

TENNESSEE CITIZENS for WILDERNESS PLANNING

Newsletter No. 208

November 27, 1995



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

9. ACTION SUMMARY

¶No	Issue	Contact	"Message!" or Action
1A	Plateau water-supply study	TVA TCWP	"Make study comprehensive! Put me on mailing list!" Offer to review draft EIS
1D	Big S. Fork water quality	TCWP	Offer to participate in Bear Creek cleanup planning
2A	Fall Creek Falls protection	OSM	Provide oral and/or written comments on EIS scope
2B	Chippmills and clearcuts	KEF, etc.	Support effort financially
5A	Threats to national park system	Rep. Wamp	"Thanks for helping get rid of park-closure commission bill!"
5B	Threat to Yellowstone	Pres. Clinton	"Thank you for moratorium on mining!"
6A	Arctic Refuge	Pres. Clinton Sen. Thompson Sen. Frist; your US Rep.	"Thanks for promised veto. Stand firm on pledge!" "Thanks for voting to protect ANWR. Support S 428" "ANWR needs protection! Support S 428/HR 1000!"
6B	Endangered Species Act	Reps. Quillen, Duncan, Bryant Sens. Thompson, Frist	"Withdraw your co-sponsorship of Young-Pombo bill!" "Do not support Kempthorne bill! Heed NAS study!"
6C	"Takings" bill, S 605	Sen. Thompson	"Please oppose "takings" legislation in any form!"
6D	EPA appropriations bill	Sens. Thompson, Frist President Clinton	"Remove wetlands rider and other anti-envl riders from bill!" "Veto -- if EPA cuts are disproportionate or riders remain!"
6F	1872 Mining law reform	President Clinton	"Do not accept compromise that includes sham reform!"
7B	TCWP executive director	TCWP	Apply, or make suggestions
	<u>Items additional to above</u>	TCWP	Offer to help
1E.	1966 March for Parks		
2C	Mine reclamation funds		
2E	Scotts Gulf protection		
7C	TCWP committees		

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Dear Senator Doe
Sincerely yours,

Dear Congressman Doe
Sincerely yours,

Dear Mr. President
Respectfully yours,

Dear Gov. Sundquist
Respectfully yours,

Sen. Frist: 202-224-3344 (602-7977 loc.); Sen. Thompson: 202-224-4944 (545-4253 loc.); Rep. Wamp: 202--225-3271 (483-3366)
To call any other Representative or Senator, dial Congressional switchboard, (202) 224-3121
To find out about the status of federal bills, call (202) 225-1772.

1. OBED AND BIG SOUTH FORK

A. Plateau water-supply study under way

The Steering Committee for the so-called Catoosa Utility District Regional Water Supply Project met on October 3. TCWP's Joan Burns and NPCA's Don Barger are members of the Steering Committee and attended the Crossville meeting.

TCWP can take pride in having transformed an imminent threat -- the proposal by the Catoosa Utility District to build a dam on Clear Creek -- into what may turn out to become a long-term solution (see NL207 ¶1B for earlier NL references that cover the history). The full-fledged Environmental Impact Statement (EIS) which the Rural Utilities Service (formerly, Farmers' Home Administration) finally agreed to is in process of being generated by TVA (with RUS), and the scope has been greatly broadened to include numerous alternatives, a larger area, and a longer time frame.

The Oct. 3 meeting discussed the draft scoping document whose content is summarized in NL207 ¶1B. The basic premises for the scope of the study are that, (a) it must address water-supply development not only for the Catoosa Utility District, but for the Upper Cumberland Plateau region, and (b) that the consideration of downstream impacts must be paramount, especially impacts on the Obed National Wild & Scenic River.

The big picture is the incremental, cumulative loss of water to the Obed watershed that has greatly escalated over the past few years. A 1994 inventory catalogued almost 3,000 impoundments, covering about 4,000 acres in aggregate (NL203 ¶1B). The Big South Fork watershed, too, is in jeopardy, a recent example being the Crooked Creek dam proposed by the Fentress Utility District (NL200 ¶1C). It is clearly time to say "This piecemeal, harmful approach must stop!" -- it is time for comprehensive planning.



WHAT YOU CAN DO: (1) Write to Dan H. Ferry (Water Resource Projects and Planning, TVA, 400 West Summit Hill Drive, Knoxville, TN 37902-1499) and urge TVA to make the Catoosa Utility District Regional Water Supply Study just as comprehensive as possible in terms of geographic area, projected time frame, and alternatives considered. Also ask to be put on the mailing list for future communications relating to the project. -- (2) Let TCWP know (call 481-0826) if you would be

willing to review the draft EIS when it comes out in April, especially if you are knowledgeable about any of the issues to be addressed (water quality/quantity, aquatic biology, endangered or threatened species, recreation, socioeconomic impacts, archeological/historical/cultural resources).

B. BSNRRA Water Resource Management Plan in the making

The National Park Service's (NPS's) Strategic Plan (1991) and Resource Management Plan (1990) for the BSNRRA both identified water-resource management as the highest action-planning priority for the Area. The effort to generate a WRMP was initiated under Bill Dickinson at a planning meeting held in May of 1994, and it was decided that staff of the Tennessee Division of Water Pollution Control would write the Plan under an NPS contract. This process is now under way.

The WRMP will evaluate existing conditions, identify water resource issues, and guide future management decisions regarding park water resources. Development of the document will require an assessment of existing monitoring programs and the analysis of such factors as land use, stream flows, stream morphology, WQ parameters, threatened and endangered species, groundwater, oil-well discharges, spills, erosion, wetlands, etc. Because the majority of the watershed is outside park boundaries, water-resource protection will require cooperation with appropriate federal, state, and local agencies, local landowners, organizations, and researchers. TCWP will follow the process and will attempt to provide requested information or input.

C. New Resource Manager for BSNRRA

Don Forester was a highly effective site manager for the Obed Wild and Scenic River for several years, and played an important role in the process of getting the General Management Plan under way. In May of 1993, he transferred to the Park Service's Little River Preserve in Alabama. We are overjoyed to hear that he is coming back to our area, this time as resource chief for the Big South Fork NRRRA. Ron Cornelius, who has been in that position, will be working on developing the GIS database for the park.

D. **Bear Creek watershed plans**

The Natural Resources Conservation Service in Tennessee (a USDA agency) has organized an interagency group to come up with a watershed/water-quality improvement plan for Bear Creek (Scott County), the most heavily polluted major tributary of the Big South Fork (acid drainage from about 600 acres of abandoned strip mines).

The planning group believes that local commitment and the interest of affected sectors of the public must be demonstrated before implementation funds can be requested from any of the agencies or the private sector. In line with that objective, a meeting has been organized for November 29-30 at Oneida. TCWP's executive director, Linda LaForest, will attend the technical session. Following that, a public meeting will provide area residents, landowners, and landusers the opportunity to learn about and comment on the project. A third session will feature presentation on how to attain support for small watershed projects (how to present ideas, involve people in the planning, form partnerships, find implementation funds).



WHAT YOU CAN DO: Although this NL will not reach you in time to attend the Oneida meeting, it is not too late for us to take part in the project. We'd like to hear from any TCWP members willing to participate (Call 481-0286 or 482-2153).

E. **March for Parks dollars go for trail**

The \$2,200 raised in TCWP's April 22 (Earth Day) March for Parks will be used by the Park Service for maintenance and improvement of the John Muir Trail. This national historic trail, the longest continuous hiking trail in the park, for some distance follows the rim of the main gorge on the west side and is rich in such features as overlooks, tumbling streams, rock walls, buttes, and pioneer homesites.

It's not too early to start thinking about the 1996 March for Parks. If you would like to participate in planning/arranging for this event, call the TCWP office at 481-0286.

F. **Big South Fork trail guide dedicated to TCWP**

The third edition of *Trails of the Big South Fork NRR*, by Russ Manning and Sondra Jamieson,

has just been published and is reviewed in #8 of this NL. The book is dedicated to "Liane Russell, Tennessee Citizens for Wilderness Planning, and the Big South Fork Coalition - for their leadership in preserving the Big South Fork." (The Big South Fork Coalition was organized and coordinated by TCWP at the time of the Devils Jumps Dam threat to the rivers and the subsequent efforts to enact legislation that would preserve the resource.)

2. AROUND THE STATE

A. **Attempts to stop stripmining in Fall Creek Falls watershed**

On October 5, the "Sec. 522" petition submitted by SOCM and TCWP to designate the watershed and viewshed of Fall Creek Falls State Park and Natural Area unsuitable for mining was determined to be complete. OSM (federal Office of Surface Mining) subsequently stated that action on the petition may require the preparation of an Environmental Impact Statement (EIS), and identified 4 potential alternatives that the EIS would evaluate. A scoping meeting was scheduled for November 16, but the government was in a state of shut-down on that date, and the meeting has now been re-scheduled for Tuesday, December 5, 8 pm EST (=7 pm CST) in the Fall Creek Falls Lodge conference room. We hope a few TCWP members will volunteer to go, and that others will submit written comments (see below).

The 1976 attempt by the giant AMAX Coal Co. to stripmine 10,000 acres next to the Park was thwarted by SOCM and TCWP, but a subsidiary of AMAX (Skyline Coal Co.) has in more recent years been stripmining smaller acreages in the area, which contains the notorious, acid-producing Sewanee coal seam. Thanks to SOCM's vigilance, OSM has repeatedly cited Skyline for violations, but the harmful mining continues and moves ever closer to the Park. The "522" petition, which seeks to protect the whole watershed, is the best hope for protecting Fall Creek Falls SP.

TCWP's executive director, Linda LaForest, recently took part in a press conference about the Fall Creek Falls petition. The issue got good coverage in area newspapers (*Chattanooga Times, Tennessee, Oak Ridge*) and on WTVX.

The following are some important issues that should be evaluated in the EIS:

- The economic impact of the Park/Natural Area on the region and the state. Will damage to the watershed and viewshed decrease visitation, and thereby harm the surrounding economy?
- The mine operator's ability to repair and restore mine sites that produce acid mine drainage. Studies have shown that in the Sewanee coal seam, even "restored" sites fail in 83% of cases.
- Ground-water impacts of the mining. The region is characterized by joint-and-fracture geology, a relatively uncommon condition, and one that results in great fragility of ground-water resources. There have already been numerous well failures in the area.
- Impacts on natural hazards, such as flooding. A portion of the watershed is flood-prone.
- Impacts on endangered and threatened species.



There are numerous other scoping points that could be mentioned. To get a list, call Steve Taylor at SOCM (423-426-9455) or Linda LaForest at TCWP (423-481-0286). Either one of these two people can also arrange for you to get a ride to the Dec. 5 hearing. If you plan to send written comments, they are due January 5 and should be addressed to Willis L. Gainer, OSM, Permitting Team, 530 Gay Street, Suite 500, Knoxville, TN 37902.

B. **Champion update and other wood-chips news**

In the original Air Quality permit application for its Caryville chipmill (2/2/95), Champion International Paper Co. set production at 128 tons of trees (equal to 3 acres clearcut) per hour. On 5/23/95, Champion applied for a permit modification to increase the production rate to 261 tons of chips (= 7 acres clearcut) per hour. The state denied a citizens' request for a hearing on this modification. They did, however, agree to include in the permit modification a 300,000 ton/year production cap, with this amount including all the chips produced, not just the "finished" chips. This tonnage is equivalent to the annual clearcutting of 7,000 acres of our beautiful hardwood forests on the 85,000 acres that Champion International Paper Co. purchased last year in Anderson, Campbell, and Scott Counties (NL203 13A; NL204 14B; NL207 13A).

A coalition of groups, including TCWP, appealed the Champion permit and its modification. The appeal argues that since the state air-quality permit is mandated by the federal Clean Air Act, it requires an EIS as well as an ESC (endangered species consultation). A hearing date

for our appeal was set for October 11 in Nashville, but because part of the case was not ready, the appeal will be continued to a later date.

- There are several groups trying to fight the chipmill battle for the southeast in general, the Cumberland Plateau and Southern Appalachians in particular. They include the Native Forest Network, TAGER (Tennesseans, Alabamians, and Georgians for Environmental Responsibility), and Katuah Earth First. They are planning a non-violent protest the next time a big ship comes into Mobile harbor to load up on woodchips exported to Japan and Korea. These folks are willing to spend their time traveling to Mobile, but could use some financial support (KEF! P.O.Box 281, Chattanooga, TN 37401).



Some pulp-and-paper statistics (Source: Native Forest Network).

- Global p&p production devours 4 billion trees annually
- The average individual in the USA consumes 311 kg paper per year -- more than twice the consumption for the average European.
- 40% of all the trees cutdown in the USA are used to make paper
- 1/4 of the world's population (N.America, Japan, W.Europe, Australia) consumes 3/4 of the world's paper
- Japan consumes 83% of all internationally traded woodchips

C. **Stripmine regulation/reclamation budgets slashed**

The Interior Appropriations bills in both Houses (which are already in conference) make devastating cuts in the budget of the federal Office of Surface Mining, which implements the regulations promulgated under the 1977 Surface Mining Act. The proposed cuts would have the effect of emasculating this law.

In Tennessee, one entire OSM office, the one in Norris (which handles inspections, would have to be shut down. Even worse, there may be efforts to have the State of Tennessee re-assume primacy (i.e., control) over the stripmine program. The state has never had either the funds or the will to run a good regulatory program.

Funding is also badly needed for the reclamation of abandoned ("orphaned") mines. The Abandoned Minelands Fund, which comes from a small tax levied on current coal mining, is supposed

to pay for such reclamation, but has not done so adequately. The Tennessee Abandoned Coal Mine Reclamation Committee invites TCWP members to attend a meeting on Dec. 12, 9:30 a.m. CST, at Cumberland Mountain State Park, when steps will be discussed to gain funding for FY1996 reclamation projects.

D. New public lands

- The state recently acquired almost 3,000 acres adjacent to Fall Creek Falls State Park, using the fund that was created a few years ago from the small addition to the real-estate transfer tax. The new acquisition includes the gorge viewed from the Park's most visited lookout point — land that was previously unprotected.
- TWRA (Tenn. Wildlife Resources Agency) has made several recent acquisitions, using the state's Wetlands Acquisition Fund created a few years ago. Among these is a 456-acre wetland in Blount County, known as Kyker Bottoms, which is traversed by Nine Mile Creek. In NL207 (13K), we reported the Wolf River purchase, 4,000 acres of unspoiled bottomland hardwood forest in West Tennessee, part of which was paid for by the state's Wetlands Acquisition Fund.

E. Funds for Scott's Gulf land protection

Local citizens and a coalition of conservation groups are encouraging the state to preserve the threatened Scott's Gulf (NL204 ¶4A, NL207 ¶3B) as a "Wilderness Recreation Area." Although the state has some acquisition funds at its disposal (¶2D, above), there is much hustling for priorities; and even if state funds were to become available, the process will be slow. Consequently, the coalition, through TCWP, has created a mechanism for collecting money, if necessary, to purchase the portion of the tract that encompasses and immediately surrounds the gorges.

During the TCWP Annual Meeting at Beersheba Springs, TCWP Board member Chuck Estes led a trip to view the beautiful gulf from above and to hike partway into it. The night before, we had heard from Paul Miller, coordinator of the Scotts Gulf Coalition. To learn more about how you can help in Scotts Gulf preservation efforts, call either Chuck (423-482-7374) or Paul (615-526-9259 or 372-9811).

3. CHEROKEE AND SMOKIES

A. Rep. Quillen proposes to sell off part of Cherokee

Rep. James Quillen ((R, TN-1) has proposed to sell to developers those lands that lie alongside roads traversing the Cherokee National Forest. It isn't as if there wasn't enough private land for developers to buy, simply that developers would get the Forest lands for a fraction of the cost. It has been pointed out that if Quillen's plan were adopted, roads would beget more roads, bringing more and more development into the Forest.

Up until now, it has been forbidden to include sales of federal assets in the budgeting process. But the huge budget reconciliation package contains just a sentence or two that would change this rule. It was put in there specifically to allow industry to get its hands on the oil & gas of the Arctic National Wildlife Refuge's Coastal Plain (NL206; ¶6A, this NL). Unless this rules change is removed as the result of a Presidential veto, it will become possible to sell any of our public lands in the name of deficit reduction.

B. GSMNP seeks financial help from public

The National Park Service, already in dire financial straits, is about to get hit even harder by a tight-fisted Congress. The country's most visited park, the Great Smoky Mountains NP, is appealing directly to park users for financial support. During the fall-color season, volunteers from Friends of the Smokies handed out to Cades Cove visitors a sheet describing the GSMNP's financial situation and defining why the park needs money. Two donation boxes were set up on the loop road. While the money was being collected by private citizens, decisions on how it is to be spent will be made by NPS. One projected use of the money was for the "Parks as Classrooms" project that involves having students brought to the Park for outdoor studies.

4. TENNESSEE VALLEY AUTHORITY

A. Water-supply alternatives for Columbia area

In October, TVA issued the scoping document for the regional water-supply study for Maury, Marshall, and Southern Williamson Counties. This will govern the scope of the study for an EIS

designed to evaluate alternatives to Columbia Dam. The proponents of that dam tried to justify it on the basis of alleged water-supply needs for the City of Columbia and surroundings, and although the dam always had a benefit/cost ratio well below 1.0, it was half built before it could be halted because of impact on endangered mussel species in the Duck River.

In parallel with the water-supply EIS, which will be prepared by the Corps of Engineers, TVA is already in process of preparing a separateland-use EIS (scoping document released in June) on possible alternative uses of the land TVA had acquired for the projected Columbia Reservoir (NL205 ¶4A).

The regional water-supply alternatives that were identified as a consequence to the scoping process include several impoundments (Columbia Dam itself, Fountain Creek, other Duck R. tributaries), two waterlines (from the Cumberland River or from Kentucky Reservoir), water conservation and re-use, groundwater sources, and withdrawal from existing sources.

The draft EIS is expected to be completed by December 1996. To get on the mailing list for a copy, contact W. Gary Brock, TVA, 400 West Summit Hill Drive, Knoxville, TN 37902-1499

B. Nickajack Land Management Plan

The Nickajack Reservoir Land Management Plan was authorized for implementation almost 6 years ago. TVA is now considering a modification, which concerns the planned use for 701 acres of Little Cedar Mountain (Plan Tract No. 3). Originally, the allocated land use for that area was "public recreation." TVA is now proposing to let portions of the tract be used for residential development. If you wish to provide comments, call 1-800-TVA-LAND; or write to Lee Carter, Land Management, TVA, 4833 Highway 58, Chattanooga, TN 37416-6248.

C. Viewing the Tennessee Valley shoreline

Because public input into TVA's Shoreline Management Study (published in the spring) indicated strong concern for shoreline esthetics ("protecting scenic beauty"), TVA is now polling a sample of the population to elicit specific preferences. The questionnaire sent to these participants requests visual assessment of shoreline-

development alternatives, and part of it involves the ranking of series of pictures that depict docks, vegetation clearing, and other alterations that lie between the water and lakefront residences.

5. NATIONAL PARK SYSTEM

A. Park-closure bill: defeated, resurrected, finally dead?

HR 260 (Hefley, Hansen, Young), the Park Closure bill that would have left 315 of the 369 National Park System units vulnerable to removal from the System, was soundly defeated (231:180) on Sept. 19 by a bipartisan majority. But hours later, Rep. Hansen used his chairmanship of the House Subcommittee on Parks to attach the measure to the budget reconciliation bill (NL207, ¶7A). Citizen outrage over this travesty of the democratic process was so great, however, that HR 260 was removed from the budget reconciliation package on October 25. All those of you who wrote or called may feel proud of this victory.

Congressman Zach Wamp (R, TN-3) deserves our thanks, not only for voting against HR 260 on Sept. 19 (one of 67 Republicans to do so), but for subsequently joining the effort to get HR 260 removed from the budget reconciliation package. He wrote to Speaker Gingrich stating that he was "reluctant to support several ... controversial items during budget reconciliation that will not have had full debate and an opportunity for amendment on the House floor: the National Park Service reform bill, HR 260, which I joined a majority of my colleagues in voting against earlier this year, ..." [and two other items identified in the letter]. "Furthermore, I think it would be dangerous to attach any environmental provisions that have not had time to be fully debated to gain the public support that these emotional issues critically need."

Thus Congressman Wamp twice did the right thing, although he was apparently at least temporarily misled by the bill's sponsors. In the interval between the defeat of HR 260 and the bill's removal from the budget resolution, Wamp wrote as follows to Morgan County papers: "Congressman Joel Hefley told me he has no intention of closing any federal park. ... Even though I voted against this legislation, I don't believe there is any reason to think that HR 260 would have any effect on our Obed and Big South Fork National Parks." The papers responded by publishing a number of quotes that revealed the true agenda of the HR 260

sponsors. For example, Rep. Hansen had written: "the question is not whether to close some parks but how to accomplish this goal." Further, HR 260 (quoted in NL207 ¶7A) explicitly states that the commission is to recommend "units where NPS management should be terminated."

positions since the time of a similar vote in May. **AMONG THE FOUR WHO THIS TIME VOTED IN FAVOR OF PROTECTING ANWR WAS TENNESSEE'S SEN. THOMPSON.** Those of you who contacted him may feel a sense of accomplishment.

Only a Presidential veto can now save the ANWR Coastal Plain. That such a veto would not be overridden is indicated by the Senate vote on the above amendment, which came within 2 votes of passing. In the House, too, 30 moderate Republicans had written a letter to Gingrich urging that ANWR be taken out of the budget bill (it wasn't).

Pres Clinton has stated: "I will veto any reconciliation bill that opens ANWR to oil drilling ... this is one of the most significant environmental votes facing Congress, posing a clear choice between protecting a unique biological-rich wilderness and pursuing a misguided energy policy." Vice President Gore was even more explicit: "If they [Congress] satisfy us 100% on everything else we ask for [on the budget] and they open ANWR to drilling, Pres. Clinton will veto the whole thing."

B. Pres. Clinton orders moratorium on Yellowstone mine

The New World Mine, just 2-3 miles upstream from Yellowstone National Park in the Gallatin National Forest, would release unprecedented amounts of cyanide and other toxic wastes. The foreign mining conglomerate would pay the US government just a few hundred dollars for the right to extract untold trillions of \$\$ worth of gold, silver, and copper (NL204 ¶8D, NL205 ¶6F).

Immediately after flying over the area on August 25 (during his vacation in Jackson Hole), Pres. Clinton ordered a 2-year moratorium on new mining claims in and around the New World Mine site. **Thank you Mr. President!** However, within the week that it took for the Presidential order to become final (Sept. 1), Crown Butte Mines filed 38(!) new mining claims in an act of disrespect for the President and the American people. Nevertheless, the final order, which affects ~19,000 acres around the mine site, effectively limits further expansion of the project.

WHAT YOU CAN DO: (1) As soon as possible, thank Pres. Clinton for his promise, and urge him to stand firm on his pledge. (2) Thank Sen. Thompson for standing up to the oil-industry lobbyists, and urge him to remain firm until ANWR development stays out of the final compromise budget bill. Also urge him to co-sponsor S 428, the ANWR wilderness bill. (3) Write to Sen. Frist and to your Congressman telling them why there should be no drilling in ANWR (see NL206 for arguments) and urging them to co-sponsor the Arctic Refuge wilderness bill (S 428 or HR 1000). Addresses are on p.2.

6. OTHER NATIONAL ISSUES

A. Senator Thompson votes to protect Arctic Refuge. Veto still needed

The Budget Reconciliation bill would open up the Coastal Plain of the Arctic National Wildlife Refuge -- "America's Serengeti" -- to oil & gas drilling by allowing sales of federal assets to offset the deficit -- something that has been forbidden until now (NL206; ¶3A, this NL). On October 27, an amendment was introduced in the Senate that would strike this provision from the Budget Reconciliation. Although the amendment was defeated narrowly (51:48), it is significant that 4 senators (2 Republicans, 2 Democrats) had switched

B. Breathing spell for the Endangered Species Act

There is now some cause for hope of saving the Endangered Species Act (ESA) from what, just a few months ago, seemed almost certain death. Although dangerous bills were on the point of being passed, the leadership of both Houses is beginning to feel public sentiment and has postponed consideration of the issue until next year. It is essential for us to keep up the pressure.

In the House, the Young-Pombo bill (HR 2275) was voted out of committee October 12, only 5 weeks after being introduced. It has, however, stalled at only 122 co-sponsors, including Tennessee Reps.

Quillen, Duncan, and Bryant -- but not Wamp). This bill:

- reverses a recent Supreme Court ruling which affirmed that habitat protection is a critical component in species preservation.
 - ignores the recommendations of a recent National Academy of Sciences report on the ESA,
 - allows the Secretaries of Interior and Commerce to play God by choosing "conservation objectives" without public input (what if we had another James Watt?),
 - exempts most public lands from the ESA,
 - rewards polluters and land speculators via "takings" language,
 - eliminates protections for species for which there exist captive-bred populations,
 - ends most protections for dolphins, sea turtles, etc., by exempting "incidental" killings in fishermen's nets,
 - lifts ESA controls on the importation of trophies of endangered species.
- House bills by Gilchrest (R-MD) and by Saxton (R-NJ) are significantly more acceptable, but need to be moved to the "green" side before we can recommend their support.

In the Senate, a bad bill by Sen Gorton (R-WA) failed to attract support. A substitute bill, S 1364, introduced on October 26 by Dirk Kempthorne (R-ID), is mistakenly believed by some to be a "moderate" bill; it is, in fact worse than the Gorton and Young-Pombo bills. Significantly, Sen. Chafee (R-RI), the environmentally aware chairman of the Environment and Public Works Committee, has not co-sponsored S 1364.

The National Academy of Sciences (NAS) report published early in 1995 emphatically confirms the solid scientific foundation for the ESA. It is noteworthy that none of the changes in the Act that are proposed in the Young-Pombo, Gorton, and Kempthorne bills are supported by the NAS study, or by any other scientific study.

In the meantime, a new report to Congress from the US Fish & Wildlife Service shows that the ESA has prevented the extinction of >99% of animals and plants on the Endangered Species List. Of the 106 species that have been listed the longest (listings entered 1968-1973), 58% are considered "stable or increasing."

The ultimate goal is to "recover" species, and critics of the ESA have attacked recovery costs. Naturally, it costs more to recover endangered species than it would have cost to prevent their

decline in the first place. Even so, the recovery program for all 962 listed US species was \$39.7M in FY 1995, equal to the cost of building but 1 mile of urban highway. Furthermore habitat saved for endangered species also benefits a wide variety of other fish and wildlife, as well as clean water, outdoor recreation, and other environmental values, which pay back into our economy to the extent of billions and billions of dollars. Finally, the true benefits of recovery cannot be measured only in dollars. For example, wild plants and animals have been, and continue to be, potential sources for life-saving pharmaceuticals and other medical break-throughs.

See NL207 19A for myths and truths about the ESA.

- ✱ **WHAT YOU CAN DO:** (1) Make Reps. Quillen, Duncan, and Bryant accountable for co-sponsoring the dangerous, unscientific Young-Pombo bill, and thank Rep. Wamp for withholding his co-sponsorship. (2) Tell Sens. Thompson and Frist that the Kempthorne bill is just as bad as Young-Pombo. Urge senators and representative to support an ESA re-authorization bill that is based on the recommendations of the National Academy of Sciences (they should obtain a copy of this report). (3) Remind Pres. Clinton that it is our responsibility to sustain the natural systems upon which all life -- including human life -- depends.

C. An extreme "takings" bill

Sen. Thompson may be a swing vote on S 605, the "Omnibus Property Rights Act," which is coming before the Senate Judiciary Committee in the very near future. S 605 would allow developers and resource industries to sue the public for financial compensation if they are subject to virtually any kind of regulatory restriction under any of a number of laws. This bill would impose enormous new costs on the federal taxpayer (in the tens of billions of \$\$), generate massive amounts of litigation, and undermine public health and environmental protections (the cost would simply *stop* enforcement). "Takings" bills have nothing to do with property rights, which are already protected under the Fifth Amendment of the Constitution; they simply require the public to pay "compensation" where none is due under the Constitution.

- ✱ **WHAT YOU CAN DO:** Call Sen. Thompson (202-224-4944) or fax a brief message (202-224-3678) telling him that you oppose takings legislation in any form, and that you object to paying polluters not to pollute.

D. **Some anti-environmental riders dropped, but EPA still needs rescue**

The House version of EPA's appropriations bill (part of the VA-HUD and Independent Agencies Appropriation) contained 17 anti-environmental riders, and the Senate version contained 11 — including several that are also in the House version. On Nov. 2, the House passed a motion (Stokes, D-OH) to instruct House conferees to drop the 17 anti-environmental riders. The final vote was 227:194 in favor of the motion, with 63 Republicans joining 163 Democrats and 1 Independent in voting "yes" — i.e., against their party. This is a gain of 12 Republicans since the earlier vote in July (3 additional Democrats also vote "yes"). John Kasich (R-OH), House Budget Committee Chairman said: "I am very concerned about the direction of the party on the environment. This vote ... wipes the slate clean for the party and we're not going to load up on any more bills with environmental riders until we've had a chance to rethink our environmental policy." [We will find out how our Tennessee Congressmen voted and let you know next time.]

Among the 11 anti-environmental riders still contained in the Senate version of the EPA Appropriations bill is one that would have a drastic impact on the wetlands permitting program. It forbids EPA from using its power under the Clean Water Act [Sec. 404(c)] to stop the Corps of Engineers from issuing seriously flawed wetlands permits. EPA's current veto authority in this regard is a safety net that has led to greater protection of the nation's wetlands. The Senate bill cuts the EPA budget by 23%, and the House bill by 34%! — cuts that are hugely greater than those for any other agency under the VA-HUD appropriation.



WHAT YOU CAN DO: (1) Urge Senators Thompson and Frist to drop the wetlands rider and other anti-environmental riders from the EPA appropriations bill (addresses on p.2). (2) Call the White House comment line (202-456-1111) and ask the President to veto an EPA appropriations bill that calls for disproportionate cuts, or that contains anti-environmental riders, particularly the wetlands rider.

E. **Damage-control advice to GOP lawmakers**

A memo from the GOP leadership to House Republicans, which was recently leaked to the *Washington Post*, starts as follows: "As we all know, the environmentalist lobby and their

extremist friends in the eco-terrorist underworld have been working overtime to define Republicans and their agenda as anti-environment, pro-polluter, and hostile to the survival of every cuddly critter roaming God's green earth." The memo then suggests a number of things Congressmen can do, because "to many in our growing Republican majority — especially suburban women and young people — the environment is an important issue."

Among 15 things suggested in the memo are the following:

- Participate in or sponsor tree planting at "schools, parks, public buildings, and even senior centers."
- Participate in Earth Day or Arbor Day events, or release a statement of support for the event.
- Participate in an "Adopt a Highway" program.
- When announcing an office policy of recycling, "be sure to include local environmentalists who will praise you action."
- Consider passing out tree sapplings with your door to door pamphlet.

Superficial, cynical gestures such as these might succeed in convincing an *uninformed* electorate. We, the informed ones, are impressed only by meaningful actions, namely votes on critical issues. In this NL, we report several examples of environmentally correct votes by growing numbers of GOP legislators (e.g., §5A, §6A, §6D). We hope you will show your appreciation for these real and meaningful supports for the environment by thanking the people involved directly or by letters to the editor.

F. **Partial victory in stopping give-away of our mineral resources**

On November 15, in a bipartisan vote (230:199), the House of Representatives sent the Interior Appropriations bill back to conference because it did not contain a meaningful moratorium on mineral giveaways (see NL207 §8D for chilling examples). This victory is all the more meaningful because 48 Republicans (none, unfortunately, from Tennessee) participated in the majority vote — despite the House Republican leadership (including Speaker Gingrich) working its members very hard to keep the bill from being sent back.

Once before, this fall, the House had sent back the Interior Appropriations bill because it lacked a "patent" (i.e., purchase) moratorium and would thus reopen mineral patenting under the 1872 Mining Law, virtually giving away \$15.5 Billion in

minerals. The conferees then betrayed this vote and approved yet another version of a phony moratorium (NL207 18D). It is this second version that the House rejected on November 15.

Unfortunately, this victory tells only part of the story. Industry proponents had covered themselves on two fronts: in addition to the Interior Appropriations bill, there is also the by-now familiar hiding place, the Budget Reconciliation bill. This contains a sham Mining Law reform package, which would result in a measly 0.26% gross production royalty paid by mining companies for mining on federal lands. This royalty would generate a ridiculous \$12M revenue over a 7-year period, during which interval the industry would reap many Billions of dollars of profit on publicly-owned minerals.

✱ **WHAT YOU CAN DO:** Strengthen President Clinton's resolve to veto the Budget Reconciliation bill and urge him not to accept a compromise that includes the sham Mining Law Reform language.

7. TCWP NEWS

A. New Board elected

The following slate of candidates was elected by acclamation at the annual meeting.

President: Jenny Freeman
 Vice Pres.: Eric Hirst
 Secretary: *Tom Thornburgh
 Treasurer: Charlie Klabunde
 Directors: *Don Barger
 Patrice Cole-Berry
 Chuck Estes
 Jan Groton
 *Frank Hensley
 Lance McCold
 Lee Russell

*Newcomer to the Board.

B. Opening for executive director

✱ It looks very much as though we might soon be losing our wonderful executive director, Linda LaForest, whose husband will probably be transferred to Paducah. We are therefore beginning the recruitment process for a new part-time executive director and would welcome enquiries or suggestions from TCWP members (call Jenny Freeman, 482-5980, or numbers at bottom of p.1).

C. Annual Meeting report

Almost 50 people registered for our weekend at Beersheba Springs, and only a few were turned away by the horrendous winds and storms of early Saturday. The rest of us enjoyed an excellent program, the beautiful surroundings of our historical abode, and the companionship of folks who came to the meeting from all parts of Tennessee. As usual, there were extra, added events that had not appeared in the printed program, such as the stirring and informative Saturday-morning talk by Eric Antibe from the Endangered Species Coalition in Atlanta (see ¶68, this NL), a parks-issues update (see ¶5A, this NL) by NPCA's (Washington) Tom St. Hillaire, a great Saturday-afternoon slideshow by Mack Prichard (we had 3 very different slideshows Friday night), and a visit by a few of us Saturday night to the old family home of Clara Belle Bowden, who had been a New Orleans entertainer in her youth and still belts it out on the organ and piano. TCWP meetings are always full of surprises!

All the panelists and speakers (Jerry Bone, Jim Blackstock, Jenny Freeman, John Nolt, Jonathan Scherch, Geoff Roach, Randy Brown, Sanford McGee, Paul Miller, and Michelle Neal) were informative and deserve our sincere appreciation, and so does the program committee (Jenny Freeman, Chuck Estes, Linda LaForest) that suggested/invited them. Refreshments (provided by Danette Salpas, Joan Burns, Lee Russell), which included home-made bakeries, were available at all times, and added to the socializing.

The Board recognized four extra-special volunteers:

Marty Adler
 Joan Burns
 Frank Hensley
 Ed Sonder.

Only Frank was present, but all will receive small gifts, as will the outgoing Board members (Dave Adler, Fred Holtzclaw, Elizabeth Will). Lola Estes was in charge of arranging for the gifts.

The outings program, expertly arranged by Marty Adler and ably led by several volunteers (Charlie Klabunde, Chuck Estes, Randy Hedgepath, Doug Cameron, the Clebsches) offered a great variety of choices and was especially appreciated on Sunday, when it was crystal clear, though still very cold. Extra special thanks go to Linda LaForest, who had organized every feature of the weekend to smooth perfection (even down to the

D. Committees being formed

Jenny Freeman, Eric Hirst, Linda LaForest, and Lee Russell recently met to formulate tasks for 54 TCWP committees and to identify lists of possible committee members. Each committee will become the responsibility of a different TCWP Board member who will recruit a committee chairman and other committee members. The initial committees are as follows:

- Membership development
- Programs and outings
- Finance
- Phone tree
- Media and publicity
- Certain issues committees may also be set up.

If in the next few weeks you receive a call inviting you to work on a committee, we hope very much that you will accept.

E. TCWP's Cedar Barrens work party, October 21

Maureen Cunningham reports that 5 adults (Don Davis, Fred Holtzclaw, Bruce Ketelle, Larry Pounds, Webb van Winkle) and about 10 students joined her for a productive work session on the Oak Ridge Cedar Barrens. The unique feature of barrens are the openings (in the wild, maintained by naturally-occurring fires) in which several characteristic rare plants will thrive. At Maureen's request, the City had cleared a few encroaching trees, and the TCWP work party dragged these to the fence line and built an erosion barrier in the interior. Where natural openings already existed, the group worked to keep them open. What trash there was (not much) was picked up.

F. TCWP's North Ridge Trail work party, October 28

Ed Sonder, Mark Cristy, and Teddy Dantzler joined Ken and Helen Warren for a re-routing and clean-up of a North Ridge Trail (NRT) access trail. The following is abstracted from a report by Ken Warren.

The Illinois Avenue Access Trail (which begins behind "The Pantry") was re-routed to its original route i.e., straight down the valley, alongside the ravine, to the asphalt Old Batley Road. At Ken's request, a city crew cut out two large fallen trees which, for years, had blocked the access. The TCWP work party then widened the trail in a few

places and removed over 100 pounds of bottles and cans in the upper part. In addition, they obliterated the alternative trail, which has been in use for a few years and was causing erosion problems on the hillside.

Ken stresses that this is an interim report because what remains to be done is to remove a huge accumulation of trash where the NRT access trail goes into Old Batley Road. He plans to ask the County Highway Dept. to provide a truck. If necessary, TCWP will provide volunteer help for the job.

G. Transitions

- We mourn the passing of Ruth Moore (Nov. 4), a great advocate of the natural environment. She often used her garden column in *The Oak Ridger* to publicize issues and causes in which TCWP was involved, and she wrote many letters on her own. Those of us who knew her were amazed and charmed by her physical sprightliness and her intellectual alertness right into an advanced age (she died at 93). Ruth came with us when we organized two busloads to go to Washington in 1968(?) to protest the construction of another transmountain road across the Smokies. When we visited Joe L. Evins' office to present our case, Ruth left the well-known Tennessee Congressman with his mouth hanging open when she started the conversation with "now, Mr. Evins, are you a Democrat or a Republican?"
- Joe McCaleb, who had been a great legal advisor to TCWP in connection with lawsuits in which we were involved, left the state over a year ago to continue his education. Joe has now graduated *cum laude* from the University of Vermont Law School, with a Masters Degree in Environmental and Natural Resource Law. Congratulations, Joe! He has returned to his home in Hendersonville but plans to take a job in another state working in environmental law.

H. TEC and TCWP

The Tennessee Environmental Council (TEC), an umbrella organization with numerous member groups, spotlighted TCWP in the fall issue of its publication *proTEC*. Incidentally, TEC has a new Web Page on World Wide Web, which may be accessed at: <http://www.nol.com/~nol/tec.html>.

1. We thank our volunteers

A huge number of TCWP members have recently volunteered their services in connection with the Annual Meeting (17B) and the two work parties (17D and E). In addition, we want to thank Joan Burns and Don Barger for their continuing participation in the Plateau watershed study (11A). Tom Cole has volunteered to help us get our computer "on line" and teach those who use it.

And don't let us forget the faithful ones who helped assemble a couple of recent mailings. On Oct. 3, Frank and Catherine Henzley hosted the group that assembled NL207: Bob and Linda Compton, Henry Hubbell, Eileen Neiler, and Carol Helton plus her 4 kids, all of whom helped efficiently. On Oct. 17, the following prepared the Annual Meeting flyer for mailing: Anna George Dobbins, Danette Salpas, and Fred Sweeton. We are grateful to all these folks.

8. JOB OPENINGS, ACTIVITIES, and READING MATTER

Job opening: TCWP is looking for a part-time executive director (see 17B).

Job opening: The Western North Carolina Alliance, a 13-year-old grassroots environmental organization, is seeking a staff person with strong environmental organizing background. Salary, \$18,000-20,000 plus benefits. Dec. 11 is application deadline. Call 704-669-6677 or 714-258-8737.

Job opening: The Mineral Policy Center is seeking a Communications Director to work in the campaign to protect the environment from mining damage and to reform the 1872 Mining Law. Salary in the thirties, depending on experience, plus benefits. Send cover letter, resume, salary requirements, and two short writing samples to Communications Search, Mineral Policy Center, 1612 K Street, NW, Suite 808, Washington, DC 20006.

- January ? date, Oak Ridge, TCWP business meeting for the membership. Look for a special mailing.
- April 18-21, St. Louis, National Outdoor Ethics Conference sponsored by the Izaak Walton League of America. Call 301-548-0150, ext 218 or ext 216.

- April 26-29, Spring Photography Workshop in the Smokies. Call Great Smoky Mountains Inst. at Tremont, 423-448-6709.
- May 17-19, Naturalist Weekend in the Smokies. Call Great Smoky Mountains Inst. at Tremont, 423-448-6709.
- A transcript of President Clinton's radio address of August 26, which focused on national park issues, is reprinted in *National Parks*, the magazine of the National Parks and Conservation Association (NPCA). If you can't find a copy in your library, call Don Barger, NPCA's SE director (Nottis 423-494-7008).
- *Trails of the Big South Fork*, 3rd edition, by Russ Marving and Sandra Jamieson, has new and more complete descriptions of the hiking trails than in the earlier editions, and adds trails for mountain bikers, and horseback riders. In addition to giving directions to 89 trails, the book contains sections on park history, plants and animals, geology, and human history. Available through local bookstores, or order (\$12.95 + \$2 shipping) from Mountain Laurel Place, POBox 3001, Norris, TN 37828 (423-494-8121).
- 1995/96 *Southeast Environmental Directory* includes groups, government agencies, publications, habitats, internship opportunities, etc. \$18.50 from GAIN/Harbinger Communications, 406-543-3359. Also available are directories for New England, Great Lakes, Rocky Mountains, California.
- *Stealth Attack: Gutting Environmental Protection through the Budget Process*, is a briefing paper by the Natural Resources Defense Council, 202-783-7800. Recognizing the public's support for environmental protection, anti-environmental members of Congress are trying to hide their assault by incorporating it into the appropriations arena.
- The Winter issue of *The Amicus Journal*, NRDC's magazine, has an interesting article, "This land was your land: Three views of theft in progress." Call 212-727-2700.
- The University of Tennessee Press' 1995 Christmas Catalog includes numerous publications of potential interest to our members: *The Historic Cumberland Plateau*, by Russ Manning; *Wilderness Trails of Tennessee's Cherokee National Forest*, ed. by Will Skelton; *Troubled Waters: Champion*

International and the Pigeon River Controversy, by Richard Bartlett (reviewed in NL207); *Tennessee Hiking Guide*, ed. by Robert Brandt; *Hiking the Big South Fork*, by Brenda Coleman and Jo Anna Smith; several books by Mike Frome (*Promised Land*, *Conscience of a Conservationist*, *Strangers in High Places*), and many others. Call U. T. Press in Knoxville for a copy of the catalog.

- An interesting new computer screen saver consists of color photographs of 12 endangered species (spotted owl, red-cockaded woodpecker, Florida panther, etc). The software (which runs on IBM-compatible PCs and operates in a Windows environment) is available for \$15 from the Sierra Club Legal Defense Fund, 180 Montgomery Street, Suite 1400, San Francisco, CA 94104-4209.
 - *Defending the Desert: Conserving Biodiversity on BLM Lands in the Southwest*, \$15 from EDF Publications, 257 Park Avenue South, New York, NY 10010.
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A thought we liked:

"The great use of life is to spend it for something that will outlast it." William James

**HAVE A VERY HAPPY
HOLIDAY!!**