

TENNESSEE CITIZENS for WILDERNESS PLANNING

Newsletter No. 217

July 18, 1997



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

11. ACTION SUMMARY

No	Issue	Contact	"Message!" or Action
3B	Brush Creek permit appeal	TCWP	Send contribution toward high costs of appeal
3D	Rejection of bad wetlands permits	Paul Davis	"Thanks!"
5C	Logging roads subsidies	U.S. Rep.	"Support Porter-Kennedy amendment!"
6A	TVA's non-power program	US Sens. and Rep.	"Urge conference committee to restore adequate funding!"
6B	TVA Regional Commission	US Sens. and Rep.	"Actively support HR 2082! Forbid TVA land sales!"
7A	Swampine at Okefenokee	Dupont Co.	"Drop your plans for mine adjacent to Okefenokee!"
7B	Antiquities Act (Nat'l. Monuments)	US Sens. and Rep.	"Strongly oppose HR 1127, S.477, and similar bills!"
7C	Right-of-way claims for fed. lands	US Sens. and Rep.	"Oppose any bill allowing state or local ROW claims!"
7D	Wilderness designation for Uuuh	US Sens. and Rep.	"Co-sponsor S.773/HR.1500!" "Thanks, Sen. Durbin!"
7D	Wilderness for ANWR	US Sens. and Rep.	"Co-sponsor S.531/HR.900!"
7E	Drilling in new Nat'l Monument	Vice President Gore	"Direct BLM to deny Conoco's request to drill!"
9B	TCWP's Annual Weekend	TCWP	Mark your calendar for Oct.31- Nov.2

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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
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Governor Don Sundquist
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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, 423-482-5980 (evening).

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1. BIG SOUTH FORK AND OBED

A. Information meetings on Big South Fork General Management Plan (GMP) completed

A GMP is the guiding document providing park managers with a comprehensive strategy for achieving the park purposes as defined by Congress. Big South Fork National River & Recreation Area (BSFNRA) staff have held ten scheduled, and an eleventh specially requested, Open Houses to acquaint people with the process that will be followed in developing the GMP for the BSFNRA (NL216 §1A). Attendance ranged from low to moderate; and NPS heard, or subsequently received in writing, ideas and suggestions (including some that are inconsistent with the park's authorized mission and cannot be considered).

After the planning team completes its initial studies (which include review of authorizing legislation, significant resources and values, visitor-use patterns, critical management issues, etc.), preliminary alternatives are developed and presented to the public, and to other government agencies, for comment. The alternatives are then revised as appropriate and again reviewed by the public and the government agencies. Finally, NPS selects an alternative that becomes the GMP.

B. Status of Clear Creek Dam proposal

The TVA regional water-supply study for the EIS on the proposed Clear Creek dam has now been complete for some months, and there is still no word from RUS (Rural Utility Service, formerly Farmers Home Administration) which had contracted with TVA for this study. RUS is the agency that would fund this dam proposed by the Catoosa Utility District (see NL210 §3A, where earlier references are listed).

It is rumored that a recent meeting of Cumberland County and Crossville officials with 5 water utilities may result in a request for help to investigate establishment of a long-term, single regional water supply for that area of the Plateau. If so, the TVA study will have provided a good start for the solution to the Clear Creek dam threat (and similar dam proposals that would be sure to follow).

C. Working for Outstanding National Resource Waters designation

On June 5, managers of Tennessee's major National Park System units (Smokies, Big S. Fork,

Obed) were briefed by Tennessee Division of Water Pollution Control staff regarding the upcoming triennial review of water-quality standards, and particularly about the significance of ONRW (Outstanding National Resource Water) designation (NL216 §13C). A letter endorsing ONRW designation for the Obed WSR has already been received, and one for the Big S. Fork NRA is expected shortly.

A series of public hearings on the proposed new water-quality standards will begin in late September or October. We will keep you informed.

D. March-for-Parks money to be used for monitoring station

TCWP's 1996 March for Parks grossed over \$6,000, which was donated to the Obed Wild & Scenic River (NL211 §8A). Park management has now decided to use this money to help pay for maintenance and operation of the new high-quality monitoring station/flow gauge at Lilly Bridge, which is sending data to the US Geological Survey for the NAWQA (Natl. Water Qual. Assessment). Collected baseline and subsequent data will help assess the effects of any future changes in land or water use in the Obed watershed. NPS' share for operation of the monitoring station is \$4,600 annually, to which our March for Parks money will be applied. It is hoped that the Catoosa Wildlife Management Area and some boating clubs will also make contributions.

E. Brewster Bridge being replaced

The Tennessee Dept. of Transportation is proposing to construct a new bridge for the State Route 52 crossing of the Clear Fork River, replacing the old Brewster Bridge just west of Rugby. The new two-lane crossing, a 995' long four-span bridge, will be just a short distance downstream from the old one, at the site of which a boat access ramp will be located. Because this section of the Clear Fork supports the federally endangered Elktoe mussel, no instream construction activity will be allowed, and erosion from the project will be minimized.

2. ACTIONS OF TENNESSEE LEGISLATURE

The Tennessee General Assembly has adjourned after the first year of its 2-year session. Some of the measures we had hoped for are in limbo (awaiting studies), but some of the disasters we feared did not happen. The following is a summary of significant

bills, including several described in greater detail in NLs 215 and 216.

A. Forestry bills focus of study

Bills to address forestry on private lands (SOCM bill), (NL 215 §3A; NL 216 §2A), or on state lands (Sierra Club bill and some others), were referred to a study committee that will report back to the Legislature. As originally proposed, the resolution authorizing this committee called for a two-year study that had to reach consensus. As a result of effective work by SOCM and allies, the deadline has been moved up to March 15, 1998, and recommendations can be made by a majority of members, with a minority report permitted. The number of "environmental representatives on the panel was also slightly increased. In the meantime, most forestry bills introduced this year will stay alive in committee.

B. Timber severance bills pass

Two "local" bills were passed to enact a pulpwood severance tax — one for Benton, and the other for Anderson County. The latter was sponsored by Sen. Randy McNally and Rep. Gene Caldwell, at the request of the Anderson County Commission, which unanimously passed the severance tax in June 1996 (NL 212 §3B).

C. State Parks bill deferred

SB 1856 by Senator Bud Gilbert (R-Knoxville) would place the operation and control of state parks with a State Parks Commission, modeled after the Tennessee Wildlife Resources Commission (NL 215 §3B; NL 216 §2B). This bill went partway toward enactment in the Senate but was deferred until 1998 in order to work out details and build support.

D. Natural Areas added

Six new state-owned areas were added to the State Natural Areas System by a bill originating from the Tennessee Dept. of Environment and Conservation (championed by Justin Wilson, former TDEC Commissioner) and signed by the Governor on May 20. The areas are Ghost River (part of the Wolf River), Devil's Backbone, Davenport Refuge, Twin Falls Hollow, Walker Branch Dragonfly and Damsely Preserve, and Little Cedar Mountain.

The Division of Natural Heritage has also announced recognition of two private properties as new Registered State Natural Areas. This brings to 55 the total number of such registered non-state-owned areas (which include Oak Ridge's Cedar Barrens). One of the new areas is the 90-foot high

Carmack Falls, surrounded by a forest community not found elsewhere in the Highland Rim. The other is Auntney Hollow, a 114-acre forested tract owned by Willamette, Inc., near Little Swan Creek.

E. Duck River lands:

Maury takeover averted

In the waning days of the 1997 session, TCWP and other groups were energetically opposing an insidious bill that would transfer to a development group (deceptively named Maury Land Trust) over 12,000 acres of federal lands, purchased years ago by TVA for the now-abandoned Columbia Dam and Reservoir (NL 214 §8A; NL 215 §2C; NL 216 §2D). Not only was the bill bad in itself, but it was likely to set a precedent for other TVA land across the region. As a result of the good fight waged by all of us, the bill was "rolled" to next year. By that time, it is to be hoped, TVA will already have transferred the Duck River lands to the Tennessee Wildlife Resources Agency (and/or US Fish & Wildlife Service) for conservation and public use. (These lands are biologically and culturally rich. Thus, 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.)

F. TWRA funds authorized for Scott's Gulf

A bill was passed and signed by the governor that authorizes (but does not obligate) the Tennessee Wildlife Resources Agency (TWRA) to make expenditures from the Wetlands Acquisition Fund (enacted in 1986) for the purpose of assisting in the acquisition of Scott's Gulf lands. This authorization could become extremely helpful, pending other developments, particularly those involving the present landowner.

3. OTHER TENNESSEE MATTERS

A. Timetable for Fall Creek Falls "Lands Unsuitable" petition

The Office of Surface Mining's study of the petition by SOCM and TCWP to designate the watershed of Fall Creek Falls unsuitable for coal mining (under Sec. 522 of the federal Act) has experienced long delays. Recently, OSM announced the following target dates:

Oct. 31, release of Draft EIS

Dec. 4, public hearing

Dec. 31, public-comment period closes.

SOCM points out that OSM has scheduled the public-comment period for the holiday season, when citizen input can be expected to be at a minimum. In a recent fact-finding meeting connected with the study, OSM was less than accommodating to citizen representation. We can only hope that these are not signs of anti-citizen bias.

B. **Appealing Brush Creek stripmine permit**

In early April, the Office of Surface Mining (OSM) granted a permit to the Skyline Coal Company to stripmine a highly toxic coal seam (the Sewanee, near Dunlap). OSM justified this permit approval on the basis of the company's claim to have solved the severe acid-drainage problem by adding lime to the backfill. The permit area lies in the headwaters of Big Brush Creek, currently a high-quality whitewater stream. There are at least two major problems with this permit: (a) The inadequacy of Skyline's water monitoring plan, and (b) (more broadly) OSM's apparent focus on treatment of damage *after it has occurred*, rather than on the prevention mandated by law.

In May, SOCM appealed the permit on the first of these grounds, and TCWP joined in the appeal, which will be heard by an Administrative Law Judge, starting September 3. The legal expenses and cost of expert witnesses will be substantial.

WHAT YOU CAN DO: Send a contribution to TCWP earmarked for the cost of this appeal.

C. **Scott's Gulf update**

The former Scott's Gulf Committee has been superseded by the Friends of Scott's Gulf. Chuck Estes represents TCWP on the new Board, which met for the first time on July 9. The Friends are planning a new brochure, a newsletter, additional fund-raising events, and, above all, a strategy that will include working on public-relations and political connections, e.g., getting someone in the Governor's office dedicated to the Scott's Gulf project.

The May-17 Mystery Event in Oak Ridge, sponsored by TCWP and the Scott's Gulf Committee, was very successful. The 35 ticket holders mingled happily with the 8 actors, without recognizing them as such until after the play got under way. About half the audience hadn't heard much about Scott's Gulf until educated by Chuck Estes and his brief slide show. Very important, also, was the

good publicity in area papers, which not only advertised the dinner-play but informed the readership about the project. Money raised by the event has been added to the Scott's Gulf acquisition fund.

D. **State rejects harmful Nationwide Wetlands Permits**

Under the Clean Water Act, permits are required for a number of development activities. During the Reagan Administration, so-called Nationwide Permits (NWP) were instituted as a *fast-track* route through the permitting system. Originally intended for a small number of low-impact activities, NWPs were increased hugely by the Corps of Engineers, both with regard to types and numbers. Unlike projects covered by individual permits, those authorized under NWPs go forward with little or no regulatory review, no analysis of alternatives, and no public input. Soon, the NWP program became responsible for most of the wetland loss in America.

NWPs with special significance for wetlands are #26 and #29. These were among 36 NWPs that expired 1/21/97 and that the Corps had proposed to reissue for a 5-year period. NWP#26 allows destruction of wetlands so long as these are located in isolated or headwaters areas. As a result of advocacy by environmental groups (led by the Clean Water Network), the Corps had proposed to limit re-issuance of NWP#26 to two (instead of 5) years and, during that time, to lower the permitted activity from 10 to 3 acres. NWP#29 allows up to a half-acre of wetlands destruction for building a single-family house.

Each permit issued by the Corps under the Clean Water Act's Section 404 (which covers wetland protection) must pass through a state water quality certification (Sec. 401). We are happy to report that Tennessee was among 17 states that denied NWP#26, and among 14 that denied NWP#29. These states thus decided that the environmental impacts that the NWPs authorize would harm the state's water quality. Thus, *individual* permits (which trigger regulatory review, analysis of alternatives, and public input) have to be applied for.

WHAT YOU CAN DO: Express your appreciation for Tennessee's action to Paul Davis, Director, Water Pollution Control (TDEC, 401 Church St., 1&C Annex, 6th Floor, Nashville, TN 37243).

E. Tennessee county tops list of polluted

Citizens of Hamblen County (Morristown and surroundings) weren't that proud that their county ranked 8th from the top of polluted counties in the Nation in EPA's 1994 Toxic Release Inventory. Because counties across the country vary enormously in size, Hamblen County folks have now reexamined the listings in terms of toxic releases per square mile, instead of per county. Hamblen County easily tops the list for the Nation, with 147,574 pounds per square mile, 99% of this being from air releases; this is half as high again as the runner-up county. Another depressing fact is that of the 50 top counties in the nation (how many counties are there?), four are in Tennessee. Last November, concerned citizens in Morristown managed to defeat a bond issue for construction of what would have been their third industrial park.

Overall the state of Tennessee occupied the No.5 spot among states for air toxic emissions in 1995. This is an improvement from 1994, when Tennessee was in the No.2 spot.

F. Wild turkey restoration completed for Tennessee

By the 1930s, wild turkeys had become virtually extinct in Tennessee. After a 60-year restoration effort, led by what is now the Tennessee Wildlife Resources Agency, TWRA (aided by a private group), the population has risen to the restoration goal of 140,000 birds. Unlike most states, which rebuilt their turkey populations with birds donated by other states, Tennessee's restoration took place entirely in-state.

4. SMOKIES AND SURROUNDINGS

A. Smokies air agreement now in effect

The very severe air-quality problems in the Great Smoky Mountains National Park (NL216 ¶4A) have already had major impacts on the survival of almost 100 plant species and on visitor experience. 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.

In early March, after a long delay (NL215 ¶4C), the State of Tennessee agreed 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. Under this MOU, the Tennessee Division of Air Pollution Control, when first notified of a potential new or modified source of air pollution requiring a PSD permit, will provide written notification to the FLMs and will encourage permit applicants to consult with the FLMs as early as possible. FLMs must provide pollutant-specific standards for adverse impacts. Thus, problems are identified early and resolved where possible.

Even after approval of the revised draft MOU, there was concern that various polluting industries would lobby the Tennessee Air Pollution Control Board to amend the draft. Fortunately, the Board ratified the MOU in mid-May. Thus, Tennessee has taken the lead among the states whose air quality is most likely to have an impact on the Smokies and on the Cherokee Wildernesses. Now it will be necessary to get other states on board, starting with North Carolina, which shares the Park with us.

B. Red Wolf reintroduction: problems

After a 5-year effort, there are only 10 adult red wolves in the Park, but 4 of them have had recent litters. Hopefully their survival will be better than that of 14 pups born in the wild last spring, none of whom can now be found. The newest batch of pups will be more closely monitored. If the red wolf project succeeds, it will represent the first reintroduction of a predator in the eastern United States. The project has generated a lot of public awareness, not only about wolves but about endangered species in general.

5. THE CHEROKEE AND OTHER NATIONAL FORESTS

A. New managers

The Cherokee, Tennessee's only national forest, now has a new supervisor. Anne Zimmerman, who has seen service in Montana, Louisiana, Virginia, and Alabama national forests, recently replaced John Ramey.

There is also a new Acting Regional Forester in the Atlanta office (the region that includes the Cherokee), Gloria Manning. In recent months, Ms. Manning has reversed two Alabama timber sales that had been appealed by conservation groups. In each case, sensitive species were the major issue.

B. Important lessons from Southern Appalachian Assessment

The SAA is a wide-ranging study of the region's forests and surrounding environment prepared by an interagency group that includes the US Forest Service, National Park Service, EPA, and many other federal and state agencies (jointly, the "Southern Appalachian Man and the Biosphere" cooperative). The study focused on a 37-million acre region of both private and public lands in AL, GA, TN, NC, SC, VA, and WV. National Forests and Parks make up about 5.4 million acres of this region. They represent the greatest concentration of federal lands east of the Rockies and are within a day's drive of more than half the U.S. population.

In mid-May, two conservation groups, the Southern Appalachian Forest Coalition and the Wilderness Society, issued a 45-page booklet analyzing the 5-volume-thick SAA. The groups derive numerous lessons from the SAA, especially for the Forest Service (USFS), the largest single land-holder in the region, with 4.55 million acres (~12% of the total). The USFS needs to scale back the intensive logging and road construction that destroy the very values that make the region particularly attractive. The region is just now breaking a cycle of poverty caused by environmental degradation a century ago, when massive clear cutting and other abuses devastated the landscape and economy. The resulting public outcry, which included a 1902 study similar to the SAA, led to the establishment of the region's national forest system. Yet, only ~1% of the region's total land is set aside as designated wilderness, which protects water supplies, supports wildlife, and provides a place for healthful outdoor recreation. Population is growing fast ~ 28% between 1970 and 1990.

C. End logging roads subsidies

To the extent that our national forests are being managed primarily as a source of timber, rather than as an irreplaceable public trust, American taxpayers are subsidizing the timber industry. Logging roads are one specific example of this. Our national forests already contain 377,000 miles of logging roads (a considerable multiple of the national highway system), and taxpayers have paid for these twice: once for the cost of constructing them, and again for the damages (erosion, mud slides, stream siltation) that are caused by them.

Last year, an amendment to eliminate road-building subsidies was defeated by the tie-breaking vote of Speaker Gingrich. This year, Reps. John

Porter (R-IL) and Joe Kennedy (D-MA) are leading a bipartisan effort to end these subsidies by means of an amendment to the Interior appropriations bill. This amendment also has the support of fiscal conservatives, members of the Stop Corporate Welfare Coalition.

WHAT YOU CAN DO: Call your Representative (see Political Guide, or call Congressional switchboard, 1-202-224-3121) and urge him/her to support the Porter-Kennedy amendment.

D. Poll: "More wilderness is needed"

Last year, the US Forest Service solicited public comments on how to manage 8 of the 10 forests in 6 Southern states, a total of 3.2 million acres. The survey, which was conducted by the USFS and the University of Georgia, as part of the SAA (\$58, above), showed that 68% felt that "more public land should be set aside as wilderness." There was very strong support for the Clean Water Act (73.7%) and Clean Air Act (88.1%), but a smaller majority for the Endangered Species Act (57.5%).

6. TVA's NON-POWER PROGRAM IN MOST EXTREME DANGER

A. House zeroes TVA's non-power program

It was too late. TVA Chairman Craven Crowell, having been thoroughly chided by Tennessee's Congressional delegation and others, finally withdrew his proposal to end funding for TVA's non-power (or, "resource") programs after FY '98. But the damage had already been done, infinitely weakening TVA's Congressional supporters in their stand against TVA's numerous Congressional foes. Whoever heard of an agency head advocating self-destruction?!

On July 8, a Senate appropriations subcommittee voted only \$86 million for these programs (down from \$106 million for FY '97). On July 9, Chairman Craven Crowell recanted. But, two days later, the House zeroed out the budget altogether. Evidently, the TVA Caucus, led by Rep. Zach Wamp, was ineffectual in averting this House action. (Wamp had said that he would push for \$96 million in FY '98 and \$80 million thereafter.) The decision now goes to a conference committee, which will not meet until after the August recess, probably in September.

The Tennessee delegation in Congress has expressed its support for the non-power program. Sens. Frist and Thompson, and S of Tennessee's Congressmen (Duncan, Wamp, Clement, Bryant, Tanner) responded at length to TCWP's letter that pointed out valuable features of this program. That the issue is broader than the current funding crisis has been recognized most clearly by Rep. Bob Clement, a former member of the TVA Board. Clement has proposed the "TVA 2000 Regional Commission," a proposal now embodied in a bill, HR.2082 (see ¶6B, below)

It is to be hoped that both friends and foes of TVA will seize on the Commission as an excellent compromise not only for getting out of the current crisis but for addressing long-term issues as well.

WHAT YOU CAN DO: For a short-term fix, urge your Representative and Senators (addresses on p.2) to exert any influence they may have over the conference committee to restore non-power program funding at least to the Senate level. For a longer-term solution, see ¶B, below.

B. Proposal for TVA Regional Commission

HR.2082, recently introduced by Rep. Bob Clement (D-TN), would create the "TVA 2000 Regional Commission." This body, independent of TVA, would study the future of the agency as a whole, both power and non-power programs. The Commission would complete its business no later than 1 year after its first meeting, or no later than 12/31/98, whichever is later. It would consist of 12 members (residents of the TVA Region, or persons who have expertise in matters to be studied), with two each appointed by the President, majority and minority leadership of both House and Senate, and TVA Chairman.

The Commission seems essential to what needs to be done to have TVA, the nation's largest utility and regional resource agency, survive the current funding crisis and the coming utility deregulation.

- It provides the mechanism for a proactive and thoughtful approach.
- Congress doesn't have the staff, time, or expertise adequately to study the highly complex issues involved.
- The Commission would allow involvement from all those affected and allow for public debate of the issues.
- It would be cognizant of the special vulnerability of those in the Tennessee Valley to the monumental

upheaval that would occur if TVA were precipitously dismantled.

Unfortunately, partisan considerations (e.g., the prospect that Rep. Clement may run for governor in 1998) have already colored some statements concerning the Regional Commission proposal. Rep. Zach Wamp, who plays a key role as chairman of the 7-state TVA Caucus, has failed to support the Commission in the past, but it is to be hoped that the present crisis may change his mind. Do the opponents have an alternative solution?

WHAT YOU CAN DO: (1) Urge Sens. Frist and Thompson to introduce a companion bill to HR.2082. (2) Ask your Rep. to support HR.2082; Zach Wamp, as head of the TVA Caucus, is a key player. (A good contact is his Legislative Director, Bob Castro, 202-225-3271.) (3) The following probable members of the conference committee need to be urged to establish the Commission: Reps. McDade (PA), Hal Rogers (KY), Knollenberg (MI), Frilinghuyzen (NJ), Parker (MS), Callahan (AL), Pazio (CA); Sens. Domenici (NM), Cochran (MS), McConnell (KY). (4) Urge your Congressman and both Senators, to institute a moratorium on all of TVA's non-power actions — and particularly on any TVA land sales — pending completion of the Commission's study. (See p.2 for addresses and phone Nos.)

C. Shoreline Management Plan

Last year, the close of the comment period on the Draft EIS for TVA's Shoreline Management Initiative (SMI) was postponed several times. Evaluation of the comments was to have been presented at public information sessions this spring. The volume and intensity of the comments received (NL212 ¶4) have, however, caused TVA to postpone these information sessions until later this year. Following the sessions, the SMI staff will make its recommendations to the TVA Board, which will then make the final decisions on management of future residential developments. All SMI participants will be notified about dates and locations for the information sessions. For more information, call 1-800-TVA-LAND.

7. NATIONAL ITEMS

A. Okefenokee threatened by strip mine

Dupont wants to mine titanium oxide on the eastern edge of the Okefenokee National Wildlife Refuge, the largest fresh-water swamp in the USA,

which is a biologically rich ecosystem. Dupont's operation, located on 38,000 acres of a sandy ridge, would be an "open pit" mine, in operation for 50 years. The operation could alter ground and surface water inflow, release contaminants (mercury, iron, herbicides) attached to soil particles, as well as oil and hydraulic fluids, generate dust, smoke, and soot, and increase noise and light pollution (degrading the wilderness experience for Refuge visitors). Okefenokee harbors numerous endangered and otherwise significant species, and is obviously very dependent on water quality and volume.

Dupont has a very dubious environmental record, and has earned several "worst's" on various polluter lists. It is also the parent company for Conoco, which is seeking to drill for oil in the new Escalante - Grand Staircase National Monument (¶7E, this NL). Recently, probably a result of public outcry, Dupont announced a "temporary suspension" of the Okefenokee project and a "collaborative process" with environmental groups, government bodies, and local citizens (actually, Dupont has already tried for 2-3 years to soothe concerns). Perhaps the company is hoping that they can slip the project in quietly while the attention of environmental groups is otherwise occupied.

WHAT YOU CAN DO: Keep the pressure on by calling Dupont (1-800-441-7515) in opposition to the mine. Since there is no way to protect Okefenokee from adverse impacts of a mine in this location, the mine plan should be dropped outright.

B. Attacks on Antiquities Act, which is the basis for designating National Monuments

In 1906, Congress passed the Antiquities Act to allow presidents to act quickly to save national treasures. Since then, 13 presidents have proclaimed 105 national monuments (many of which were subsequently designated as beloved Parks by Congress), including Grand Canyon, Zion, Carlsbad Caverns, Denali, and Death Valley.

Incensed by President Clinton's recent designation of the 1.7-million-acre Grand Staircase-Escalante National Monument in Utah, anti-conservationists in Congress are retaliating by attacking the Antiquities Act itself in 8 separate bills. One of these, HR.1127 (Hansen, R-UT) has already made it through a House subcommittee, and a companion, S.477 (Hatch, R-UT) has been introduced in the Senate. In its original form, HR.1127 would prevent the President from declaring

national monuments larger than 5,000 acres (a restriction that would have eliminated 40% of the monuments designated in the past). Anything larger would require an act of Congress, *plus* a consultation procedure with the governor and legislature of any affected state, which could take up to 180 days (a potentially devastating delay when lands are under threat). The full House Resources Committee upheld the limit from 5,000 to 50,000 (which still would have eliminated >25% of past designations). President Clinton has threatened to veto the bill.

WHAT YOU CAN DO: Contact your members of Congress (see p.2 for addresses) and urge them to strongly oppose HR.1127 and S.477, and all similar bills. Point out, (a) that the 1906 Antiquities Act is one of the most effective conservation tools ever enacted by Congress, and has given us some of our most beloved parks, and (b) that the Act applies only to lands already owned by the American people.

C. Right-of-way victory -- for now

Foes of public-lands protection, led by Alaska's Sen. Ted Stevens (R), attempted to use the vehicle of a "must-pass" bill (the disaster-relief package for victims of the recent Minnesota/North Dakota floods) to attach a rider that would permit crisscrossing our public lands with developments (NL216 ¶6A). Declaring pre-existing rights under an already-repealed 131-year old law, this rider would give state and local governments the sole authority to decide what constitutes a valid right-of-way across America's treasured national lands. Primitive transportation routes, such as footpaths, cow paths, sandy wash bottoms, dogsled trails, or vehicle tracks in loose soil, could be used as justifications for constructing roads, pipelines, or transmission lines through National Parks, Monuments, Forests, Wildlife Refuges, or potential Wilderness areas. Alaska (e.g., Denali) and Utah (especially the newly designated Grand Staircase-Escalante National Monument and other BLM lands) are special targets for these so-called R.S.2477 claims.

The House version of the flood-relief bill differed from the Senate bill and did not contain the R.S.2477 rider. In conference committee, Sen. Stevens substituted a "compromise," which would create a highly biased commission to develop recommendations for changing federal law to resolve R.S.2477 claims.

On June 12, because of its attached extraneous amendments, President Clinton vetoed the flood-relief bill, making special mention in his veto message of the R.5.2477 rider about which he had received a very large volume of adverse comments (hopefully, including yours). Finally, the Congress realized that they would have to give the President a "clean" flood-relief bill to sign -- which he did. Do not, however, interpret this outcome as the end to Sen. Stevens' machinations. He is undoubtedly on the look-out for other bills to which to attach his R.5.2477 riders.

WHAT YOU CAN DO: Urge your senators and congressman to oppose any measure that would allow states or local governments to pursue unsubstantiated claims of right-of-way across federal lands. Instead, he/she should support action by the Dept. of the Interior to quickly sort out the valid right-of-way claims from the bogus ones.

D. Significant wilderness bills needing support

- Protection of spectacular and significant 5.7 million acres of Southern Utah wildlands would be secured by America's Redrock Wilderness Act, S.773 (Durbin, R-IL)/HR.1500 (Hinchey, D-NY). These bills need co-sponsors.

WHAT YOU CAN DO: (1) Urge your senators and congressman to sign on to this bipartisan measure. (2) Express your special appreciation to Sen. Durbin. It took real courage for him to incur possible retaliation of Utah Republicans who are powerful committee chairs, e.g., Orrin Hatch

- Wilderness protection for the Coastal Plain of the Arctic National Wildlife Refuge (ANWR) would be achieved through the Morris K. Udall Wilderness Act, HR.900 (Vento, D-MN)/S.531 (Roth, R-DE).

WHAT YOU CAN DO: (1) Urge your senators and congressman to co-sponsor this bipartisan bill, which would permanently protect "America's Serengeti."

E. Conoco's proposed oil wells in our new National Monument

Conoco/Dupont has proposed to drill for oil in the newly designated Grand Staircase - Escalante National Monument, claiming preexisting leases. BLM, the federal land manager for the Monument, issued an Environmental Assessment of the proposed action; the public-comment period ended June 27. There are many indications that BLM intends to let Conoco drill exploratory wells in each of 7 lease blocks. If that happens, a portion of our new

Monument would be transformed into a sacrifice area (new roads, pipelines, power lines, waste pits), and large amounts of proposed wilderness would be lost. Additionally, a precedent would be set that industrial development is permissible in the Monument.

The presidential proclamation that established the Monument declared that the area was created for the protection of natural and historic wonders. Vice President Gore is the environmental conscience of the Administration. He needs to direct BLM to do the right thing.

WHAT YOU CAN DO: Contact Vice President Al Gore, Jr. You can write him at 1600 Pennsylvania Ave., NW, Washington DC 20500; and, you can leave him a phone message on the White House comment line. To do the latter, call 202-456-1111 during business hours and press zero to reach an operator.

F. A bill for Eastern Wilderness

In June, the House subcommittee on National Parks and Public Lands held hearings on HR.1567, the "Eastern Wilderness Act" (a confusing name because an Act with the same name, and applying specifically to eastern national forest wilderness, passed in 1975). Chairman Hansen noted the shortage of wilderness in the east. Of the 103.6 million acres in the National Wilderness Preservation System, less than 4.5% lie east of the Mississippi River, with nearly half of that located in the Everglades National Park. As chairman Hansen noted, "over 80% of the population [share] less than 5% of the Wilderness ..."

In testifying, The Wilderness Society essentially stressed the value of the bill as a Wilderness Review Act, pointing out that several of the directions of HR.1567 are quite similar to existing (but often unfulfilled) mandates in the 1964 Wilderness Act and the National Forest Management Act. (These Acts require review of various federal agency units for areas qualifying as wilderness.) However, HR.1567 adds clarification that roadless tracts as small as 500 acres are to be reviewed, and it confirms that "natural reclamation" can qualify as wilderness areas that were previously disturbed by human action. HR.1567 also addresses review of state-owned lands and of private lands for wilderness. It provides that, following study and recommendations, Congress could designate specific private areas as

wilderness and could appropriate funds for their acquisition from willing sellers.

G. Land & Water Conservation Fund appropriation may grow

The budget resolution passed by Congress on June 5 includes \$700 million in LWCF appropriations for FY '98. If this figure survives, it will represent an almost 5-fold increase over FY '97. The Fund (fed by royalties from offshore oil leases), which is authorized at \$900 million annually, has been appropriated at incredibly lower levels for the past several years (see, e.g., NL216 ¶6E), resulting in a tremendous backlog of needed acquisitions of already authorized lands for parks, forests, etc. Projects swelling the appropriation for FY '98 are expensive buy-outs, such as one for a mine just outside Yellowstone.

H. U.N.-bashing extends to ecosystems

Foes of national parks and other protective designations are playing on the anti-United Nations sentiments prevalent in some segments of our population. They are citing Biosphere Reserve and World Heritage Site designations as supposed evidence that the U.N. is grabbing up U.S. lands and exerting a foreign influence over our land management decisions. Typically, these folks are ignoring the *real* foreign use of our lands, such as the instances of devastating mines owned by other countries or multinational corporations on our public domain (e.g., NL209 ¶7F, or NL212 ¶8A), or the timber logged in our national forests that goes to Japan.

8. OAK RIDGE & KNOXVILLE ITEMS

A. Oak Ridge Reservation is home to many special species

The Oak Ridge Reservation has 7 Registered State Natural Areas. It is home to a variety of terrestrial animals in various states of peril, including,

- the Indiana bat, on both federal and state endangered species lists
- the bald eagle and peregrine falcon, both on the federal threatened list
- the osprey (on State threatened list),
- fourteen animals species "in need of management."

The ORR is also one of the last strongholds for the Tennessee dace, a rare fish. In addition, there are 28 state-listed plant species, found in over 50 locations.

B. Knoxville opens greenway extension

June 16 was the official opening date for the Neyland Greenway extension, which completes the phase of the greenway that runs from the U.T. Faculty Club (Kingston Pike and Neyland Drive) to Second Creek. This will provide pedestrian access from U.T. to Knoxville's new Volunteer Landing.

9. TCWP NEWS

A. Annual weekend: great speakers, and a Halloween theme

A number of fine speakers have agreed to participate in the Saturday morning program of our annual weekend at Fall Creek Falls, Oct. 31 - Nov. 2. Their subjects will be pertinent to the meeting's general theme, which is land and water protection in and around state lands. The speakers are Reggie Reeves, director of the Tenn. Division of Natural Heritage; David Duhl, administrator of the Tenn. Rivers Assessment; TNC Director Andrew Walker, who will discuss how The Nature Conservancy interacts with the state on resource protection; and Annetta Watson, SOCM stripmine committee, who will talk about the LUMP (lands-unsuitable-forming petition) for the Fall Creek Falls watershed. Field trips, hikes, and other outdoor activities are being planned for Saturday afternoon and Sunday. Group rates will be available for bike rentals.

We are planning a Halloween theme for the social times on Friday and Saturday evenings, and especially for the kids who, we hope, will accompany some of our meeting attendees (a babysitting service will be available). We hope to have a story teller, and a Saturday evening party with live music.

A pre-registration announcement will be mailed within a few weeks. Fall Creek Falls, one of our very best state parks, should be lovely at that time of year, and lodging and meal costs will be relatively low. We hope you will plan right now to attend our annual weekend and to bring family and friends.

B. TCWP's quest for grant support

Following the Board's decision to seek foundation support for organization building, several Board members have been busy identifying potential funders and writing a grant application with supporting materials. A completed

application submitted to the Lyndhurst Foundation was, unfortunately, not successful. Eric Hirst has contacted more than 10 foundations. Only 3 of these have agreed to consider a proposal from us, but even some of these do not consider it likely that this would fall within their scope.

Experienced (and ultimately successful) grant applicants have urged us not to get discouraged and to keep trying. Jermy Freeman and Eric Hirst will be meeting with Lyndhurst staff to find out what we could be doing better. We may also consider hiring a professional fund raiser to write our next application.

What we are aiming for is funding to hire a full-time staff person for 18 months. He/she would develop membership, establish a long-term funding base, and increase and organize volunteer participation.

C. **Special mentions**

Chuck Estes serves as TCWP representative on the Board of Directors of the newly formed Friends of Scott's Gulf.

Jenny Freeman represented TCWP at a Knoxville press conference concerning the World Wildlife Fund's report on global warming.

Chuck Estes organized a Mystery Event (dinner theater) in Oak Ridge, and supplied media publicity that served to educate many people about the Scott's Gulf project (§3C, this NL).

Linda Krusen made a trip to Fall Creek Falls State Park to scout arrangements for our annual Weekend (§9A, above).

With not enough time to call volunteers, Frank Hensley and his family, and Charlie Klabunde, assembled NL216 without additional helpers.

Eric Hirst and Jenny Freeman continued the quest for grant support (§9B, above)

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

- July 31, Knoxville, 6:30 p.m.-8:30 p.m., City/County Building, League of Women Voters forum on TVA's Future.

- Aug. 1, 5:30-7:30, Nashville, BBQ-and-beer fundraiser for the Environmental Action Fund (EAF); \$25/person, \$30/couple. Contact Kay Linder, 615-321-5075 for details.
- Aug. 29-31, Valle Crucis Conference Center, NC, 3rd Annual Grassroots Conference sponsored by the Southern Appalachian Forest Coalition. Sessions on conservation planning, promotion of the Plans, regional vision, etc; field trips. Registration deadline is August 15. Contact SAFC, 704-252-9223 (phone), 704-252-9074 (fax), safc@safc.org (e-mail).
- Sept. 6, Owen Conference Center, UNC-Asheville, conference on "What are the real forest health issues in the Southern Appalachians." Contact Western North Carolina Alliance at 704-258-8737.
- Sept. 17-20, Atlanta, GA, 8th National Urban Forest Conference. For information, call 1-800-368-5748.
- Oct 31 - Nov. 2, TCWP Annual Weekend, Fall Creek Falls State Park (§9A, this NL).
- "Americans for Our Heritage and Recreation" is a coalition of 150 groups (including National Audubon Soc. and Sierra Club) that hopes to reverse the long-term decline in federal LWCF funding (see, e.g., NL216 §6E). For more information, contact Patrick Sanger, 916-653-9071.
- *The Best of Shenandoah* is the latest in the series of Tag-Along Books published by TCWP members Russ Manning and Sondra Jamieson. The book details 75 hikes and describes the views along the Skyline Drive that passes through the Smokies' sister national park in northern Virginia. (\$12.95, Mountain Laurel Place, P.O. Box 3001, Norris, TN 37828.)
- *The Southern Appalachian Assessment: Highlights and Perspectives*, by the Southern Appalachian Forest Coalition and The Wilderness Society, is a valuable and readable 45-page summary of the 5-volume SAA (see §5B, this NL). (\$3 from The Wilderness Society, 900 17th Street, NW, Washington, DC 20006.)
- *Righting the Reqs.* by the Mineral Policy Center, is a case study of what's wrong with federal hardrock mining regulations, and makes recommendations for reform. (Order from Mineral Policy Center, Suite 808, 1612 K Street, NW, Washington, DC 20006.)