

## June 24, 1996

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

## 10. ACTION SUMMARY

¶No	Issue	Contact	"Message!" or Action
1D	Obed WQ designation	State watershed meeting	Attend meeting. Support ●NRW designation.
2A	Pulpwood severance tax	Anderson Cy. Commission	"Vote for severance tax resolution!"
2C	Fall Creek Falls	TCWP	Indicate willingness to attend upcoming hearing
4A	Smokies; Parsons Branch Road	GSMNP office	Comment on EA: "Do not reconstruct road!"
5A	TVA's Shoreline Mngt Initiative	TVA	Comment on DEIS, supporting <i>least</i> disturbance
6A	Removal of anti-envtl. riders	Pres. Clinton; Sen. Feinstein	"Thank you!"
6C	Resource/land acquisition funding	US Rep and Sens.	"Increase LWCF appropriations (e.g., for Obed, BSF)!"
6D	Grazing subsidies	US Rep.	"Taxpayers shouldn't subsidize wealthy livestock interests!"
6E	Rights-of-way claims across Parks	US Rep and Sens.	"Oppose HR. 2081!"
6F	Logging without laws	US Senators US Rep.	"Strongly oppose S. 391!" "Co-sponsor HR. 2745 or similar measure!"
6J	Republican Task Force on Env't.	Reps. Wamp and Bryant	"Needed are pro-envt <i>actions</i> , not just 'greener' image!"
6N	Auburn Dam proposal	Rep. Zach Wamp	"Oppose Auburn Dam funding!"
7C	Computer help	TCWP	Computer experts: help TCWP to get on Internet!
-	Membership involvement	TCWP	Send us your green form that came with NL209

Senator John Doe  
United States Senate  
Washington, DC 20510

The Hon. John Doe  
U.S. House of Representatives  
Washington, DC 20515

Pres. Bill Clinton  
The White House  
Washington, DC 20500  
202-456-1111  
president@whitehouse.gov

Governor Don Sundquist  
State Capitol  
Nashville, TN 37243-9872  
615-741-2001; Fax 615-741-9711

Dear Senator Doe  
Sincerely yours,

Dear Congressman Doe  
Sincerely yours,

Dear Mr. President  
Respectfully yours,

Dear Gov. Sundquist  
Respectfully yours,

	Phone (DC)	FAX	Phone (local)	e-mail
Sen. Bill Frist	202-224-3344	202-228-1264	423-602-7977	senator_frist.senate.gov
Sen. Fred Thompson	202-224-4944	202-228-3679	423-545-4253	
Rep. Zach Wamp	202-225-3271		423-483-3366	

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. New Superintendent

In late May, Lee Davis, BSFNRR/Obed superintendent since August 1994, went on Administrative leave and is now working on concessions in the NPS Field Office in Atlanta. While the search for a new superintendent is under way, Phil Francis, currently Assistant Superintendent in the GSMNP, will be Acting Supt. at BSFNRR.

### B. Information exchange

On May 9, representatives of NPCA (Don Barger and Catherine Sheehy) and TCWP (Lee and Bill Russell) met with BSFNRR/Obed staff (Lee Davis, Monika Mayr, Jim Wiggins, Don Forester) to discuss the proposed Clear Creek dam, water-resource studies and designations, and planning initiatives. Some of these issues are covered in paragraphs below.

### C. Clear Creek dam study

A major purpose of our May 9 meeting with Park personnel (§1B. above) was to determine what the National Park Service (NPS) was doing to combat this specific dam proposal and possible future proposals for dams in the Obed watershed.

Our recent What You Can Do paragraph (in NL210 §3A), preceded by a similar statement in an NPCA publication, suggested that interested citizens should ask this question. The suggestion generated 150-200 letters to Mr. Davis.

### D. Obed to be considered in upcoming State watershed meeting

In our recent meeting with BSFNRR/Obed staff (§1B. above), we suggested that NPS make a request to the State for Outstanding National Resource Waters (ONRW) designation for the Obed and its major tributaries. This designation provides the highest level of protection in the Antidegradation Statement of the State's "General Water Quality Criteria" under which the 1977 Tennessee Water Pollution Control Act is implemented (NL200 §3A; NL201 §3), but it must be applied for on a case-by-case basis (NL202 §2B). It should be recalled that water quantity is considered to be an aspect of water quality. The ONRW designation could also be helpful across the board in protecting the rivers from various insults.

In the course of getting more information from the State about the ONRW designation, Obed Unit Manager Monika Mayr learned that TDEC's Division of Water Pollution Control is initiating a watershed approach to water-quality management. Each watershed will be addressed in a 5-year management cycle, beginning with public outreach in Year 1. TCWP recently called Sherry Wang, Manager of the Watershed Management Section, and learned that public meetings on the Emory River watershed (of which the Obed is a component) will probably be held in the fall. Ms. Wang promised us ample lead time to notify our members of date and place.



**WHAT YOU CAN DO:** A strong expression of public sentiment on behalf of the highest water-quality designation for the Obed and tributaries will be very important. Plan to attend the Emory River watershed meeting and speak up for ONRW designation. Let us have your name and phone number as soon as possible so we can be sure to inform you of details when the time approaches (call 423-481-0286 and leave a message).

### E. Planning documents for BSFNRR

There is no NPS-generated General Management Plan (GMP) for the Big South Fork National River & Recreation Area, nor was the Roads & Trails Plan ever finalized. In the absence of such planning guidance, development in the Park has been proceeding helter-skelter, especially with respect to proliferation of bulldozed horse trails (NL205 §1A); and there is a potential for haphazard development in the recently acquired large tracts in the North White Oak Creek region of the Park (NL207 §2A. and below).

Almost two years ago, a major two-day meeting was held to develop management objectives for the BSFNRR, with all segments of the interested public represented (NL200 §1F; NL201 §2E). At the recent meeting described in §1B. above, former Supt. Davis stated that the BSFNRR's need for a GMP was no greater than that of other NPS units in the Region, and he feared that generation of a GMP would be "frustrating and all-consuming." As far as the Roads & Trails Management Plan was concerned, he stated that the time that had already gone into generating the draft was not worth it. Finally, with respect to the recently acquired tracts, he proposed to assemble representatives of several potential user groups (4-wheelers, horse riders, bikers, and hikers) to come up with suggested developments, but he warned that there might be

little justification for hiking trails because existing trails were so little used, "you can't keep the weeds down."

TCWP wrote to NPS' recently-created System Support Office for the Appalachian Cluster to inquire what the plans were for generating a GMP for the Big South Fork NRR. We were told that, as the only unit in the Appalachian Cluster without an NPS-prepared plan, the BSFNRR will probably get the highest priority within our Cluster. There will, however, be competition between Field Directors (formerly Regional Directors) in the upcoming revision of the service-wide priority list. Only units that end up high on that list are likely to get funded in the next year or two. "In the meantime, existing plans, along with evaluations required by NEPA and other compliance-related laws -- and the recently developed management objectives -- will provide guidance for park management."

#### **F. TDoT plans to build new Nemo Bridge; anybody want the old one?**

The Tenn. Dept. of Transportation (TDoT) is planning to build a new bridge over the Emory at Nemo and, under its Historic Bridge Marketing Program, is "offering" the old bridge either for reuse at its existing location (e.g., as a foot trail), or for relocation. The old steel-truss bridge, which is eligible for listing in the National Register of Historic Places, is 481' long and contains 3 tandem spans, only the westernmost of which crosses the river itself. TDoT's preferred alternative would place the new bridge downstream from the old one (40' and 70' downstream at the west and east ends, respectively) and would require the demolition of the old bridge because abandoned old bridges immediately upstream of new ones are considered safety hazards (they could wash out and slam into the new structure).

The old bridge can be left in place under two conditions: (a) it must be feasible to construct the new one upstream of it, and (b) a party must be identified who has a feasible plan for reuse of the historical bridge and accepts responsibility for maintaining and preserving it. The bridge would be donated to this party. If no plan for the preservation of the bridge in place is received by TDoT, the agency will donate one or more of the spans for re-use at a new site. Relocation costs could be very high due to the difficult terrain; TDoT would provide funds only up to the estimated demolition costs of \$55,000.

#### **G. March for Parks raised big funds for Obed**

For the first time, this year, the beneficiary for TCWP's annual March for Parks activity (this was our 6th) was the Obed National Wild & Scenic River (past beneficiary had been the BSFNRR). The event was hugely successful, raising about \$6,000, which, as pointed out by Unit Manager Monika Mayr, is equivalent to ~3% of the operating base budget for the Obed National WSR (yes, folks, the poverty-stricken Obed receives only about \$200,000 in operating funds!). Contributing to the success of the event was the publicity it generated for the Park and for the support that exists for it; e.g., there was a front-page article in the Knoxville News-Sentinel, with a color photo of Monika looking at the beautiful view. For more details, including credits to sponsors, see #8A, this NL.

#### **H. Bear reintroduction at BSFNRR**

Six adult female black bears, three of them pregnant and three with a total of eight cubs, were moved from the GSMNP to the Big S. Fork NRR during the winter and early spring. Females, unlike males, have a tendency to stay near the release site. An additional 6 adult bears will be moved from the Smokies to remote holding pens in the BSFNRR this summer. All bears are being followed by radio telemetry. The research phase of the project is scheduled to last two years, after which time researchers will report to NPS on the relative success of different release techniques, and on whether the BSFNRR can support a black bear population.

## **2. AROUND THE STATE**

#### **A. Anderson County Commission to consider pulpwood severance tax**

(Based on contributions by Doug Murray and Karen Peterson)

On July 15, the Anderson County Board of Commissioners will consider adopting a resolution to levy a severance tax on pulpwood. The proposal is for a 15¢/ton tax on trees harvested for chipping, with an exemption for small landowners (see below). The funds collected under the severance tax would go to the Anderson County general fund.

A few large corporations (Champion Intl., Huber, and Bowater), will very soon be clearcutting and chipping pulpwood from Anderson County. Champion alone will be chipping about 460,000 tons (12,000 acres) of trees annually. Two corporations, Champion and Coal Creek, own about 65,000 acres,

or 60%, of the privately owned forests in Anderson County. This corporate land is taxed at only 25% of its value, while residential and business property is taxed at 40-60% of its value. The severance tax aims to capture some of the profits from the woodchip logging into the localeconomy.

The severance tax requires a private act, a resolution, passed by the county commission and ratified by the General Assembly of the State. Possibly by the time the legislature reconvenes in January, many more counties in Tennessee will have passed a pulpwood severance-tax resolution and the legislature will see that there is a mandate from the counties to pass the private acts. Anderson County can be among the first to express this mandate.

In mid-April the Anderson County Commission voted 10-4 in favor of sending the private Act to the Legislature; however, it required 11 votes to adopt. Failure to pass the resolution was due to concerns that it would hurt small landowners. The proposal that the Board will consider July 15, however, now contains an exemption that allows all landowners to sell up to 2,000 tons (about 50 acres) of pulpwood within 40 years without paying the severance tax. Last April, Commissioners Shoopman, Lynch, Stooksbury, and Haun opposed the tax. Absent or not voting were Rose and Weaver. All others voted in favor.

✱ **WHAT YOU CAN DO:** (1) Write to the Anderson County Board of Commissioners (Room 118, Courthouse, 100 North Main Street, Clinton, TN 37716) and express your support for the severance tax resolution as a reasonable tax that will provide Anderson County with needed revenues without harming small landowners. (2) Call your own commissioners. Those from Oak Ridge are Vines (482-4111), Weaver (481-3004), Creasey (482-1171), Bullock (482-3765), Holloway (482-5077), and Twanski (481-0526). (3) Plan to attend the July 15 meeting.

✱ **P.S.** A group that is leading the fight against chipmill-related clearcutting in our area is T.A.G.E.R. They operate on less than a shoestring and could do with a little financial help (Denny Haldeman, TAGER, PO Box 4193, Chattanooga, TN 37405).

## **B. Frozen Head: OSM to conduct conference on re-mining application**

(Contributed by Karen Peterson)

Addington Enterprises have applied to the federal Office of Surface Mining (OSM) for several successor-in-interest permits that would allow them to re-mine old contour mines along, and parallel to, the boundary of Frozen Head State Park and Natural Area (NL210 ¶1). While the federal permit process does not require a public hearing for a successor-in-interest permit application, OSM has agreed nevertheless to conduct an informal public conference on the Addington applications on those applications are deemed to contain sufficient technical information. The public conference will probably be scheduled in August or September.

In addition, OSM is consulting the Tennessee Department of Environment and Conservation for an opinion on the impact of Addington's proposal on Frozen Head. If the Department finds that Addington's proposal would have negative impacts on the park and natural area, then it may become a co-decisionmaker with OSM. The State could then have a strong voice in whether Addington is allowed to proceed, or it could have a strong negotiating position with Addington to define the conditions under which it may proceed.

TCWP will announce the time and location of the public conference in our next newsletter. Please plan to attend this conference to help protect the viewshed and water quality of beautiful Frozen Head.

## **C. Fall Creek Falls watershed petition**

Fall Creek Falls State Park and Natural Area has for decades been threatened by harmful projects in the area, including major stripmines that open the notorious, acid-producing Sewanee coal seam (NL207 ¶3F; NL208 ¶2A). In July 1995, SOCM (Save Our Cumberland Mountains), joined by TCWP, LWVOR, and others, filed a petition with the federal Office of Surface Mining (OSM) to have the entire watershed of the Park declared off-limits for coal mining under Sec. 522 of the federal surface mining law. In October, the well-documented petition was determined to be complete; and in December, OSM held a scoping hearing at the Park as a preliminary to preparing an Environmental Impact Statement. A hearing is expected late in the summer.

All facts are in favor of the "522" Petition, but the power (and money) of the stripmine lobby must not be forgotten. To give OSM the backbone to do the right thing will require a very good turnout by Park protectors at the upcoming hearing, plus an effective media campaign. Please indicate your willingness to help by leaving your name on the TCWP answering machine (423-481-0286) or calling Karen Peterson (966-2885).

vital by Historic Rugby. Acquisition of the 151-acre greenbelt has assumed added significance in view of upcoming construction of the Highway-52 bypass to the south of Rugby townsite, which will open the area to strong development pressures. For further info, contact Historic Rugby, POBox 8, Rugby TN 37733; 423-628-2441.

## D. TWRA survives

Tennessee's state agencies are reviewed every few (usually six or eight) years by the legislature to determine whether they should continue to operate or be "sunset." Last fall, the Tennessee Wildlife Resource Agency (TWRA) was threatened with the latter fate by two legislators some of whose constituents were upset by the type of fish that are being stocked in Norris Reservoir and other alleged offenses (NL207 §3D). These legislators wanted the agency replaced by a politically appointed commission. TWRA recently agreed to a new stocking plan for Norris and was given a four-year renewal by the General Assembly.

It is well to remember that, in addition to performing game & fish management in the state, TWRA has several functions that are of interest to TCWP members. Thus, in managing the Catoosa WMA, TWRA has a Memorandum of Understanding with the National Park Service and takes a role in preserving the Obed National Wild & Scenic River. TWRA is also managing the Chilhowee Mountain acreage adjacent to the Gt. Smoky Mtns NP that was acquired last year through the activities of the Foothills Land Conservancy (NL207 §4A). It behooves us to take an interest in the agency and to ensure that its conservation functions are actively and wisely performed.

## E. Rugby Greenbelt yet to be acquired

Purchase of a permanent 151-acre greenbelt around the southern side of the Rugby Historic District is closer to reality but not yet assured. A \$90,000 purchase loan from the National Trust for Historic Preservation must be paid off by late July, and almost 30% of that money still remains to be raised. About 100 acres of the greenbelt would be kept in its natural state except for a hike/bike trail along the old Allerton Ridge Road, which would become part of an around-Rugby trail system. In the remaining acreage, future developments would be permitted, provided they had no negative impact on White Oak Creek (a major tributary to Clear Fork within the Big S, Fork NRR) and are seen as

## F. Environmental Action Fund

TCWP has been an organizational member of the Environmental Action Fund (EAF) ever since the latter's inception many years ago. EAF is the lobbying arm of the Tennessee environmental movement and employs a part-time lobbyist who works with the General Assembly during the four months or so it is in session. The EAF lobbyist does not wine and dine legislators -- his/her task is to provide timely and accurate information. Each year, EAF can address only a limited number of issues, and because it is often difficult for TCWP to be represented at the planning sessions (which are held in Nashville), we have sometimes felt that we did not have enough input into the selection of these issues. This may change this year. At its last meeting, the TCWP Board authorized 2 hours/month of our executive director's time to be devoted to conference calls with the EAF Board and/or the new lobbyist, Kay Lander.

## 3. THE STATE LEGISLATURE

[Based on information provided by Meg Robertson]

### A. Forestry bill was killed

Recent hearings on Natchez Trace and Prentice Cooper State Forests demonstrated the widespread opposition to clear-cutting on public lands. The Tennessee Forestry Act, SB.2698/HB.3126, however, did not address these citizen concerns. The bill's chief promoter, Rep. Kerr of Maryville, stated that he wished to heighten awareness of the importance of forestry and to establish a forestry resource inventory and assessment model. Conservation groups feared that demonstration plots in state forests called for by the bill would encourage yet more clearcutting on state lands. Further, the bill did not include such objectives as sustainability, water-quality protection, and biodiversity, and it limited citizen input on management of the state's public lands. SB.2698/HB.3126 passed the Senate but was killed in the House calendar committee.

## B. Environmental Boards bill passed

Following 31:2 Senate passage of SB 207, the governor signed the Environmental Boards bill on April 10 (the companion bill, HB 1336, had passed the House last year). The legislation adds a 12th member to the Air Pollution Control Board, to be nominated by the Tennessee Environmental Council (TEC). It also adds two members to the Water Quality Control Board, one nominated by the County Services Assn. and one by the Tennessee Conservation League (TCL). Notwithstanding the fact that 3 of the 11 governor-appointed members on each of the Boards are nominated by the Tennessee Association of Business, TAB had characterized the measure as a "board packing bill" and tried to defeat it. The legislative hero in securing passage was Sen. Gilbert of Knoxville. He deserves our thanks, as do Senators McNally, Burks, Hamilton, Rice, Leatherwood, and Wallace, who supported the bill on the Environment and Conservation Committee.

## C. Environmental Audit Privilege bill failed to move

[Based on report by Stewart Clifton, Sierra Club lobbyist]  
SB 1135/HB 1745 would allow for shielded and secret information for businesses who conduct voluntary environmental audits on a planned basis. Such information would be legally non-disclosable, even to injured parties in a lawsuit and third-party plaintiffs seeking to enforce environmental laws and regulations.

Environmental advocates expended a great deal of effort to defeat, or at least modify this bill, which last year passed the Senate. Thanks to the common sense and courage of Rep. Doug Jackson, (chairman of the Civil Practices Subcommittee), who opposed unjustified compromise, the bill failed in the House. However, it will almost certainly come up again next year.

## 4. SMOKIES

### A. Future of Parsons Branch Road

The Parsons Branch Road, which connects Cades Cove with US 129, had been used as a one-way, low-standard, seasonal road, only infrequently driven by Park visitors. Major flash-flood damage in the spring of 1994 rendered the road impassable. Although emergency construction funds became available, the impassability of the road has provided an opportunity for more long-range planning and the study of alternative uses.

There are many excellent reasons against reconstructing the road for motorized traffic:

- two roadless areas — 186,000 acres north of Fontana Reservoir and 40,000 acres west of Cades Cove and Rich Mountain — would be combined into a single one, the largest unroaded area in the Southern Appalachians;
- already heavy automobile use in the Park raises levels of harmful air pollution, creates noise, and impacts wildlife; a reconstructed Parsons Branch Road would bring more pressure for motorized traffic to an area of the Park that is presently relatively unimpacted;
- the 1982 General Management Plan allows the closure of one road, namely the Parsons Branch Road;
- a foot trail in the general location of the old road would be a good addition to the Park's trail system.



WHAT YOU CAN DO: The Park Service is now in the process of preparing a Draft Environmental Assessment (EA) for Parsons Branch Road, and the 30-day comment period is expected to start July 1. Ask for a copy of the EA, and let your voice be heard. There'll be considerable pressure (aided by Congressman Duncan) to rebuild the road. Write or call Superintendent Karen Wade, GSMNP, 107 Park HQ Road, Gatlinburg, TN 37738; 423-436-1201.

### B. Air-quality update

In March, the State of Tennessee unilaterally rescinded a year-old Memorandum of Understanding (MOU) with the Dept. of the Interior (USDI), which had provided for early notification of the Great Smoky Mtns. Natl. Park (GSMNP) of any requested state permits for major new air-pollution sources (NL210 T2). USDI has now proposed another agreement. While it is considering this draft, the State has promised to operate in the spirit of the original MOU.

A great deal of activity and publicity followed on the state's scuttling of the original MOU. This has served to generate interest in GSMNP problems in general, e.g., a series of front-page articles in the *Knoxville News-Sentinel*, and coverage on TV. On June 24, 7-8 p.m., Channel 6 will provide live coverage of a public forum that will include Sen. Frist, GSMNP Supt. Karen Wade, state legislators, and interested citizens, including Don Barger (NPCA). We will try to video-tape the forum for anyone who fails to see it live.

### C. Helicopter overflights

Last year, there were 1,000-2,000 helicopter flights over the Great Smoky Mtns National Park, disrupting the visitor experience, disturbing wildlife, and posing a threat of accidents. These overflights are opposed not only by the Park Service and by conservation groups, but also by the cities of Sevierville, Gatlinburg, and Pigeon Forge. Several years ago, the state passed a law banning excursion helicopter businesses that were located within 9 miles of the Park boundary — yet three such businesses are based within that zone in Sevier County. One of these companies has challenged the state law, claiming that only the federal government has the authority to regulate air space. Now the Tennessee Supreme Court has agreed to rule on the matter. Briefs were filed May 24, and oral arguments are expected in September.

Federal help may also be on the way. Included in the Administration's National Parks initiative, announced by Pres. Clinton on Earth Day, was a directive to the Federal Aviation Administration (FAA) to work on rules for Park overflights by commercial flight-seeing operations. Current federal efforts are focused on Grand Canyon and Rocky Mountains National Parks, but, building on these specific experiences, the FAA (hopefully jointly with NPS) is expected to promulgate rules for the entire park system by the end of the year.

## S. TVA

### A. Comments needed on TVA's Shoreline Management Initiative

The Shoreline Management Initiative (SMI) is now a Draft Environmental Impact Statement on which comments are due by August 31. Because the 11,000 miles of shoreline along TVA reservoirs include many areas still in their natural state (some of them designated as Small Wild Areas), TCWPhasa strong interest in the future direction of the SMI. We strongly urge our members to participate in the comment process (see below).

The Draft EIS enumerates 6 alternatives (A, B1, B2, C1, C2, D), with "A" permitting the greatest degree of disturbance, and "D" the least amount. Provisionally (pending comments received), TVA prefers C1. Our quick reading of the document points to D as our favorite.

**✱ WHAT YOU CAN DO:** We strongly urge you to request a copy of the DEIS (send a postcard with your name, address, and phone No(s), to TVA, SMI, NRB 1A-N, 400 W Summit Hill Drive, Knoxville, TN 37902-9924.) The Executive Summary is very easy to read. Then comment in one or more of three possible ways:

- Return the questionnaire that is provided with the DEIS
- Send a letter to Tere C. McDonough, TVA, SMI Project Manager, 117 Ridgeway Rd. Box 920, Norris, TN 37828-0920
- Attend one of 13 upcoming public meetings. The closest to our area are as follows:  
July 9, Roane State Comm. College, Harriman;  
July 18, Farragui HS, Knoxville;  
July 30, Anderson County HS, Clinton.  
Call us (481-0266, or 482-2153) if you need further info or advice.

### B. TVA to close (?!sell?) many rec. areas: Foster Falls not among them

Because of severe budget cuts TVA announced that it would close, and possibly sell, 20 of its recreation areas in mid-April, including the 175-acre site at Foster Falls, the southern trailhead of the 12-mile Fryer Gizzard Trail. Protests by Friends of the South Cumberland State Recreation Area, and an outpouring of letters, caused TVA to announce that it would keep the area open until December, 1996, by which time the agency hopes to have completed a formal agreement with the state to manage the area.

The state has indicated that there is no reason to believe that the transfer won't occur. There are no official plans to designate Foster Falls as a state park or natural area. The state currently intends to manage the area as TVA has in the past, by providing trail and campground maintenance and on-site management. A final management agreement is expected by December.

### C. LBL development plans

Faced with the requirement to decrease federal spending at LBL, TVA in January floated *Preliminary Concepts for a Public Use Plan* which included major commercial developments, such as a "Heritage Park" that looked like Disneyland, hotels, condos, marinas, ORV areas, etc., etc. (NL209 14A). We have heard that, following an outpouring of letters from concerned citizens and conservation groups, TVA will abandon at least some of these development plans.



## 6. NATIONAL ISSUES

### A. President succeeds in removing many anti-environment riders

Congress' strategy of loading up spending bills with anti-environmental provisions (in an attempt to get these in by the backdoor) was one big reason why the government had to operate on a series of temporary budget resolutions for over 7 months of FY 1996. The omnibus spending bill, passed late in March, contained numerous anti-environment riders, as did several separate, previously vetoed, appropriations bills. In the subsequent negotiations with the Congress, the White House succeeded in getting many of these provisions removed from the final compromise version of the Omnibus Spending bill, HR.3019. Some were dropped outright; others were made subject to a waiver that gave the President the option of eliminating them from the bill if he viewed them as environmentally unacceptable -- which he did. By one or the other mechanism, the following riders are now gone:

- extension (beyond 12/31/96) of the Salvage Timber ("logging without laws") rider (see NL210 ¶7A)
- increased logging in Alaska's Tongass National Forest, an ancient rain forest (waiver of this rider will trigger \$110M in aid to Alaskans hurt by timber-job losses);
- transfer of Mojave National Preserve from Park Service to BLM (which would have allowed mining and numerous other harmful uses);
- moratorium on listing new endangered species and designating critical habitat;
- removal of EPA authority to veto harmful wetlands development permits;
- override of court-ordered management of Clearwater Natl Forest for multiple use rather than solely for timber harvest;
- halt to scientific assessment of species protection needs in the Columbia River Basin.

The compromise bill also added back \$817 million to the \$5.7 billion dollars EPA was allocated for FY 1996 in the VA-HUD and Independent Agencies Appropriations Bill vetoed by the President in December. This provides the Agency with a total of \$6.5 billion for the fiscal year, which amounts to approximately 98% of the amount EPA received in FY 1995.

### B. FY 1997 appropriations

Even though the FY96 budget has only recently been agreed upon by both sides, the FY97 budget proposal was submitted on schedule by the Administration. The news for the Interior Dept. is good except for one important item: land-acquisition funds. Already unbelievably low for 1996 (NL209 ¶7J), they are further decreased for 1997. Thus, except for the earmarked south Florida funds (see next paragraph), only \$36M are requested for the Park Service (NPS) for next year.

The good news is that \$7.33 billion is requested for USDI as a whole, with the NPS share constituting about 20% of this amount, and \$181M above the expected FY96 level. The request for park operations is about 3%, overall, above this year's appropriation, with the 42 neediest parks getting a 10% increase. About \$100M is allotted for land acquisition in southern Florida to aid in restoring natural water flow in and around Everglades National Park. The President has also earmarked \$111M for purchase and dismantling of two dams on the Elwha River in Olympic National Park.

Of course, the Administration's budget request is not often the same as what finally emerges from Congress. In fact, the House has already started work on FY97 appropriations bills that have several disastrous features. More next time.

### C. Acquisition funding at all-time, dangerous, low

Many tens of millions of acres of lands and waters already authorized to be acquired for protection by the Park Service, Forest Service, Fish & Wildlife Service, and BLM have been, or are in grave danger of being, developed/degraded because money that is already "in the bank" is not being appropriated. The Land & Water Conservation Fund (LWCF) was established by Congress in 1964 to provide for the acquisition of public lands to meet needs of Americans for outdoor recreation and open space, also protecting critical wildlife habitat, water quality, wetlands, and cultural resources. The LWCF grows by \$900 million annually, with the bulk of the revenue coming from rents and royalties received from Outer Continental Shelf oil and gas leasing. Congress is directed to allocate the money for acquisition of federal resource lands, using the regular appropriations process, and to provide matching-grant assistance for state and community open-space projects.

✱ **WHAT YOU CAN DO:** Thank Pres. Clinton for his massive rescue job (address p. 2). Also thank Sen. Diane Feinstein for her unwavering support of the Mojave Natl Preserve.

In recent years, this has not happened. From LWCF's inception in 1964 until FY 1980, allocations from the LWCF generally matched annual revenues (\$900M). Since then, however, annual appropriations have averaged only \$245M (range, \$161-509M), and the estimated level for FY 1996 is an all-time low of \$140M. This has resulted in forfeited acquisition opportunities and significantly increased acquisition costs. The matching-grant program for states has all but disappeared.

By law, any revenue deposited in the fund that is not appropriated by Congress is retained and available for expenditure in subsequent fiscal years (in addition to the annual \$900). Currently, a LWCF balance of \$11,130.1M (i.e., over \$11 billion) has accrued on paper -- but deficit spending has consumed these funds (i.e., they have been credited toward reducing the deficit, even though they are earmarked for land acquisition).

**WHAT YOU CAN DO:** Recouping the lost revenue will require a reordering of congressional budget priorities, and this means that your Representative and Senators (addresses on p.2) must hear from you. Key land-acquisition projects must be funded -- in our area, for example, we must complete already authorized acquisition for the Obed WSR and the Big S. Fork NRR. If you want more information/arguments for the LWCF, ask for the excellent recent brochure by the LWCF Coalition (almost 50 organizations), c/o The Wilderness Society, 900 -- 17th St., NW, Wash. DC 20006; 202-833-2300.

#### **D. Senate seeks to continue grazing subsidies**

On March 21, the Senate voted 51:46 to pass S.1459 (Domenici, R-NM), which continues below-cost grazing on public lands and maintains the current unsustainable and environmentally unsound grazing levels. Efforts by Sens. Dale Bumpers (D-AR) and Jeff Bingaman (D-NM) to raise the grazing fee failed, though by relatively narrow margins. Domenici's Public Rangeland Management Act, in addition to subsidizing a small number of Western ranchers, weakens environmental protections (e.g., ranchers are allowed to divert or dry up streams) and cuts the public out of important decisions. It is worthy of note that this bill does not benefit poor, or even average, ranchers: thus, 60% of the livestock use of public lands is controlled by a mere 9% of livestock owners, and most of these are quite wealthy.

**WHAT YOU CAN DO:** The bill must still be considered by the House, which may delay action until after the November election. Contact your Congressman (address on p. 2) and let him know that taxpayers are subsidizing these wealthy livestock interests, and that the grazing is extremely harmful to the environment of lands that belong to us all.

#### **E. State claims to rights-of-way across Parks**

A century-old statute, R.S.2477, gave states rights of way across federal lands, along abandoned roads, pathways, sled trails, etc. Although the antiquated statute was repealed in 1970, the Alaska delegation in Congress is pushing HR.2081 that would make it easy for states to make these right-of-way claims. Passage of HR.2081 could lead to a web of roads across our parks and other federal lands.

**WHAT YOU CAN DO:** Acquaint your Representative and Senators (addresses on p.2) with the consequences of HR.2081, and urge them to come out against this bill.

#### **F. Continued logging without laws?**

A provision in the budget bill that would have continued the Timber Salvage Rider (logging without laws) beyond the end of 1996 was removed from the final compromise on White House insistence (§6A, above). However, the original timber rider (NL210 §7A) is still in place. An amendment by Sen. Patty Murray (D-WA) to repeal it was defeated 54:42 on March 14. As far as we know, HR.2745 (by Reps. Elisabeth Furse, D-OR, and Connie Morella, R-MD), is still pending before two House committees, but the earlier Senate action may have compromised its fate.

The phony forest-health "crisis" (NL210 §7A) is being used to promote S.391 (Craig, R-ID), the "Forest health bill." Like the original timber rider, S.391 exempts timber sales from critical environmental laws (such as NEPA, the Clean Water Act, and the Endangered Species Act), effectively eliminates citizen participation in review of national-forest logging, and severely weakens the public's right to challenge irresponsible logging in court. Infinitely worse, however, than the original timber rider (which is in effect through the end of 1996), S.391 would provide a 10-year (!) exemption from compliance with laws.

- \* **WHAT YOU CAN DO:** (1) Contact your senators in strong opposition to S.391, which would continue the catastrophic "salvage logging-without-laws" for another 10 years. (2) Contact your representative and strongly urge him to co-sponsor HR.2745, or any other measure that would repeal the timber rider. Our legislators need to know, (a) that the so-called forest-health crisis is a phony one; (b) that a preponderance of healthy trees -- rather than only dead or dying ones -- are being cut; and (c) that the "salvage" logging in the Craig bill (as well as the existing timber rider) is exempted from all environmental laws.

### G. Clearcutting capsules

- There is mounting documentation of what lots of people have already guessed: that clearcutting is a factor in the flooding that various parts of the country have experienced in the past few years. A recent study in the Siuslaw National Forest in Oregon showed that, of 185 landslides that occurred within 48h after heavy rains this spring, 114 were from clearcut areas, 68 from logging roads, and only 3 (1.6%) from natural stands.
- Maine citizens will vote in a November referendum on whether to ban clearcutting in the northern half of the state, mostly private lands. Clearcuts of less than 1 acre would still be allowed.

### H. Acid rain impacts are long-term

Damages from acid precipitation are very, very long-term. A 3-decade study of an experimental forest in New Hampshire has shown that aquatic and forest ecosystems are recovering extremely slowly, if at all (G.E. Likens et al., in the 4/12/96 issue of *SCIENCE*). The authors are concerned that the 1990 amendments to the Clean Air Act, while bringing about some lowering in acid deposition, will not be adequate to protect surface waters and forest soils against further acidification. Acid precipitation affects our region, too. Our already rare spruce-fir forests are presently 70% dead and continuing to die. Measurements in the Mt. Mitchell area show that acid deposition problems are occurring at increasingly lower elevations.

### J. Republican task force on the environment

Last fall, Speaker Newt Gingrich admitted that the Republicans had been "strategically out of position" on the environment. As the *Atlanta Constitution* of 6/5/96 points out, this phrase is marketing talk, implying that the product in question is sound but needs repackaging. At the end of March, Gingrich named a large task force of Re-

publican House members that would develop an agenda that reflects a "common sense" approach to the environment. *Common Ground* points out that the co-chairs have a perfect 100% League of Conservation Voters (LCV) rating -- provided you add up their scores: Rep. Sherwood Boehlert (R-NY) scored 92% on the LCV 1995 rating, and Rep. Richard Pombo (R-CA) scored 8%. The average LCV score for the 13-member Steering Committee is 27%, and 5 of the members scored zero. Of the 61 task-force members, 25 scored zero, and the average score was 19%, making the task force just a tinge greener than House Republicans in general, who averaged 15%. Co-chairman Pombo is chief sponsor of last year's HR.2275 (NL207 19A) that would dismantle the Endangered Species Act. Task-force members include Jim Hansen (R-UT), chief sponsor of the anti-wilderness bill (NL210 17C), Joel Hefley (R-CO), author of the bill that would have created the national parks closing commission (NL206), Billy Tauzin (R-LA), the foremost foe of wetlands protection, and Helen Chenoweth (R-ID), prime "Wise Use" advocate. Tennesseans on the task force are Wamp (TN-3) and Bryant (TN-7).

- \* **WHAT YOU CAN DO:** If your Representative is a member of the Task Force (e.g., see Wamp and Bryant, above), you need to tell him that his post mandates that he work to protect the environment. Encourage him to use his appointment to turn around the Republican position on the environment, rather than merely repackaging the product to create a "greener" image.

### K. Fish & Wildlife Service suffers grievous loss -- and so do we all

FWS Director Mollie Beattie battled an inoperable brain cancer for a year before finally resigning her post. Beattie, the first woman ever to head the Service, has been widely respected by the environmental community for always putting what was right for the resource ahead of what was politically expedient. She did much to restore the integrity of the National Wildlife Refuge System and she stood up for the Endangered Species Act during a time when it was under heavy Congressional attack (NL207 19A summarizes her attempts to contrast myths about the ESA with truths). Her life and work has been an inspiration to many, who'll never forget her.

### L. Auburn: the most expensive dam ever proposed

[Contributed by Karen Peterson]

Tennessee's Rep. Zach Wamp is a key figure in the outcome of a proposal to construct a \$1-billion

dam on the American River in northern California. This so-called Auburn Dam would destroy nearly 50 miles of wild river and inundate 10,000 acres. The American River and its spectacular surrounding canyons, which are visited by more than a half-million people annually, have been found eligible both as a federal wild and scenic river and as a national recreation area. The northern and middle forks of the American River have not, however, received either of these official designations because of the 3-decade-long battle over whether to build the Auburn dam.

Project supporters claim the dam is needed to improve flood control in the Sacramento Valley region, but studies have shown that just improving the existing flood-control system of dams and levees around the capital city would provide protection against the worst possible storms. Earthquake concerns forced a halt to the dam's construction almost 20 years ago, and cost considerations and opposition to the dam have halted its construction so far. In 1992, for example, Congress overwhelmingly denied a request for \$698 million to fund the project.

The House Transportation and Infrastructure Committee is now poised to consider yet another funding request (this time for \$948) for the Auburn dam under HR 3270 (Doolittle, R-CA). Federal estimates for an expanded full-sized dam have been in excess of \$2.5 billion, easily making it the most expensive dam ever proposed to be funded by US taxpayers. Dam supporters may try to attach HR 3270 to the 1996 Water Resources Development Act, which would also come before the House Committee on Transportation and Infrastructure. *Tennessee Representative Zach Wamp sits on this committee and has not come out against the bill.*

**\* WHAT YOU CAN DO:** Write to Congressman Zach Wamp (address on p.2) and urge him to oppose the Auburn Dam. Let him know that this is a highly destructive and unjustifiable flood-control project. Northern California's unwillingness to pursue other feasible flood-control alternatives should not cost taxpayers from other parts of the country (e.g., Tennessee) \$948 million. Also let him know that the American River and its surrounding canyons are a valuable natural resource worthy of protection under the Wild and Scenic Rivers designation, and that if the Auburn Dam is funded and built, these resources will be irretrievably lost. For further info, contact Karen Peterson, 966-2885.

## **M. National trails funding**

The highway bill recently signed by Pres. Clinton designates \$30 million to the National Recreation Trails Fund over the next 2 years. The Fund has been authorized to receive \$30M annually but, in fact, received only \$7.5M in 1993, nothing in 1994, and nothing in 1995. A state must have a recreation trail advisory board in place to be eligible for funds; does Tennessee have one? We have had a designated National Recreation Trail for decades, right in Oak Ridge — the North Ridge Trail.

## **N. Wetland Reserves in Farm Bill**

On the plus side, the Farm Bill passed April 5 reauthorizes the Conservation and Wetland Reserve Program through 2002, sets aside \$50 million for habitat improvement, and creates a \$35 million farmland protection program to match state and local funding for conservation easements. On the minus side, an amendment added by Sen. Brown (R-CO) significantly compromises the ability of the Forest Service to place conditions on hydropower water projects on National Forest lands.

## **7. OAK RIDGE & KNOXVILLE ISSUES**

### **A. Mitigation Plan for Parcel ED-1 of Oak Ridge Reservation**

In April 1996, DOE completed an Environmental Assessment (EA) for the proposed lease of the 957 acres of Parcel ED-1 of the Oak Ridge Reservation by the East Tennessee Economic Council. Subsequently, the Department issued a Finding of No Significant Impact (FONSI), conditional on the implementation of mitigation and monitoring to protect environmental resources. Annual progress reports will be published on the implementation of mitigation.

Pre-development mitigation will be based on excluding certain areas from encroachment. Existing roads account for 22 acres. The exclusion areas total 491 acres, and development can proceed in the remaining 444 acres. Exclusion areas include the 100-year floodplain of East Fork Poplar Creek and its tributaries; designated natural areas; aquatic natural areas; archeological and historic sites; special features (caves, springs, wetlands); wildlife corridors; and stream buffers. Surveys within the 444 acres provisionally designated for development may result in the identification of additional exclusion areas. For further information, contact Ms. Katy Kates at 423-576-4200.

**B. Turkey Creek Wetlands "compromise" proposed**

The Westpointe Commercial Park proposed for West Knoxville (between I-40, Kingston Pike, and Lovell Rd) contains the 22-acre spring-fed Turkey Creek Wetlands across which the developer has planned to build a full-based paved road (NL210 ¶8B). Opposition by a number of groups (not just environmental ones) has led the City to develop a compromise proposal: the road will be built, but the impacted area and a significant amount of contiguous acreage, also undeveloped and containing other smaller wetlands, will be managed in perpetuity by Ijams Nature Center as one of their environmental and educational resources. A "final" plan is soon to be released, at which time further input may be possible. In the interim, you may contact your elected officials.

**B. TCWP NEWS****A. March for Parks a huge success**

April 20 (Earth Day) turned out to be miserable weather-wise (torrential rains, and tomatodoes just to the south and north of us), but a huge success in terms of funds raised for the Obed National Wild & Scenic River. Despite the weather, about 50 people participated in TCWP's 6th March for Parks -- hiking (ages 1 to 85), bicycling, paddling (12 boats and a stray pooch), rock-climbing. Many more people contributed through their pledges. The Obed staff helped hugely with organizing the activities, and then made the Visitor Center available for us to dry out in, eat our picnic, raffle the kayak contributed by Dagger Canoe Co., and receive our prizes.

March for Parks is the brainchild of NPCA (National Parks & Conservation Assoc.) which sponsors and advertises it on a national scale. This year's TCWP effort grossed over \$6,000, which is equivalent to ~3% of the operating base budget for the Obed National WSR. Contributing to the success of the event was the media publicity it generated for the Park and for the support that exists for it, e.g., a front-page article with color photo in the *Knoxville News-Sentinel*. The corporations that sponsored the event -- Lockheed Martin Energy Systems, Science Applications International Corp., and Radian Corp. -- also became aware of their employees' strong support for the Obed. TVA printed and distributed the brochures

Very special thanks go to TCWP's executive director, Karen Peterson, who organized the whole event, and recruited the corporate sponsors and the companies that provided the very apt prizes for Marchers -- Dagger Canoe Co., Shadow Mountain Outfitters, Clear Creek Retreat, River Sports, Obed Paddle Service, Earth Access, Blue Ridge Mountain Sports, KT's Bicycle Shop, and the Oak Ridge Bicycle Center.

**B. TCWP to be on WUOT Fanfare**

Under WUOT's community-service project, Fanfare, the station selects three non-profit organizations to be featured each month. TCWP has been selected for the month of December. During that month, there will be two 30-second TCWP announcements each day. We will also be featured in WUOT's monthly Program Guide. Tune in to WUOT, 91.9 FM!

**C. We need computer help!**

Surely there are computer whizzes among our members who can help TCWP get on the Internet? Call Karen Peterson -- she'll be most grateful for any advice she can get (966-2885 or 481-0286).

**D. Whites Creek hike report**

On June 1, National Trails Day, Judith Bartlow led an intrepid group of 13 hikers on a service trip through the Whites Creek Small Wild Area on Watts Bar Lake. Jean Bingham reports that the group cleared off a number of blowdowns, but that the trail was otherwise in good shape. Thank you all!

**E. Jenny is wed!**

TCWP President Jenny Freeman married Bill Allen on May 18 at a lovely ceremony on the lawn of Jenny's mother's house in Pitman Center (Mt. LeConte was the backdrop). Jenny's daughter, Mei-mei was the flower girl. If there are any TCWP members who don't know Bill, look up past NLS and you'll find that, among other things, he and Jenny pushed through the Tennessee Rivers Assessment a few years ago, and that he is past conservation chairman for TSRA. For a living (?), he is an attorney with Rural Legal Services in Oak Ridge. What a great pair!

**9. JOBS, ACTIVITIES, and READING MATTER**

- **Job opening:** River Network is looking for a responsible individual to play a key role in the

implementation of *Watershed 2000* as a Program Manager. For information call 202-364-2550.

- **Job opening:** Community Shares, a non-profit alternative fund for social change and social justice groups, is looking for a director of its new Nashville office. Contact Community Shares, 517 Union Ave., Suite 203, Knoxville 37902 to ascertain whether applications are still being accepted.
- **Job opening:** The Nantahala Outdoor Center Information Systems Dept. is opening a position for a full-time operations- and technical-support staff member. Considerable computer expertise is essential. Send resume to Bill Travitz, 13077 Hwy 19 West, Bryson City, NC 28713 (btr@noc.com).
- CAC AmeriCorps in Knoxville consists of "volunteers" who are focusing on improving water quality, teaching children the value of protecting the environment, etc. During the Corps year (9/23/96-8/16/97), volunteer work on 8-hour day, earn a living allowance, receive an educational award, and have health insurance. Contact Lori Pejsa at 423-546-3500.
- July 26-28, 2nd Annual Grassroots Forest Conference, Valle Crucis, NC, sponsored by the Southern Appalachian Forest Coalition (PO Box 2059, Asheville, NC 28802). The registration fee of \$50 includes two nights lodging and meals. Call 704-252-9223.
- Nov. 1-3, TCWP Annual Weekend, Wesley Woods near Townsend. Details later, but mark your calendar now.
- *Tennessee's Mountain Treasures* is an excellent recent report on the Cherokee National Forest (NL210 15B). For a FREE copy of this handsome, illustrated, 74-page report, send a postcard to The Wilderness Society, c/o Cherokee Forest Voices, PO Box 1101, Knoxville, TN 37901.
- *The Living Landscape, Charting a New Course: National Forests in the Southern Appalachians* analyzes forest management in relation to the economic realities of the area. It was written by Dr. Peter Morton, resource economist with the Wilderness Society in Atlanta, and may be obtained by calling 404-872-9453.
- An informative, attractively illustrated, 14-page publication about the Land & Water Conservation Fund is available from The Wilderness Society, 900 -- 17th St, NW, Washington . DC 20006.

- The 1996-1997 *River and Watershed Conservation Directory* contains over 3000 listings, by state, of agencies and organizations. For information about how River Network and the National Park Service can help with river or watershed efforts, contact the following: River Network at 503-241-3506; NPS, RTCA, at 202-343-3780.
- *National Parks and the Woman's Voice: A History*, by Polly Welts Kaufman, draws on extensive research and hundreds of interviews with Park Service women and others. Univ of New Mexico Press, 1996. Call 1-800-249-7737.

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#### WHAT IS TCWP?

TCWP is dedicated to achieving and perpetuating protection of natural lands and waters by means of public ownership, legislation, or cooperation of the private sector. While our first focus is on the Cumberland and Appalachian regions of East Tennessee, our efforts may extend to the rest of the state and thenation.

TCWP's strength lies in researching information pertinent to an issue, informing and educating our membership and the public, interacting with groups having similar objectives, and working through the legislative, administrative, and judicial branches of government on the federal, state, and local levels.

TCWP, 130 Tabor Rd., Oak Ridge, TN 37830  
 Pres. Jenny Freeman, 423-482-5980.  
 Exec. Dir., Karen Peterson, 423-481-0286 or 966-2885

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