



## 11. ACTION SUMMARY

#No	Issue	Contact	"Message!" or Action
1	Fall Creek Falls watershed	Marcy Reed	Offer to attend June 18 hearing, or plan other action
2D	Enjoy-the-Obedouting		Plan to participate
5B	Chip-mill study for Tennessee	Rep. Harold Ford Gov. Sundquist	"Thanks for bringing to EPA's attention!" "Ask EPA for cooperative study!"
6A	TVA resource (non-power) program	US Sens. and Rep.	"Use hydropower revenues to finance resource program!"
8A	ISTEA's anti-environmental riders	Pres. Clinton; VP Gore	"Veto bill unless riders are removed!"
8B	Unlocking acquisition funds	US Rep. and Sens.	"Urge Rep. Regula and Sen. Gorton to release FY '98 LWCF; fully fund FY '99 LWCF; money is needed for Obed, BSP!"
8C	Natural resource budget	Rep. Zach Wamp	"Thanks for signing letter to Rep. Kasich!"
8G	Ozark Nat'l Scenic Riverways	Sec. Babbitt	"Withdraw park's watershed from all mining!"
8H	Glacier Bay, Alaska	Supt. James Brady	"I support proposal to phase out commercial fishing!"
8J	Jet skis in parks	Dennis Burnett, NPS	"Jet skis don't belong in any parks!"
8K	Timber "salvage" bill	Rep. Wamp, Hilleary, Clement, and Gordon	"Thanks for helping defeat bill!"
9B	TCWP Annual Weekend		Plan to attend

Senator John Doe  
United States Senate  
Washington, DC 20510

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

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

Governor Don Sundquist  
State Capitol  
Nashville, TN 37243-9872  
615-741-2001; Fax 532-9711

Dear Senator Doe  
Sincerely yours,

Dear Congressman Doe  
Sincerely yours,

Dear Mr. President  
Respectfully yours,

Dear Gov. Sundquist  
Respectfully yours,

Sen. Bill Frist:

Ph: 202-224-3344; FAX: 202-228-1264  
e-mail: senator\_frist@frist.senate.gov  
Local: 423-602-7977

Sen. Fred Thompson:

Ph: 202-224-4944; FAX: 202-228-3679  
e-mail: senator\_thompson@thompson.senate.gov  
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; 482-2246 (evening).

Membership-Development Directors, Sandra Goss (522-3809) and Marcy Reed (481-0623); or 481-0286

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

e-mail: TCWP@kornet.org

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

## 1. FALL CREEK FALLS ALERT

A few years ago, the Skyline Coal Co. was mining 2 miles from the watershed of Fall Creek Falls State Park & Natural Area (FCFSP/NA). They are now permitted to mine within 100 feet. FCFSP/NA is Tennessee's most visited and one of our most beautiful state parks. We now have the opportunity to protect its watershed once and for all as a result of the Lands-Unsuitable-for-Mining Petition (submitted in 1995 by SOCM, TCWP, and 49 individuals). The Office of Surface Mining (OSM) has responded with an alternative that we find unacceptable and must vigorously oppose.

Because we need many of our members to help with this effort, we mailed out a special Alert on June 1 that lists numerous action suggestions. By this time, we hope that you have decided on your course of action. If, as we hope, you can attend the June 18 hearing, please lose no time in contacting Marcy Reed (see box).

**WHAT YOU CAN DO:** Contact Marcy Reed, 657 W. Outer Dr., Oak Ridge, TN 37830; 423-481-0623; e-mail [marcyreed@aol.com](mailto:marcyreed@aol.com)

## 2. OBED AND BIG S. FORK NEWS

### A. Water Quality Assessment finds Obed "threatened"

Two years ago, the Tennessee Division of Water Pollution Control (DWPC) adopted a watershed approach whereby the state's watersheds are managed in 5-year cycles. The 54 watersheds are divided into 5 groups, each of which embarks on its cycle in a different year. The Emory watershed is in Group 1, which started its cycle in 1996 with information meetings that were attended by several TCWP members. Since that time, data collection, monitoring, and assessment have been done, and the second meeting for the watershed was held May 27 to acquaint the public with the findings. Marcy Reed and Lee Russell represented TCWP, and other TCWP members were also present.

The DWPC staff made an excellent presentation with very clear diagrams and good maps that colored different stream segments according to whether they supported, partially

supported, or failed to support designated uses. Among the last category were the upper stretches of the Obed (from headwaters to somewhat below Crossville, although the Crossville treatment plant was absolved from blame), Crab Orchard Creek (due to old mine sites), Drowning Creek, and the lowest reaches of the Emory (where Watts Bar overflows into it). There was also a fourth color coding that stood for "threatened;" that one was applied to the Obed downstream from the polluted segment. The designation implies that while the Obed currently fully supports designated uses, there are many evident future threats to its high water quality. This makes it all the more imperative that the river be protected by ONRW designation (Outstanding National Resource Waters, see NL219 ¶1, NL220 ¶3), a subject to which we shall return next time.

### B. More support from Cumberland County for Obed WSR

Friends of the Obed/Cumberland County have been increasingly active, led by Don Clark, Louise Gorenflo, and Jean Cheney. A public meeting in Crossville on April 21, entitled "Appreciating the Obed River and its Watershed: Past, Present, and Future" drew over 100 people. Among the numerous speakers were the County Executive, a member of the Chamber of Commerce, staff from the water treatment plant, the Obed WSR Superintendent, members of TCWP (Lee Russell and Chuck Estes) and TTA, high school students, seniors who remembered their childhood in the watershed, and others. Almost everyone enthusiastically supported the Wild & Scenic River and ways to protect it. At a subsequent, smaller, meeting in Crossville on May 11, Lee and Bill Russell presented a slide show, and the group brainstormed lists of concerns, future meeting topics, and other activities. One of these activities is materializing into the outing planned for June 20, details of which were planned by TCWP with NPS staff (see ¶2D, below).

### C. Status of General Management Plan for Big South Fork NRR

Staff changes both locally and in the Regional Office have somewhat delayed progress on the GMP. In the meantime, the Park Service (NPS) is very anxious that everyone, especially in the local area, understands what can and cannot be done under the terms of the BSFNRR's enabling legislation. It has been NPS' experience

that many people cheerfully accept limitations to what they are advocating when they understand the reasons; there has already been a notable increase in the friendly feelings toward the park, and a reduction in useless anger and hostility related to such things as required road closings.

To disseminate information, NPS has been periodically publishing a "General Management Plan Newsletter Update" that is distributed to a large mailing list. These pamphlets have summarized such basic information as the Congressionally mandated provisions for management of the two distinct zones that make up the BSFNRRA -- the Gorge Area (equivalent to the National River) and the Adjacent Area (equivalent to the National Recreation Area (illustrated by a clear map). They have addressed concerns about hunting (allowed) and ATVs (permitted only on designated routes or areas). They have quoted and paraphrased the enabling Act and related legislation with respect to the purposes of the BSFNRRA, and the mandate to NPS to manage all of its areas so that their values and purposes will not be adversely affected and so that they may be enjoyed not only by present but also future generations. And they have addressed the hot issue of roads by informing people that the enabling Act allows only 11 roads (so specified routes) to enter the Gorge Area, the rest of the gorge being accessible only on foot, horseback, or canoe.

#### D. *Enjoy-the-Obed outing*

To provide opportunities for interested folks to become acquainted with the Obed Wild & Scenic River, TCWP, in consultation with NPS staff, has planned an outing for non-paddlers. The Friends of the Obed/Cumberland County will be sending a group from the Crossville area, but it occurred to us that there might be TCWP members from elsewhere who would like to avail themselves of this opportunity. The green sheet enclosed with this Newsletter provides details.

### 3. FROZEN HEAD: MORE EFFORTS TO ACQUIRE VIEWSHED AND WATERSHED

There has been considerable progress in the efforts to have the state acquire significant lands in the Flat Fork watershed adjacent to

Frozen Head State Park and Natural Area (NL 221 ¶2). Additional meetings were held in April and May involving various combinations of state personnel, high officials in the Forestland Group (which acquired these lands from the Emory River Land Co. last November), and interested citizens (Don Todd, Joni Lovegrove for TCWP, Annetta Watson, and others).

After considering various options, state personnel and citizens have fixed on a proposal to acquire 3000+ acres that encompass the entire southern slope of Bird Mountain and the northern slope of Love Mountain, including all of Rough Ridge. This is the portion of Flat Fork watershed currently not within the Park, and includes the viewshed from the Visitor Center. Assistant Commissioner Walter Butler, head of the State Parks Division, is awaiting TDEC Commissioner Hamilton's approval to send this proposal to the Forestland Group.

There have also been discussions concerning trails (Chimney Top and Bird Mountain) that meander back and forth between the park and the Forestland property. Forestland would like to enter into a lease agreement for recreational use of their land, but the question of liability protection needs to be worked out.

We will inform you when the time is ripe to take action on these matters.

### 4. TENNESSEE RIVERS AND WATER QUALITY ISSUES

#### A. *Tennessee Rivers Assessment passes major milestone*

The Tennessee Rivers Assessment was originally conceived in 1991 through the vision and initiative of Jenny Freeman, fed by funding she and Bill Allen secured, and eventually developed by a partnership of state and federal agencies, citizens' groups and individuals. The Assessment has just passed a very major milestone -- publication of a fine summary report (see ¶10 for information on how to get a copy) -- which marks the transition from the data collection to the implementation and application phases of the project.

The stated mission of the program is "to assess the biological, aesthetic, recreational and

cultural resources of the rivers of Tennessee, to educate Tennesseans about these resources, to use this information to assist in river conservation efforts and to encourage the wisest uses of the waters of Tennessee." Under the very able management of David Duhl, the assessment has tabulated data for almost 60 watersheds in 5 river basins. From 3 to 60 rivers and creeks in each watershed are rated for natural/scenic quality, recreational boating, recreational fishing, and water quality.

But the attractively illustrated report has numerous additional features as well, some inspirational, others educational. Particularly useful is a list of additional resources, including phone numbers, e-mail addresses, and web sites for organizations, agencies, and databases. The project has not ended — it goes on through educational and collaborative efforts to further the conservation and improvement of our rivers.

#### **B. Action under way on Tennessee's most polluted waters**

For the first time since enactment of the federal Clean Water Act, our state is beginning to implement Sec. 303(d) of that Act, which is aimed primarily at nonpoint sources. Specifically, all waters must be listed that do not meet state water-quality standards even after point sources of pollution (industries, treatment plants, etc.) have installed the minimum required levels of pollution-control technologies. The state must then establish a priority ranking (based on severity of pollution and use of the water) and develop TMDLs (total maximum daily loads) for waterbodies on the list. TMDLs specify the amount of pollutants that need to be reduced and they allocate pollution-control needs among pollution sources in a watershed.

The 303(d) list for Tennessee was updated in April 1998 (we have a copy). While there was an earlier list available, the TMDL tool had not been used — a fact that became apparent during the first Tennessee Clean Water Conference, held 3/27-3/28/98 (NL221 ¶5H). Danielle Droitsch, Center for Global Sustainability, has taken the lead in following up on 303(d)-related activities. Her analysis revealed that the latest 303(d) list failed to include some water bodies that had been on the prior list — not because these waters had been cleaned up in the interim, but because no recent data were

available. TCWP signed on to a letter pointing out this omission and urging that it be corrected.

The state will develop TMDLs on a rotating watershed basis, examining each watershed on a 5-year cycle (see ¶2A, above). Various actions might have to be taken to meet a TMDL, such as lowering the amount of pollutants being discharged under a point-source permit or trying to control nonpoint sources. Unfortunately, ordinary agricultural and forestry activities are exempt from regulations in Tennessee, so the Div. of Water Pollution Control might be limited to providing information and technical resources.

#### **C. Help to land owners for controlling nonpoint water pollution**

The Tennessee Department of Agriculture (TDA) has established the Agricultural Nonpoint Water Pollution Control Fund to help landowners prevent soil erosion and manage animal wastes. The program is handled through county Soil Conservation Districts (SCDs), and landowners may receive up to \$5,000 per year for most projects. For more information call TDA (615 360-0108) or your local SCD office.

#### **D. Working to prevent Clinch River siltation**

Siltation from agricultural activities is a major threat to the rich biota of the beautiful upper Clinch River in SW Virginia and NE Tennessee. The average annual soil loss ranges from 8 tons per acre (pasture land) to 23 tons per acre (tobacco land). The Nature Conservancy is attempting to remedy this situation by supporting a locally-resident staff person who educates and assists farmers in a voluntary program of erosion control.

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### **5. OTHER STATE NEWS**

#### **A. Even the surviving State Parks bill gets eviscerated**

We thought we were already relating pretty bad news when we reported (NL221 ¶4A) that only one of three initially good state parks bills (all sponsored by Sen. Gilbert and Rep. Odom) had survived intact this year's session of the General Assembly. Guess what! ... *none* has now survived in its intended form. The one good bill that had passed both Houses unaltered, with bipartisan sponsorship and support, was SB.2711, which directed the Tenn. Dept. of Environment and Conservation (TDEC) to

develop a state parks master plan, provided for public review, and prohibited addition of new capital projects until the legislature had approved the master plan.

Unexpectedly, Governor Sundquist vetoed SB.2711 just before the end of the session -- a virtually unprecedented action for a bill that the administration had not opposed during its passage through the legislature. TCWP members and others immediately got busy urging their legislators to override the veto. Instead, a compromise was forged by which the governor agreed to sign an altered version, which became an amendment to one of the other emasculated state bills. [We thank Brian Carroll of Sen. McNally's staff who went to a lot of effort getting the amended version to us]. Under the altered terms of the parks-planning measure, TDEC may unilaterally proceed to undertake any capital project that is not part of the master plan, provided it costs less than \$100,000. Lots of harm can be done by lots of projects in that price range.

An example of the kinds of capital development projects undertaken by TDEC may be gleaned from a recent issue of *The Tennessee Conservationist* (Vol.64, No.3). Of a total of \$86 million that has been approved, about \$21 million (one-quarter) is going for golf-course development and golf-course related expenses; about \$49 million (57%) is going for new inns, or inn additions, and conference centers. That leaves only 19% for everything else, and much of this goes for group lodges and cabins.

#### B. Rep. Ford goes to bat for Tennessee chip-mill study

Citing the chip-mill-related destruction of ~12 million acres of Southeastern forests every year (NL221 ¶5E) Congressman Harold Ford, Jr. (D-TN) recently wrote to EPA Administrator Carol Browner, urging EPA to undertake a thorough analysis of the wood chipping industry in the Southeast, an analysis "that will provide Congress with the guidance to act on this issue." EPA's Region 4 (Southeast) responded that they were, in fact, deeply concerned about the environmental effects of the 140 chip mills now operating in the southern USA, "particularly the secondary effects of clearcutting forests used as chipmill sourcing (logging) areas."

They go on to remark that, possibly because of TVA's 1993 EIS (which was encouraged by, and concurred in, by EPA), on the basis of which permits along the Tennessee River were denied to three chip-mill companies, Tennessee now has only 4 chip mills in operation. However, our state has 14 whole-log loading ports that ship logs for chipping in Alabama mills (more ways to skin a cat).

Region 4 is currently partnering with the state of North Carolina in a two-year study that started 2 months ago (NL220 ¶5B). EPA is providing financial and technical assistance and will stress the water-quality aspect of the study. In writing to Rep. Ford, EPA states: "In the future, we hope to have similar cooperative relationships with other receptive states with chip mills, perhaps including Tennessee." This involvement at the state level is needed because EPA's regulatory and non-regulatory options under the federal Clean Water Act are of very limited utility for addressing the chip-mill issue.

**WHAT YOU CAN DO:** (1) Express your appreciation to Congressman Ford (address on p. 2). (2) Urge Gov. Sundquist (address on p. 2) to ask EPA for a cooperative study of chip-mill/clearcutting problems in Tennessee (send a copy to Justin Wilson, Governor's Policy Office, State Capitol, C-10, Nashville, TN 37243-0001).

#### C. Precedent set at Cumberland Gap

Precedent may have been set in a recent court case affecting a coal-mining operation within the viewshed of Cumberland Gap National Historic Park (NHP). When the judge ruled in favor of rescinding the mining permit, it was the first time that impairment of the view from a park was determined to be an adverse effect under the provisions of the 1977 federal Surface Mining Law (SMCRA). SMCRA provides for denial of any permit that has an "adverse effect" on a park, but does not define the term.

The proposed mining site was within the scenic view from the Pinnacle, the most visited overlook above the historic gap. The National Parks & Conservation Association, Cumberland Gap NHP, and the city of Middlesboro, KY, had

gone to court against the state of Kentucky for granting the mining permit without considering the adverse effect on the park's viewshed and without engaging the National Park Service in consultation.

**D. Cumberland River Basin reservoirs: water supplies versus other needs**

The Nashville District of the Corps of Engineers is now required to establish water-supply contracts with municipalities and industries that withdraw water from its 10 reservoirs. A study will be performed for each reservoir to recommend how some other existing purpose of water storage (e.g., recreation, navigation) would be re-allocated to water supply. Because these studies will require considerable time, the Corps will, for the shorter term, prepare an Environmental Assessment (EA) for a declaration of "surplus water." The EA will assess the environmental consequences of water withdrawals and of physical structures associated with water supply.

Although the 30-day comment period for the EA scoping has just ended, interested persons should contact the USACE-Nashville District, P.O. Box 1070, Nashville, TN 37202-1070, Attn.: Richard Tippitt, CELRN-EP-H.

**E. Financial Improprieties of the Duck River Development Agency (DRDA)**

DRDA is a pseudo-governmental agency with a strange history. In the 1950s, 1960s and 1970s, watershed development associations in the Tennessee Valley were typically formed under the auspices of TVA to help promote various dam proposals. The Upper Duck River Development Association (UDRDA, subsequently morphed into DRDA) was originally created to lobby in every conceivable way for the proposed Normandy and Columbia Dams on the Duck River. Since then, Normandy Dam was built and Columbia Dam was started but subsequently abandoned. DRDA is even now pushing for an alternative reservoir, Fountain Creek, on the grounds of water-supply needs that are unjustifiable.

Under a strange arrangement made long ago with TVA, DRDA has been receiving a fee paid by water users (5 cents per 1,000 gallons) from which the agency is said to have accumulated many millions of dollars in the bank. This money is used to pay salaries and frequent travel

for DRDA's staff and to carry out extensive lobbying efforts. Major financial improprieties have long been evident to concerned citizens. They have now been formally brought to light by the TVA Inspector General, who finds that DRDA has failed properly to account for \$585,000 in spending.

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**6. TENNESSEE VALLEY AUTHORITY**

**A. A concrete recommendation for saving TVA's resource (= non-power) program -- we need to push it!**

As time passes, TVA's resource program (flood control, navigation, water quality, public lands along the rivers, Land Between the Lakes, water-resource studies, etc.) is facing an increasingly hopeless future (NL221 ¶6A). The TVA Caucus (Congressmen and Senators from TVA states) is split on what to do and is going off in all directions, while concerted attacks from other sections of the Congress continue unabated. Thus, House leaders have refused to even schedule a hearing on President Clinton's \$76.8 million request for TVA's FY'99 non-power program; and 10 senators from outside the TVA region wrote to leaders of the Senate Appropriations Committee urging rejection of the President's request.

There is a very real danger that water-quality and shoreline-zoning programs for the reservoirs will be killed, and that TVA's public lands will be sold off to the highest bidder and developed. Because it is so urgent that we all take concerted action, we are here repeating (from NL221 ¶6A) a well-thought-out and practical proposal that we should transmit to our legislators and publicize in the media (see box below). The proposal, which originates with the Tennessee Valley Energy Reform Coalition and has also been put forward by the Tennessee River Valley Association, is as follows.

- Revenues from hydropower generation that utilizes the waters of the Tennessee River and its watershed should be used by TVA to fund the resource program.
- In accomplishing this, TVA should operate as an integrated system, but the interests of the resource program should be protected against pressures of the much larger and costlier power program. To start with, the hydropower

program (no fuel, no emissions, no waste) should be functionally separated from the fossil and nuclear power programs.

- Congress should establish a Tennessee River Watershed Council (TRWC) to make recommendations to the TVA Board and to Congress on how to allocate revenues from hydropower generation. TRWC would balance the need for providing low-cost hydropower with the economic and public interest of other river-related activities, and would protect the public interest from being eclipsed by the economic pressures of the power program.

**WHAT YOU CAN DO:** Without delay, contact your Congressman and Senators (addresses on p.2) and suggest this proposal as a feasible way of saving TVA's important resource (non-power) program. In voicing your concerns about the threatened demise of the non-power program, you may wish to mention the very real danger that significant public lands now managed by TVA could be sold off to the highest bidder and developed.

## B. Shoreline Management Initiative revisited

(Contributed by Marcy Davis)

[Background. There are ~11,000 miles of shoreline around 30 TVA reservoirs. In 1996, TVA published a Draft Environmental Impact Statement for a proposed Shoreline Management Initiative (SMI). At the time (NL212 ¶4), while congratulating TVA on their exceptionally professional and clear DEIS and on their outstanding job of involving the public in the process, TCWP opposed TVA's preferred alternative C1 because it allowed development of shoreline that is currently wholly owned and managed by TVA. In other words, it allowed for potential sale or lease of public property to developers. TCWP supported alternative D which limits shoreline impacts to the current 38% (average for all reservoirs). Because of public reactions to the DEIS, much of it based on misinformation and misunderstanding, and much of it on the "me first" attitude of certain residential land owners, TVA undertook the process of reworking the SMI.]

TCWP was invited to attend a June 2 "focus group" meeting on the SMI revisions, led by SMI project leader Tere McDonough. The purpose of

this meeting was to gather feedback regarding SMI materials that TVA intends to distribute to the public. In particular, TVA personnel asked for comments on a newsletter called "Shorelinks." Rather than select any one of the 6 alternatives described in the DEIS, TVA combined and modified features of the different ones and came up with a new "blended alternative". "Shorelinks" describes the blended alternative and the reasons for making the changes. Public comment on the DEIS was directly responsible for the decisions made.

Comments from the participants in the June 2 meeting showed that the newsletter "Shorelinks" needs considerable changes to get its message across. There was much confusion over one issue, in particular: the opening up of more TVA land for development. The "preferred alternative (C1) in the DEIS called for allowing up to 48% of shoreline to be open for development. Currently, about 13% is developed. Another 25% is undeveloped, but access rights are already written into the deeds. Essentially, this 25% is a "done deal," rights to develop having been signed over years ago. Under alternative C1 of the DEIS, an additional 10% was planned for development. This has now been eliminated. No more TVA shoreline property will be sold for development. Apparently, TVA had received many comments on the value of public lands and the importance of keeping these lands available for public use. This change is one TCWP can strongly support.

One other issue of importance has been changed from the DEIS: the proposed 100' buffer was reduced to 25'. TCWP and some other meeting participants commented that this was not wide enough, but others thought that there should be no buffer requirement at all.

The final "Shorelinks" newsletter is planned for release at the end of July. Final recommendations to the TVA Board are planned for sometime in the fall.

## 7. SMOKIES

### A. Overflights only slightly limited

A recent court ruling on helicopter sightseeing operations may provide some slight reduction in overflights, but will not altogether stop this intrusion into the Park's visitor



experience. Three flightseeing operations have at long last been made to comply with a 1992 Tennessee state law that forbids take-offs or landings from heliports located within 9 miles of a national park's boundaries. Being moved farther away from their target will make the flights more expensive and thus possibly cut down on the number of customers -- but nothing else has changed. We must support federal legislation that could alleviate the intrusion from overflights.

The Gt. Smoky Mtns. National Park is among the worst sufferers, but it is not the only one -- 140 national park units across the country suffer the intrusive noise of overflights. Spurred by a bill introduced by Sen. John McCain (R-AZ), which would regulate all commercial air tours over national parks, Pres. Clinton last year created the National Parks Overflights Working Group.

The goal of the NPOWG, which is co-sponsored by the Federal Aviation Administration (FAA) and the National Park Service, is to develop a consensus recommendation for managing sightseeing aircraft so as to protect the natural quiet of all units of the National Park System. The rule would cover tour operations flying at less than 5,000 feet above ground and would extend horizontally 1/2 mile outside the park boundaries. An Air Tour Management Plan (ATMP) would be developed for each NPS unit and would be enforced by the FAA. For certain units, the ATMP might ban air tours altogether, and for others the ATMP could regulate the conditions of overflights. The NPOWG is now working to integrate the proposed rule into enforceable law.

#### B. More bad news on air quality

In May of this year, air quality in the park was bad enough for 8 consecutive days to damage lungs of healthy people. Specifically, ground-level ozone concentrations, which normally are 20-40 ppb, ranged between 89-99 ppb (levels exceeding 85 ppb are considered unhealthy by EPA). There have been more unhealthy days this May than in any other May on record. Primary sources of nitrogen oxides and hydrocarbons (which form ozone on reacting with sunlight) are coal-fired power plants, automobile exhausts, and industrial emissions.

- Related reading: ¶8A, this NL, concerning Congressional attempts to weaken regulation of such pollutants.
- Related fact: Appalachian forest trees are dying at 3-5 times the historic rate, consistent with elevated ground-level ozone concentrations and higher acid-rain deposition (Source: Appalachia - Science in the Public Interest, 606-256-0077).
- Related thought: should Oak Ridge approve development of a steel mill and its associated air-pollution sources (such as new power plants)?

#### C. Traffic study completed

The GSMNP is the most visited national park in the nation -- there were 9.3 million visitors in 1996 -- and visitation is likely to increase in the future. In one "off" month alone, January 1996, almost 180,000 vehicles entered the park -- 10% more than in January 1997. A recently completed study carried out for the National Park Service by the University of Tennessee Transportation Center evaluates trends and impacts and makes 20-year projections.

About 70% of park visitors stay in close proximity to park roads, including about 17% who tour the park without turning off the car's engine; and, amazingly, only 54% of tourists to the GSMNP consider the park the main purpose for their visit. Transportation in the Smokies must therefore be viewed in terms of "activity centers" located in the adjoining communities, and regional transportation planning will be critical to maintaining the park's quality and visitor experience.

#### D. Concerns about happenings outside the Park's periphery

Worries about the Park's viewshed and about external pressures on the Park (NL221 ¶7G) have worsened as a result of recent events. In March, an Atlanta-based investment firm purchased a large ridgetop property, the 6,200-acre Three Sisters tract straddling the Blount-Sevier countyline. To make matters worse, the Blount County Commission, which had initially instructed the County Planner to come up with rules appropriate for mountain developments, has now reversed its decision to enact any such restrictions.

**E. Status of species re-introduction efforts**

- A 4-year elk reintroduction experiment is planned to begin next year and should determine whether the park provides suitable habitat, what interactions will occur with other species, what will be the effect on balds, etc.?
- River otters have now become reestablished in 5 watersheds of the park, following the release of 137 animals between 1986 and 1994
- Fish restoration efforts have been successful. Smoky madtom, spotfin chub, duskytail darter, and yellowfin madtom have been reestablished; and some streams were restocked with native brook trout after nonnative rainbow trout were removed.
- NPS uses small controlled burns to create habitat for the endangered red-cockaded woodpecker.
- Following 1984-1986 releases, a pair of peregrine falcon finally nested near Mt. LeCombe in 1997 and hatched young.

- An egregious attack on the long overdue initiative to clean the air in our national parks
- Promotion of the use of motorized vehicles in Minnesota's Boundary Waters Canoe Area
- A provision barring EPA's program to reduce regional transport of ozone smog
- Suspension of a law that bars construction of a bridge across a National Wild & Scenic River.

**WHAT YOU CAN DO:** Without delay, contact Pres. Clinton (contact info on p.2) and V.P. Gore (e-mail <vicepresident@whitehouse.gov>) urging a veto of ISTEA unless the riders are removed. Also contact your US Representative and both Senators (addresses on p.2) and ask them to do everything they can to stop this outrage.

**B. NATIONAL NEWS****A. Transportation bill being loaded with attacks on environmental laws**

In recent years, certain interests in Congress have made it a practice to load popular or "must-pass" bills (e.g., the flood-relief measure for North Dakota) with unrelated riders serving their own interests. This time, the amendments were not attached during passage in the House and Senate, but were added by the conference committee.

The bill in question is the very popular Intermodal Surface Transportation and Efficiency Act (ISTEA), which is currently being reauthorized after 8 years. Although ISTEA #2 will have adverse environmental impacts as a result of increasing highway funding by 40%, it also preserves many of the good features of ISTEA #1, such as the linking of transportation plans to their environmental consequences (smog, urban sprawl), the increased commitment to mass transit, and the strengthened role of local communities in decision making.

The outrageous thing that has happened to ISTEA is the addition by conferees, meeting in back rooms, of riders that were never openly debated or voted on in committee or on the House or Senate floor. Among many, many anti-environmental riders, the following are the most notable:

**B. Land and Water Conservation Fund (LWCF) must be unlocked!**

After years of serious starvation, Congress finally enacted a significant appropriation -- \$699 million -- for the FY'98 LWCF. (Part of this is earmarked for buy-outs of the New World Mine, near Yellowstone, and the Headwaters redwood forest.) There was much jubilation; but now, with almost 3/4 of FY 1998 gone by, the money *still* has not been released because two influential members of Congress, Rep. Ralph Regula (R-OH) and Sen. Slade Gorton (R-WA), are using it as a bargaining chip to get their own way on other issues.

The LWCF is virtually the only money available for acquiring land authorized for parks, forests, wildlife refuges, and other public uses. There is hardly a park in America for which acquisition has been completed, and the crucial missing pieces are quickly becoming degraded and/or prohibitively expensive. Over the decades, LWCF appropriations have been falling way short of the almost \$1 billion per year that were authorized by the law that established the Fund 33 years ago. This money comes from royalties on offshore oil & gas leases which amount to ~\$3 billion annually (a number that's rising). The highest amount Congress ever appropriated was \$805 million in 1979. The appropriation dropped dramatically when Pres. Reagan took office, then averaged \$250M/year for the decade before 1994, when the notorious 104th Congress actually considered zeroing out the LWCF for a 5-year period! (It finally

approved \$134M). Billions of dollars of oil & gas revenues have accumulated, and the unappropriated amounts have gone toward reducing the federal debt. Now that we have a balanced budget, there is no longer any excuse for not appropriating the entire billion each year.

**WHAT YOU CAN DO:** Contact your US Rep. and both Senators and ask them to:

(1) Urge Rep. Regula and Sen. Gorton to immediately release the money that has already been appropriated for FY '98 (the year is almost over!);

(2) Fully fund the LWCF for FY '99 at its authorized level (i.e., close to \$1 billion) and to include a "state-side" portion;

(3) Recognize that we no longer have the excuse of needing the oil & gas revenue for paying off the national debt, and that the money is urgently needed NOW for saving vanishing natural resources for our children;

(4) Tell them of about uncompleted land acquisition projects in Tennessee - primary among them the Obed Wild & Scenic River (needs another 1,700 acres) and the Big South Fork NRR (needs about 10,000 additional acres).

#### C. Budget Committee urged to increase funding for natural resource programs

Two Congressmen, Freydinghuysen (R-NJ) and Kildee (D-MI), have succeeded in getting many House Members of both parties to sign a "Dear Colleague" letter to Rep. John Kasich, chairman of the Budget Committee, asking him to adopt the recommendations of the Public Lands Funding Initiative for key natural resource programs. The letter strongly urges that funding levels for stewardship and protection of our public lands be significantly raised. Unless the Congressional Budget Resolution provides for such funding increases, it will be impossible to obtain critically needed appropriations for stewardship and land acquisition for parks, forests, wildlife refuges.

In response to a request from TCWP, Rep. Wamp has signed on to the "Dear Colleague" letter. He deserves our thanks.

#### D. The National Park Service budget

President Clinton's budget proposal for the NPS includes a \$94.2 million increase over

FY '98, but the bulk of this increase goes for maintenance. Only \$2 million of the increase is budgeted for the entire natural resource inventory and monitoring program, which is needed to assess resource threats and formulate protection plans. It seems that repairing potholes is deemed more important than restoring habitats; but NPS points out that several maintenance projects will also contribute to resource protection. One problem for the NPS budget process is that Congress always adds its own pet (pork-barrel?) projects: thus, over the past 12 years Congress has funded 466 more construction projects than had been requested by NPS. Often NPS-requested projects get bumped in the process.

#### E. Major Parks legislation in the making

Sen. Craig Thomas (R-WY), chairman of the Senate Subcommittee on Parks, etc., recently introduced S.1693, the National Parks Restoration Act, which focuses on park funding, resource protection, park management and operations, stewardship, and other matters. The National Parks & Conservation Association (NPCA) has analyzed the bill and feels that several provisions need to be amended. NPCA, however, applauds Sen. Thomas for his attention to the National Park Service's (NPS's) growing financial woes.

Among the bill's good features: continuation of the recreation-fee demonstration program through the year 2005 (but it will be necessary not to neglect low-visitor, high-need parks); fees charged to companies that use park settings for commercials, movies, etc.; a program of scientific research and inventory of natural and cultural resources (but more money needs to be authorized for this). Among the bill's weak features: provisions for concessions reform; and the procedure for determining additions to the park system (it restricts NPS, while giving undue weight to ad hoc Congressional requests). -- Hearings have been held, and S.1693 will hopefully be strengthened as it moves through Congress.

#### F. Forest Service Chief stresses watershed health

Increasingly, resource protection is gaining a stronger voice in the previously timber-production-focused US Forest Service. In a speech given in March, USFS Chief Michael Omback announced a new commitment to

watershed-health improvements, sustainable forest management, outdoor recreation, and science-based forest road policy. "With 80% of the nation's fresh-water sources originating on the National Forest System lands," he said, "the national forests are the headwaters of the nation." Therefore, watershed restoration and maintenance, which Dombeck called the "oldest and highest calling of the Forest Service," will become the over-riding priority of forest planning and management.

Two months earlier, Dombeck had announced a revolutionary moratorium on road construction on most roadless areas of national forests (NL220 11A). This, plus the March speech, have earned him the violent wrath of several western Republican members of Congress, such as Representatives Helen Chenoweth and Don Young, and Senators Lary Craig and Frank Murkowski. "We'll just keep cutting their budget, squeeze until they [the USFS] finally squeal," said Murkowski at a press conference.

The new face of the USFS is also apparent in some of the regional offices. Regional Forester Elizabeth Estill (Southern Region) has strongly supported public involvement in the process of improving management plans for the southern Appalachian national forests. This will be the first overhaul of Forest Plans since the Reagan era.

#### **G. Ozark National Scenic Riverways imperiled by lead mines**

Over 130 miles of clear, spring-fed streams make up the Ozark National Scenic Riverways in south-central Missouri, which is administered by the National Park Service (NPS). Now, the Doe Run Mining Co. wants to do exploratory drilling within the recharge zone for Big Spring (one of the largest freshwater surface springs in the country) and several other headwater streams. The drilling sites would be in a national forest adjacent to the park, and the Bureau of Land Management (BLM) holds the mineral rights. The mining company must thus obtain permits from the Forest Service and BLM.

Because of the area's complex karst geology, contamination from lead mines is highly likely, and would be difficult to monitor or contain. NPS therefore wants the permits denied and is in favor of withdrawing the park's entire watershed from this and any future

mining. But NPS has little influence on the decision because, although NPS and BLM are sister agencies within the US Dept. of the Interior, BLM is not required to consider impacts on NPS lands.

**WHAT YOU CAN DO:** Write to Secretary Bruce Babbitt and urge him to refuse not only the Doe Run exploratory permit, but to permanently withdraw the park's entire watershed from all future mining (US Dept. of the Interior, 1849 C Street, NW, Washington, DC 20240).

#### **H. Commercial fishing in Glacier Bay must be phased out**

National Park status has, unfortunately, not prevented exploitation of Glacier Bay's marine resources. Commercial fishing is prohibited in all national parks unless specifically allowed by law. In authorizing Glacier Bay National Park & Preserve, Congress permitted commercial fishing in a portion of the Preserve component of the Bay. However, commercial activities (many of them serving Asian markets) are currently occurring in all park waters -- from the outer coast to the fjords of the inner bay; in fact, crab are even being harvested in designated wilderness waters, despite a court decision declaring the activity illegal.

The purposes of the National Park are preservation, public enjoyment, and scientific study of a naturally functioning marine ecosystem. In keeping with these objectives, NPS has proposed regulations that would end commercial fishing in Glacier Bay's wilderness waters immediately, and in the Bay's inner waters gradually over a 15-year period. Fishing in the outer waters would continue. This proposal is designed to protect marine resources while treating fairly those commercial fishermen who have worked the Bay for decades.

**WHAT YOU CAN DO:** Preferably before mid-June, write to Superintendent James Brady (Glacier Bay Nat'l Park & Preserve, PO Box 140, Gustavus, AK 99826) supporting the NPS proposal which upholds the Park's purpose while being fair to individual fishermen with a history of fishing in the Bay. If you have

visited Glacier Bay, mention your memory of this special place.

#### J. *Jet skis don't belong in parks!*

The National Park Service (NPS) is developing a proposed rule governing the use of personal watercraft (PWCs = jet skis) in the Park System. PWCs are currently used in some units and not in others. These watercraft have been aptly described as being "purely for the recreational use of self-absorbed thrill seekers;" their pervasive noise and odor definitely negate the park experience for other visitors. NPS needs to make a generalized rule to ban them from all park system units.

**WHAT YOU CAN DO:** Contact Dennis Burnett, NPS Ranger-Activities Division, Room 7408, US Dept. of the Interior, 1849 C Street, NW, Washington, DC 20240; phone 202-208-7675; e-mail dennis\_burnett@nps.gov

#### K. *New timber "salvage" bill defeated*

A bill that used the guise of "forest recovery and protection" to increase timber harvests and subsidize the timber industry was recently defeated 201 : 181 in the House of Representatives. Four Tennessee Congressmen helped defeat this bad bill: Zach Wamp (R-3rd), Van Hilleary (R-4th), Bob Clement (D-5th), and Bart Gordon (D-6th). Wamp and Hilleary were among only 4 Republicans from the Southern Appalachian region who voted against the bill.

**WHAT YOU CAN DO:** Express your thanks to Reps. Wamp, Hilleary, Clement, and Gordon (addresses on p. 2).

## 9. TCWP NEWS

### A. *Membership-Development Directors start working*

Sandra Goss and Marcy Reed formally began their duties as joint membership-development directors on May 1. Their first big activity is a membership survey, which they have formulated with considerable thought after seeking input from diverse sources. They plan to personally contact all TCWP members to

get their responses to the survey and discuss any ideas or concerns. Expect to hear from one of them in the near future.

### B. *Plan now for our Annual Weekend*

It's not too early to mark your calendar for November 6-8, when we have reserved Bersheba Springs for the TCWP Annual Weekend. Our new team of membership-development directors is planning to make this an even-better-than-usual event, and you'll have a chance to interact with them at this historic retreat in the South Cumberland that provides easy access to much beautiful scenery (Savage Gulf, Fiery Gizzard, Scott's Gulf), good facilities for our program and social functions, comfortable accommodations, and good food.

### C. *Special mentions and thanks*

Jenny Freeman contributed a chapter to the just published report on the Tennessee Rivers Assessment (see ¶4A, this NL). It's a brief history of the project that she conceived and got on the road. What a major achievement!

Now that our membership-development directors are on the job, Eric Hirst, who did the lion's share of the work of recruiting them (NL221 ¶10A) is active in facilitating their efforts. Most recently, he managed to get their membership survey put onto our web page.

Once again, Charlie Klabunde prepared a complex tax return for TCWP because, for the second year in a row in our 32-year history, we were above the threshold for IRS reporting.

Jenny Freeman, Marcy Reed, Sandra Goss, Linda Krusen, and Lee Russell met with Annette Watson to plan TCWP's participation in the upcoming activities related to Fall Creek Falls protection (¶1, this NL). Jimmy Groton is preparing expert testimony.

Marcy Reed, Tom Berg, and Lee Russell attended the May 27 meeting on water quality assessment for the Emory Watershed (¶2A, this NL).

Lee Russell and Chuck Estes participated in two recent meetings of Friends of the Obed /Cumberland County at Crossville (¶2B, this NL). Bill Russell presented his slides at one of them.

Ioni Lovegrove, Don Todd, and Annetta Watson have participated in several meetings concerning possible land acquisition adjacent to Frozen Head (T3, this NL).

Marcy Reed represented TCWP at a focus-group session in Chattanooga on IVA's Shoreline Management Initiative (T6B, this NL).

Our gratitude to the volunteers who assembled NL221 - Frank Hensley, Harry Hubbell, Charlie Klabunde, Kathryn Pensworth, and Fred Swenson. And many thanks to Frank Hensley and Charlie Klabunde, who handled the special mailing for our Fall Creek Falls Alert.

# 10. JOB OPENINGS, ACTIVITIES, and INFORMATION RESOURCES

- Job opening. The Appalachian Restoration Campaign is accepting applications for the position of ARC Coordinator. For more information, contact the ARC office, POB 5541, Athens, OH 45701.
- ??Job opening?? (may already be filled). Peter Kirby announced in mid-April that he is stepping down as SE Regional Director for the Wilderness Society, and that the search was on for a replacement. We suggest that any interested person call 404-872-9453 (the Society's Atlanta Office) to determine whether this position is still open.
- Volunteer land stewardship opportunities are available this summer for the Roan Mountain area. They include grassy balds management, Doe River clean-up, rare plant monitoring, and others. (Contact Judy Murray, 804 Rock City Road, Kingsport, TN 37664.)
- June 20, "Enjoy the Obed Day." See outings announcement enclosed with this Newsletter.
- June 26-28, "1998 Central Appalachian Ecological Integrity Conference," will cover impairments from wood chipping, mining, and air pollution. Davis & Elkins College, Elkins, West Virginia. Workshops on threats to Appalachian ecosystems, and on reversing the degradation. (Call Appalachian Restoration Campaign, 740-592-3968.)
- August 25, Asheville, conference for members of southern Appalachian region chambers of commerce on strategies in valuing non-timber forest resources such as recreation, wildlife, clean air and water. (Call Taylor Barnhill,

Southern Appalachian Forest Coalition, 828-252-9223.)

- September 20-24, St. Louis, MO, "Wetlands '98," a symposium coordinated by the Assoc. of State Wetland Managers and others. (For information, call 518-872-1804.)
- November 7-8, TCWP Annual Weekend, Bersheeba Springs (T9B, this NL).
- An attractive computer screensaver that supports The Nature Conservancy has been developed by Second Nature Software. The company contributes 10% of its sales, and all profits, to TNC - well over \$1.25 million since 1993.
- A Tennessee-wide environmental clearing house is maintained by the Foundation for Global Sustainability's Green Media Project at <http://www.TnGreen.com>. For more information, contact TnGreen.info@TnGreen.com
- For National Park System-related information, the National Parks and Conservation Association maintains a web site at <http://www.npsa.org>; it may be visited for the latest action alerts, news releases, and congressional testimony.
- To aid with conservation mapping programs (e.g., clearcut maps), the Appalachian Restoration Campaign has constructed a GIS (Geographic Information System) web page, <http://www.frognet.net/~arc/gis/HWGIS.htm>, includes data sources, utilities, contacts, and announcements.
- The summary report of the *Tennessee Rivers Assessment* (see T4A, this NL) may be ordered from The Tennessee Rivers Assessment Project, TDEC/Division of Natural Heritage, 401 Church Street, Nashville, TN 37243-0447.
- *Natural Resource Year in Review*, 1997 is a 63-page report by the National Park Service, summarizing and analyzing the year's natural resource stewardship activities. For copies, contact the editor, Jeff Selleck, NPS, WASO-INFO, POBox 25287, Denver, CO 80225-0287.
- *Eastern Old-Growth Forests: Prospects for Rediscovery and Recovery*, edited by Mary Bird Davis (\$24.95 + \$4.75 S&H; call 1-800-828-1302)

## ENJOY-THE-OBED OUTING, SATURDAY, JUNE 20

To acquaint non-paddlers with the Obed National Wild & Scenic River, we have arranged an outing for three activity levels – very easy, easy, and moderate. Walks to viewpoints are followed in each case with a visit to a small beach and swimming hole. A group from the Crossville area (Friends of the Obed/Cumberland County) will also participate in the outing.

In case the weather looks hopeless, the outing will be postponed to June 27 (same time). If you are in doubt on June 20, call Obed HQ (423-346-6294) by 9 a.m.

Car-pooling and driving directions are given below. All groups will initially assemble at 10:30 a.m. EDT in the parking area at the Lilly Bluff Overlook trailhead (W side of Clear Creek). Don Forester, the Obed WSR superintendent, will briefly address us before we split up into the following groups.

### Group 1 (least walking):

Walk to Lilly Bluff Overlook (about 1/2 mile roundtrip), then drive down to Lilly Bridge (probably 1 mile drive), and walk a short trail down along the east side of Clear Creek to a sandy beach and fine swimming hole. Great place for a picnic. The Park staff may arrange for someone to give a talk (possibly about local birds) in the early afternoon.

### Group 2 (led by ranger):

Essentially like Group 1, but with an additional walk that may be done either before or after the Overlook walk. This group will also end up at the swimming hole. The additional walk (1 1/2 - 2 miles roundtrip) is on the East side of Clear Creek, going downstream along the top of the bluff, with good views into the gorge below

### Group 3 (led by ranger):

Drive 1-2 miles SW from the Lilly Bluff parking lot, then walk through woods and fields to the ridge separating lower Clear Creek from Obed. Walk east along that ridge to a point high above the confluence, with fine views of the Obed. Entire roundtrip 3-4 miles. There are a couple of optional extensions from this trail, according to the discretion of the ranger and depending on energy of the walkers and available time. This group will also end up by swimming at same place as Groups 1 and 2, but by then they will have eaten their lunch on the trail.

By about 3 p.m. local time, all groups should be at the sandy beach, with another opportunity for Don Forester to address them, answer questions, etc.

What to bring: lunch, drink, swim suit and towel, rain gear (depending on weather forecast), sunscreen, bug repellent, camera. Wear sturdy shoes.

Carpooling for Oak Ridgers: Meet at 9:30 a.m. EDT at the intersection of N. Illinois Ave (Hiway 62) and West Outer Drive, in the parking lot of the small market located at the SE corner of that intersection. We will depart at 9:45 a.m.

(For non-carpoolers) driving directions: Find your way to Wartburg (Hiway 62 from Oak Ridge, or US 27 from Harriman) and go through town (do not take the bypass). After you pass the courthouse, the road goes down a hill, making a sharp curve left. Shortly after that curve, turn left on a road that takes you through Lancing (where you cross a railroad track). About 4+ miles later, turn left into Ridge Road (sign saying "Lilly Bridge Access"). From this corner to Lilly Bridge, it's a little under 4 miles. The Ridge Road is pretty straight-forward except for one fork where you keep right. Not too far after that, the road makes a right angle to the right before dropping down into the gorge. When it has climbed up the other side of Lilly Bridge, there is a turn-off on the left to the Overlook Parking area.

For further information, call 423-346-6294.