



Tennessee
Citizens for
Wilderness
Planning

Newsletter No. 240

July 18, 2001

Our 35th birthday this year!

Taking Care of Wild Places

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Shaded box or star means "Action Needed." Don't be overwhelmed – check the ACTION SUMMARY on p.2!

8. ACTION SUMMARY

#No	Issue	Contact	"Message!" or Action
1C	BSF premature trail proposal	TC WP	Tell us your feelings about Mt.Helen proposal
3A	Cleaning air over Smokies	Sen. Thompson Sen. Frist; your US Repr.	"Our sincerest thanks; please work with Committee!" "Please join Sen. Thompson's lead!"
5A	Arctic National Wildlife Refuge	Your US Representative URGENT ALERT	"Strongly oppose ANWR drilling in HR.2436!"
5B	Mass transportation for parks	US Senators Sen. Thompson	"Co-sponsor Sen. Sarbanes' Transit in Parks bill!" "Thanks for co-sponsoring Transit in Parks bill!"
5C	Hydro licensing protections	American Rivers	"Advise us on how to oppose FERC proposals!"
5D	Roadless Areas Protection Rule	USFS Chief Bosworth	"Do not change this overwhelmingly supported rule!"
6A	Upcoming TC WP events	Sandra Goss	Get details and attend
6C,D	TC WP committees	Sandra Goss	Volunteer for a committee

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United States Senate
Washington, DC 20510

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Dear Senator Doe
Sincerely yours,

Dear Congressman Doe
Sincerely yours,

Dear Mr. President
Respectfully yours,

Dear Gov. Sundquist
Respectfully yours,

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To call any Rep or Senator, dial Congressional switchboard, 202-224-3121. To find out about the status of bills, call 202-225-1772
URLs: <http://www.house.gov/lastname/> and <http://lastname.senate.gov/> General contact info: <http://www.tcv.org>

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.

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1. BIG SOUTH FORK

A. Conservationists' Input for General Management Plan submitted to Park Service

At the end of June, the National Parks & Conservation Association (NPCA) and TCWP completed their report "Management Recommendations and Resource Analysis for the General Management Plan of the Big South Fork National River and Recreation Area." The 33-page document submitted to the National Park Service (NPS) is in three parts, (1) Purpose and organization of the report, (2) Considerations and Principles that must govern any General Management Plan (GMP), (3) Natural and Cultural resources found within the BSFNNRA and Specific Management Suggestions. TCWP participated primarily in Parts 1 and 2.

Part 2, in addition to discussing general requirements for GMPs, takes up numerous issues specific to the BSFNNRA, such as the park's significant resources (including huge species diversity) that should influence its management, the need for protective management in the "Adjacent Area" as well as the legally defined "Gorge Area," the issue of OHVs (off-highway vehicles), and management of the O&W railroad. Part 3, carefully researched by NPCA, briefly describes the major watersheds in each of four regions of the park, and lists various special features, such as threatened or endangered species, water quality, visitor attractions, cultural sites, and existing uses. Management suggestions are given for each region and subzone.

A meeting between representatives of NPCA, TCWP, and NPS to discuss our report, originally scheduled for July 10, will be held July 26.

B. Park Service engaged in extensive studies for the GMP

During the winter and spring months, teams of Big South Fork personnel under Park Planner John Fischer spent at least 50 working days analyzing the Area trail by trail and road by road, and feeding large quantities of data into a GIS (Geographic Information System) database. On July 12, a progress report was presented to BSFNNRA staff and to half a dozen interested members of the public (including Lee Russell, attending for TCWP).

The studies utilized map analyses, data furnished by various state and federal agencies, scientific literature, and personal knowledge. The resource information in the database, all of which is clickable in graphic as well as tabular format, includes such parameters as archeological sites (prehistoric and historic), biological resources of various kinds, wetlands, clifflines, streamheads, currently used stream crossings, cultural resources, etc. For each segment of trails and roads, data forms have been created that show type, origin, destination, purpose, existing uses and standards, desired uses and standards, issues, desired visitor experience, and recommended changes.

The next step in the process, which is currently under way, is to define types of zones. These will be based on desired resource conditions and desired visitor experience, and will entail kinds/levels of management, visitor use, and development. Subsequently, the locations of the various zones will be recommended.

C. NPS proposes major new trail even though GMP is still in the making

Comments were due July 10 for the proposed Mount Helen Prototype Trail, a ~9-mile multi-use loop with its trailhead just inside the park boundary SE of Zenith. This trail would drop into the gorge of the North Whiteoak Creek and for 2.6 miles utilize the O&W railroad before exiting farther downstream, having run for almost half its length within legally designated Gorge Area. There have been considerable pressures from Fentress County politicians to increase recreation (particularly horse and OHV) use in this area of the park.

The National Park Service (NPS) proposes to make this a "prototype" trail by utilizing various techniques of trail construction and stream crossing and by monitoring the effects of trail use on erosion and other parameters. In our comments on the Environmental Assessment, we commended NPS for proposing these resource-protection activities, especially important in a park such as the BSFNNRA that has so many trails with a potential to impact water quality, fauna and flora, and visitor experience.

We are, however, deeply concerned that, instead of being proposed for an existing trail, these commendable activities are being tied to, and even used as justifications for, development of a major new trail of considerable length. This is

particularly disturbing in view of the fact that major initiatives in the BSNRRA should follow -- and be based on -- the General Management Plan (GMP) and the Roads & Trails Management Plan, both of which are currently in process of nearing completion. The proposal preempts the planning process in a number of ways, including the following:

- It should be up to the GMP process to determine whether the use of OHVs (Off Highway Vehicles) is permissible *anywhere* in the BSNRRA in the light of the 1916 Organic Act's mandate to leave NPS-administered lands "unimpaired for the enjoyment of future generations." If NPS can identify a portion of the park where use of OHVs does not cause resource degradation nor impair visitor experience, this must be convincingly demonstrated in the GMP.
- The proposed trail route preempts the *overall* planning for use of the O&W railroad, which must be the province of the GMP. Predetermining the types of use for a 2.6-mile *interstitial* segment significantly prejudices and affects use of the O&W railroad overall.
- Portions of the proposed trail that are open to OHVs, are very close to the Gorge rim. This may conflict with a likely GMP requirement to limit paralleling trails to a distance of at least 200 ft back from the Gorge rim.

There is another danger inherent in the proposed loop trail: it virtually invites illegal OHV entry into the Gorge area. Already, illegal entry of motorized vehicles into the North White Oak Creek gorge, including the O&W railroad, is rampant and uncontrolled, and is currently causing major resource damage. In the proposal no measures are being defined for stopping OHVs from crossing the two points where the new loop trail enters the Gorge. Enforcement mechanisms and their absence must be key decision-making issues addressed in the GMP -- they are not addressed in the proposal.

WHAT YOU CAN DO:

If any of you have concerns about this proposal, please let us know (address at bottom of p.1) so we may try to communicate them to NPS.

2. STATE NEWS

A. TCWP members protect additional 480 acres near Pickett

TCWP's active efforts to protect the beautiful lands contiguous with Pickett State Park and

Forest started in the early 1990s when Jenny Freeman and Bobby Fulcher led an effective campaign, working through Rex Boner at the Conservation Fund, to bring 5000 acres into State ownership via donation by the Mellon Foundation. In more recent years, Frank Hensley has spent a huge amount of his time scouting the lands around Pickett (mainly the steep wooded valleys that cut into the uplands), learning about the ownership of tracts that might possibly be acquired, and encouraging the state and The Nature Conservancy (INC) to make strategic acquisitions.

In 1999, the 1,125-acre Burton Kelly tract was donated as a wilderness to INC; and Mr. Kelly additionally gave the state 700 acres in exchange for 60 acres on the Kentucky border to protect the Burton Kelly wilderness on the East, South, and West. Late in 2000, the State Forestry Division purchased the spectacular 1,180-acre Cunningham tract. In March, TCWP helped TNC raise the funds needed to purchase the threatened 1,541-acre Jim Creek tract.

And now, the latest chapter -- directly attributable to four very special people. Thanks to the efforts of Frank Hensley, Mary Lynn Dobson, and Eric and Susan Hirst, another 480 acres just west of Pickett and adjacent to the Kentucky border were recently purchased by TNC. These folks explored and researched this wonderful piece of land, pushed TNC to acquire it, and contributed all of the funds necessary for the purchase. TNC has agreed to protect and conserve the property as a Tennessee Natural Area. All of us are deeply grateful to them. Ranger Matt Hudson at Pickett, who is a TCWP member, has been a wonderfully dedicated and knowledgeable guide for many of these endeavors.

B. State creates water-supply web site

Foreseeing increasing conflicts over water use, the Tennessee Dept. of Environment & Conservation has announced a new web site devoted to coming and emerging water-supply issues for the state. The web site highlights initiatives and policies undertaken by the Sundquist administration to address water-supply issues proactively. It also provides links to Tennessee water information, legislation and regulations, public notices for water-supply proposals, and organizations concerned with water issues. Visit the site at www.tdec.net/watersupply, or link to it through the www.TennesseeAnytime.org state website.

C. *Water-related issues to be studied by legislative committee*

More and more, people are becoming aware that water is getting to be an increasingly limited commodity. A bill that originated in the General Assembly (not the administration) would create "a special joint committee to study rural water distribution systems and their fiscal needs, and any other rural water-related environmental, economic, and health-related issues the committee deems appropriate." The committee, which will consist of 3 members of the House and 3 members of the Senate (to be appointed by the respective speakers), must report its findings and recommendations by 2/1/03.

The bill, which was sponsored by Senators Davis, Rochelle, Graves, and Burks, and by Representatives McDonald, Bone, and Windle, passed on June 18. While the administration did not originate the bill, it worked with the sponsors to create the study committee which will allow action to be taken after recommendations are forwarded to the governor.

D. *Duck River celebration set for August 14*

Over the past 5 years, a number of major events have affected the Duck River: the incomplete Columbia Dam has been dismantled (NL229 ¶6B), the extensive lands TVA had acquired on what would have been the shore of Columbia Reservoir have been turned over to the state, to be administered by the Tennessee Wildlife Resources Agency (NL228 ¶8D), and, just recently, a 30-mile segment of the Duck River upstream from Columbia to the Marshall County line has been designated a Class-II (Pastoral) State Scenic River (NL239 ¶3A). Several of these events will be celebrated locally on August 14, when the deed gets transferred and Gov. Sundquist signs the Scenic Rivers Act amendment. For more information, contact Dodd Galbreath at dgalbreath@mail.state.tn.us

3. **SMOKIES; AIR and ROADS**

A. *Sen. Thompson urges air clean-up for Smokies and the nation*

In June, Tennessee's Senator Fred Thompson, who chairs the Congressional caucus on the Great Smoky Mountains, wrote to President Bush stating that the combating of air pollution in the national parks should be a national priority. He

pointed out that the Great Smoky Mountains National Park, "the crown jewel of the national park system," has become "the nation's most threatened national park" as a result of terrible air pollution. Summertime air quality in the park is so poor, he wrote, that hiking can be "more hazardous to your health than walking along the streets of Manhattan."

Sen. Thompson's letter makes reference to two major national policy items. One is the New Source Review initiative, discussed in ¶4B, this NL. The Administration is hoping to weaken this initiative, but Sen. Thompson, instead, calls on the president to support federal lawsuits against utilities that are in violation. The other is a 1999 rule by EPA requiring that air in 156 national parks and wilderness areas be restored to a pristine condition, power plants being given until 2070 to comply. The White House has slowed the momentum of this initiative, though EPA Administrator Christie Whitman is preparing to sign a proposed rule to guide states in selecting technologies for reducing haze-inducing emissions at national parks. In his letter to the president, Sen. Thompson says that he is "encouraged" by EPA's announcement that it intends to move forward with a proposed rule.

In the specificity of his recommendations, Sen. Fred Thompson is the first Southern senator to indicate support for major federal efforts to reduce pollution from power plants. He "will support any reasonable requirements" to protect air quality in the Smokies and has indicated that he wants to work with the Senate Environment and Public Works Committee to fashion multi-pollutant legislation to reduce power plant emissions nationwide.

WHAT YOU CAN DO:

- (1) Express your sincere thanks to Sen. Thompson (address on p.2) and urge him to work with the Senate Environment and Public Works Committee to reduce power plant emissions nationwide.
- (2) Urge Sen. Frist and your Representative (addresses on p.2) to join Sen. Thompson in his efforts to clean the air over the Smokies and the nation.

B. *Highway 321 widening is temporarily on hold*

Phase I of this 16-mile project of 5-laning Hwy 321 along the northern boundary of the Smokies is under way (2.6 miles @ \$30 million), but Phase II is temporarily halted. This phase,

which runs 1.2 miles from Buckthorn Road to Pittman Center Road, includes a relocated entrance to the Greenbriar section of the Park, and a 5-lane bridge over the Middle Prong of the Little Pigeon River. The Middle Prong is a Tier-III (ONRW) stream whose water quality must not be adversely affected -- as it undoubtedly would be by such extensive construction.

What has halted Phase II is a major archaeological find within the Park, and the probability that the significant area extends northward outside the Park, overlapping with the projected route of road construction. NPS archaeologist Pei-Lin Yu's findings, even though still cursory, span 9000 years and indicate that this part of the Middle Prong valley had been settled for a long and significant period. The Tennessee Dept. of Transportation had earlier botched a situation of (more recent) archaeological finds in the Townsend area. Although Phase II was set to start in October 2001, TDoT omitted a \$12-million item for construction costs from its budget request for the 2001-2002 fiscal year.

By considering each phase of the Hwy-321 widening as a separate entity, TDoT and other agencies may be violating the requirements of NEPA. Only by studying the entire projected stretch between Gatlinburg and Cosby is it possible to consider long-range, cumulative effects on the Park. Past court cases elsewhere have ruled that segmentation practices unlawfully bypass NEPA.

C. The North Shore Road problem

For decades, and especially since North Carolina's Jesse Helms joined the Senate in 1973, pressure for the "North Shore Road" (north of Fontana Reservoir) has frustrated all efforts to designate wilderness in the Great Smoky Mountains National Park. A few months ago, the road pressures became more concrete (NL 236 ¶3A; NL 237 ¶4B). In the waning days of the last Congress, Rep. Charles Taylor (R-NC) and Sen. Jesse Helms (R-NC) managed to attach a rider to the big Highway Appropriations bill to add \$16 million "to construct a road in Swain County, NC." After the Act was signed, they made it clear that this appropriation was meant for the 21-mile-long road from Bryson City to Fontana Dam on the north side of the reservoir. The \$16 million is an appropriation without an authorization; the project has not been approved. It is estimated that the \$16 million would just cover studies re-

quired by NEPA for an EIS. As for the cost of the road itself, this is estimated to be in excess of \$150 million.

Helms and Taylor have continuously harped on the so-called 1943 Agreement involving TVA, NPS, and Swain County, under which a road would be constructed to replace one flooded by Fontana Reservoir. However, back in the 1980s, agreement was reached whereby Swain County would be paid \$16 million in lieu of the road, and this provision was included in all the wilderness bills proposed over the years (and each time stymied by Sen. Helms). Taylor's big argument now (as in the past) is that the road is needed to give local families access to cemeteries. The truth is that NPS has all along provided such access on demand, and that very little has been requested. The road, on the other hand, would destroy the largest *de facto* wilderness in the Smokies.

An extensive history of the North Shore Road problem was recently authored by Ray Payne in the July Tennessean. Ray is likely to be up-to-date on needed efforts to stop this threat. He can be contacted at 865-693-6944.



D. Governors' Summit on Air Quality

The governors of Tennessee, North Carolina, and Georgia met in Gatlinburg on June 1 for the Third Annual Summit on Air Quality. These Summits are the outgrowth of a Memorandum of Understanding (MOU) crafted in an effort to halt the shocking deterioration of air quality in the Smokies by facilitating information sharing between state and federal agencies about potential new pollution sources and the problems these might cause. Tennessee ratified the MOU in May 1997 (NL217 ¶4A), making it possible for the Great Smoky Mtns National Park and the Cherokee National Forest to raise concerns and to identify potential problems early in the state permitting process, when modification or resolution is still possible.

The MOU required that additional Southern Appalachian states sign the accord. North Carolina joined early in 1999, and Georgia at the end of the following year. At the June summit in Gatlinburg, it was agreed that the states work together on a progress report, to be completed by 12/31/01, followed by a set of recommendations, due 3/15/02, for a multi-pollutant strategy.

4. TVA

A. Small Wild Areas on Norris Reservoir

The Fullerton Bend Unit of Norris Reservoir, located between miles 20 and 30 of the Powell River, includes two Small Wild Areas: Monk's Comer and Stiner's Woods. The former has been badly abused by ATVs (All Terrain Vehicles). In a recently issued Management Plan/Draft Environmental Assessment, TVA proposes to enlarge Monk's Comer SWA and to construct barriers for ATVs. The entire Plan/DEA for all of Norris Reservoir is now available at public libraries and county courthouses, or may be viewed at <http://www.tva.gov/environment/reports/norris/index.htm>. To receive the summary and maps, call 865-632-1539, or e-mail dbharrell@tva.gov. For specific information about the Small Wild Areas, contact Nancy Fraley, 865-632-1535.

B. TVA's failure to comply with Clean Air Act challenged in court

While TVA is not the only culprit in the atrocious, and worsening, air pollution of this region (NL239 ¶6B), it is certainly a major one. The Great Smoky Mountains National Park is the most polluted park in the nation (see also ¶3A, this NL).

In 1999, EPA sued TVA and six other utilities for repeatedly disregarding New Source Review provisions of the Clean Air Act. The Act grandfathers old utilities; however, if major changes are made to a power plant, or its capacity is increased, the plant loses its grandfathered status and must conform with Clean Air rules. Thus, when TVA did major work to extend the life of several of its outdated, high-polluting fossil-burning electric power plants, it violated the Clean Air Act by failing to reduce emissions. TVA's 11 coal-fired plants have an average age of over 40 years and emit 6-10 times more pollution than do plants that comply with Clean Air Act revisions. Based on a large factual record, the Environmental Appeals Board last fall supported EPA's Administrative Order against TVA (NL235 ¶5A).

In defiance of this Order, TVA joined a coalition of about a dozen utilities (the Electric Reliability Coordinating Council) that recently hired former Republican National Committee chairman Haley Barbour to lobby against the New Source Review provisions of the Clean Air Act. This coalition is likely to have easy going under

the Bush Administration's energypolicy. In fact, as part of his National Energy Policy, Bush ordered EPA and the Justice Department to undertake a 90-day review of the New Source Review enforcement initiative and raised the possibility that the initiative would be scaled back.

A couple of Davids have arisen against this Goliath. The National Parks & Conservation Association (NPCA) and the Sierra Club early this year filed a federal lawsuit to force TVA to clean up its Bull Run and Colbert steam plants - not TVA's dirtiest, but close to the Smokies. A *Chattanooga Times Free Press* editorial recently charged that TVA "seeks to hold rates flat by continuing to transfer to the public the health and environmental costs of egregious air pollution."

C. White House choice for TVA Board is Bill Baxter

On July 10, it was announced that Pres. Bush would nominate Bill Baxter to fill the vacancy that was created when chairman Craven Crowell left the TVA Board in April, 13 months prior to the end of his term. Baxter, a 47-year old Knoxville, has been associated with Holston Gases, Inc. (a family business) for the past 20 years, most of that time as chairman and CEO. Between 1997 and 2000 (during the Sundquist administration), he served as Commissioner of the Tennessee Dept. of Economic and Community Development. Recently, he considered running for governor.

Reportedly, Pres. Bush made his choice of Baxter with the advice of Tennessee's Senators Frist and Thompson. Each of a number of elected Tennessee Republicans had recommended other candidates:

Gov. Sundquist: - Justin Wilson, his top policy advisor.

Rep. Jimmy Duncan: - Bud Gilbert, former state senator from Knoxville.

Rep. Zach Wamp: - J. Wayne Cropp, former Hamilton County air-pollution control director.

Rep. Bill Jenkins: - Keith Westmoreland, former state representative.

Baxter has no particular environmental record. Steve Smith, executive director of SACE (Southern Alliance for Clean Energy) is hopeful that Baxter's experience with clean-burning natural gas might be of benefit to any TVA attempts to diminish power-plant pollution.

D. Praise for TVA's public-lands activities

A descendant of the Worthington family has expressed her appreciation to TVA and the individuals who have cleaned up the Worthington Cemetery area along the Melton Lake shores of Oak Ridge. TCWP played a major role in getting this area (originally slated for industrial development) designated an Ecological Study Area; and TCWP volunteers have participated in trash removal, exotic plant extirpation, and minor construction there during several annual Public Lands Day activities organized by TCWP and TVA. Judy Blakley of Kingsport now writes: "... my grandparents and great grandparents are buried in the cemetery. ... The Worthington family once owned much of the land in the area including the cemetery that is now part of TVA. The area is still very much the way I remember it as a child except for the absence of an old ornate wroughtiron gate at the entrance. ... [We] were very pleased at our last visit to find it clean, mowed, and much more accessible."

projects include rail lines, clean-fuel buses, pedestrian and bike paths, waterborne access, and others. The grant program is intended to encourage cooperation between federal land-management agencies, local communities, and state governments. Tennessee's Sen. Fred Thompson is a co-sponsor

WHAT YOU CAN DO: Urge your senators to co-sponsor Sen. Sarbanes' Transit in Parks Act. Thank Sen. Thompson for having done so already. (Addresses on p.2)

C. FERC trying to weaken environmental protection during hydropower licensing

In May, the Federal Energy Regulatory Commission (FERC) proposed to dramatically weaken the ability of federal and state resource agencies to protect the environment during the hydropower licensing process. They proposed 5 legislative and 8 regulatory changes that would:

- limit the ability of states to enforce the Clean Water Act;
- undercut the ability of federal and state agencies to protect fish and wildlife;
- transfer ultimate authority on dams located in national forests and on tribal lands to FERC.

FERC oversees operating licenses for ~2,500 privately owned hydropower dams nationwide. Over the next decade, the licenses for more than 400 dams (affecting 130 rivers) will expire. This represents only 2% of the nation's energy mix. During the re-licensing process (licenses are good for 50 years), resource agencies have had the opportunity to set minimum safeguards for water quality, water flow, land protection, etc. This process would be affected by FERC's proposed new rules.

WHAT YOU CAN DO: For copies of the May 2001 FERC report, visit <http://cips.ferc.gov/cips/default.htm>. For more information and action suggestions, contact Eric Eckl, American Rivers, 202-347-7550, eeckl@amrivers.org

5. NATIONAL ISSUES

A. ALERT: Arctic Refuge drilling coming for House vote next few weeks

On July 18, the House Resources Committee (chaired by Hansen, R-UT) voted to send HR 2436, the energy bill, to the floor. Drilling in the Arctic Refuge is a central component. A full House vote is expected the week of 7/23 or 7/30.

WHAT YOU CAN DO: Without delay, contact your Representative to oppose any drilling in the Arctic Refuge! Contact info on p.2. Urge others to do likewise

B. Mass transportation systems for parks

The Great Smoky Mtns. National Park is a perfect example of the rapidly growing adverse impact of private vehicle transportation on the nation's park system. Even the surrounding regions suffer economically when the problem becomes bad enough for parks to have to institute visitor restrictions.

Sen. Sarbanes (D-MD) has introduced the Transit in Parks Act, a bill that would provide \$65 million in federal assistance over the next 6 years to develop mass transportation systems in and around parks and other public lands. Eligible

D. Bush administration trying several approaches to scuttling Wild Forest Protection Plan

President Clinton's great legacy, the Wild Forest Protection Plan (Roadless Areas Rule),

would keep 58.5 million acres of national Forest lands free from new road construction and logging (of these, 85,000 acres are in Tennessee). More than protecting our few remaining roadless forests, the Plan safeguards much of the nation's drinking-water supply and contiguous habitat needed by wildlife.

Because the rule was published in the Federal Register, it cannot be altered without going through new rule-making procedures. It seems that the Bush administration is going to try this - in addition to exploring additional strategies. The timber industry and the State of Idaho filed suit to stop the Plan from being implemented, with the Justice Department mounting an intentionally weak legal defense for the federal government. In fact, according to *The Washington Post*, Bush has ordered the Justice Dept. to determine how to scuttle the roadless policy. (Though note that in confirmation hearings, Attorney General John Ashcroft had promised to uphold the law even if the president opposes a given policy.)

Bush is now using the lawsuit as an excuse to "revise" the Plan, claiming that there was a "lack of local input" in formulating the rule. In fact, there has never been a federal regulation that was based on so much local input. The US Forest Service held about 600 hearings throughout the country and received a record 1.6 million public comments. (Over 9000 Tennessee residents submitted comments, 97.7% supporting greater protection.)

The Administration's proposed "revision" is expected to be released this month. A probable preview of what it may contain has come from USFS Chief Dale Bosworth, who has stated that he hopes for a change that would allow the USFS to make protection decisions on a forest-by-forest basis. Other Administration spokespersons have said that the policy "would stand," but that exceptions would be "based on local conditions." Under such circumstances, timber interests would have a hay day chipping away at protections. Already, the timber industry has been busy spreading stories that the Clinton Roadless Plan would ban recreational activities and hamper efforts to fight wildfires.

WHAT YOU CAN DO: Urge USFS Chief Dale Bosworth not to change the carefully crafted and overwhelmingly supported Wild Forest Protection Plan (201 - 14th Street, SW, Washington, DC 20090; 202-205-1661).

E. Roads threaten all over: the RS2477 problem

It all started in 1866 when an obscure law, RS2477, was enacted to grant rights-of-way for the construction of highways across federal lands to encourage development of western territories. In 1976, under the Federal Land Policy Management Act, the 1866 law was repealed; however, rights-of-way of sufficient construction that existed prior to that time were still considered valid. This qualifier has provided the tool of choice for "sagebrush rebels" seeking to disqualify lands for wilderness designation or other protections. It has also been used as argument against closure of off-road vehicle routes.

The problem is particularly acute in Utah and Alaska where the majority of the land is federal. For example, ~160,000 (!) miles of "roads" have been claimed in Denali, Wrangell-St. Elias and Glacier Bay National Parks alone. In Utah, cow paths, faint old jeep tracks in the desert sand that lead nowhere, or that go part of a wash, have been claimed as roads. Three southern Utah counties have asserted at least 10,000 RS2477 claims.

Former Interior Secretary Bruce Babbitt tried to define clear, reasonable federal standards for any RS2477 right-of-way, as follows: work must have been done to improve it, and it must be a usable road with a purpose. However, Alaska's congressional delegation successfully attached riders to unrelated legislation that prevented the Interior Department from defining any federal rules pertaining to the RS2477 rights-of-way. One rider, which was fortunately vetoed by Pres. Clinton, would have assigned such rule-making to the states. Now that we no longer have a president who vetoes anti-environmental measures, such a dangerous rider, if introduced again, is likely to pass. Alternatively, Interior Sec. Gale Norton may define very permissive federal rules.

Good news, however, comes from a federal court ruling handed down June 25. In a scholarly decision, the judge found that several counties in Utah had violated federal law when they used heavy equipment to grade abandoned jeep trails and other primitive routes in the Grand Staircase-Escalante National Monument. The court held that "construction" requires actual physical labor, and that the route must "connect the public with identifiable destinations." It is hoped that

this court ruling will provide clear precedent for other cases.

F. Congress thwarts Bush initiative to cripple Endangered Species Act

Deeply buried in the Administration's Budget Proposal was language that would have removed the mandatory time deadlines of the Endangered Species Act (ESA) for additions of species and for designation of critical habitats, leaving such decisions entirely to the discretion of Interior Secretary Gale Norton. Currently, in accordance with a 1982 amendment to the ESA, the US Fish & Wildlife Service (USFWS) is required to act (not delay) on petitions to list species or designate critical habitats. Sec. Norton wanted to abolish this requirement because, she claimed, environmentalists had filed too many lawsuits. However, the reason lawsuits are filed is that the agency is not doing the listings on its own. Everyone agrees that the USFWS needs more money, but Norton requested only \$8 million for FY2002.

A House subcommittee (Republican-led) on June 7 removed the language that would have deleted the mandatory time deadlines and given Norton full discretion over priorities that determine the life or death of species. In addition, the subcommittee awarded the USFWS slightly more money than Norton had asked for (\$8.5 million), a \$2.1 million increase over FY2001.

G. The Bush-Cheney energy policy

You are undoubtedly reading so much about the energy policy in newspapers and magazines that we'll here restrict ourselves to mentioning only a few items that you may have missed concerning what the policy advocates.

- On production:
 - Not only open ANWR to drilling, but ease restrictions on other public lands
 - Ease permit process for refinery expansion and production. (However note: it is not the permit process that has slowed refinery production of late. Internal industry documents obtained by Sen. Ron Wyden show that 5 years ago companies were looking for ways to cut refinery output in order to boost profits. Why do we have an "energy crisis?")
 - Speed license procedures for hydroelectric dams (see related story in *ESB*, this NL).
- On power plants:
 - Provide tax breaks for developing "clean coal technology" (and totally fail to consider the

devastating effects of coal mining and production)

- Weaken the Clean Air Act
 - Do more research on the problem of climate change, but do nothing to decrease CO₂ emissions.
- On renewable energy and conservation:
- STUDY whether to require automobiles to meet higher fuel efficiency standards (it does not require higher CAFE standards -- only "study")
 - The policy presents renewable energy as a thing of the future.

A fine column by Ellen Goodman (5/22/01) points out the contradiction in the conservative agenda that promotes a drug prevention policy based on just saying "no," and teenage pregnancy prevention based on abstinence, yet does not promote self control when it comes to energy conservation. "... the familiar sermon about how social change comes from individual choices stops at the SUV dealership. Why does a drug addict need tough love to quit, while the gas guzzler needs tax incentives to switch?" She concludes: "[A]t its heart, environmentalism is about protecting the future, and respecting our place in the world and leaving it better than the way we found it. It's about personal and collective moral decisions. And yes, it is about virtue."

H. Wetlands mitigation program is not working

A recent National Academy of Sciences report concludes that the federal program (under the Clean Water Act) that allows developers to fill in wetlands in exchange for restoring or creating others nearby is not meeting its goal of "no net loss," particularly with respect to function of the wetlands. Before granting permits to fill natural wetlands, the report recommends, more considerations should be given to how any restored or newly created wetlands can replicate the ecological functions of naturally occurring wetlands and become a sustainable part of the ecosystem. The report, entitled "Compensating for Wetland Losses Under the Clean Water Act (prepublication)" may be seen at <http://www.nap.edu/catalog/10134.html>

6. TCWP NEWS

A. Upcoming TCWP events

The following is very abbreviated from information received at the last minute. For the impor-

tant details contact Sandra K. Goss, 865.522-3809, orskogoss@esper.com

- Hiwassee River Float, August 11. Bring your own craft or rent one. Suitable for families.
- Worthington Cemetery, September 29. Interpretive walk and exotic plant removal.
- Annual Meeting, Oct. 13, Cumberland Mtn. State Park. Morning talks, afternoon outings.

B. Nominating Committee completes its work

This year's TCWP Nominating Committee (Virginia Dale, Don Davis, and Eric Hirst) has completed its work at a record early date. In a couple of months, you will receive short bios for all proposed Board and Nominating Committee candidates for 2002, but there is a brief preview.

Nine of the present 11 Board members agreed to serve again next year; two (Eric Hirst and Olive Gaines) will retire. The Nominating Committee identified two candidates to fill these vacancies:

- Robert (Rob) James, an environmental lawyer with Bechtel Jacobs in Oak Ridge, who has formerly worked for DOE, EPA, and as an environmental attorney with a private law firm. He recently received an M.S. in Geography from UT.
- Cindy Kendrick, director of the Environmental Technology Program at Oak Ridge National Lab and a chemical engineer. She has recently been active in TCWP, attending several meetings and other events.

The Nominating Committee tried very hard, but was unable, to identify people who both care about Tennessee's natural environment and either are wealthy or know how to raise large amounts of money for nonprofit organizations.

The following candidates were identified for next year's Nominating Committee:

- David Reichle, until 2000 Associate Director of ORNL for environmental and life sciences. He is a long-time TCWP member and serves on the board of The Nature Conservancy of Tennessee.
- Harold McCurdy, retired from ORNL, who has lived in Oak Ridge, off and on, since 1943. He is a long-time TCWP member and an active hiker.
- David Adler, a toxicologist who works for DOE as a team leader on environmental restoration of the Oak Ridge Reservation. He is a former TCWP Board member.

The committee should be congratulated for completing its task so expeditiously, and for its hard work which resulted in fine candidates.

C. Changes in TCWP Committees

A few changes have occurred in the four committees through which TCWP does much of its work.

- Mary Lynn Dobson has replaced Jenny Freeman as the chair of the State Parks Committee, now renamed Public Lands Committee. Jenny's long leadership of that committee included organizing the first couple of State Parks Forums, a fight against golf courses in parks, and many years of energetic efforts to protect state parks from neglect and inappropriate developments. She deserves a rest. Mary Lynn has devoted a great deal of energy to the protection of Tennessee's wild and natural areas. For a recent example, read about her work in the Pickett area (TZA this NL).
- The Water Issues Committee, chaired by Chuck Estes, has a new member, Malcolm Tobias, suggested by the Nominating Committee. It might be noted that the names of our committees are perhaps a little confusing; thus, the Water Issues Committee also handles public lands issues, specifically all matters pertaining to the Obed and Big South Fork (see, e.g., T1 this NL).
- The Service Committee, chaired by Eric Hirst (for the remainder of this year), has two new members, Jean Bangham and Ed Sonder. That committee has successfully arranged all of TCWP meetings, outings, and special events, supervised development of our display Board, organized T shirts and posters, etc. Most recently, the Service Committee has undertaken to create a publicity subcommittee, for which see T6C, below.
- The Mailing Committee, chaired by Charlie Klabunde, takes care of distributing the Newsletter and any special mailings. We can always use extra help on this committee – just a few hours of service per year will discharge your obligations and provide tremendous help (to volunteer, contact addresses at bottom of p. 1 or in box on p. 2).

D. Publicity Subcommittee being formed

This subcommittee of our Service Committee will be chaired by Ron Bridgeman, former editor of *The Oak Ridger*. The subcommittee plans to develop 12 newsworthy topics (one for each month), identify an author for each topic, and get

articles and letters distributed to area newspapers. If you can work on this subcommittee in general, or provide specific media liaison, or even if you can handle just one topic, contact Sandra K. Goss, 865-522-3809, skgoss@wsprr.com

E. TCWP members

doing special things

- Board member Patrice Cole's research on the highly invasive Japanese still grass, or wire grass (*Microstegium*) was described in a June article in the *ORNL Reporter*. A major part of Patrice's experimentation (in the field and in the greenhouse) revolves around the "light/water tradeoff" hypothesis.
- Long-term TCWP member and former principal of the Oliver Springs Elementary School, Richard Davis, returned for a visit to his old school to talk about the need to purchase the Jun Creek tract, near Pickett. The students collected money toward this purchase, as they had done for numerous other resource-protection projects during his earlier tenure as principal.

7. JOB OPENING; CALENDAR; RESOURCES

Job opening:

The Tennessee Division of Natural Heritage, Dept. of Environment and Conservation, has a State Natural Areas Stewardship Biologist position available. The incumbent will be responsible for the administration and management of West Tennessee's State Natural Areas Program. Additional information about the position may be obtained by calling 615-532-0431.

Events calendar (For details, check the referenced NL item; or contact Sandra K. Goss, 865-522-3809, skgoss@wsprr.com; or Marcy Reed, 865-691-8807, marcyreed@aol.com).

- August 11, TCWP's Hiwassee River float (¶6A)
- August 25, Frozen Head State Park, Music of the Cumberland Trail concert—in conjunction with the Frozen Head Craft Festival (Contact Cumberland Trail Conference, 931-456-6259, or www.cumberlandtrail.org)
- Sept. 29, TCWP's work day at Worthington Cemetery (¶6A).
- Oct. 12, Twenty-fifth Anniversary of the Obed Wild & Scenic River. Anniversary dedication at Lilly Bluff, commemorative hike on Obed portion of the Cumberland Trail, and other events.

(Check the Obed WSR visitor center at Wartburg, 423-346-6294).

- Oct 13, TCWP Annual Meeting, Cumberland Mountain State Park (¶6A).

The following programs are organized by the Obed Wild & Scenic River. The location is at the Wartburg visitor Center (VC) unless otherwise indicated; times are Eastern Daylight. (Check 423-346-6294 for details):

- July 28, "Moonshining on the Cumberland Plateau," 7 p.m., VC.
- August 4, "Backpacking and Hiking in Frozen Head," 8 p.m., VC.
- August 11, "The Cumberland Trail," 7:30 p.m., VC.
- August 18, "Four Seasons" slide show, 7:30 p.m., VC.
- August 25, Owl prowl, 9 p.m., Lilly Bluff.
- Sept 1, Hike along The Point trail, 4 p.m., Lilly Bluff.
- Sept. 22 and 29, Fall hawk migration, 1-4 p.m., Lilly Bluff.

Publications

- "Natural Resource Year in Review - 2000" by the National Park Service contains numerous short, informative articles on NPS science, parks as laboratories, resource risks, restoration efforts, outreach education, and other topics. Of special interest are stories on the adverse influence of dams in the Colorado River basin (The whole report is on the web at <http://www.nature.nps.gov/pubs/yir/yir2000>. For a printed copy, contact the editor, jef_selleck@nps.gov.)

Resources

- The Southeast Organizer for the Endangered Species Coalition is Melissa Metcalfe, 1863 Lakewood Drive S., St. Petersburg, FL 33712, 727-866-3698, mmetcalfe@stopextinction.org



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