

TENNESSEE CITIZENS for WILDERNESS PLANNING

Newsletter No. 216

May 17, 1997



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Shaded box or star means "Action Needed." Don't be overwhelmed -- check the ACTION SUMMARY!

10. ACTION SUMMARY

¶No	Issue	Contact	"Message!" or Action
1A	Big S. Fork Gen'l Mngt. Plan		Attend one of the 10 Open Houses
2B	State Parks bill	Statesenator	"Support SB.1856!"
2C	Scott's Gulf funding	Sen. Doug Henry	"Support SB.1823/HB. 1836"
3A	Proposed Gcoee Natl Recr. Area	Rep. Zach Wamp	"3rd District supports this proposal for <i>National Forests!</i> "
3C	Water-quality standards; ONRW		Attend hearing; in fall, attend Water Qual. Control Board
3D	Chip-mill impacts on forests	EPA/US Sens. and Rep.	"Conduct/fund study of <i>regional, cumulative impacts!</i> "
5B	TVA's non-power program	US Sens. and Rep.	"Initiate independent review; put moratorium on land sales!"
6A	Bogus right-of-way claims	Pres. Clinton US Sens. and Rep.	"Veto the R.S.2477 rider on flood-relief bill!" "Let USDI sort out valid from bogus claims!"
6B	Our new National Monument	US Sens. and Rep.	"Do not let Utah politicians hurt a <i>national treasure!</i> "
6C	Park overflights	US Sens. and Rep.	"Support Sen. Akaka's and McCain's bills!"
8B	TCWP's Annual Weekend	TCWP	Mark your calendar for Oct.31 - Nov.2

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 532-9711

Dear Senator Doe
Sincerely yours.

Dear Congressman Doe
Sincerely yours.

Dear Mr. President
Respectfully yours.

Dear Gov. Sundquist
Respectfully yours.

Sen. Bill Frist:
Phone: 202-224-3344; FAX: 202-228-1264
e-mail: senator_frist@senate.gov
Local: 423-602-7977

Sen. Fred Thompson:
Phone: 202-224-4944
FAX: 202-228-3679
Local: 423-545-4253

Rep. Zach Wamp:
Phone: 202-225-3271
Local: 423-483-3366

To call any Rep or Senator, dial Congressional switchboard, 202-224-3121. To find out about the status of bills, call 202-225-1772.

WHAT IS TCWP?

TCWP (Tennessee Citizens for Wilderness Planning) 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 the nation. 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.
Exec Director, Linda H. Krusen, 423-481-0286.
President, Jenny Freeman, 423-482-9980 (evening).
e-mail: TCWP@kornet.org
On the web: <http://www.kornet.org/tcwp/>

1. BIG SOUTH FORK AND OBED

A. Information meetings on Big South Fork General Management Plan

Ten Open Houses, including one in Oak Ridge and one in Knoxville, have been scheduled to acquaint people with the procedures that the National Park Service (NPS) proposes to follow, and the issues it hopes to address, in developing a General Management Plan (GMP) for the Big South Fork National River & Recreation Area (BSFNRA). These are information meetings of 3-5 hours each, during which the public can drop in at any time, wander around and look at the exhibits and other materials. Because the Open Houses are part of the scoping process, NPS will welcome input from the public (either in conversations at the meetings or in writing subsequently) concerning suggested additional or alternative issues that should be addressed in the GMP.

The GMP for the BSFNRA will not be as specific as a Development Concept Plan (which generally follows a GMP), but will be more in the nature of describing desired future conditions. The principles established at the Management Objectives Workshop of 1994 will be honored as much as possible.

The schedule for the first 7 Open Houses follows:

- June 3, Whitley City, KY, County Courthouse, Fiscal Courtroom, 3-8 p.m.
 - June 5, Wartburg, Obed WSR Visitor Center, 3-8 p.m.
 - June 10, Oak Ridge Civic Center, Room B, 5-8 p.m.
 - June 12, Oneida, Town Hall, Civic Courtroom, 3-8pm
 - June 16, Crossville (downtown), Old RR Depot meeting room, 3-8 p.m.
 - June 19, Jamestown, York Inst., cafeteria, 5-8 p.m.
 - June 21, Rugby Community Bldg, 2-7 p.m.
- Additional Open Houses are being scheduled for Knoxville, Pickett County, and Somerset, KY. For dates, times, and locations, call Park HQ at 423-569-9778.

The Big South Fork NRR is a most significant resource for this whole region, and for many of us personally. We hope many of you will make an effort to attend one or more of the Open Houses.

B. Remediation planned for Bear Creek

Bear Creek, which joins the Big South Fork in Kentucky but has most of its watershed in Tennessee, is heavily polluted with acid drainage

and sediment from abandoned coal mines. Furthermore, private forestry resources are in poor condition and contribute to the sediment load. Drastic environmental, economic, and social problems arise from the river's extremely poor water quality.

The Natural Resources Conservation Service (NRCS), along with other contributing federal and state agencies, has now issued the final draft of a *Watershed Plan/Environmental Assessment for the Restoration and Enhancement of the Bear Creek Watershed*. The Plan lays the groundwork for remediation by means of reclamation of 207 acres of abandoned mine lands and treatment of eroding forestlands. Over 75% of the total estimated cost of \$4 million will come from NRCS funds (under P.L. 83-566), the remainder from state, federal, and local agencies, watershed residents, and other private citizens. TCWP commented on the draft, stating its pleasure that remediation would finally be initiated.

C. Monitoring station at Lilly Bridge

The new high-quality monitoring station/flow gauge at Lilly Bridge is in place and sending data to the US Geological Survey for the NAWQA (Natl. Water Qual. Assessment). The Obed thus has the distinction of being part of an elite national program. Data are collected by nationally consistent standards and stored in the USGS data base. The Lilly Bridge station will help provide a basic knowledge of past and present Plateau hydrology that can be used to assess the effects of any future changes in land or water use.

Maintenance and operation costs are \$9,200 annually, of which USGS pays half. The NPS share is thus \$4,600 to which the Carroosa Wildlife Management Area and some boating clubs will make contributions.

D. Capsules

- Outstanding National Resource Water (ONRW) designation for Obed and Big S. Fork (see 13C, this NL) will be actively pursued by Supt. Rolland Swain and Site Manager Monika Mayr. Along with other NPS staff, they will meet with Tennessee Division of Water Pollution Control staff on June 5.
- The draft Water Resource Management Plan for the Obed is about 90% complete. TVA is the contractor for the Plan.
- Any future horse trails in the BSFNRA will not be as offensively wide as those constructed in recent years, which were sized to accommodate the width

of a gravel truck. Superintendent Swain has instructed his maintenance staff to come up with other methods of bringing in gravel.

- The Tenn. Dept. of Transportation is planning to replace 1-40 bridges spanning the Obed and Daddys Creek. Because the Obed is a National Wild & Scenic River, and Daddys Creek is critical habitat for threatened and endangered species, individual (rather than generic) permits are required. The projects are being reviewed by the Division of Natural Heritage.
- Jim Wiggins, for many years Assistant Superintendent of Big S. Fork NRR/Obed WSR, retired on March 31 and is living in Fentress County. We'll miss him and we wish him well.

2. THE STATE LEGISLATURE

A. Forestry bills deferred, pending study

Tennessee, like several other southern states, has no law regulating logging, a fact that is causing large timber companies to move here from the more highly regulated northeast and northwest. Two good bills were introduced into this session of the General Assembly, one (drafted by SOCM) addressing private lands (outlined in some detail in NL215 ¶3A), and one (drafted by the Sierra Club and the Tenn. Forest Defense Council) addressing state lands. Both of these bills (and a third one of contents unknown to us) were deferred until next year (SOCM requested deferral of their bill in order to strengthen it and organize more support).

The bills' sponsors wrote a joint resolution that creates a commission to study the status of both state and private forest lands. The commission would consist of industry, and environmental-group members in about equal numbers, and would issue a report (plus possible minority reports) by March 1998. The resolution to create this commission has to be approved by both houses of the General Assembly.

B. State Parks bill, SB.1856

SB.1856 by Senator Bud Gilbert (R-Knoxville) is scheduled for May 14 before the Government Operations Committee, from where it will go to the Senate Environment, Conservation, and Tourism Committee, which Gilbert chairs. After it passes there, it will come before the full Senate, but enactment will have to wait until next year since the House has deferred the bill.

SB.1856 would place the operation and control of state parks with a new independent, bipartisan 15-member commission modeled after the Tennessee Wildlife Resources Commission (NL215 ¶3B). Our state parks have been suffering from inappropriate developments (like golf courses and swimming pools), loss of buffer areas, erosion of professionalism among park employees, and emphasis on revenue production at the expense of resource protection. The parks are likely to benefit from the new approach embodied by SB.1856.

WHAT YOU CAN DO: (1) Urge your state senator to support SB.1856 (see Political Guide for address/phone info). (2) Tell Governor Don Sundquist (address on p.2) that you support the State Parks Management Bill, SB.1856, as drafted by Sen. Gilbert.

C. TWRA funds for Scott's Gulf?

[From Legislative Update]

HB.1836/SB.1823 allows for TWRA funds to be spent to purchase land in Scott's Gulf. This bill made it all the way through the House and may come up in a couple of weeks in the Senate Finance Committee.

WHAT YOU CAN DO: Call Sen. Doug Henry (615-741-3291) to express your support for HB.1836/SB.1823.

D. Duck River lands: an insidious bill

TVA recently held hearings on its study of alternative uses for the lands that were purchased for the now-abandoned Columbia Dam and Reservoir (NL214 ¶8A; NL215 ¶2C). Public sentiment at the hearings and in the 4800 written comments was overwhelmingly in favor of keeping these lands in public control under the Tennessee Wildlife Resources Agency or the US Fish & Wildlife Service.

However, the same few Columbia politicians who had all along agitated for the Columbia Dam are now making a last-ditch attempt to thwart this outcome and to have their own dam after all. They wrote a bill that would create the so-called Maury Land Trust, a phrase deceptively seeking to imply land preservation. The objective of this trust would indeed be just the opposite.

The bill would transfer to the Trust the 12,000+ acres of land (along, and extending back from, the

banks of the Duck River) that had been acquired by TVA. The Trust would then sell these lands for development and use the proceeds to dam Fountain Creek and/or other tributaries.

The Duck River lands were purchased with the tax dollars of the citizens of the United States. They are public lands and should be preserved for public use, not sold for special-interest profit. Within these lands, the state has identified 12 potential new natural areas containing numerous rare, threatened or endangered species and habitats, as well as 297 prehistoric sites and 28 historic structures. Protection of the biologically rich and diverse river corridor and significant portions of upland areas, and management for non-destructive outdoor recreation and wildlife habitat, would be a boon to Middle Tennessee, which currently has hardly any protected public lands.

In another study, TVA concluded that the Columbia area is NOT in need of reservoirs for its water supply. Thus, the Maury Land Trust would be using U.S. taxpayers' land to pay for *unnecessary* dams. The Trust would be able to condemn land and build reservoirs *even outside* the county, and it could charge water users for water that they now get free.

This insidious bill passed a House Committee on May 7. It was scheduled for a Senate Committee on May 14, and TCWP and other groups worked hard to acquaint Committee members with the facts. The bill's sponsors thus found insufficient support, and consequently postponed action to May 21 in the hope of changing minds. The outcome will not be known until after this NL goes to press.

3. OTHER TENNESSEE MATTERS

A. *Proposed Ocoee National Recreation Area: Is Wamp cooling?*

In the closing days of the 1996 campaign, Congressman Zach Wamp was enthusiastic about supporting legislation that would create an Ocoee National Recreation Area (ONRA) to encompass all National Forest lands in Polk County. Now, there are hints from Wamp's office that he will abandon the plan.

The original proposal would, among other things (NL215 ¶1A), expand existing Wilderness and Scenic Areas, designate Primitive Areas, ban logging in the Conasauga watershed, shift timber-

harvesting methods elsewhere in the forest away from intensive clearcutting, and provide a near-continuous corridor for the protection of old growth, endangered species, and migratory animals. The groups antagonized by these proposed provisions include the Timber Purchasing Council and Polk County deer-hunting groups (who would be barred from using wheeled vehicles in portions of the new NRA).

WHAT YOU CAN DO: Mr. Wamp needs to be reminded that he represents not only Polk County but the entire 3rd district, and that the Cherokee is a National Forest and not just a county forest. Express support for the proposed Ocoee National Recreation Area by calling 483-3366 (Oak Ridge), 894-7400 (Chattanooga), or 202-225-3271 (Washington -- ask for Bob Castro); or send a fax 202-225-3494 (attn. Bob Castro).

B. *Brush Creek stripmine permit sets bad precedent*

There are certain coal seams that generate so much acid drainage that no proposed toxic-materials-handling plan has heretofore been deemed adequate for them. In early April, however, the Office of Surface Mining (OSM) granted a permit to the Skyline Coal Company to mine one such seam (the Sewanee, near Dunlap), with the justification that the company claims to have solved the problem by adding lime to the backfill. The company had three monitoring wells to generate measurements for the 900-acre area, but selected data from only one of these to support their case.

The permit area lies in the headwaters of Big Brush Creek, currently a high-quality whitewater stream. TCWP will join SOCM in an appeal of the permit and contribute to the legal costs. We would welcome hearing from members who could act as expert witnesses. The issue may be even broader than this particular permit: OSM appears to be focusing on treatment of damage *after it has occurred*, rather than on the prevention mandated by law.

C. *Water-quality review: can we achieve protective designations for Obed and Big S. Fork?*

The Division of Water Pollution Control is currently engaged in the latest triennial review of water-quality standards, an activity required by federal law. Tennessee's water-quality standards

consist of Use Classifications for Surface Waters, as well as the General Water Quality Criteria and Antidegradation Statement.

The review process, which is expected to take at least a year to complete, begins with a "Staff Proposal," which precedes the official rulemaking process (you can request a copy of the Proposal by calling 615-532-0699). This document allows informal presentation of ideas to the public and others affected by proposed changes to water quality standards, leading to an exchange of information that helps staff to develop the official draft set of revisions. The formal rulemaking process that ensues includes public hearings on the official draft, formal response to comments raised, and approval by the Water Quality Control Board. EPA must then either approve Tennessee's submission or disapprove any parts not consistent with the federal requirements to protect "waters of the nation."

The following water quality standards are likely to be among those updated in 1997:

- fish and aquatic life (FAL) criteria and recreation criteria (protection of water-contact recreation and fish consumption).
- stream-use classifications for domestic water supply,
- the list of troutstreams and naturally reproducing trout streams,
- the Antidegradation Policy, to insure that it contains an EPA approvable implementation strategy. Nominations for Outstanding National Resource Waters (ONRWs) will be considered.

The last item on this list will be of particular interest to TCWP members. ONRW status confers the highest possible degree of protection to a river. In 1995, at the time of the most recent triennial review, the Division's draft recommended a list of specific ONRWs, including the Obid and Big South Fork. Unfortunately, in the absence of sufficient support at that time, the Board ruled that rivers would have to be individually nominated for ONRW status. TCWP will be working to bring this about, and we have already conferred with the Park Service about their support for these nominations (§1D, this NL).

WHAT YOU CAN DO: (1) Attend one of the public hearings in your area. We'll try to bring you details on dates and locations when these are announced; or contact Greg Denton at 615-532-0699. (2) Attend the Water Quality Control Board meeting in

Nashville, probably October or November. Because the Board makes final decisions for the State, it is important for us to have a clear presence at this meeting.

D. Region-wide study of cumulative chip-mill impacts is needed

The southeastern U.S. has seen a veritable explosion of chip-mill development, with over 100 mills sited just within the past 10 years. Every year, close to 3 million tons of hardwood chips are shipped down the rivers that feed the Tenn-Tom Waterway and are exported, mostly to Japan. The region is experiencing unprecedented "cut and run" forest destruction, with ensuing damages to environmental values (water quality, biodiversity) and to local economies. Experts predict that by the year 2040, 70% of the native forests in the South will have been converted to pine plantations ("fiber farms"), and a shortage of hardwood has been predicted to occur as early as 2-10 years from now.

In the permitting of individual chip mills and dock facilities, cumulative and indirect effects of massive timbering operations fail to be addressed, and the industry has used loopholes that allow them to dodge National Environmental Policy Act (NEPA) and Endangered Species Act requirements. What is badly needed is a comprehensive regional study of the cumulative impacts of the forest-eating chip-mill industry, and a moratorium on the licensing of new chip mills in the region until the study has been completed.

WHAT YOU CAN DO: (1) Write to EPA (Region IV, John Hankinson, Jr., Regional Administrator, 100 Alabama Street, SW, Atlanta, GA 30303) and urge them to conduct such a study; (2) Write to your U.S. Senators and Congressman (addresses on p.2) urging them to allocate funds to EPA for the conduct of such a study.

E. Pigeon River campaign

Champion's paper mill in North Carolina has been severely polluting the Pigeon River in Tennessee for decades. Most recently, Champion was operating under a permit issued October 1989, which theoretically expired in October 1994. Despite overwhelming opposition against renewal of the permit -- with its color and temperature variances and other harmful features, the state of North Carolina did so in December 1996, with approval from EPA's Region IV.

Urge Carol Browner, EPA, to deny the variance (401 M St., SW, Washington, DC Phone 202-260-2090)

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There ensued a multi-organization effort (with core advocates John Noel, Barry Sulkin, Gary Davis, and David Jenkins) to urge Vice President Gore, the State of Tennessee, and EPA to take action to honor the Clean Water Act. Gore personally asked EPA Administrator Browner to look into the matter. The concerted action stopped the permit from going into effect.

EPA is now engaged in a technical assessment of the mill and an economic assessment of the downstream economic impacts. This is precedent setting because previous economic assessments considered only the impacts to the company and the local community. The next 30 days appear to be critical, and the river advocates are hopeful that EPA will do the right thing and that they won't have to challenge the agency in court. [For more detail and updates call TEC at 615-321-5075, or check the web site <ACA-PADDLER.ORG>]

F. The "Protect Tennessee Network"

The toll-free phone number 1-888-PROTEKT was recently established by the Tennessee Environmental Council for the reporting of environmental problems, such as pollution, developmental threats to public lands, illegal dumps, wetlands destruction, harmful forestry practices, etc. TEC staff will refer callers to the appropriate local, state, or federal agency with responsibility for the problem; it will also follow up on calls to determine the outcome and to provide additional assistance if necessary. A database will be maintained, and reports on progress will be distributed to environmental groups, government agencies, community leaders, industry, media, and interested citizens.

People are also encouraged to call the number to request information about a particular environmental problem or to find out ways to get involved in influencing legislative decisions. Increased public awareness and public participation in environmental decision making are critical in the democratic process for the protection of natural resources and health.

G. Scott's Gulf Committee gets award

For the first time this year, the Tenn. Dept. of Environment and Conservation has given a Natural Heritage Conservation Award, which recognizes efforts to protect and preserve Tennessee's natural landscape and its native flora and fauna. The

Middle Tennessee winner was the Scott's Gulf Committee on which TCWP is prominently represented by Chuck Estes. Congratulations!

H. Tennessee's vanishing biodiversity

The good news is that we are one of the most biologically diverse states in the USA, with 6 ecoregions and 10 physiographic provinces. We are #1 in numbers of native freshwater fish, mussel, and crayfish species and of certain insect groups.

The bad news is that we are one of 4 states with the highest % of imperiled aquatic species, and the #1 state for highest % of declining breeding birds. Altogether, Tennessee has already lost more than 100 higher-order plant and animal species; and another 850 such species may be on their way out. [Source: The Nature Conservancy of Tennessee]

A couple of projects are currently under way to provide data potentially useful for planning biodiversity conservation initiatives. One deals with old-growth forests, which support an infinitely greater variety of life than do less mature stands. Only about 0.5% of the original forest remains in the Southeastern U.S. *Cherokee Forest Voices* is coordinating a team of "old-growth" volunteers whose objective is to locate, classify, and monitor timber stands in the Cherokee National Forest. The US Forest Service Southeastern regional office is writing its first comprehensive policy on old growth, with the final guidance document due by May 27.

Another project is the Tennessee Biodiversity Program under which the Tennessee Conservation League (TCL) enlisted the Tennessee Wildlife Resources Agency to set up a Geographic Information System. This GIS (aided by the efforts of Tenn. Tech Univ.) began with development of a statewide vegetation-classification map that can be overlaid with other data, such as distribution of animal species, public-land boundaries, location of wetlands, etc. Franklin County was recently chosen for a pilot study, testing applicability of the GIS information and of a manual that offers recommendations for setting up new conservation and natural-resource management areas. A grassroots group has formed to advance these goals. Other pilot tests may be run in Polk and Fayette Counties. TCL, through the international Partners in Flight initiative is cooperating to inventory and monitor bird species in the state.

4. SMOKIES AND SURROUNDINGS

A. *Smokies air agreement closer*

It is very good news that, after a long delay (NL215 ¶4C), the State of Tennessee in early March did agree to a revised Memorandum of Understanding (MOU) with the Federal Land Managers (FLMs) in charge of the Great Smoky Mtns National Park and the Cherokee National Forest. At issue are air quality impacts on Class-1 areas i.e., the national park and the forest wilderness areas. Unfortunately, this agreement is not yet the end of the story because the MOU is still a draft that must be ratified by the Tennessee Air Pollution Control Board. Various polluting industries (such as Tennessee Eastman and coalitions of coal-using enterprises) are agitating for amendments that could kill the document's effectiveness. Public hearings are being held (Patrice Cole represented TCWP at the Knoxville hearing), and the Air Pollution Control Board will presumably consider the testimonies.

Why we need the MOU -- at least as a start -- was summarized by Don Barger in the NPCA testimony. The Smokies have the highest monitored level of nitrogen deposition of any where in the USA, and one of the highest levels of sulfur. Largely due to sulfate pollution, visibility is often less than 1 mile on a sunny, cloudless day. Sulfur particulate levels increased by 21% between 1984 and 1994. Ozone-like damage has been observed on 90 different species of plants in the Park. Since 1980, the Park Service has attempted to raise concerns about 27 individual PSD (Prevention of Significant Deterioration) permits, but the State of Tennessee granted all of them without modification.

Under provisions of the draft MOU, the Tennessee Division of Air Pollution Control, when first notified of a potential new or modified PSD source, will provide written notification to the FLMs (Park and Forest Service) and will encourage permit applicants to consult with the FLMs as early as possible. FLMs must provide pollutant-specific standards for adverse impacts.

The MOU improves coordination, provides FLMs with earlier notification, and establishes a more predictable process for permit applicants. Problems are identified early and resolved where possible. The agreement has been gone over with a fine-tooth comb by both sides. There is no justification for amendments proposed by those who want to weaken its effectiveness.

We can be proud that Tennessee took the lead among the states whose air quality is most likely to have an impact on the Smokies and on the Cherokee Wildermesses. Gov. Sundquist deserves our thanks for this (address on p.2). The governor would like to have 7 states (NC, SC, VA, WV, KY, GA, AL) join the pact. Since the prevailing winds are westerly, the start made by Tennessee's MOU should be an important one.

B. *Proposed powerline no longer threatens Foothills*

Early this year, TVA proposed to construct a 161 kV transmission line right through the Foothills of the Smokies, crossing Chilhowee Mountain, the Foothills Parkway, West Millers Cove, Townsend, and Wears Valley (NL215 ¶4A). A great deal of public concern over this proposal prompted TVA in March to come up with an alternative that skirts the Foothills region. A high-capacity line will come out of South Knoxville to go to Pigeon Forge, and a modest upgrade will be made in the existing line between Wears Valley and Townsend.

Though thankful for this solution, Randy Brown, Executive Director of the Foothills Land Conservancy, warns about the basic problem that underlay TVA's original proposal: development interest are hoping to turn Wears Valley and Townsend into "the next Pigeon Forge." He points out that, unless these communities do some planning and come up with development guidelines and regulations (à la Pittman Center), they will grow just because they can. Gateway communities can mature wisely, instead of growing like a cancer.

C. *Helicopters sightseeing over Smokies may diminish*

The Tennessee Supreme Court recently upheld a 1992 statute that bans heliports within 9 miles of a national park. This should eliminate the Pigeon Forge source and thus, hopefully, indirectly reduce the frequency of low-level helicopter flights over the park and surrounding areas. The ruling does not directly address the question of overflights in general. However, there are bills in Congress that would allow the National Park Service greater discretion in controlling noisy overflights. It'll be important for us to support these (see ¶6C, this NL).

5. TENNESSEE VALLEY AUTHORITY

A. Tennessee River on "most endangered" list

TVA's proposal to eliminate the non-power program (NL215 ¶2A, and ¶5B, this NL) has had an interesting consequence. For the past 12 years, the national organization *American Rivers* has annually called attention to the plight of some of North America's rivers by publishing the "Most Endangered and Threatened Rivers Report." This year, the list contained the Tennessee River (TN, AL, MS, KY). *American Rivers* explains it thus: "Since its founding in 1933, the TVA has been charged with protecting the natural resources of the Tennessee River and its surrounding areas while generating hydropower. Suspending TVA's responsibility for environmental conservation significantly increases the potential for further degradation."

The Tennessee is the fifth largest river system in the U.S., with its watershed covering 41,000 square miles; it is home to 241 species of fish, 100 species of freshwater mussels, and numerous wading birds and water fowl. TVA's non-power program, which Chairman Crowell has proposed to abandon, oversees flood control and navigation; manages 420,000 acres of public land, including 11,000 miles of shoreline, for conservation and recreation; conducts fishery improvement programs; leads numerous water-protection efforts; conducts other environmental programs; assists with water-resource planning throughout the Valley; and manages several economic development programs.

Tom Thornburgh represented TCWP at a press conference organized at Knoxville by the Tennessee Valley Energy Reform Coalition (TVERC) to publicize the river's "endangered" designation. Speakers made the point that what is needed is a public process to develop recommendations concerning TVA's future, and that, in the meantime, there should be a moratorium on sales of TVA land and on plans to eliminate funding for the resource program (see ¶5B, below).

B. Reactions to TVA's proposal to kill its own non-power program

TVA did not, ahead of time, inform the Valley Congressional delegation (the 7-state "TVA Caucus") of its plans to eliminate the non-power program. These members of Congress, who have traditionally championed TVA against those who would like to dismantle the agency, now feel that

their hand has been considerably weakened and that TVA foes may prevail. TVA had asked for \$106 million in FY98 for the non-power program, and zero thereafter. Zach Wamp, chairman of the caucus, said he would try to get \$96 million for FY98, and a floor of \$69 million indefinitely thereafter.

Unfortunately, Wamp opposes an excellent proposal by Rep. Bob Clement, a former member of the TVA Board, to create an independent Regional Policy Commission to review TVA's non-power as well as power programs and to provide a public process -- independent of TVA -- that includes all stakeholders. TCWP and other conservation groups believe that until such a review is completed, a moratorium should be placed on all of TVA's actions relative to its resource (non-power) program, and particularly on any TVA land sales. Urge your congressman and senators to initiate such a review and moratorium.

Others too want to slow down TVA's course of self-destruction until a fix can be found. Thus, Senators Frist and Thompson have asked Sen. Domenici, chairman of the Energy and Water Appropriations subcommittee to help bring about a General Accounting Office review, hearings, and congressional authorization of certain TVA actions. Gov. Sundquist has asked fellow governors in the region to petition Congress for continued federal support for the non-power programs. "The federal government," he said, "has an on-going duty to provide for the continued operation of the Tennessee River system ... [including] flood control, navigation, water quality, and shoreline protection ... [and] must provide adequate funding to fulfill these obligations."

TVA has recently held 20 meetings to receive public comments on proposals to transfer or discontinue services or end federal funding. Patrice Cole represented TCWP at one of these. About 650 people attended the meetings, and about 400 written comments were received. The overwhelming majority supported continuation of TVA's resource (non-power) program.

C. TVA buys pollution credits but may resell them

Under the terms of the Clean Air Act reauthorization passed during the Bush Administration, polluting utilities that do not need their full allowance for pollution may sell credits, which can then be bought by other utilities. TVA recently bought 87,000 tons of sulfur dioxide emission

allowance for close to \$10 million. Because the price per ton has been rising, TVA plans to resell a large portion of the credits to another utility at a profit.

Since it started purchasing credits in 1992, TVA has never used any of them to offset its own emissions, and the agency is in full compliance with the Clean Air Act. TVA will not, however, promise categorically that they will not use any credits themselves. Because TVA's 11 coal-fired steam plants are the region's largest source of sulfur dioxide, any future use of the credits to increase the loading of this pollutant would be disastrous to the Great Smoky Mountains National Park (see ¶4A, this NL).

6. NATIONAL ITEMS

A. A horrendous threat to our public lands -- including some we considered protected

A 131-year-old statute is being used not only to prevent future wilderness designations but to degrade existing National Parks, Monuments, Forests, and Wildlife Refuges. One phrase in the 1866 Mining Act (not to be confused with the Mining Law of 1872) was intended to give frontier prospectors easy access to their claims. Sec. 8 simply states: "The right-of-way for the construction of highways over public lands, not reserved for public uses, is hereby granted." Claims under this provision are known as R.S.2477 claims. Though the Federal Land Policy & Management Act of 1976 repealed the 1866 law, the repeal was subject to valid existing rights (VER).

Those opposed to future wilderness designations and even to existing supposedly protected public lands have claimed VERs all over the map -- 5,000 of them in Utah alone, with another 5,000 probably coming. Trails, two-tracks, cow paths, sandy wash bottoms, etc., are being used to assert VER, as are tracks only recently bulldozed into the desert and leading to nowhere. Utah counties are particularly targeting the newly designated Grand Staircase-Escalante National Monument, as well as other BLM lands that would qualify for Wilderness status. But the practice is not limited to Utah; it has been used in Alaska (Denali National Park is a specific target), Idaho, and elsewhere.

In 1994, Secretary Bruce Babbitt developed regulations that would have established balanced,

reasonable criteria for determining what was a valid right-of-way, weeding out bogus claims. But in 1966, the notorious 104th Congress passed a law that prohibited these regulations from taking effect without Congressional approval.

And here comes the latest infamous chapter. Last week, Sen. Young (R-Alaska), the most vocal champion of R.S.2477 claims (and one of those who are always ready to undo public-land protection), attached a rider to the bill designed to bring flood relief to the devastated areas of North Dakota and Minnesota -- a bill that is bound to pass. The Young rider (HR.1469) perpetuates the prohibition against any Administration regulations pertaining to the validity of R.S.2477 claims.

WHAT YOU CAN DO: (1) Without delay call the White House (1-202-456-1111) or send an e-mail message (President@whitehouse.gov), and strongly urge President Clinton to veto the R.S.2477 rider on the flood-relief bill. (2) (Important, but less urgent) contact your senators and congressman to tell them why it is important for the Dept. of the Interior to sort out the valid right-of-way claims from the bogus ones.

B. Other threats to Grand Staircase-Escalante National Monument

As if the R.S.2477 claims (¶6A, above) and the Conoco oil-drilling claims (NL215 ¶5A) weren't bad enough, our newest National Monument is facing a legislative onslaught from members of the Utah congressional delegation and from other park foes. They have vowed to shrink the Monument's boundaries and pass an amendment to ensure that the Antiquities Act can never be used in Utah. In late March, they introduced legislation that would prevent monuments larger than 5,000 acres from ever being designated by the President, and they would require prior consultation with affected governors as well as prior congressional approval. Rep. Helen Chenoweth (R-ID) has introduced a bill that would limit the Antiquities Act's ability to declare monuments anywhere.

WHAT YOU CAN DO: Contact your senators and congressman and urge them to oppose these bills. The lands in question are federal (BLM) lands and belong to the people of this entire nation, not to the politicians of Utah or any other specific state.

C. Bills address only Park overflights

The Federal Aviation Administration is dragging its feet on restoring quiet to the Grand Canyon National Park. While a few measures are being implemented (e.g., a ban on dusk-to-dawn overflights), the most important regulation -- establishment of flight-free zones -- is being postponed for at least another year because of air-tour-industry pressures on the FAA. In 1996, there were 100,838 flights over the Grand Canyon NP, as compared to 12,841 in 1976.

Frustrated by FAA's lack of enthusiasm in solving the problem, two senators -- McCain (R-Arizona) and Akaka (D-Hawaii) -- have introduced separate bills to give the National Parks Service greater authority in addressing the overflights issue. The two bills, which take different approaches, may be combined into one unified one.

WHAT YOU CAN DO: Urge your senators and representative (addresses on p.2) to support Akaka's and McCain's legislation. Tell them how much natural quiet means to you, and how this quiet is already being disturbed in the Smokies and other Park Service units that you visit.

D. "American Heritage Rivers" Initiative

During his State of the Union address, President Clinton announced the American Heritage Rivers Initiative; ten such rivers would be designated by him this year. The program has three principal elements: (a) the nomination of rivers by local communities, with federal agencies providing assistance to these areas; (b) development of a "toolbox" of river revitalization methods, with a clearinghouse for this information; and (c) a call to action to companies, nonprofits, state, local, and tribal governments to come together to restore, protect, and revitalize rivers running through their communities.

The White House Council on Environmental Quality chairs an interagency group working on the initiative. Community meetings around the country are being organized. These and related activities are viewed as a historic opportunity to get Americans to rediscover their rivers and the many values they provide. The response has been overwhelming, with community leaders clamoring to nominate their rivers and to access federal resources for river conservation.

E. Land & Water Conservation Fund

For three decades, the LWCF, fed by royalties from offshore oil leases, has provided federal funds for the acquisition of conservation and outdoor recreation lands. The fund is authorized at \$900 million annually, but this is how puny it has looked for the past three years.

Agency	FY96	FY97	FY98 (proposed)
BLM	14.1	10.4	9.9
FWS	40.3	44.5	44.6
USFS	41.0	42.0	42.0
NPS	44.3	53.9	70.9

figure are in \$millions

While the Park Service appears to be on a steep growth curve, the increase in FY98 over FY97 is, in fact, entirely due to two special projects: acquisition and removal of Elwha Dam in Olympic National Park (Washington State), and acquisition of the Sterling Forest along the NY-NJ border. The budget for BLM has actually decreased, and budgets for the Fish & Wildlife and Forest Services are flat. The total proposed LWCF for FY98 is only \$167.4 million, i.e., less than one-fifth the authorized total of \$900 M.

More than \$12 billion has "accumulated" in the supposedly dedicated Fund, but it is being siphoned off to uses totally unrelated to resource acquisition. Congressman George Miller (D-CA), Senior Democratic Member of the Committee on Resources, is trying to reinvigorate the LWCF, and TCWP was invited to (but unable to attend) the kick-off meeting for this initiative. We called and promised to help with the effort that is developed.

F. The Clinton budget for natural-resource lands

Please note that the following are Administration requests that might be changed by Congress

- The National Park Service would get an increase of \$176 million over FY97 appropriations, including an additional \$66M for operating NPS 374 units -- an increase of at least 1% for each unit. It should be noted, however, that, over the past 15 years, NPS appropriations have decreased by 14% in real dollars, while park visitation has increased by 28%. In addition to the FY98 increase in operating funds, the budget contains several unusual initiatives, such as a couple of special acquisitions (see Table, above), start-up funds for five new units

(including \$375,000 for the Tallgrass Prairie National Preserve), and the Everglades Restoration Fund (\$100 for research and land acquisition to improve the vitality of the ecosystem in and around the Park)

- The US Forest Service would get \$3.1 billion to support 191 million acres of national forests and grasslands. Timber-sale offerings would drop by 10%.
- The US Fish & Wildlife Service would get an increase of \$34M to manage 92 million acres of refuges and wetlands. Endangered species spending would go from \$83M to \$93M, the latter to include \$42M for species recovery and \$5M to help keep candidate species off the list. \$6M would continue the pilot land-acquisition grant program that supports habitat-conservation plans.
- The Natural Resource Conservation Service's Wetlands Reserve Program would be increased from \$119M to \$164M in order to top the program 66% of the way toward its goal of 975,000 acres by the end of the year 2000.

G. Redwood consumer advice

Only 4% of the world's old-growth redwoods are still standing. If you're really sold on using redwood, be sure it comes from well-managed second-growth forests. If you want to help even more, contact your local lumber suppliers, home-improvement centers, contractors, etc., and ask them to do the same. For information on buyers committed to purchasing certified wood products, contact Environmental Advantage, 1-888-981-5858; e-mail: <crossley@envadv.com>

H. Electronic access to White House Worldwide Web home page:

<http://www.whitehouse.gov>
This provides, among other things, a single point of access to all government information available electronically on the Internet.

E-mail addresses:

President@whitehouse.gov
Vice-President@whitehouse.gov
First.Lady@whitehouse.gov

To receive instructions on retrieving documents by e-mail, send a message to:

publications@whitehouse.gov
In the body of your message, type "Send Info" (without quotes); do not include other text (such as

message headers or signature lines [sig files]). The instructions will be sent to you automatically.

The White House Public Access E-mail FAQ (Frequently Asked Questions) document is available at

faq@whitehouse.gov

No text is necessary in your message. The FAQ, among other things, lists alternate sources of government information, i.e., the Congressional e-mail projects.

7. OAK RIDGE & KNOXVILLE ITEMS

A. Oak Ridge Reservation has its first Greenway trail

A 5-year lease agreement with the U.S. Dept. of Energy (DOE) has allowed the City of Oak Ridge to open the first greenway trail on the Oak Ridge Reservation. Dan Robbins, chairman of Greenways Oak Ridge, coordinated much of the action. If this project, the Gallaher Bend Greenway, turns out successful, additional trails might be opened on the Reservation.

The Greenway begins in the Clark Center Recreation Park (behind the boat-launch parking lot in the winter and from just beyond the swimming area in the summer) and continues about 1.75 miles on an existing DOE gravel road through the woodlands, fields, and lakefront of the Gallaher Bend Peninsula. DOE will perform routine maintenance.

B. Knoxville greenways effort wins award

For the past 5 years, the American Greenways Program of The Conservation Fund, the National Geographic Society, and DuPont have recognized greenways projects and advocates nationwide. This year, Knoxville was selected to receive the award in the "city" category. Present for the presentation at the National Geographic Society were Mayor Victor Ashe, two leading members of the city staff, and Will Skelton, chair of the Knoxville Greenways Commission, to whose vision, initiative, and persevering energy the program largely owes its inception and subsequent success.

Greenways were recommended in the 1986 report of the President's Commission on Americans Outdoors. Mayor Ashe served as executive director of PCAO. Will Skelton was vice-chair of a parallel

Tennessee commission that made similar recommendations on the state level.

C. "Non-essential" land on the Oak Ridge Reservation have great natural value

A recent letter (by Lorene Segal) to the editor of *The Oak Ridger* protests against the DOE Inspector General's 1/8/97 report on non-essential land on the Oak Ridge Reservation (ORR). Specifically, "the 'non-essential' 16,000 acres have great value as an oasis to surrounding urbanization, as a refuge for over 1,000 different species of plants and 315 fish and wildlife species, and as a resource for recreation. Furthermore, this land is part of the ORR National Environmental Research Park, under a program established in the 1970s to open land to researchers for ecological studies and the general public for environmental education."

The writer finds the Inspector General's report to be in direct conflict with the Secretary of Energy's 12/21/94 Land & Facility Use Policy, and she also points out that decisions on land use should follow, not precede, completion of the ORR comprehensive plan, which is in progress. She suggests Oak Ridgers should let DOE and their Congressional representatives know how they feel about the Inspector General's "cavalier approach to land use on the ORR"

protection in and around state parks and other state lands. For the Saturday morning program, we are inviting a speaker from the Tenn. Division of Natural Heritage, and David Duhl from the Tenn. Rivers Assessment; and we already have acceptances from TNC Director Andrew Walker, who will discuss how The Nature Conservancy interacts with the state on resource protection, and from Annetta Watson who will talk about the LUMP ("lands-unsuitable-for-mining" petition) for the watershed of Fall Creek Falls. Related field trips, hikes, and other outdoor activities are being planned for Saturday afternoon and Sunday. Friday and Saturday evenings will be devoted to fun activities. With our new executive director now on board, and a committee of volunteers already partly assembled (though we could use additional volunteers) the remaining planning and publicizing will shortly get underway.

Fall Creek Falls is one of our very best state parks and should be lovely at that time of year. It is also easily reached from Nashville, Chattanooga, and the Knoxville area. Lodging (at one of the group camps) will be comfortable, but only about half the cost of last year's. Please plan now to attend and to bring friends and family (we'll have a kids' program).



C. Fred Holtzclaw wins big award

Fred Holtzclaw, advanced-placement biology teacher at the Oak Ridge High School, has been selected to receive the Presidential Award for Excellence in Mathematics and Science Teaching. The awardees are selected by the National Science Foundation, and Fred was chosen as the top science teacher in Tennessee. In addition to a Presidential citation, he will receive \$7,500, which he plans to use to improve the students' laboratory.

Fred served on the TCWP Board for 4 years (1992-1995, inclusive), and has always taken a strong, active interest in environmental education. Among his many other activities is operation of the Clinch River Environmental Studies Organization, which allows students to carry out "publishable-grade" environmental research.

We are truly proud of Fred, and grateful for his outstanding contribution to education, science, and environmental causes.

8. TCWP NEWS

A. We have a new executive director

After over 3 months without an executive director, we have recruited Linda Hubbard Krusen for the part-time job. Linda graduated from Columbia University with a major in Environmental Science, and got a Master of Environmental Management from the Duke U. School of Forestry and Environmental Studies. Her subsequent work has been in environmental compliance oversight at Oak Ridge, first with Bechtel and then with Systematic Management Services. Linda and her husband live in Oak Ridge, almost across the street from TCWP President Jenny Freeman. Her work time for TCWP will average 10 hours per week, most of it at our office at the First Presbyterian Church. You can reach her there (or leave a phone message) at 481-0286.

B. Annual weekend: plans progressing

Our annual weekend at Fall Creek Falls, Oct. 31 - Nov. 2, will take as its theme land and water

D. Special mentions

Special thanks to Charlie Klabunde, who worked very hard on preparing TCWP's first-ever tax

return. This became necessary because the funds we were last year administering for the Scott's Gulf effort (pending incorporation of the Friends of Scott's Gulf) brought us above the threshold for reporting.

Our sincerest thanks to Ken and Helen Warren, who are doing a terrific job maintaining the North Ridge Trail and alerting us and the City Recreation Dept. to problems, such as vehicular intrusions. If anybody would like to help in this major task, please contact them or us!

Jenny Freeman and Lee Russell wrote a grant proposal, with extensive attachments, for the Lyndhurst Foundation.

Our gratitude to Eric Hirst for identifying and contacting several other foundations to which we might also send proposals. There appear to be few that offer grants for organizational development to environmental groups in Tennessee.

Many thanks indeed to Patrice Cole, who represented TCWP on two recent occasions -- a TVA meeting about the fate of the non-power program (§14A, this NL), and a hearing about the MOU concerning Smokies' air quality protection (§14A); and to Tom Thornburgh, who represented TCWP at the press conference announcing *American Rivers* designation of the Tennessee as one of the Nation's 10 most endangered rivers (§15A, this NL).

Don Barger and Lee Russell spent a recent morning with Supt. Roland Swain, discussing Big South Fork issues.

Chuck Estes organized a highly successful dinner-theater evening at which his slide show and a hilarious mystery play promoted Scott's Gulf protection. Great job!

And our sincere thanks to the following who assembled NL215: Frank Hensley, Charlie Klabunde, Peggy Turner, Ken and Helen Warren.

During the absence of an executive director, Lee Russell handled written and other communications for the Board on a number of items (Columbia lands, TVA non-power program, bogus right-of-way claims, Bear Creek remediation, etc.).

9. JOBS, ACTIVITIES, and READING MATTER

- Job Opportunity. [This deadline may have passed.] Community Shares of Tennessee (based in Knoxville), which raises funds for social-change and environmental groups, is looking for a new Executive Director. Salary \$28,000-30,000. Call 423-522-1604 or fax 423-522-5281 for info.
- The Southern Appalachian Man and the Biosphere program (SAMAB) will sponsor a sustainability workshop early in the summer. Contact Hubert Hinote, phone 423-436-1701, fax 423-436-5598, e-mail samab@ix.netcom.com
- Oct. 31 - Nov. 2, TCWP Annual Weekend, Fall Creek Falls State Park (§18B).
- *The Status of Water Quality in Tennessee* documents the general condition of surface and groundwaters in 1996 and identifies those bodies of water impacted by pollution that are not fully supporting the designated uses assigned to them. The report is required by both the Tennessee Water Quality Control Act and the federal Clean Water Act. You can request a copy by calling 615-532-0699.
- *Canoeing in Tennessee, Scenic Canoe Trips for Paddlers of all Ages and Abilities*, by Holly Sherwin, describes. This is a comprehensive guide that gives the reader a detailed look at 45 paddling destinations across the state (\$14.95, Cool Springs Press)
- *Floods, Deaths and Wetlands Destruction -- From 1993 to March 1997* is a report by the Sierra Club and the Clean Water Network showing the power of wetlands to reduce the velocity and volume of flood waters. (\$10 from the Sierra Club Midwest office, 608-257-4994.)
- Co-op America publishes the *National Green Pages* that list environmentally acceptable products in over 150 categories, as well as addresses and phone numbers for socially and environmentally responsible businesses (Call 202-872-5307; or, on the internet, www.coopamerica.org)