in the Cherokee, and urge him to do everything possible to restore the species to viable population levels. Send a copy to Lance McCold (130 Cogdill Rd., Knoxville, TN 37922), who will distribute additional copies to the USFWS, senators and representatives.

#### C. 1996 Summer Olympics in Ocoee gorge

Publication is imminent of the US Forest Service's Draft EIS on use of the Ocoee River for an Olympic event. The Olympic Games Committee accepted the State of Tennessee's proposal to hold the July 1996 whitewater slalom races on the Ocoee (25,000 spectators expected); this event would be preceded a year earlier by the International Slalom competition (13,000 spectators expected) (NL 189 ¶4C; NL 190 ¶5A). There is a proposal to alter the river bed in order to provide water flow needed for the races. Since the site lies within the Cherokee National Forest, the USFS became the lead agency in generating the EIS.

While TCWP has not taken a formal position on the proposal we are concerned about a number of issues. One is the safeguarding of the Little Frog Wilderness, which lies immediately adjacent to the proposed Olympic site. We must also be on the alert for any road-construction proposals affecting the Cherokee NF (new road corridors or modification of existing ones) that might be generated by the event.

**WHAT YOU CAN DO:** Obtain a copy of the DEIS, read it critically, and comment during the allotted period (hearings will probably be held during the summer). Write Olympics Coordinator, Cherokee NF, PO Box 2010, Cleveland, TN 37320, or call Keith Sandifer at 615-476-9700.

#### D. Red-cockaded woodpecker

Red-cockaded woodpeckers were common in Tennessee's once-abundant pine forests. Now, the only one known colony in the entire State is located in the Cherokee NF. The TN Chapter of the Sierra Club, which has made recovery of the species a high priority, is urging the USFS not to abandon this colony, but to augment it; the Chapter is contributing \$500 for this purpose. The US Fish & Wildlife Service (USFWS) supports the objective of species recovery in our State; the single colony in the Cherokee is just a start--habitat restoration will be needed in a number of sites. Such restoration should bring with it more ecologically sound management of the forest.

## 6. SMOKIES: RESOURCE REPORTS

### A. Park Service reports at Unity Meeting

About a month ago, the Great Smoky Mountains National Park hosted an all-day Unity Meeting at which NPS staff and others made presentations on a number of natural-resource issues to invited representatives of various groups. TCWP was represented by Board member Patrice Cole, who reports that the meeting was extremely well-structured and informative.

Several reports were given on species-reintroduction efforts. Among the species discussed were the red wolf (see ¶6B, below), river otter (successful and inexpensive), peregrine falcon (not yet known to be successful), elk (teasability study), and several kinds of fish. The population of exotic feral hogs has been staying steady, despite efforts to reduce them.

Some discussion centered on Cades Cove and the controversy between keeping an open appearance via subsidized farming and letting some of the area revert to nature. A program is under way for fencing the Cades Cove cattle out of park streams. -- The matter of trail use was discussed. A study on designated horse trails showed relatively little siltation of streams; the prohibition of horses from non-designated trails is being enforced. It is more difficult to keep mountain bikes off the trails designated for foot travel only. A general trail study is in progress to determine whether present trail locations in the park are optimum. -- Another study in progress is on park-user perception, awareness, conflicts.

One very disturbing report concerned the spread of exotic pests through park forests. Effects may be more dire, even, than the earlier loss of chestnuts: dogwoods may become entirely wiped out, and hemlocks are also seriously threatened. The park's unique quality is trees: there are over 130 tree species in the Smokies as compared with only four in Yellowstone.

**B. Red Wolf reintroduction**

Within the past month, two litters of red wolf pups were born in the wild in the Smokies (earlier litters had been born in holding pens within the park). Four of the pups were born to a pair that had been released last fall in the Cades Cove area, and three to a pair released at Tremont. The former family had stayed entirely within the Park, but the latter had ranged widely. The wolves have fed primarily on woodchucks, rabbit, and deer, but prey has included a bear cub and a wild hog. Three calves were killed during the blizzard when cows could not be protectively penned.

Teachers note: A 30-minute video cassette about the red-wolf recovery effort, and a package of teaching materials, are available to schools free of charge (this is not a loan but a gift). Call the Great Smoky Mtns. National Park headquarters at Gatlinburg.

**7. TVA CAPSULES****A. Land Between the Lakes (LBL)**

TVA is preparing a draft environmental impact statement (DEIS) on management alternatives for LBL. Issues addressed will include timber harvesting, esthetics, wildlife, wetlands, water quality, pest control, etc. Alternatives range from complete preservation to intensive management. To have an input into selection of an alternative, call LBL at 502-924-5602 and ask them to send you a copy of the DEIS when it is released.

**B. Natural-resource management for reservoir lands**

TVA is developing a generic natural-resource management plan/EIS to establish the procedure, policies, and performance standards necessary for consistent natural-resource-management activities on the land base for each TVA reservoir. Steps preceding the public-involvement part of the process have been completed; however, publication of the notice was placed on hold because forest management operations are involved, and there is fear of repercussions to this EIS from the wood chip-mill controversy.

**C. TVA Board**

By the end of May, two vacancies will exist on the TVA Board. After John Waters (a Reagan appointee) retires, William Kenney, (a Bush appointee, who hails from Kentucky) will be the only Board member. Not since David Freeman left, has TVA pursued missions of natural-resource protection, and of energy conservation and efficiency. President Clinton now has a chance to re-shape the TVA Board.

**8. FOREST ISSUES IN THE NEW ADMINISTRATION****A. Below-cost timber sales in national forests**

For years, the US Forest Service (USFS), in selling public timber to private loggers, has received much less in payments than what it cost the government to grow the timber, make it accessible via road construction, and prepare for the sale. Estimates for the annual loss to the taxpayer in recent years are between \$250 million and \$450 million. President Clinton attempted to eliminate this subsidy by way of his budget proposal, but was persuaded otherwise by Western senators (199A, this NL).

In an attempt to achieve the same objective via administrative rather than legislative means, the White House has ordered the USFS to propose changes that would phase out below-cost timber sales. In response, the USFS has generated a proposal (not yet formally reviewed by the White House) that would end such sales on 62 of the 153 national forests by 1998; the proposal affects 60 million acres in 23 states. (For what it will do in our region, see 195A, this NL). The number of board feet of lumber harvested from the national forests would drop from 7.3 billion last year (12% of the 58 billion board feet used in the USA) to 4-4.5 billion by the year 2000.

✱ **WHAT YOU CAN DO:** Contact the White House (1600 Pennsylvania Ave., Washington, DC 20500; Ph. 202-456-1111 or 456-6224) and commend Pres. Clinton for ordering an administrative phase-out of below-cost timber sales in national forests. Urge that this should be accomplished by real harvest reductions and not by accounting tricks that merely shift timber-sale costs to another part of the ledger.

**B. Comments needed on proposed regs for USFS appeals**

About a year ago, the Bush Administration's Forest Service tried to eliminate the right of citizens to appeal proposed timber sales (NL 188 ¶6A). In the fall, Sen Wyche Fowler managed to pass a law to restore the previous appeals system and to mandate a 30-day pre-decisional public comment period (NL 189 ¶8E).

The USFS has now issued draft regulations for implementing Fowler's law. Unfortunately, these proposed regs violate the spirit and intent of the law and should be rewritten. Specifically, (1) the draft regs propose to eliminate the "mailbox rule" by which appeals have to be postmarked -- rather than received -- by the deadline date; elimination of this rule puts the commenter at the mercy of a fickle mail service. (2) The draft regs exempt "emergency" situations from comments or appeals; this



exemption could be used as a loophole that would allow for massive salvage operations. (3) The draft regs fail to require the USFS to mail a notice of the opportunity to submit comments; the Fowler law requires that anyone who has asked to be notified or has participated in the early stages of project development must be mailed a notice of the opportunity to submit comments on a proposal.

These disappointing timber-appeals regulations were crafted under the Bush administration, and even now several USDA positions with authority over the USFS are still filled with left-over Republican appointees. When conservation groups expressed disappointment over the regs, the White House indicated that the draft was released mainly to get the review process under way, and that the proposals are likely to be changed after comments are received. Your comments are therefore important.

\* **WHAT YOU CAN DO:** Your comments must be received by May 28. They should be sent to: (a) Deputy Chief, National Forest System (1570), US Forest Service, Forest Service, USDA, P.O. Box 96090, Washington, DC; (b) Jim Lyons, Asst. Secretary of Agriculture, 1301 Longworth House Office Bldg, Washington, DC 20515; and (c) your own senators and representative (addresses on p.2).

#### C. **The Forest Summit on ancient forests**

Chances are we can't tell you much that you didn't already see on TV or in the papers about the "Forest Summit" held in Oregon at the beginning of April. It ended with Pres. Clinton ordering his Cabinet to report back in 60 days with a plan to end the "stalemate." During this period, input from all of us is very important.

\* **WHAT YOU CAN DO:** Contact Pres. Clinton (The White House, Washington, DC 20500; Ph. 202-456-1111 or 456-6224), with a copy to Sec. Babbitt (Dept. of the Interior, 1849 C Street, NW, Wash., DC 20240). The plan must include legislation to set up a system of reserves, based on science, to protect the remaining ancient forests on both the east and west side of the Cascades and in the Sierras of California. Further, the point should be made that we don't have to log these ancient forests in order to save the region's timber communities. What is needed is (a) investment to encourage economic diversification in these communities, and (b) a ban on the export of raw logs. These measures should create more than enough jobs to make up for any job losses that might result from the setting aside of the remaining old-growth reserves (only 10% of what there was originally). If the forest is not preserved, the timber communities will in any case die -- along with the forest.

## 9. OTHER NATIONAL NEWS

### A. **Stopping public-lands give-aways: excellent intentions come to naught**

This is how it's been: (1) Hard-rock minerals are mined from public lands at no cost to the mining company (in 1993 alone, about \$4 billion-worth of precious metals will be taken from public lands for free), and the taxpayer is left with the cost of cleaning up the substantial environmental damage caused by the mining. (2) On 280,000,000 acres of public rangelands, ranchers pay the government just \$186/month to graze a cow; this costs the taxpayer \$52 million per year, in addition to destroying vegetation, causing erosion, and polluting streams. (3) Below-cost timber sales in 69 of the nation's 120 national forests cost the government \$265 million annually. The whole setup was satirized well in a recent editorial cartoon by Toles: "The West: Fiercely independent region of the US, where the proud traditions of welfare logging, welfare mining and welfare ranching continue to this very day."

This is what was proposed in the Administration's budget: (1) A 12.5% royalty would be imposed on metals mined from federal lands. (2) Grazing fees would gradually be raised, reaching \$5.25-\$5.50 by 1998. (3) Below-cost timber sales would end.

This is what happened: Western Democratic senators threatened to torpedo the entire Clinton economic package if these provisions stayed in the budget (the senators were Baucus, MT, Nighthorse Campbell, CO, Bingaman, NM, and Reid, NV). The Administration caved in with considerable rapidity. They promised, however, to pursue the same measures by means of separate legislative and/or administrative measures. Undoubtedly, intentions are good, and some administrative reform may still be possible (see 18A, this NL); but it will be much harder to obtain legislative improvements, since the large budget package would have provided the easiest vehicle for achieving the objectives, and would have forced the western senators to confront the issues in public. Sadly, turnpicks have now been dealt away without extracting promises for separate legislative measures, such as reform of the 1872 Mining Law, a bill that is expected to be taken up later this month.

\* **WHAT YOU CAN DO:** Write or call the White House (1600 Pennsylvania Ave., Washington, DC 20500; Ph. 202-456-1111 or 456-6224) and tell Pres. Clinton you were disappointed that he gave up budget reforms designed to end public-lands giveaways to special interests. Urge him to take every other avenue possible -- administrative as well as legislative -- to bring about similar reforms, thus moving to end environmental abuse at tax-payer expense. Federal spending includes \$31 billion for

anti-environmental subsidies that actually encourage environmental destruction nationwide.

**B. Land & Water Conservation Fund: another disappointment in the budget**

The President's FY 1994 budget includes only \$209 million for the purchase of new parklands, critical wildlife areas and other publiclands. This is actually a one-third decrease from the FY 1993 amount of \$366. We have already begun to feel the pinch with regard to Tennessee projects (see ¶1A, this NL).

The Administration, which is committed to deficit reduction and economic stimulus, included in its stimulus package \$270 million, \$188 million, and \$87 million for maintenance and preservation needs in national parks, national forests, and wildlife refuges, respectively (this was also designed to create jobs). As of this writing, the stimulus package has been killed by a Republican filibuster in the Senate.

The environmental community's *Land and Water Conservation Fund: The Conservation Alternative for Fiscal Year 1994* is now available. (Call 1-800-NAT-PARK, ext.221, and leave your name and complete address.) For Tennessee projects, this report recommends \$6 million for the Big S. Fork NRR, \$785,000 for the Obed WSR and \$1 million for the Cherokee National Forest (NL192 ¶1A and ¶4A).

Sen. DeConcini (D-AZ) has reintroduced a bill (S.322) that would markedly increase LWCF appropriations, but would reserve at least half of the amount for matching grants for state and local governments. Last year, a similar bill was opposed by conservation groups on grounds that it might ultimately reduce outlays for federal land acquisition.

**WHAT YOU CAN DO:** (1) Contact Pres. Clinton (The White House, Washington, DC 20500; Ph. 202-456-1111 or 456-6224) and urge him to support at least \$350 million for Land & Water Conservation Fund public land purchases in FY 1994. The longer we wait, the greater the danger that fragile resources on these lands will be destroyed forever; also, the more expensive the purchases will become. In the Southeast, for every acre acquired for protection, 30 acres are destroyed by development. (2) See ¶1A, this NL, concerning contacts with senators and representatives, who need to be urged to include acquisition appropriations in upcoming bills.

**C. "Property Rights" bills must be opposed**

The Wise Use movement has embarked on a campaign to promote "takings" bills in the US Congress and in numerous state legislatures; nearly identical bills have been introduced in 21 states, to date (Tennessee is not one of them). The Wise Use

(or "Resource Abuse") movement is made up of organizations -- many with deceptively green-sounding names, such as National Wetlands Coalition, Outdoors Unlimited, etc. -- that are backed by powerful mining, timber, and oil interests, the Farm Bureau, developers, and ORV manufacturers, all of which are willing to spend huge sums.

The federal bill being promoted by Wise Users is the "Private Property Rights Act" S.177 (Dole, R-KS)/HR.385 (Solomon, R-NY) (a similar bill is HR.561). This proposed legislation would prevent, delay, or weaken the implementation of any law deemed to "infringe upon property rights." Most of the laws targeted by S.177/HR.385 are those designed to safeguard the environment, for the government regulates land use in order to protect lands and waters and the public health. The proponents of "takings" legislation argue that any restriction of a landowner's ability to exploit his/her land in any way he wishes is tantamount to having the owner's property taken away. If S.177/HR.385 were to pass, the implementing of environmental protection would become prohibitively costly (landowners would have to be compensated), bureaucratically stifling (an extensive review process would be created), and inhibitory of any future legislation to protect the environment and the public.

**WHAT YOU CAN DO:** (1) Strongly urge your senators to oppose S.177 and your representative to oppose HR.385 and HR. 561 (addresses are on p.2). Point out that property-rights extremists (the "wise use" groups) are mis-interpreting the Fifth Amendment, for none should consider it his right to abuse the public good. (2) Write to Pres. Clinton (The White House, Washington, DC 20500; Ph. 202-456-1111 or 456-6224) and urge him to rescind Reagan's Executive Order 12630, which requires that any proposed federal regulation undergo a time-consuming review to determine whether it might result in a "taking."

**D. The "Hodel Policy" threatens parks and wildernesses**

In 1866, a one-sentence statute, R.S.2477, was enacted to grant rights-of-way for major highways that would open the West to mining. The bulk of R.S.2477 was repealed in 1976, but "existing rights" were retained. In 1988, then-Secretary of the Interior Donald Hodel issued a policy statement that interprets the terms of R.S.2477 in a manner designed to assure that states and counties can obtain a highway right-of-way for virtually any dirt road, track, footpath, dogsled route, or snowshoe trail, and can turn these into major roads. Under the Hodel policy, the total number of R.S.2477 claims across the West and Alaska could exceed 15,000 routes. Numerous of these are located in parks, refuges, and wildernesses; e.g., almost 130 right-of-way claims run through Denali National Park and

Preserve, and many penetrate the Arctic National Wildlife Refuge.

Mining and off-road vehicle organizations are using R.S.2477 as leverage against parks and wilderness. Already, federal agencies are becoming timid about closures of jeep roads, etc., for wildlife or watershed protection. Areas proposed for wilderness designation in the California Desert, Utah, and elsewhere may be disqualified because of claims to abandoned jeep routes. Archaeological sites could be destroyed by road construction.

As a result of efforts by conservation groups, Congress instructed the Interior Department to complete a study of R.S.2477 policy and its potential consequences. The new Secretary of the Interior, Bruce Babbitt, will send this study to Congress, along with his recommendations for a new policy.

✱ **WHAT YOU CAN DO:** As soon as possible, write to Sec. Babbitt (Dept. of the Interior, 1849 C Street, NW, Wash., DC 20240) urging him to rescind the "Hodel Policy" on R.S.2477 claims. Ask him to issue a new policy that protects parks and other public lands from destruction. Specifically, the new policy should *narrowly limit* the circumstances in which an R.S.2477 right-of-way can be asserted. Your letter, however short, is very important because mining and ORV organizations are working to generate thousands of pro-Hodel-policy comments to the Interior Department.

#### E. *Bills to protect the Arctic Refuge*

The 19-million-acre Arctic National Wildlife Refuge (ANWR), which is home to 180,000 caribou, 135 species of birds, grizzlies, musk oxen, foxes, and wolves, has been called America's Serengeti. About 10% of ANWR's acreage, namely the vast coastal plain, is not protected as wilderness and has been eyed greedily by the oil & gas industry, most recently with the Bush Administration's blessings.

Once again (but this time under a friendly administration) ANWR wilderness bills have been introduced in both Houses of Congress: once again, both have been assigned the number 39. S.39, introduced by Roth (R-DE), is pending in the Senate Environment and Public Works Committee, and HR.39, introduced by Lehman (D-CA) was referred to the House Natural Resources Committee of which Rep. John Duncan, Jr (2nd Distr. TN) is a member.

✱ **WHAT YOU CAN DO:** Write to your senators and representative (addresses on p. 2) and urge them to co-sponsor S.39 and HR.39, respectively. We especially hope that our 2nd-Distr. members will contact Rep. John Duncan, Jr.

#### F. *Clinton reverses Bush positions on global warming and on biodiversity*

At last year's Earth Summit in Rio de Janeiro, the USA was the only major economic power that refused to sign the biodiversity treaty, citing fears that this treaty would weaken patent protection for US pharmaceutical and biotechnology companies (the treaty gives developing countries a share in the profits from products dependent on the countries' preservation of native plants and animals). On the day preceding Earth Day, Clinton announced that he would sign the international treaty, and that the US signature would be accompanied by an "interpretive statement" that has been drafted by pharmaceutical and biotechnology companies and environmental groups. The treaty must still be ratified by the Senate, but no major opposition is expected.

Also in connection with Earth Day, Clinton committed the USA to reducing our emission of greenhouse gases to their 1990 level by the year 2000. By August, the Administration will put forward a specific plan. Opponents (which are rumored to include Treasury Sec. Bentsen and Energy Sec. O'Leary) are already charging that these activities will raise costs and increase the regulation of business. The Clinton announcement is seen as a victory to the persistence of Vice Pres. Al Gore, Jr.

#### G. *Another good appointment in USDI*

As we reported last time (NL 192 ¶6F), George Frampton, who for some years served ably as president of the Wilderness Society, has been appointed Assistant Secretary for Fish, Wildlife and Parks (to whom the heads of NPS and FWS will report). Another time appointment is that of Jim Baca as Director of the Bureau of Land Management (BLM). Baca has been described as an able public servant who understands the West and is determined to protect the public lands.

### 10. TCWP NEWS

#### A. *Haw Ridge Canoe Trail dedication, July 17*

As part of Oak Ridge's 50th Birthday celebration, TCWP is promoting the Haw Ridge Canoe Trail, which runs upstream from Solway Bridge, in and out of little bays around the base of Haw Ridge. We shall dedicate this trail, hopefully with a permanent sign, on Saturday, July 17, 10 a.m. at the put-in place. Note: this is not at the main Solway parking/picnic area, but at the grassy spit upstream from there (where a bay is visible from the road. Come and join us for a pleasant canoe trip. If you don't have a canoe or other water transportation (no motorboats, please!) call Chuck Coutant (483-5976) and he'll try to find you space in someone else's boat.

**B. Report on recent TCWP events****1. North Ridge Trail maintenance hike, March 27**

We had great publicity for this event, but as luck would have it, it absolutely poured that whole morning and only very few intrepid hikers showed up. They did walk the segment originally planned, and picked up some trash. Another maintenance hike on the North Ridge Trail will be scheduled before long.

**2. March for Parks, May 1**

Fifteen participants assembled at Leatherwood Ford and split into two groups - one going on a moderate and one on an easy hike. Counting pledges made on these hikes and money sent in by non-hiking TCWP members, we collected not quite \$1000, considerably less than on our previous March in 1990. PLEASE HELP US TOP \$1000 by sending your check (marked March for Parks) to TCWP, Inc., 130 Tabor Rd., Oak Ridge 37830.

The Annual March for Parks event is designed to raise awareness and funds for America's parks. The money we raise will be turned over to the Big South Fork National River & Recreation Area and will be used for badly needed water-quality monitoring equipment and/or for printed guides to the self-guided trails.

**C. Miscellany**

- Lee Russell will receive the Marjorie Stoneman Douglas Award, which is presented annually by the National Parks & Conservation Association to "recognize outstanding efforts resulting in protection of a unit or a proposed unit of the National Park System." The presentation will be in Knoxville on May 19. Maybe we'll report on it in the next NL.
- The US Forest Service ruling that denied our appeal of the Cherokee National Forest Plan has been in Court since May 1992 (NL 181 §2B; NL 192 §4C) in a suit filed on behalf of five plaintiff organizations by the Southern Environmental Law Center (NL 185 §7A). TCWP, one of the five organizations, originally committed \$700 toward costs of the lawsuit. On May 10, the TCWP Board voted to raise the cap to \$1000, and to re-evaluate our commitment at the end of the year.
- We still need volunteers for our phone tree. Please call Joan Burns, 482-5735 or 481-0286.

Cole who spent a day for us at the Smokies Unity Meeting (see §6A, this NL). Both furnished excellent reports of the respective events.

Our exhibit at the April 23-24 East Tennessee Environmental Conference was manned (during different intervals) by Marty Adler, Elizabeth Will & Benali Burgoa, and Joan Burns. Many thanks to all, of these. Incidentally, we got good comments on the exhibit, and many of our hand-outs were picked up.

We are grateful to the following people who helped assemble Newsletter 192 on March 23: Dick Ambrose (host), Harry and Sylvia Hubbell, Ruth Kemohan, Charlie Klabunde, Barbara Rosenstiel.

Our gratitude, also, to Jenny Freeman and Joan Burns who sent out the special March-for-Parks mailing.

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## **11. JOB OPENINGS; ACTIVITIES; READING MATTER**

- **JOB OPENINGS:** Paid wilderness work/travel positions are available for outdoor leaders (must be over 21) through the Student Conservation Assoc. Call 603-543-1700.
- May 25-28, "From Rio to the Capitols: State Strategies for Sustainable Development," Louisville, KY. Secretaries Babbitt, Cisneros, Browner, and O'Leary have been invited to speak. (Contact Louisville Development Foundation, Suite 600, One Riverfront Plaza, Louisville, KY 40202.)
- May 28-31, "7th Annual National Forest Reform Pow Wow," Cathedral Domain, KY (about 1.5 hours from Lexington). Vice Pres. Al Gore has been invited to speak. (Contact Heartwood/Pow Wow, c/o Mindy Harmon, RR4 Box 292, Carbondale, IL 62901.)
- June 4-6, "National Carrying Capacity Issues" conference, Washington DC. (Contact Carrying Capacity Network, 1-800-466-4866.)
- June 5 & 6, Nolichucky River Clean-up. Contact Melody Umer, Coordinator, PO Box 977, Erwin, TN 37650.
- June is American Rivers Month. An *American Rivers Month Action Kit*, containing much "how to" information, can be obtained for \$2 from American Rivers, 801 Pennsylvania Ave, SE, Washington DC 20003, Ph.: 202-547-6900.
- Sept. 18-19, Tennessee Environmental Congress, Nashville, sponsored by TEC. Speakers will include S. David Freeman (former TVA Chair) and Barry Commoner. Numerous workshops. Contact Jennifer Walker, TEC (1700 Hayes St., Nashville, TN 37203, Ph: 321-5075).
- Nov. 5-7, TCWP Annual Meeting, Pickett State Park,

- *The American Rivers Guide to Wild and Scenic River Designation*, by Kevin Coyte, 59 pp. plus appendices. (\$15.95 + \$2.00 shipping from American Rivers, 801 Pennsylvania Ave., SE, Washington DC 20003, Ph.:202-547-6900.)
- *Grassroots River Protection: Saving Rivers under the National Wild and Scenic Rivers Act through Community-based River Protection Strategies and State Actions*, by Chris Curtis, 152 pp. (\$15.95 + \$2.00 shipping from American Rivers, 801 Pennsylvania Ave., SE, Washington DC 20003, Ph.: 202-547-6900.)
- *Cherokee National Forest General Report to the Public for 1992* is available from Supervisor's Office, Cherokee NF, POBox 2010, Cleveland, TN 37320, Ph. 615-476-9700.
- *Briefing papers on the Clean Water Act Reauthorization, March 1993*, a 50-page publication, is available from the Clean Water Network, 1350 New York Ave., NW, Suite 300, Washington, DC 20005, Ph.: 202-624-9357.
- *1993 Conservation Directory*, with over 17,000 entries listing government agencies and environmental groups worldwide; 452 pp. (\$22.85 postpaid, from National Wildlife Federation, 1-800-432-6564.)
- *A Fierce Green Fire: The American Environmental Movement*, by Philip Shabecoff (a former environmental correspondent to the *New York Times*). A mixture of history, journalism, and prescription; 352 pp. (Hill and Wang, 1993. \$25 cloth.)
- *How Greenways Work: A Handbook on Ecology*, by Jonathan Labaree. Greenways as antidotes to habitat fragmentation, 50 pp. Published by National Park Service and Atlantic Center for the Environment, Ipswich, Mass. (Obtain through regional NPS offices.)
- *Women in Natural Resources* is a 14-year old quarterly magazine. (\$19 for 4 issues from WiNR, POBox 3577, Moscow, ID 83843-1913; make check payable to WiNR.)
- *State of the World* is an annual report that charts global progress toward sustainable development. \$10.95 from Worldwatch Institute, 202-452-1999. Bulk discounts available.
- *The Green Book: Guide to the 103rd Congress*, by the League of Conservation Voters (LCV), profiles new members as well as incumbents (\$15 from LCV, 1707 L St., NW, Suite 550, Washington, DC 20036).

