

# TENNESSEE CITIZENS for WILDERNESS PLANNING

Newsletter No. 218

October 2, 1997



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

## 9. ACTION SUMMARY

¶No	Issue	Contact	"Message!" or Action
1A	TVA's non-power program	US Sens. and Rep.	"Star. public process NOW to look at values of this program!"
1B	Columbia lands	Justin Wilson	"Let TVA get on with turning lands over to TWRA!"
2B	Big S. Fork GMP	Park Service	Send any scoping comments without delay
2C	Outstanding Nail Resource Waters	Water Pollution Control Div	Support ONRW designations (by 10/17/97)
3A	New Air Quality standards	EPA (cc. to Sens. Rep. Pres)	"The more stringent regs will help Smokies (and my health)!"
4A	Logging road subsidies	Kathleen McGinty Sens. Frist and Thompson	"White House must support Bryan position in conference!" "Thanks for supporting Bryan amendment!"
5B	Brush Creek mine permit	TCWP	Help us pay for expert witnesses
6A	Endangered Species Act	White House, CEQ, US Rep. Key Sens. on committee	"Support HR.235!" "Drop S. 1180 in favor of HR.235!"
6B	American Heritage Rivers	US Sens. and Rep; President	"I support AHRI!"
6F	Biosphere Reserves	US Representative	"Oppose HR.901, and support HR.1801!"
7A	TCWP's Annual Weekend	TCWP	Mail in your brochure-form and come (with friends)!

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  
615-741-2801; 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: 423-545-4233

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; 482-2246 (evening).

President, Jenny Freeman, 423-482-5980 (evening).

e-mail: TCWP@kornet.org

On the web: <http://www.kornet.org/tcwp/>

## 1. TVA's NON-POWER PROGRAM: HELP!!!

### A. Non-power program must somehow be resurrected

[With contributions from Jerry Freeman]

Here is the tragic recent history.

January 1997: TVA Chairman Craven Crowell announces that TVA favors cutting off its appropriated funding (i.e., the non-power program) after FY'98 (NL215 §2A). Agency requests \$106 million for FY'98 (same as FY'97), zero thereafter.

July 8: a Senate appropriations subcommittee votes only \$86 million for the non-power program for FY'98.

July 9: TVA Chairman Crowell (having been thoroughly chided by Tennessee's Congressional delegation and others) withdraws his proposal to end funding.

July 11: House zeroes out the TVA budget altogether (while, at the same time adding \$400 million for *unrequested* water development projects in other areas).

September 24: House-Senate conference committee on energy and water-resource appropriations agrees to \$70 million for TVA in FY'98, *zero thereafter*. (Sens. Frist and Thompson urged Pres. Clinton to veto the entire \$20 billion bill if it did not contain an appropriation for TVA.)

The worst feature of this outcome is that foes of TVA were able to include in the appropriations bill *statutory language* that the non-power program would be zeroed out after FY'98, *with no debate allowed*. The only way now to get money into the FY'99 budget is to pass a separate bill overcoming the language in this year's appropriations bill. If the leadership of the TVA Caucus had not squelched the "TVA 2000 Regional Commission" proposed in Rep. Clement's bill, HR-2082 (NL217 §66), this process would be up and running right now. As it is, leadership on TVA issues at the Congressional level appears to be in shambles, and is trying to pass the buck to Al Gore.

It is probable that what TVA's foes are really after is the agency's role as a regional supplier of electricity, which is receiving increasing attention as the age of utility deregulation approaches, and which (the power program being self-supporting) cannot be attacked via the appropriations process. It is, however, the non-power (i.e., the resource) program that really embodies TVA's original mission as a regional resource agency; this program must be saved.

It is terrifying to think of the possible fate of 11,000 miles of shoreline and 435,000 acres of public lands currently under the stewardship of TVA. Will they be sold and indiscriminately and harmfully developed? What about Land Between the Lakes? What about water quality in the reservoirs (which provide water supplies for many communities)?

We must convince our elected officials and the Administration that they need to create a public process NOW to look at the need for the non-power programs. This must happen within the next 6 months — well before next year's budget cycle begins. What is truly discouraging is that the TVA Caucus (namely, TVA Area members of Congress, led by Zach Wamp) appears to have given up on TVA's continued existence: the Caucus recommends that the White House back one extra year of funding for TVA to allow enough planning time for other agencies to assume TVA's non-power duties. (Editor's question: what funds would these other agencies be given for the purpose? And, if they can have the funds, why not TVA?)

**WHAT YOU CAN DO:** As soon as possible, contact Senators Frist and Thompson (phone, fax, and address info on p.2) and your representative to convince them of the urgency of starting a public process NOW to look at the need for TVA's non-power program. Also, urge the White House to exert its influence in saving this program. The tragedy that looms for our state and region must be averted.

### B. Columbia lands should remain in public ownership

Earlier this year, public pressure temporarily beat back a state-legislature bill that would have created the "Maury County Land Trust," a scheme by which local developers would have taken possession of 12,000 acres of public lands acquired by TVA for the now defunct Columbia Dam (NL214 §8A). By TVA preference and overwhelming public opinion, this land should stay protected in public ownership by being turned over to the Tennessee Wildlife Resources Agency (TWRA).

Now, sensing the demise of TVA, the local developers are pressing the State to delay implementation of TVA's decision by two years. This would provide the chance for the bad "Maury County Land Trust" bill to come up again in February 1998. Some of the former landowners are suing TVA to have their lands returned,

**WHAT YOU CAN DO:** Write to Justin Wilson, Deputy to the Governor for Policy (State Capitol, Nashville, TN 37243; 615-532-8545), and urge him to let TVA get on with the job of turning the Columbia lands over into public ownership (probably TWRA), as supported overwhelmingly by the public response to TVA's studies of alternatives. These lands were purchased with tax-payer dollars and should not be sold for special-interest profit. Within the lands, the state has identified 12 potential new natural areas containing significant species and habitats, and hundreds of prehistoric and historic sites. Protection of the biologically rich and diverse river corridor and upland areas would be a boon to Middle Tennessee, which currently has hardly any protected public lands.

## C. Shoreline Management Plan

An extensive series of meetings was held last summer and fall to elicit comments on the Draft EIS for TVA's Shoreline Management Initiative (SMI). As a result of non-factual rumors that had spread like wildfire, many homeowners around the lakes reacted with great emotion (NL212 ¶4), not understanding that SMI did not affect current usage, but applied only to future shoreline developments, such as those that might result from new subdivisions. Unifying pictures that emerged from all the hearings and all the segments of the public were the high value people place on scenic beauty of the lakes, and the widespread desire to protect natural resources from adverse impacts.

TVA has been crafting a hybrid alternative that blends features of the 6 alternatives proposed in last summer's DEIS. If you have any questions about the current status of SMI, call 1-800-TVA-LAND.

## D. Land Use plans for review

TVA is currently working on land-use plans for 3 reservoirs and hopes to complete these by the fall of 1998. Project leaders may be consulted about specific reservoirs as follows:

Melton Hill: Patsy Becker, 423-988-242

Tellico: Steven Akers, 423-988-2430

Boone: Bucky Edmondson, 423-239-2002.

To receive a draft plan, or be added to the project-specific mailing list, call 1-800-TVA-LAND.

## 2. BIG SOUTH FORK AND OBED

### A. Regional water supply for Cumberland County?

Considerable progress has been made in looking at a regional water supply as an alternative to the proposed Clear Creek Dam. The good news is that talks about regional planning have commenced. Thanks in large part to the leadership exerted by the Cumberland County Executive, the 5 utility districts and the City of Crossville (which had all along been going their separate, uncoordinated ways) joined together to request assistance from the state government for a regional solution to their future water-supply needs.

The state readily agreed to lend assistance (Commissioner Hamilton deserves thanks for making state personnel available) and approached federal agencies to determine which ones were willing and able to help. The Corps of Engineers (CoE) Nashville Office, which has funds for state and regional planning, offered to make this study their No. 1 planning priority. The US Geological Survey (USGS) offered to do a ground-water assessment and needs study. With the aim of a long-term, single, regional water supply, the first step will probably be a purely technical analysis aimed at eliminating any alternatives that are not technically viable – prior to the start of a NEPA study of alternatives that would involve economic and environmental considerations in concert. Among the alternatives that have been mentioned for the preliminary technical analysis are: pipelines from existing large reservoirs, groundwater, small offstream (as opposed to in-stream) reservoirs, and a single large reservoir.

### B. Status of Big South Fork General Management Plan (GMP)

Following the extensive series of Open Houses that were held to acquaint people with the GMP process (NL216 ¶1A; NL217 ¶1A), the Park Service (NPS) team is presently compiling all scoping comments. Now is the time to send yours, if you haven't done so already (Don Forester, Big S. Fork NRR, Rt.3, Box 401, Oneida, TN 37841). (A GMP is the guiding document providing park managers with a comprehensive strategy for achieving the park purposes as defined by Congress.) A compilation of preliminary alternatives will be developed (possibly by November) for initially internal, and then public and agency, review. NPS is also in process of completing the Five-Year Strategic Plan, which is essentially a re-working of

the report of the BSNFRRRA Management Objectives Workshop held in the summer of 1994.

### C. To advocate ONRW (Outstanding National Resource Waters) designation

A series of hearings is being held in connection with the triennial review of Tennessee water-quality standards that is currently in progress. TCWP members will be advocating ONRW (Outstanding National Resource Water) designation (NL216 §13C; NL217 §1C) for the Obed and Big South Fork systems, for segments of several rivers within the Gt. Smoky Mtns. National Park, and for the Conasauga. In ONRWs, "no new discharges, expansions of existing discharges, or mixing zones will be permitted unless such activities can consistently meet or exceed the water quality conditions of the ONRW or unless such activity will not result in degradation of the water quality."

The hearing for the Obed will be held October 16 at Crossville (Cumberland Mtn. State Park restaurant meeting room, 7 p.m. central time), those for the Big South Fork on Oct. 13 at Winfield Community Center (7 p.m., eastern time) and Oct. 14 at Jamestown's York Institute (7 p.m., central time).

**WHAT YOU CAN DO:** Attend one of the hearings if you possibly can (we may be able to find rides for those of you who can attend - call us at any of the numbers on p.2). If you can't go, send a short written statement by October 17 to Greg Denton, Planning & Standards Section, Division of Water Pollution Control, 7th Floor, L&C Annex, 401 Church Street, Nashville TN 37243-1534.

### D. Much progress on Lilly Bluff Overlook

It's been almost over 3 years since the Obed General Management Plan (GMP) proposed development of an overlook at Lilly Bluff (a plan much preferred by us over alternative sites that were at that time being advocated). Now, in the past couple of months, Site Manager Monika Mayr's persistent, energetic, and efficient efforts have come to fruition in a number of critical areas. As a result, the developed overlook at Lilly Bluff is almost a reality.

- The needed parcels of land have been acquired (it took condemnation).
- The Contract has been awarded for construction of the boardwalk which will protect sensitive

vegetation and rock formations on top of the bluff. Work may be completed by January.

- Arrangements have been made for the Big South Fork maintenance crew to build the small parking area and the road leading to it. The crew will also harden the half-mile trail leading from the parking area to where the boardwalk starts.
- A Youth Conservation Corps crew (3 girls, 3 boys) improved the trail from Lilly Bridge to the overlook. The trail rounds the bottom of a gigantic cliff and goes up a short and steep side branch, near a series of cascades and little waterfalls. It was somewhat rerouted near the top to avoid a ladder situation.
- There will be 5 wayside exhibits. They have yet to be designed by the Park Service.

Development of an overlook was a high-priority request from Morgan County people. Lilly Bluff will provide an environmentally benign way for short-term visitors to see a dramatic sample of the Obed WSR resource.

### E. Trail development for Obed WSR

The Obed section of the Cumberland Trail (a State Scenic Trail) is being developed by the Cumberland Trail Conference (CTC, a member of Tennessee Trails Association). The Obed segment, which will eventually be 15-17 miles long, starts in the Rock Creek campground (west side of Nemo Bridge), soon climbs, then goes up the westside of the Emory, the south side of the Obed, and the east side of Daddys Creek to Devils Breakfast Table. (Many of you who participated in our 1996 March for Parks will have experienced the first part of this trail in a thunderstorm under near-tornado conditions.) TDEC Commissioner Hamilton and gubernatorial Advisor Justin Wilson will be among dignitaries soon to be invited to walk a section of the trail. A team from the Morgan County Regional Correctional Facility will continue the trail from Devils Breakfast Table northward along Daddys Creek.

Public input will soon be sought for the second phase of trail planning, which will address other trails suggested in the GMP. One of these is a long-distance loop trail on the south side of Clear Creek and the bluffs north of the Obed; the other, a linear trail on the north side of the Obed, downstream from the Clear Creek junction. Interviews will be conducted with people representing various potential trail users. Motorized use is, of course, prohibited.

See ¶2D, above for Lilly Bluff Trail.

### F. Other recent Obed developments

- With assistance of the Big South Fork maintenance crew, parking has been improved near Lilly Bridge. Steps have been constructed to the river.
- New toilet facilities have been constructed at Lilly Bridge, Nemo picnic area, and Rock Creek Campground (west side of Nemo Bridge).

### G. Greenbelt near White Oak Creek

Historic Rugby has completed land purchases to make the Allerton Ridge Greenbelt a reality (\$9,000 of an internal loan still needs to be paid off). This 151-acre area lies along the White Oak Creek, which enters the BSNRRA boundary very close to Rugby. It is a major tributary to Clear Fork, one of the two main stems of the Big South Fork. Of the 151 acres, 100 will remain undeveloped (except for a hike-bike trail), and 51 will be open to limited development that will be approved only if it has no negative impact on the White Oak Creek.

## 3. SMOKIES AND SURROUNDINGS

### A. New EPA air regulations would help Smokies: your support needed

Last November, EPA proposed stronger clean air standards for ozone and fine particulate matter (PM), and these were adopted July 24. In addition, haze regulations required by the 1977 Clean Air Act are finally (after 20 years) being formulated. A group of industries has already waged a huge disinformation campaign against the proposed ozone and PM standards (e.g., "thenew regs would prohibit backyard barbecues"), but so far the Administration has not backed down in its support of the EPA regulations. However, attempts will be made by Congress to block implementation, e.g., by delaying the standards, cutting EPA implementation funds, or claiming the standards place an "unfunded mandate" on states. We must try to block these nefarious schemes (see action suggestions below).

The new EPA regulations change maximum permissible ozone concentrations from 120 to 80 ppb. Ozone levels are related to nitrate pollution, and, in the southeast, 39% of this comes from power plants, 33% from road vehicles, and 11% from industry. PM (mostly soot) is now regulated down to a 2.5 micron-sized particle; these small particles, which lodge in lung tissue, are infinitely more damaging than the formerly regulated 10-micron particles, which are large enough to be coughed up. Haze is generated primarily by sulfate pollution, which comes

primarily from power plants (82%) and factories (13%). Four coal-fired TVA power plants in East Tennessee have hugely increased their haze-causing sulfate output over the last decade, even though, system-wide, TVA is in compliance.

The more stringent EPA regulations would benefit not only our health but our environment. 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. The Park continues to fail to meet air standards; e.g., in the past 2 months, there were 15 occasions when safe ozone levels were exceeded.

**WHAT YOU CAN DO:** Write to EPA in support of the stringent regulations, and (very important) send copies of your letter to your representative, both senators, and President Clinton. (EPA's address: Administrator Carol Browner, 401 M Street, SW, Washington, DC 20460. For the other addresses, see p. 2)

### B. The buffer zone has grown

In July, the Foothills Land Conservancy completed its purchase of the Cochran Creek watershed, a 1,516-acre parcel on the south end of Chilhowee Mountain, contiguous with the 4,300-acre Foothills tract acquired in 1995. The total 5,800+ acres, which adjoin the Great Smoky Mountains National Park at its southwestern boundary, will be administered by the Tennessee Wildlife Resources Agency. The Foothills Land Conservancy deserves our thanks, and so do the many people (including TCWP members) who made the purchase possible.

### C. Noisy overflights

In recent years, there has been a huge increase in the number of, and impacts from, sightseeing flights over national parks, and the aircraft tend to hover over scenic vistas and other prime sites. Parks are becoming more like the places visitors are trying to escape from.

FAA's long-standing lack of enthusiasm for addressing the problem has prompted the introduction of bills (NL216 ¶6C) to give the National Park Service (NPS) greater authority over the airspace above parks, on the premise that natural quiet is an intrinsic element of the park environment. Additionally, a commission was appointed by President Clinton on which FAA and NPS are equally represented. Only sightseeing

flights are under consideration at this time, with commercial airline or military flights not being discussed.

The Smokies have suffered greatly from low-flying sightseeing helicopters, and it is significant that one of the four NPS representatives on the national Commission is Charles Maynard, executive director of Friends of The Great Smoky Mountains National Park. It is almost certain that the Commission will recommend that a separate overflight plan be developed for each national park. It will then take another group of people to formulate Smokies-specific regulations, and such measures might conceivably include designating flight-free zones, limiting hours, and/or establishing minimum flight elevations.

#### **D. Smokies' network is organized**

The National Parks and Conservation Association recently took the initiative in the formation of the Gt. Smoky Mtns. National Parks Network. Representatives of several organizations met for an organizing session in mid-September and identified other groups that might be invited to join. Park Service personnel briefed the group on current critical issues. TCWP was represented by Patrice Cole, who reported our desire to be involved at several levels of participation. The major function of the Network will be to disseminate pertinent information and thus provide an opportunity for interested people to take needed actions in a timely fashion.

#### **E. May try to reintroduce elks**

Up until the mid-1800s, elks used to roam the area that is now the Gt. Smoky Mtns. National Park and the Cherokee National Forest. The National Park Service is presently contemplating an experimental release of about 50 elk, possibly starting the winter of 1998/99. The USGS and the Rocky Mountain Elk Foundation would be NPS' partners in the 4-year experiment. Approval must be obtained from the state veterinarians of Tennessee and North Carolina. The elk would come from a disease-free population, probably in Canada. After arrival in the Park, they would stay in holding pens for a while, and be disease-tested and radio-collared.

## **4. THE FOREST SERVICE, AND THE CHEROKEE NATIONAL FOREST**

### **A. Logging roads subsidies must end!**

Reps. John Porter (R-IL.) and Joe Kennedy (D-MA) led a bipartisan effort to end road-building subsidies for the Forest Service (USFS). Our national forests already contain 377,000 miles of logging roads (a considerable multiple of the national highway system), and taxpayers pay 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.

The Porter/Kennedy amendment to the Interior Appropriations bill was partially successful: it ended up by decreasing the road construction funds by \$25 million (instead of the \$40 million sought). In the Senate, an amendment by Sen. Bryan (D-NV), supported by the Clinton Administration, would have removed another \$10 M from appropriated construction funds, and effectively eliminated the purchase-of-credit program. Due to the absence of Vice Pres. Gore, who would have broken an original tie vote, the Bryan amendment was narrowly defeated; Senators Frist and Thompson voted for the amendment and deserve our thanks.

The bill now goes to conference, where Administration support could be very helpful. Note that with a more limited road budget, the USFS would be much less like to commit outrages such as the ones described in ¶4B and ¶4C, below.

**WHAT YOU CAN DO:** (1) Without delay, contact Kathleen A. McGinty, Chair, Council on Environmental Quality, and urge that the Clinton Administration follow through on their support of the Bryan amendment when the bill is in conference committee. You can reach McGinty at Old Executive Office Bldg. Room 360, Washington DC 20501 (or, better, phone 202-395-7417). (2) Thank Senators Frist and Thompson for their support of the Bryan amendment, and urge them to contact conferees in continuing support.

### **B. Cherokee NF is planning to log an outstanding area**

The Slide Hollow Roadless Area in the Roan Mountain/White Rocks region, ~4,400 acres traversed by the Appalachian Trail, contains significant old-growth forest and was slated to be studied for Wilderness status. Notwithstanding these facts, the Cherokee National Forest proposed

a timber sale of one million board feet that would affect the entire prospective wilderness. This proposed timber sale was appealed by Cherokee Forest Voices, the Wilderness Society, and the Sierra Club, but just a few days ago, the appeal was turned down by the USFS Regional Office. This, despite the fact that the Chief of the Forest Service has not long ago stated that timbering in the nation's forests would spare old growth and potential wilderness.

the Forest Plan Revision should include protected status for the Conasauga watershed. (2) Send a copy to Rep. Zach Wamp (address on p.2). (3) Incorporate a copy in a letter to the editor of your paper. For more info, call the Biodiversity Project, 704-258-2667.

### C. Forest should protect, not harm, this very special river!

The Southeastern USA hosts the richest river ecosystems in the temperate world, and, among these rich ecosystems, one river stands out from the rest in biodiversity: the Conasauga in southeastern Tennessee and northern Georgia. The Conasauga hosts 42 species of mussels, 9 of which are federally endangered. Of Tennessee's ~300 fish species, 27 are found only in the Conasauga. Prof. David Etnier, author of *The Fishes of Tennessee*, has stated: "The Conasauga has arguably the highest concentration of federally protected species in North America."

One reason the Conasauga's ecosystem has remained so rich is that a high percentage of the headwaters are in public lands. Public, yes; but protected? — it seems. NO! The US Forest Service is now planning two timber sales in the Conasauga watershed. These call for almost 9 miles of new logging roads, rebuilding extensive existing roads, logging about 700 acres of forest and making silvicultural burns to decrease hardwood regeneration. All these are bound to cause sedimentation, and sedimentation poses one of the worst threats to the survival of aquatic species. Siltation and impoundments, between them, have resulted in "the jeopardized status of well over 75% of our [the Southeast's] fishes and mollusks," according to Prof. Etnier.

In June representatives of several groups met with the new Supervisor of the Cherokee National Forest, Anne Zimmerman, who has a background in wildlife biology. They urged that the timber sales be deferred while the Cherokee Forest Plan is undergoing revision, a process that entails studies. It seems they met with little encouragement.

**WHAT YOU CAN DO:** (1) Contact Anne, Zimmerman, Supervisor, Cherokee National Forest (PO Box 2010, Suite 3400, Cleveland, TN 37320) and tell her that new sources of siltation in the Conasauga headwaters are unacceptable. Instead,

## 5. AROUND THE STATE

### A. Status of the Fall Creek Falls "Lands Unsuitable" petition

(Based on a report by Linda Krusen)

A meeting was held in mid-August to review progress on the Draft EIS for the Lands Unsuitable for Mining Petition (LUMP) pertaining to the watershed of Fall Creek Falls State Park. The meeting was attended by representatives of SOCM and TCWP (Linda Krusen), the two citizen groups that filed the petition, as well as by Knoxville staff of the Office of Surface Mining, OSM (including Beverly Brock, who recently replaced Willis Gainer), and by staff of state government. Dave Turner (Water Pollution Control) reported on a number of studies the state is conducting for the EIS, including an extensive water-quality and biological-health assessment done at 21 sites. SOCM asked that the impacts of mining be assessed on species that use the streams as drinking water, and that effects on ground water be addressed. Analyses are still in progress in such areas as archeology, hydrology (e.g., flooding analysis), and economic impacts. Dodd Galbreath from the State's Office of Environmental Policy, outlined the State's role as watchdog and steward of the Park and Natural Areas, of state water quality (would mining threaten the use-classification standard of the receiving waters?), and as reviewer of the NEPA process.

The Draft EIS was expected to be done in November, which would put the public-hearing and public-comment period right into the holiday season. OSM has, however, agreed to extend the comment period.

### B. Hearings start on Brush Creek No. 2 stripmine permit

In May, TCWP joined SOCM in the appeal of a permit granted by the Office of Surface Mining (OSM) to the Skyline Coal Company. The permit area lies near Dunlap, in the headwaters of Big Brush Creek, currently a high-quality white-water stream. Mining would involve the Sewanee coal



seam, which is always associated with the toxic-waste-generating Whitwell Shale, a formation that also underlies the watershed of Fall Creek Falls State Park. Skyline's water monitoring plan is quite inadequate. A broader issue is OSM's apparent focus on treatment of damage *after it has occurred*, rather than on the *prevention* mandated by law. Thus, if this permit were to go through unchallenged, it would set a precedent for a dangerous change in OSM policy nation-wide.

Hearings, held under Administrative Law Judge David Torbett, started September 3 and were recessed a week later until Sept. 29. Our attorney is Walt Morris, formerly Deputy Associate Solicitor of OSM. We have also engaged two high-level expert witnesses (a professional geologist and a geohydrologist specializing in hydrological modeling), both of whom testified prior to the recess. The Skyline witnesses will be heard when the hearings resume.

**WHAT YOU CAN DO:** The legal expenses and fees for expert witnesses are substantial. We would appreciate contributions to TCWP earmarked for the cost of the appeal, and we greatly appreciate the contributions we have already received.

### C. Second State Parks Forum

The first Tennessee State Parks Forum, attended by over 100 people on Nov. 16, 1996, was a major success and resulted in a number of proposed reforms (NL214 ¶3A). The major proposal was to place the operation and control of state parks with a State Parks Commission, modeled after the Tennessee Wildlife Resources Commission. This would not be subject to political successions, power-wielding legislators, and political appointees with no technical background. The proposal eventually inspired a bill, sponsored by Senator Bud Gilbert (R-Knoxville), which went partway toward enactment in the Senate but was deferred until 1998 in order to work out details and to build support.

There will now be a second State Parks Forum that will emphasize the Gilbert bill and discuss current and future state-park issues. By attending the forum on October 25 at Chattanooga you will help show support for parks that are devoted to protecting natural resources. See ¶8, this NL for details.

### D. Tennessee Greenways & Trails

This project was initiated in 1996 to coordinate local, regional, and statewide greenways and trails activities and to provide support for them. It is a cooperative effort of:

- (a) the Recreation Services Division (RSD) of the TN Dept. of Env't. and Conservation;
- (b) the National Park Service's Rivers, Trails and Conservation Assistance (RTCA) Program; and
- (c) the Conservation Fund's Tennessee Greenways Program (TGP).

The goals of the Project are to

- disseminate educational materials and encourage development of greenways and trails across the state,
- develop a statewide plan to foster coordination in greenways and trails development,
- create programs that encourage the development and use of greenways and trails.

A series of workshops was held earlier this year; to get some of the materials used in them, contact Kathleen Williams, 615-386-3171. A conference is planned for early 1998 (probably in the Nashville area). A Governor's Council on Greenways and Trails is being created and will work with the partners to finalize a plan by October 1998. For further info contact any of the three partners, as follows:

RSD — Alison Brayton, 615-532-0748,

RTCA — Chris Abbett or Bill Lane, 404-562-3175,

TGP — Kathleen Williams, 615-386-3171.

Local greenway news: a ribbon cutting was held August 27 to mark completion of the Neyland Greenway, which provides 2.8 miles of pedestrian and bike access from U.T. Faculty Club (Kinston Pike at Neyland Drive) to Volunteer Landing.

### E. Tennessee rivers advocated as American Heritage Rivers

During his State of the Union address, President Clinton announced the American Heritage Rivers Initiative and stated that 10 such rivers would be designated by him this year (NL216 ¶6D; also see ¶6B, this NL). There is now a great deal of support for nominating the Tennessee River as one of the 10. Knoxville mayor Victor Ashe and US Representative Zach Wamp are among those pledging their support, along with a coalition of about 30 historical and environmental organizations. Only a few months ago, the prospect that TVA would cease protecting the natural resources of the Tennessee River caused American Rivers to include the river in its annual list of the 10 most endangered in the nation (NL216 ¶5A).

There is also great enthusiasm in Asheville, NC for nominating the French Broad River as one of the 10 included in this year's AHRI. Interior Secretary Bruce Babbitt, who recently paddled the French Broad at the invitation of a group supporting this nomination, was highly impressed with what he saw.

## 6. NATIONAL ITEMS

### A. Two Endangered Species bills: a clear choice

Seldom has there been a clearer choice between two very different bills addressing the same topic, reauthorization of the Endangered Species Act (ESA). A clear thumbs down on the Senate bill, and cheers for the Housebill. It is essential for us to try and make the latter prevail.

The Senate bill, S.1180, is much more subtle (and thus more insidious) than were last year's violent attempts at unraveling the ESA. As for some of the earlier dangerous bills, the chief sponsor is Dirk Kempthorne (R-ID); but some of the cosponsors are senators with otherwise reasonably good credentials, including Chafee (R-RI), Baucus (D-MT), and Reid (D-NV). This bill was developed in closed-door negotiations (which supposedly included Sec. Babbitt) and apparently can't be amended either in committee or on the floor. It is "greased," with hearings on September 23 and mark-up only 7-10 days later.

The sweeping changes proposed in this bill would place biological diversity at the mercy of financial and political expediency. The current ESA would be weakened in the areas of, (a) listings (making them more difficult and more politicized), (b) water rights (the government would not be able to require water to be left in a stream for the purpose of protecting aquatic species), (c) consultation (the presently required input from biologists concerning impacts from a proposed development would be eliminated), and (d) economic impact (federal agencies would be restricted to those actions that are least costly and most cost-effective).

The House bill, the Endangered Species Recovery Act, HR.2351, sponsored by Rep. George Miller (D-CA), is based in large part on scientific recommendations by the National Academy of Sciences. It focuses on preventing the decline of species before they become endangered. Recognizing that most endangered species depend in part on

private lands for their survival, this bill was designed with small private landowners in mind. Among measures to encourage species conservation are tax breaks and estate-tax deferrals.

**WHAT YOU CAN DO:** (1) Contact the White House (202-456-1111) and Kathleen A. McGinty, Council on Environmental Quality (202-395-7417), and ask President Clinton to support HR.2351. (2) Urge your representative to cosponsor HR.2351 (there are no Tennesseans among the currently 65 cosponsors). (3) Contact the following members of the Senate Environment and Public Works committee to inform them about the serious flaws of S.1180 and the superiority of HR.2351 (all phone numbers start with 202-224 - we list the last 4 digits in parens following each name): Moynihan (4451), Lautenberg (4744), Graham (3041), Lieberman (4041), Boxer (3553), Wyden (5244). For more information, call the Endangered Species Coalition, 202-682-9400.

### B. Attacks on American Heritage Rivers Initiative

The American Heritage Rivers Initiative (AHRI), announced by Pres. Clinton earlier this year (NL216 16D) is a community-based effort that will direct resources and expertise of federal agencies towards cities and towns for river restoration. The Initiative recognizes that healthy natural resources provide long-term economic value, and this fact is now becoming appreciated all over the country, e.g., by the US Conference of Mayors, which unanimously approved a resolution supporting AHRI. Here in Tennessee, at least two rivers are being pushed for inclusion (SEE this NL).

Now, the anti-environmental extremists of the "wise-use movement" have found even this apple-pie-and-motherhood program to be objectionable and have launched a disinformation campaign to stop it. Members of Congress have been bombarded through a highly orchestrated fax assault, and Rep. Helen Chenoweth (R-ID) has introduced HR.1842 that would terminate implementation of AHRI by cutting off all money for the program. On Sept 18, the Senate defeated 44:57 a bill by Hutchison (R-Ark) that would have required Congressional approval before heritage rivers could be designated.

**WHAT YOU CAN DO:** (1) Contact your US representative and both senators (addresses on p.2) and voice your support for AHRI. Point out that healthy rivers are vital to our economic well-being.

quality of life, and community health. (2) Let the President know that you support AHJ by writing to Ms. Kathleen A. McGinty, Chair, Council on Environmental Quality, Old Executive Office Bldg, Room 360, Washington DC 20501 (or phone 202-395-7417).

### **C. Land & Water Conservation Fund appropriation**

The LWCF (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 lands already authorized for parks, forests, etc. This year there was some prospect for at least temporary improvement, since the balanced-budget agreement reached in June between the President and Congressional leaders included an add-on of \$700 million to the LWCF for FY 98. The Senate mark-up did include the extra sum, along with a "regular" \$243M appropriation for federal projects. Almost half of the \$700M would go for negotiated buy-outs (\$65M for the New World mine site in the Yellowstone headwaters, \$250M for the Headwaters redwood grove in California), \$100M is set aside for state grants over 4 years, and \$285M goes for federal projects to be identified by the Interior Department and Congress working in concert. The House mark-up excluded the extra \$700M, but boosted the "regular" LWCF funding by 60% to \$242M, with most of the increase earmarked for acquisition of lands for the Florida Everglades.

### **D. Parks operating funds to increase**

While the actual amount is still in question, there will be a substantial increase in operating funds for the National Park System in FY98. The House version of the Interior Appropriations bill includes a \$78 million (~7%) increase for this purpose, and the Senate version a \$94.7 million (~8.4%) increase. About one-third of the increase would be across-the-board, the remainder would go to units (both new and established) that have an immediate need for resource protection, visitor services, staff, etc. For the story on acquisition funds, see ¶6C above.

### **E. New National Park Service (NPS) appointments**

On July 31, the Senate confirmed a new NPS director, Robert G. Stanton. This event involved two "firsts": (a) it was the first time the position of NPS Director required Senate confirmation, and (b) Stanton is the first African American to head NPS. He is also one of the few career NPS employees who have in recent years gone on into the top slot. Stanton, 56, began his career with NPS in 1962 at Grand Teton NP, and has served as superintendent of Virgin Islands NP, deputy regional director of the Southeast Region in Atlanta, and, most recently, as director of the National Capital Region in Washington, DC. His varied service gave him the depth of first-hand knowledge of park issues, and those who have worked with him speak highly of him. NPS had been without a director since March, when Roger Kennedy retired.

A park close to our hearts has a new superintendent. Mark Woods has assumed that job at Cumberland Gap National Historical Park, having earlier served at Virgin Islands NP, among other places. We have heard the highest praise for him from people who should know.

### **F. Biosphere Reserves: Congressional attacks and a proposed remedy**

Under the Man and the Biosphere (MAB) Program of UNESCO, exemplary federal lands in our country can be designated as U.S. Biosphere Reserves in recognition of their value to scientific research and conservation. This has become a propaganda issue for those who are, both, foes of public-land protection and U.N. bashers.

The attack: HR.901, the "American Land Sovereignty Protection Act," was introduced in February by Rep. Don Young (R-Alaska) with 66 co-sponsors. The Committee on Resources, which is marking up HR.901, includes Rep. Jimmy Duncan (R-TN). The main features of the bill, which is almost identical to one narrowly defeated last September, areas follows:

- No federal official may nominate any land in the USA for designation as a Biosphere Reserve.
- Any existing UNESCO-designated US Biosphere Reserve would terminate by 12/31/00, unless specifically authorized by law prior to that date. Any newly proposed designation must also be specifically authorized by a law.

- The commercial viability of non-federal properties within 10 miles of the Reserve boundaries must in no way be adversely affected.
  - An annual report on each Biosphere Reserve must be submitted to Congress.
- In addition to targeting US Biosphere Reserves, HR.901 also takes aim at certain World Heritage sites (e.g., Wet Lands of International Importance).

The proposed remedy: All of the alleged defects in MAB are addressed in HR.1801, introduced by Rep. George Brown, Jr. (D-CA) and George Miller (D-CA) (call 202-225-6375 for copy). This bill,

- Authorizes U.S. MAB for the purposes of
  - promoting interagency cooperation to develop scientific information,
  - funding interdisciplinary scientific research,
  - promoting public/private partnerships for scientific study and for exchange of information on topics such as relationships between the environment and human health,
  - facilitating the study of biological diversity and sustainable use of natural resources.
- Requires that nominations of sites be made after local public comment has been considered.
- Requires that the state within which a site is located concur in the designation.

**WHAT YOU CAN DO:** Contact your Representative in opposition to HR.901, and inform him/her that the alleged defects in the MAB program are addressed by HR.1801, which he/she should support.

## G. Forest Biodiversity Act

A Democrat (Rep. Maurice Hinchey, NY) and a Republican (Rep. Christopher Shays, CT) have jointly introduced HR.1861, the Forest Biodiversity Act, pertaining to federal lands. HR.1861 would ban clearcutting and road construction in roadless areas, and would protect biodiversity. The bill bans not only clearcutting but also some of its destructive variations that go by other names. It is important to note that it does not ban logging altogether; the low-impact option of selection management would be the prevailing technique.

**WHAT YOU CAN DO:** Ask your Congressman (addresses on p.2) to respond to the "Dear Colleague" letter that Reps. Hinchey and Shays have circulated inviting co-sponsorship of HR.1861.

## 7. TCWP NEWS

### A. Annual weekend -- let us hear from you!

By now you have hopefully received our special brochure announcing the Annual Weekend. For our preliminary meal planning, it would help us greatly if you could return the form -- it won't obligate you to anything (we'll send final registration forms later). Don't be deterred by the statement in the brochure that requests responses by September 26: it is not too late yet!

All of the invited speakers (NL217 ¶9A), plus others, have agreed to participate in the Saturday-morning program, the theme of which is land and water protection in and around state lands. Field trips, hikes, and other outdoor activities are planned for Saturday afternoon and Sunday. Group rates will be available for bike rentals. The social times on Friday and Saturday evenings will have a Halloween theme, especially for the kids who, we hope, will accompany some of our meeting attendees (a baby-sitting service will be available). We hope to have a story teller, and a Saturday evening party with live music. Bring your family and friends and make this a great weekend!

### B. TCWP's quest for grant support

Our original round of applications for grant support has not met with success (NL217 ¶9B), but Jenny Freeman and Eric Hurst will be meeting with Lyndhurst staff next week 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. We hope you agree that TCWP is worth everyone's best efforts.

### C. Special mentions and thanks

Ed Clebsch, past president of TCWP and active in a lot of our activities, most notably establishment of the Big South Fork NRRRA, was featured (along with his father) in the lead article of the latest *Tennessee Conservationist*. Ed, who has inspired many students as the director of U.T.'s Graduate Program in Ecology, now runs a native plant nursery in Greenback, together with his wife Meredith. Come meet them at our Annual Weekend!

With input from Linda Krusen, Babs McBride designed the layout and produced the brochure announcing our Annual Weekend. Linda and Jenny Freeman took care of assembling the mailing.

Fred Sweeten acted as TCWP court watcher during the administrative-court hearings on the SOCM/TCWP appeal of the Brush Creek No.2 stripmine permit (15B, this NL).

Patrice Cole represented TCWP during the organizing meeting of the Gt. Smoky Mtns. National Park Network. She has also agreed to be our regular representative on the network.

The following participated in assembling and mailing NL217 on July 21: Dow and Vera Davis, Aaron and Nathan Helton, Frank Hensley, Harry Hubbell, Charlie Klabunde, and Linda Krusen.

On Sept. 7, Linda Krusen attended a meeting of several groups discussing State Forestry issues and options. The Tennessee legislature, earlier this year, "rolled over" several forestry bills and created a Forestry Advisory Panel on which conservation groups (among many other interests) will be represented.

Linda Krusen attended the Tennessee Environmental Congress organized by TEC on Sept. 6

Chuck Estes continued to represent TCWP on the Board of Friends of Scotts Gulf.

conducted by Stewart Clifton, TN Sierra Club lobbyist, Kay Linder, EAF lobbyist, and Alan Jones, TEC Exec. Dir. To register, call 615-792-1812 and leave a message (space is limited).

- Nov. 21-23, 2nd Annual Conference on Women's Leadership in the Outdoors, Asheville, NC (contact, Lisa Foisy, 704-299-3366, ext. 112).
- The Sierra Club Legal Defense Fund, the foremost "law firm for the environment," has changed its name to Earthjustice Legal Defense Fund. Founded originally to provide pro bono legal help to the Sierra Club, this group has increasingly come to represent numerous national, regional, and local environmental groups. Apart for the name change, they remain the same, and still reside at 180 Montgomery Street, Suite 1400, San Francisco, CA 94104-4209.
- The Appalachian Restoration Campaign (ARC) is a coalition dedicated to the restoration and protection of Central Appalachian Wildlands. With ecological research, education, and advocacy, ARC works to develop and forward an interconnected system of reserves (contact: ARC, POB 5541, Athens, OH 45701, Phone 740-592-3968).
- *Preserving neighborhoods and the environment from land development impacts: a citizen's guide to forming a winning strategy* is a guide developed by Community & Environmental Defense Services (call 1-800-773-4571).
- *Golden Dreams, Poisoned Streams*, by the Mineral Policy Center, is a factual account of how hardrock mining affects water quality. The book provides a scientific and legal framework for concerned citizens. (\$24.95 from MPC, 1612 K Street, NW, Suite 808, Washington, DC 20006.)

## B. ACTIVITIES and READING MATTER

- October 25, 8:30 a.m.-5:30 p.m., State Parks Forum, Chattanooga, Bright Elementary School, Hixson Pike. Morning, presentations and panel; afternoon, breakout sessions. Advance registration of \$10 includes box lunch and beverage. Evening reception, 6-10 p.m. at Ashland Farms (no cost). For further details, call TCWP at 481-0286
- October 27-30, Nature and Human Society: The Quest for a Sustainable World, a forum to be held at the National Academy of Sciences, Washington, DC (contact Tania Williams, 202-334-2215).
- Nov. 5-7, 8th Annual Southern Appalachian Man and the Biosphere (SAMAB) conference, Gatlinburg (contact 423-436-5598).
- Nov. 13, 6:30-9 p.m., Lobbying Workshop (free), Radnor Lake Visitor Center, Nashville. To be

**JOIN US FOR OUR  
ANNUAL WEEKEND  
OCT. 31 - NOV. 2  
FALL CREEK FALLS!**

