

Newsletter No. 99, January 14, 1980*

TCWP HIKE, SATURDAY, FEBRUARY 23, 1980

Meet 8:30 a.m. CST, Pickett State Park Office.

This 4-mile hike will be off-trail and moderately difficult. Ed Clebsch will lead us through an old grove mixed mesophytic forest and regrowing chestnut forest, in an area where the state is planning timbercutting. Hike co-sponsored by the Tennessee Native Plant Society.

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[For the record: some of you have had 3 TCWP mailings since NL98 -- (a) a Duck River action call (first class mail); (b) an O.R. airport referendum petition; (c) a fund appeal.]

1. COAL-PREPARATION PLANT THREATENS BIG S. FORK

How will the stewards of the Big S. Fork NRRRA, and the U.S. government in general, stand up to threats to the Area from the outside? A precedent is about to be set, and you can play a major part in helping that the right decision is reached (see below).

As we informed you earlier (NL97 ¶4), Stearns Mining Co. (SMC), a subsidiary of Blue Diamond Mining Co., is proposing to build a big coal-preparation plant near Stearns, Ky., near a major BSF tributary. Such a plant could have major deleterious effects on both air and water quality within the BSF Area. SMC has already received an air permit from the state of Kentucky. With regard to water, however, SMC is obliged to approach the federal government (EPA). A federal action that could adversely affect the human environment requires an Environmental Impact Statement (EIS). We estimate that the plant will generate 200,000 tons of acid- and toxic-leaching spoil per year, which would cover 600 acres over the plant's life span!

TCWP therefore requested EPA to demand an EIS. On Dec. 19, our exec. director, Tom Johnson, met in the field with EPA's Bob Howard and with NPS and Corps representatives. They visited the plant site and looked at Roaring Paunch Cr. Mr. Howard was given the BSFNRRRA Master Plan and EIS to acquaint him with the value of the resource that is being threatened. He was also told of specific instances of past environmental violations by Stearns Mining Co. Mr. Howard spent the following day with SMC and received their input; SMC has prepared a fancy "environmental assessment."

EPA must now decide whether or not to require an EIS. The decision will be partly based on EPA's evaluation of the magnitude of the threat. It will, however, also be influenced by how they perceive depth of public concern over potential injury to the BSFNRRRA. There is no doubt that EPA will be under extreme pressure from the other side. Please let them know how you feel. Write to Bob Howard, EIS Branch, Env'tl. Protection Agency, 345 Courtland St. NE, Atlanta, GA 30308. Send copies to (a) Col. R. Tener, District Engineer, Corps of Engineers, P.O. Box 1070, Nashville, TN 37202; and (b) Joe Brown, Dir., NPS-SE Region, 75 Spring St. SW, Atlanta, GA 30303. Remember, a crucial precedent for the BSFNRRRA is at stake!

2. COLUMBIA DAM: TWO SELLOUTS AND A PENDING PERMIT

A. The Water Quality sellout

One news summary (The Oak Ridger 12/7/79) put it in a nutshell: "State health officials have approved completion of the TVA's Columbia Dam, even though its reservoir will be polluted." The state's ruling was the so called "401" statement, which is required as part of the "Sec. 404" process (see ¶2B) set up by the Water Pollution Control Act Amendments of 1972.

The Tenn. Dept. of Public Health's decision appears to be based on (very considerable) political pressure, rather than on findings. A Water Quality Control Division's staff report in June showed very clearly that the Reservoir would suffer badly from eutrophication and would violate a number of water-quality standards; and even TVA has admitted to these problems. Commissioner of Health, E. W. Fowinkle, in granting dam certification, claimed that, under the NPDES process, his ruling had to be based only on discharges from the dam, and that TVA had assured him that dam design features and operation measures would (almost) clean up water below the dam. In other words, the admittedly terrible water quality within the reservoir has been given an official stamp of approval.

Attorney Frank Fly, on behalf of several organizations, has just filed an appeal with the Water Quality Control Board, contending that, either, state standards do apply to the reservoir, and 401 must consequently be denied; or, the state has failed to adopt standards applicable to all waters of Tennessee, as required by law, and therefore lacks authority to issue (or deny) 401 certification.

B. The 404 permit

Now that the State's 401 statement no longer holds up the 404 process, the Corps will supposedly base its decision on determinations of whether the Columbia Dam is in the public interest; but political and popular pressure will undoubtedly play a major part. At the Nov. 27 hearings, staff of Senators Baker and Sasser and of Representative Gore all read statements supporting the dam; and Rep. Beard appeared in person to do so (but left immediately, without listening to opposing views). Many individuals and groups opposed the dam at the hearing, including TCWP (which also submitted written statements). We trust several of you sent letters or cards. (TCWP sent a special, first-class, action call on Columbia to about 220 selected members. We also enclosed a Columbia card and note with our end-of-year fund-appeal; sent a mailing to an ARCC "special-contacts" list; and had several individuals make personal contacts in their areas.) Please continue to write, or at least send the card. Although the comment period for the hearing has ended, the Corps will be receptive to public opinion until the decision is actually made. Write Mr. John Case, (Special Projects Branch, U.S. Army Corps of Engineers, P.O. Box 1070, Nashville, TN 37202). Send copies to both Senators and your Congressperson (see enclosed Political Guide).

C. The Endangered Species sellout

Although the U.S. Fish & Wildlife Service has not "de-listed" the endangered mussels, as some papers erroneously reported, Director Lynn Greenwalt is essentially buying, on trust, TVA's assurance that TVA can salvage (in fact, "improve") the mussel populations. Trouble is that, even by the watered-down criteria, success or failure of the mussel conservation program won't show up until the Columbia Dam project is completed. Then will TVA be allowed to close the gates? (Substitute "mussel" for "snaildarter" in the déjà vu situation.) Incidentally, very reliable rumor has it that USFWS staff refused to participate in the above ruling, and that Director Greenwalt had to go outside to get his report written.

D. Columbia Dam funding

TVA did not request any funding for this project, mainly because about \$15 million were left over from 1979 funds as a result of the stoppage in construction while the 404 permit is pending. Despite the absence of a request, however, Congress, in its magnanimity, included \$8.5 million for Columbia in this year's Water & Energy Appropriations -- already infamous through its Tellico Dam exemption. If this makes you mad, tell your Congressperson! (See also #78)

3. STRIPMINING: UNREST ON THE FEDERAL AND STATE SCENES

A. Attacks on the Federal law, and OSM responses

The stripmine lobby persists in its attacks on the Federal Surface Mining Control & Reclamation Act of 1977 (SMCRA). Congr. Udall (who was visited by TCWP Exec. Dir. Tom Johnson in October) has so far been successful in keeping S.1403 (See NL98 #2) out of the House; but the fact that this bill, which would gut SMCRA, has already passed the Senate presents an ever-present danger. (Incidentally, Sens. Kennedy, Baker, and Sasser all voted for S.1403.) It is well to remind your Congressperson that stripmine regulations should not be weakened. A statement by USDI Sec. Andrus is worth quoting: "If coal production is to increase ... over the next decade, the country needs firm and stable surface mining regulations ... If S.1403 is enacted, it could lead to another decade of dispute."

Another avenue of attack by the stripmine industry is through the courts. Recently, District Court Judge Glen Williams ruled in favor of a Virginia stripminers' association's claim that portions of the SMCRA that require restoration of approximate original contour, and allow cease orders and fines for improper mining, are "unconstitutional." USDI is seeking an immediate appeal of Judge William's decision. (An earlier temporary injunction against the regs by the same judge was overturned by the Appeals Court.) In the meantime, FACT, the Tennessee stripmine lobby group, shouted with joy when it heard of Judge Williams' ruling. Sure enough, East Tenn. Coal Producers, Inc. have now filed a suit similar to that of the Virginia stripmine group!

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It is of interest that Tennessee's Gov. Alexander is among those who have sniped at the federal Act. "Some of the provisions I think are silly," he said at a recent Southern Governors Assoc. meeting. "We should let the states develop their ideas of the details."

All of these attacks come despite OSM's repeated attempts to accomodate industry wishes. We worry lest OSM accommodate too much. In the past few months, e.g., the Office of Surface Mining has taken the following actions:

- Postponed the date on which existing operations on Federal lands must comply with permanent performance standards, from 10/12/79 until such a time as the state program of the state in which the federal land is located is approved or disapproved;
- Took steps to weaken sedimentation control standards, stating that standards cannot be met during substantial rainfalls;
- Proposed regs that would provide variances from the return-to-approximate-original-contour provision;
- Temporarily suspended limited sections of the Permanent Regulatory Program, including the definition of irreparable harm to the environment and treatment of acid materials.

B. Federal funds for Tennessee

Tennessee has recently received several sums of money from OSM: (a) a grant of \$534,000 for management of the interim federal regulatory program; (b) \$97,500 to correct a flooding problem on an Anderson County (Frost Bottom) road, caused by stripmine sedimentation of Lick Creek; (c) \$102,000 to repair highwall erosion in Van Buren County, which is threatening a road and causing silting of Piney Cr (which flows through Fall Cr. Falls State Park). The last two sums come from the Abandoned Mine Reclamation Fund and should tell us something about the real costs of stripmining -- which were kept hidden from so much of the public for so many years.

C. The State compliance bill: will it crack down on wildcatters?

Deadline for state proposals to come into compliance with the federal Act was originally 8/3/79. A Carter Administration bill would postpone this deadline until 3/3/80, and the OSM's decision to accept or reject a state's program until 1/3/81. The first of these postponements has already been effected through court action. In the meantime a Tennessee legislative committee has been going over the Alexander administration bill designed to achieve compliance. The big bone of contention has been whether or not to allow the Commissioner of Conservation to confiscate equipment used in a wildcatting operation. (The Alexander administration has now withdrawn this proposal.) Interestingly, FACT (The Tennessee stripmine lobby) which has often said that wildcatters give "legitimate" stripminers a bad name, opposes confiscation. Here, perhaps, is a clue: FACT president, Bobby Leach, was recently fined \$12,600 by OSM for mining without a permit! SOCM released this information on the very night that FACT was launching a \$50,000 fundraising campaign to finance a public-relations effort. Senator Albright, chairman of the legislative committee studying the compliance bill, who has led the opposition to wildcatters' equipment confiscation, furiously made a statement that SOCM should be investigated. A slight investigation of Sen. Albright shows that he is the legislator who received a much greater share of campaign funds from the coal industry than did any other candidate in Tennessee (Source: See ¶12B).

X What you can do: Write to your state legislators and ask them to support a strong bill. (For your information, a summary of the proposed state bill, with comments, can be obtained from SOCM, P.O. Box 457, Jacksboro, TN 37757.) Contact the editor if you can provide further help on the state compliance issue.

D. Violence in the coalfields tied to wildcatting, Please help!

Two homes of SOCM members who have recently spoken out against illegal mining have been victimized by arsonists: The victims are Mr. and Mrs. Sam Baker of Elk Valley and Mr. John Johnson of Hickory Creek in Campbell County.--A state stripmine inspector was allegedly beaten by wildcatters near Dunlap, a day after the local sheriff refused to arrest the illegal

miners, saying they were friends of his, politically and otherwise (Knoxville News-Sentinel 9/27/79).--As long as wildcatting continues, the local violence and intimidation will continue. Administrative and court orders to stop illegal mining will just be ignored. Citizens opposition will be squashed by violence. If you are outraged by the arson and beating, do two things: (a) Contact your legislator to tell him that confiscation of equipment is the only way to put teeth into control of wildcatting; (b) help the arson victims by sending a check for the Fire Fund to SOCM, P.O. Box 457, Jacksboro, TN 37757.

E. The Water Quality permit for stripmining

The coal industry has for some years been complaining about having to obtain a water quality permit prior to applying for a permit from the Dept. of Conservation -- an important safeguard that was incorporated into the 1972 state stripmine law partly as a result of our efforts. In October, Public Health Commissioner Fowinkle announced that he was dropping the Water Quality program (related to stripmining) as an economy measure. As was pointed out by several people, this move could have cost the state the authority to administer the federal NPDES program. In November, Comm. Fowinkle reversed his stand and requested state funds for the program. He is also getting about \$220,000 of the federal grant reported in ¶3B. Industry pressure to eliminate the water-quality permit requirement continues to be exerted on legislators handling the state compliance bill.

4. THE OBED: AN EXAMPLE OF "LANDS UNSUITABLE FOR SURFACE MINING"

Our Obed River efforts and our stripmine efforts have often been closely related (making you wonder about past statements by 2 couples who claimed Wild River status was unnecessary for protection of the Obed because there was almost no extractable coal in the watershed!). As most of you know, active and highly damaging coal mining is going on quite close to the Obed, Emory, and Clear Creek. When we asked the state for a moratorium on stripmining in the watershed, we were told last July that the Tenn. Dept. of Conservation (DoC) was working toward the possibility of establishing the Obed River system as an Area Unsuitable for Mining under Sec. 522 of the 1977 Federal Surface Mining Act (SMCRA).

In October, the DoC used a permit application at the very edge of the Obed watershed as a test of its position as related to the federal Act. (This Robinson mine would drain into Yellow Cr., a tributary of Daddys Creek.) Commissioner Tuck wrote to Interior Secretary Andrus, posing several questions -- including some to which she obviously knew the answers -- presumably to get USDI on record with a number of definitions which the DoC could subsequently use to get itself off the hook in granting or denying permits in the watershed.

We were very much concerned that Sec. Andrus might provide quick answers, unaware of the actual situation in the Obed area and perhaps not fully conscious that his responses might form a precedent for interpretations of Sec. 522 with regard to Wild & Scenic Rivers anywhere in the nation. We therefore sent a wire to Sec. Andrus and others in USDI urging that he "delay issuing a directive until we have had opportunity to participate in the decision-making by providing technical data ..." TCWP exec. dir. Tom Johnson, partly with the help of Ed Grandis of the Env'tl. Policy Inst., arranged for conferences with various key people in the USDI, Washington. He brought with him a great deal of documentation, such as a watershed map showing the Obed acquisition zone, state parks, active mining and pending mining (to put the test-case permit application -- at the edge of the watershed -- into proper perspective); 15 colorprints of mining near the rivers; evidence that the Obed and tributaries are a unique resource of great concern to many people; and the state stripmine law, which gives the Commissioner of Conservation discretionary powers to deny permits. He spent several hours talking to key Off. of Surf. Mining (OSM) and Park Service personnel who were much impressed by the thoroughness of the presentation.

As a result of Tom's visit, the letter USDI had already drafted for Comm. Tuck was withdrawn and is being redrafted. Recently, however, the Tenn. Water Quality Control Div., constrained

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road between Solway and Edgemore Bridges -- which does not look excessively littered -- 13 volunteers, led by Lynn Dye, picked up 485 lbs of litter, including 302 lbs of bottles and cans!* This is one way of dramatizing the problem and its solution to the public and our legislators. *P.S. Statewide, 75% of the litter, by weight, was beverage containers.

* What you can do: (a) Write or call your state legislator and ask him/her to support the Tenn. Deposit Bill, HB 343/SB 742 and to oppose the proposed litter tax; (b) Send copies of your letter to Gov. Alexander, House Speaker Ned McWherter, Lt. Gov. John Wilder, Sen. Carl Moore, and Rep. Donald Hood. (All persons mentioned in (a) and (b), exc. the governor [for whom see enclosed Political Guide] can be reached at Legislative Plaza, Nashville, TN 37219). (c) Send copies of your letter to the letters-to-the-editor column of your local paper. (d) Order your copies of an excellent brochure "The Case Against Throwaways Is Overwhelming" from TACL, 1720 West End Ave., Suite 600, Nashville, TN 37203 (\$4 per 100; up to 50 free, but contributions appreciated). These brochures are useful in spreading the word to friends, clubs, etc. (e) TCWP member Bill Baird (Rt. #3, Belt Rd., Knxville 37920, Ph. 573-6218) is highly active in working for deposit legislation. He'll welcome your help.

6. STATE CAPSULES

(For other items involving state government, see ¶ 2A, 3C, 3E, 4, 5)

- A. The Dept. of Conservation (DoC), faced with a bare-bones budget (even smaller than last year's) is planning no land acquisitions except to round out existing holdings in Savage Gulf. At most 5 additional capital-outlay items involve only buildings, furnishings, exhibits. The miserable treatment of DoC budgets by the Alexander administration should be of great concern to conservation-minded Tennessee citizens. Write to the governor, with copies to Commissioner Tuck and your state legislators (see Political Guide). Budget cuts of this kind are no longer "trimming fat" -- they are "carving muscle." (Quote from Tenn. Env'tl. Report, where it was used for Water Quality cuts).
- B. Dennis Lovell, a native Tennessean, recently took the place of Tom Florence as Program Administrator for State Scenic Rivers. This program is pretty much an empty shell, due to lack of funding and due to the Department's timidity about annoying riverine landowners, whose animosity toward the program is based almost entirely on misinformation. Urge the DoC to go before the public with an effective educational effort about Scenic Rivers.
- C. The Tennessee Conservationist, a magazine published by the Department's Education Division was to get the axe at the end of 1979, but received a reprieve until June 1980. By then it'll have to prove that it can pay for itself. You can help by taking out a subscription. (The Tenn. Conservationist, 4711 Trousdale Dr., Nashville 37220). It costs only \$3, and you'll be receiving an interesting publication that is capable of getting conservation issues before a large public. Also, contact your state legislators and protest discontinuation of the magazine.
- D. Gov. Alexander is the new chairman of the Tennessee-Tombigbee Waterway Development Authority.
- E. USDI has approved listing of Overton Park (Memphis) in The Register of Historic Places. This means that no federal funds can be spent to change the park in any way detrimental to its historical significance without full review by the US Dept. of the Interior. Hopefully, this would constitute an additional impediment to any revival of plans to route I-40 through Overton Park.
- F. The Nature Conservancy has acquired the Cranberry Bog in Shadey Valley, a small (less than an acre) remnant of the bog habitat, where cranberries have been growing for centuries. E. T. State Univ. now has title to the land, which will be maintained as a natural preserve.
- G. Foreign ownership of land is more widespread in Tennessee than anywhere else in the nation, according to a USDA-GAO study. Of 2,678,828 acres held by foreigners nationwide, 285,773 (11%) are in Tennessee.

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- * H. The Tennessee Conservation League is calling for nominations for its annual Conservation Achievement Awards for 1979. Any Tennessee individual or organization is eligible. For names of award categories and nomination procedure contact TCL, 1720 West End Ave., Suite 600, Nashville 37203. Deadline for nominations is 1/31/80.

7. RIVERS: MORE AND MORE DAMS?

A. The Corps' hydroinventory is getting out of bounds

The Corps of Engineers' National Hydroelectric Power Resources Study, which originally was to concentrate on the feasibility of upgrading existing hydroprojects, seems to be going in a big way into consideration of new sites. We are presently studying the voluminous inventory for the Southeast Region. This region has an installed capacity of 11,800 MW; 13,000 MW could be developed by upgrading and expanding existing projects; and 23,200 MW, they say, (2x as much as existing capacity!) could be added by building dams at all potentially feasible undeveloped sites. It's scary when you look at what's encompassed in this last figure. Just for an example, it includes the Nemo Dam site on the Obed, and Devils Jumps and Helenwood Dams for the Big South Fork. The glossy flyer on the study features a gigantic dam with an out-of-context quote from Pres. Carter: "I intend to see that this national resource is utilized."

* What you can do: Write to the Corps (address below) and protest against the developing of elaborate data on the technical potential of dams that would impact rivers already afforded legislative protection from dams, as well as rivers being studied for possible protection. Send copies to your U.S. Rep. and Senators (see Political Guide). Corps address: Study Manager, Natl. Hydropower Study, U.S. Army Corps of Engineers, Inst. for Water Resources, Kingman Bldg., Fort Belvoir, VA 22060.

B. End of Carter's Water Policy Reform?

The Little T was not the only victim of the Energy & Water Appropriations Act Pres. Carter signed in September. Another amendment Congress stacked on to the bill cut off all funding for independent economic review of projects by the Water Resources Council. Such review is crucial to the President's plan for water policy reform. Further, to the dozen new water projects the Administration had given its blessing to, the Congress had added 9 others, most of them lacking completed environmental impact statements. There was also funding for 54 (!) new feasibility studies. (See also ¶ 2b)

C. Good news for rivers on federal lands

As ARCC points out, one of the most frustrating things about the slow growth of the Wild & Scenic River System has been the fact that the majority of rivers designated, or authorized for study, have been on federal lands, where the decision to protect a river should be an easy one. Now, under the directive of the President's 1979 Environmental Message, such rivers can be recommended directly for designation. This will have the additional advantage of freeing up limited agency manpower to work on rivers that flow through private lands. Another part of the Message directs federal land agencies to assess whether rivers identified in the HCRS inventories (NL91 ¶13D; NL97 ¶10C) are suitable for inclusion in the National Wild & Scenic Rivers System, and, if so, to take prompt action to protect them.

8. ALASKA: CONTACT YOUR SENATORS!

* Let's say it first and explain it later: if the Alaska bill has not come to the Senate floor by the time you read this, wire or phone both Senators Baker and Sasser (See Political Guide) and ask them to support the Tsongas-Roth substitute bill. Letters to the editor of your local paper are also important.

The bill that emerged from the Senate Energy committee in November is a disaster. Confusingly, it is called HR39 -- the same designation as the excellent bill that was passed overwhelmingly by the House in May of 1979. Superficially, the Senate committee bill does

not look too bad in terms of total acreage placed into various conservation units. However, (a) boundary changes serve to fragment cohesive units established by the House bill; (b) units are assigned to agencies not suited to managing them for wildlife protection; (c) policies governing resource extraction (mining, oil drilling) are severely weakened. Acreage for Natl. Wildlife Refuges is drastically reduced at the expense of "multiple use" acreage; and wilderness within Parks and Refuges has been cut in half. The committee bill mandates oil exploration in the calving grounds of the largest caribou herd; and allows mining in two great national park systems.

The Tsongas-Roth substitute bill is based on the good House bill but includes some desirable features of the Senate Energy committee bill.* When you ask Senators Baker and Sasser to support the substitute, remind them that Alaska is the nation's biggest conservation issue and that its protection has overwhelming support. Thus all 8 of Tennessee's Reps. voted for the excellent House bill in May.

* It balances needs for conservation and development.

9. ENERGY MOBILIZATION: WHAT'S CONGRESS DOING TO US?

Both Houses of Congress voted to create an Energy Mobilization Board (EMB), but the two bills are quite different in many respects and are being worked over in conference committee. The greatest danger is that the EMB might be permitted to waive federal laws in order to speed up energy projects. Such a waiver provision (which is opposed by the President) unfortunately remained in the House bill when the Udall-Wirth amendment was defeated 215:192. (TCWP wrote to all Tennessee Representatives in favor of Udall-Wirth: Rep. Gore voted for it; we don't know how the others performed with respect to the amendment, but all except Beard voted for the EMB bill.) The Senate bill does not permit waivers other than for "new" requirements under the grandfather clause. A "new" requirement is a law or regulation that takes effect after construction of a project has begun. This could apply to many environmental requirements if a project that was begun years ago is put on the "fast track" by the EMB.

The synfuels legislation, too, is still being hashed over. Massive support for synthetic fuels development will probably emerge from conference committee. It makes no sense to commit the nation to an expensive synthetic fuels program before there is an opportunity to solve the many environmental problems likely to arise, and before cheaper alternatives (like conservation) are tried.

Here in Appalachia, with its abundant rainfall and enormous coal reserves, we are extra vulnerable to synfuels problems. One moderate sized coal gasification plant (producing 250,000,000 ft³/day of gas) will consume 2,800,000 gal/day of water, with an additional 21,000,000 gal/day of water needed for cooling. This is the amount normally used by 160,000 people per day. Note that TVA has proposed to build the nation's first commercial-scale coal gasification plant which would process about 7 million tons of coal per year (almost as much again as Tennessee's current production). TVA's proposed schedule can only be met if "Fast Track" legislation is passed.

Both, the "Fast Track" bill and the synfuels legislation will still be in conference committees when the Congress reconvenes January 22, and may stay there for some time. Then the bills return to House and Senate floors for final vote. So there are still opportunities for your input.

* What you can do: Contact your Representative and both Senators (see Political Guide) and ask them to exert their influence on the conference committee and on the floor to protect environmental and health safeguards. Specifically oppose waiver of substantive laws and broad grandfather clauses on the "fast track" bill; and oppose the commitment of huge sums of money for untried and probably unsafe synfuel technologies.

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10. THE LITTLE-T IS DEAD. IS THE ENDANGERED-SPECIES ACT ALIVE?

A. Little T postmortem

The Tellico Dam gates closed Nov. 29. TVA's Info Office did not announce the closing until 45 minutes before the first gate was dropped: they wanted to prevent a protest demonstration. Yet someone heard about it: former TVA chairman Aubrey Wagner was there, wearing a hard hat and saying "It's potentially the best hydro project TVA has ever built" (perhaps noone told him it'll add only 0.1% to TVA's existing power production?).

At the time the Congress was debating the Duncan amendment (which exempted the project from all laws), a little aggressive truth telling by the "new" TVA about Tellico's minute energy contribution could have turned the legislative tide. Recently, it became apparent that TVA had been sitting on another fact-- the results of a study completed as long ago as May -- namely: the archeological sites in the Little Tennessee valley are of "world-wide significance," and give evidence of continuous human habitation dating back to the Early Archaic period (7500 BC - 6000 BC). At Icehouse Bottoms, e.g., there are components spanning more than 8500 years of prehistory, including the earliest burials recorded in the southeast and the earliest textile and basketry containers in eastern North America.

Post-closing events: (a) The US 6th Circuit Court of Appeals has agreed to hear arguments in the Cherokee's suit within weeks. (b) Already, previously hidden costs of Tellico are appearing; thus, Vonore officials say that over \$1.2 million are needed to pay for increased police, garbage pickup, construction, etc., required by the reservoir development. (c) There has been a remarkable turnabout by the press. When we needed the media to bring to light such issues as the very poor economics of the dam, all we got was ridicule of the little "minnow," and disdain for environmental "extremists" who were holding up a nearly completed hydroelectric project. Now the press (including Jack Anderson) is finally exposing the waste of it all -- human, ecological, and financial; and the public is at last learning that the real extremists were the Congressional promoters of the dam. At last, the porkbarrel process is being aired. Will it help us with Columbia? (see ¶2) With other water projects (see ¶7A, 7B).

B. The Endangered Species Act

Pres. Carter's decision not to veto the bill that killed the Little T was attributed to 2 considerations: (a) the conviction that Congress would just find another way to get a Tellico exemption (Congr. Bevill had, in fact, already tied one to the veto-proof "continuing resolution"); and (b) a desire to salvage the Endangered Species Act (ESA). It is fairly clear that the President had some assurances from the House leadership that there would be no further attacks on the ESA -- in exchange for his not vetoing the Water Projects Appropriation bill. On 10/24, the House did, in fact extend the ESA for another 3 years. The Senate had already voted extension several months earlier. ESA re-authorization: (a) brings \$84 million; (b) unfortunately eliminates from the law a key scientific panel, the End. Spp. Scientific Authority (ESSA); (c) improves the protection afforded endangered species of plants. With respect to (c), however, it should be noted that 1978 amendments to the ESA (which require, both, a study of the economic impact of listing a species and an unrealistic deadline for this study) have already forced a reproposal of 1700 plants and 200 animals as endangered.

A recent Dept. of Interior survey of 3107 Americans gave some interesting results. If a decision has to be made between an endangered species and a dam, over 50% would vote for the dam if it provided power or irrigation; but 60% would vote for the endangered species if the dam were built to provide recreation. The majority favors paying more for an energy project if this avoids endangering a popular species, such as the bald eagle; but they oppose doing so if a plant or a spider were endangered.--Obviously, a lot of education is in order.

11. TVA: POWER-RATE REFORMS; AIR QUALITY

A. Environmental implications of power-rate reforms

Rate structure has a major impact, not only on electric bills, but on energy consumption and demand (therefore, on stripmining, dam building, power-plant construction), and on the mix of industry and agriculture, etc. in the region. For all these reasons, people who are interested in the environment should have an interest in rate structure. The Public Utility Regulatory Policy Act of 1978 requires TVA (among others) to consider adopting 6 rate design concepts that might encourage energy conservation or affect fairness. A TVA staff study on the subject will be discussed at a series of public hearings beginning February 5. In the meantime, several workshops have been scheduled preparatory to the hearings. Check the Calendar (# 17) and attend if you can. If you want a copy of the staff study call TVA's hotline (see Political Guide, enclosed). The hotline will also give you information on 6 firms retained to serve as consultants to consumers interested in having an input in the decisions. The rate reforms of potentially greatest interest are time-of-day rates (which would decrease the need for adding generating capacity for "peaking power"); surcharges for new homes that do not meet conservation standards; and elimination of declining block rates, which presently favor high-volume industrial power users.

B. Air quality: TVA cleaning up the mess it made

A TVA report, "How Clean is Our Air" shows that air pollution in Tennessee's 4 biggest cities exceeds standards for suspended particulates that were established by EPA to protect public health. The primary producers of these particulates are TVA's coal-fired power plants. These power plants are also the prime source of SO₂, which exceeds standards in 38 nonurban and rural Tennessee Valley counties. TVA Chairman Dave Freeman says "TVA has been a contributing factor, but we're cleaning up." As we all know, former chairman, Aubrey Wagner, not only did not worry that his agency was the prime cause of ours being one of the most polluted regions in the country, but also tried to stand in the way of the solution, namely formulation of the Consent Agreement between TVA and EPA and the citizens' groups (including TCWP). Wagner is rumored to be behind the efforts of the power distributors who are attempting to prevent Judge Wiseman from signing the Consent Decree. TVA, joined by EPA and the citizens' groups, has asked Judge Wiseman to dismiss the objections to the settlement, rather than drag the case on through a hearing. The Alabama phase of the litigation ended when U.S. District Judge Sam Pointer signed the Alabama Consent Agreement on October 15.

12. POLITICAL ACTION

- A. Enclosed with this NEWSLETTER is our annually revised and updated Political Guide. Save this all year in your reference library, kitchen drawer, or wherever you can be sure to find it. The list of Tennessee legislators, a companion to this GUIDE, was sent to you earlier, with NL 98. If you have lost it, send a self-addressed, stamped (15¢) envelope.--Communicate often with your elected representatives and with government officials, both state and federal. This can be your government if you'll work to have an input.
- B. "Public Interest Research" has several new publications of considerable interest to Tennessee voters. Among them: (a) "Ties That Bind" (52 pp.) indicates how state legislators may be beholden to various special interests; (b) "Legislative Aids" - How a bill is passed; how to research your Legislator; (c) "Political Profile: Howard Baker, Jr." (20 pp.) provides info on his political history, campaign finances, and voting record on issues (Price list from Verna Fausey, 1900 Rosewood Ave., D-8, Nashville, TN 37212).
- C. A few people are investigating the possibility of forming a Tennessee League of Conservation Voters, which would analyze the environmental record of candidates for legislative office and possibly support certain incumbents or their opponents. If you're interested in being involved, call Lee Russell in Oak Ridge (574-0860 or 482-2153), or Tom Johnson in Knoxville (974-4251 or 577-3281).

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- D. According to records of the Federal Election Commission, PAC's (Political Action Committees--many funded by industrial, mineral, or medical interest groups) contributed to Tennessee's Congress persons as follows during the 1978 campaign: Duncan \$72,000; Quillen \$70,000; Jones \$54,000; Ford \$41,000; Bouquard \$33,000; Boner \$25,000; Gore \$4000; Beard \$2000. The Duncan and Quillen PAC contributions exceeded their salaries (\$60,000 each). There are now about 2000 PAC's in the country, and, in the 1978 campaigns, these contributed \$25 million to House of Reps. candidates.
- E. Since this is an election year, TCWP will again be providing for its members results of research on the various candidates. We hope to prepare a questionnaire and tabulate the answers. In addition, we'll analyze past performance of incumbents. All this will require some effort. Any volunteers? (get in touch with the editor).

13. TCWP ORGANIZATIONAL

- A. Membership growth. Several TCWP members met in December for a brainstorming session on how to increase membership and how to stimulate more participation by members in the organization's activities. Several suggestions are under consideration. Among other things, you'll soon be receiving a questionnaire which we hope you will complete and return.
- B. Horror-slide contest. To help us develop one or two slide presentations that may help acquaint people with what we're all about, we need slides that show what happens when lands and waters are mistreated (we already have lots of pretty shots). Do you own pictures of silted rivers, muddy reservoir drawdowns, clearcuts, ORV tracks, erosion, stripmines... any horror that man inflicted on nature? Send your ugliest slides to the address shown at the bottom of p. 1. We'll have copies made and return your originals.
- C. Activities. Don't miss the announcement of the Pickett hike. If you want to carpool, call Lynn Dye, Oak Ridge 483-8729. Further, Lynn is trying to get a feel for how much demand there would be for certain other outings. See ¶ 15.
- D. TCWP fundraiser. We have had a very good response to our appeal for donations for much-needed TCWP efforts. To date, 40 contributions have been received, ranging mostly from \$5 to \$100. We'll hopefully be able to thank you all individually. In the meantime, please accept our gratitude via this NEWSLETTER statement.--Our fund-appeal bonus is that some of the resulting checks come to us accompanied by lovely notes. "We're proud to be associated with TCWP." "I hope the new year rewards you for your hard work and diligent reporting." "One has only to go to another state to realize how much has already been accomplished in Tennessee ..."
- E. Little T record for sale--for your nostalgia collection. A 45 rpm record "Dam the TVA and save the Little T," composed and performed by Gary Breedlove and friends, was premiered for the big crowd (including us) that assembled at Chota in October. We'll send it to you for \$4 (postpaid), as a fundraiser for TCWP.
- F. Volunteers are needed for (a) analyzing candidates for election-year coverage (see ¶ 12E); (b) organizing our annual meeting; (c) tabulating membership questionnaires; (d) cutting and pasting old newsletters by topics. Get in touch with Lynn Dye (173 Tacoma Rd., Oak Ridge 37830) or with the editor.
- G. TCWP's former executive director, Bill Chandler, has joined the Environmental Policy Inst., Washington, as Project Director for Energy Conservation. A great outfit acquired a great guy!
- H. TCWP member, Doris Cove, is now serving as Director of Ijams Audubon Nature Center, a full-time job salaried through the City of Knoxville. Doris will be happy to welcome any of us at Ijams.

14. OAK RIDGE PROBLEMS

- A. The Melton Hill Coal Barge Terminal will not be on the site proposed by Terminal Development Co. A majority of the TVA Board (David Freeman & Clement) ruled at the end of October not to sell a TVA easement for this facility at a site almost opposite the Oak Ridge marina. TVA acknowledged that there would be adverse impacts on residential areas and on the public-recreation potential of Melton Hill Reservoir. TVA did not foreclose the possibility that another site on the Reservoir would be developed; and the larger questions of whether a coal-barge terminal would stimulate stripmining in the area, and which coal markets would be served (Japan?) were not addressed.
- B. The Oak Ridge Airport controversy centers primarily on whether U.T. forestry research land adjacent to the U.T. Arboretum at Oak Ridge is the only suitable place for a facility that is claimed to be a prerequisite to the growth of industry at Oak Ridge. It should be made clear that the TCWP Board has taken no public position on this issue, since some members believe we need the airport. We helped in circulating a petition which, it should be noted, does not express itself for or against an airport -- it asks only that citizens be given a chance to vote on the issue. All airport studies, heretofore, have been conducted by the City of Oak Ridge. We are pleased that the University of Tennessee will now conduct its own studies on whether or not the disputed site is, in fact, the only possible one, as the City claims. We do not know whether the U.T. study will address the broader question of whether Oak Ridge needs its own airport at all, or could do with improved access to the existing Knoxville airport. (Commercial passengers would, of course, not be served by the proposed new facility.)

15. ACTIVITIES AND AIDS

- A. Please see the announcement of a hike in Pickett (p. 1).
- B. If there is enough interest, we plan to sponsor hikes and/or canoe trips to a couple of areas TCWP had a major hand in protecting and is still very involved with -- the Big South Fork and the Obed. Those of you who might be interested in participating in one or more such events should drop a line to Lynn Dye (173 Tacoma Rd., Oak Ridge, TN 37830, Phone 483-8729). If canoeing is your wish, tell her (a) whether you own a canoe, and (b) what your level of expertise is.
- C. TCWP member Milo Guthrie is co-sponsoring a series of Foraging Workshops (weekends of March 29/30, April 26/27, May 3/4) in the hollows, hills, and fields of Middle Tennessee. Share the beauty and useful knowledge of trees, edible wild plants, and medicinal herbs. Bring camping gear and food. For more info, write Steven Taylor, Rt. #1, Whippoorwill Holler, Dowelltown, TN 37059.
- D. Scholarship aid is available for the Audubon Expedition Institute an academically accredited travel-study program offering full-year, semester, or summer B.S.- and M.S.-degree courses to persons interested in "hands-on" learning, ecology, or careers in conservation or outdoor education. For info, write Expedition Institute, National Audubon Soc., 950 3rd Ave., N.Y.C. N.Y. 10022.
- E. A Hotline has been established by the Izaak Walton League to give you the very latest info on national conservation news (status of bills, etc.) The number 703, 522-5848 provides a recorded message around the clock. For a 3-min. message (max. length) your long distance charge will be ca. 80¢ after 5 p.m., 50¢ after 11 p.m.

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16. PUBLICATIONS OF INTEREST

- "Wilderness Report" has been revamped; it will be issued 30 times a year and mailed first class. It is directed especially to wilderness activists who want to make their efforts timely. Subscriptions are available for \$7 from the Wilderness Society, 1901 Pennsylvania Ave, N.W., Wash. DC 20006.
- "Can We Afford to Have More Wilderness in the Cherokee National Forest?" is an excellent little brochure that will answer your questions, and help you answer those of others. To order copies, write Will Skelton, 4522 Alta Vista Way, Knoxville 37919.
- "How You Can Influence Congress: The Complete Handbook for the Citizen Lobbyist," by George Alderson and E. Sentman (360 pp., \$9.95, E. P. Dutton, 1979) is a manual written from experience: Alderson spent years working for the Wilderness Soc. and Friends of the Earth. Many practical examples (including TCWP's letter-writing socials!)
- "Guide for Citizen Action," a short booklet, is available for \$1 from Natl. Audubon Soc., 1511 K St, NW, Wash. DC 20005.
- "Safeguarding Wetlands & Watercourses with 404," a brochure by the National Resources Defense Council, summarizes the work that needs to be done to protect our invaluable wetlands. (Available from Info Office, CEQ, 722 Jackson Pl. NW, Wash., DC 20006).
- "The President's Environmental Program 1979" contains the President's Message, Directives to Federal Agencies, and the detailed fact sheet for new initiatives. Available from Council on Environmental Quality (722 Jackson Place NW, Wash. DC 20006).
- "Backwoods Ethics," by Laura & Guy Waterman, explores the problems posed to the wilderness by those who seek to experience it, and suggests ways in which to minimize these impacts in order to preserve not only the physical landscape but also the spirit of wildness. Stone Wall Press, 175 pp. (\$5.95 from the Stephen Green Press, P.O. Box 1000, Brattleboro, VT 05301)
- "Acid Rain Research Summary," a non-technical publication, is available (free) from Research Publications, RD-674, EPA, 401 M Street SW, Wash. DC 20460.
- "Water Quality Management Bulletin" presents a systematic review of EPA's WQ program (USEPA, Water Planning Div, WH-554, Wash. DC 20460).
- "How Clean is Our Air--An Assessment of Air Quality in the Tennessee Valley," (# 11B) is available by calling the toll-free Citizen Action Line (See Political Guide).
- "Eastern States Endangered Wildlife," is a new compilation of all federally and state-listed threatened and endangered species in 31 eastern states. Contacts at government agencies concerned with endangered species are also included (Order from BLM, 350 South Pickett Str. Alexandria, VA 22304)
- "The New River Controversy," has been recounted by T. J. Schoenbaum, an attorney who helped lead the ultimately successful fight against the pumped-storage project that would have destroyed the ancient N.C., Va, W.Va. river. (\$12.95 from John F. Blair, Publ., 1406 Plaza Dr., Winston-Salem, NC 27103)
- "Citizens' Action Guide to the National Parks" covers all kinds of public actions. \$1.50 from Natl Parks and Conservation Assn. (1701 18th Street NW, Wash. DC 20009)
- "Where Have The Farm Lands Gone?" is a pamphlet produced by the interagency National Agricultural Lands Study (to be completed 1/81) which asks how to check urban sprawl and other factors that gobble 4 square miles of prime, U.S. farm lands daily. (Free from CEQ, 722 Jackson Pl., NW, Wash. DC 20006).
- "Directory of Nature Centers and Related Environmental Education Facilities," contains 900 listings for USA, Canada, 2 Caribbean islands. Maps and other info included. (\$6.95 from Envntl. Info. and Educ. Div., Natl. Audubon Soc., 950 3rd Ave, NYC, NY 10022)
- In "Pioneer Conservationists of Western America," Peter Wild characterizes fifteen leaders of the movement, including Muir, Leopold, Douglas, Brower, Udall, Abbey (\$12.95 from Mountain Press Publ. Co., (P.O. Box 2399, Missoula, MT 59806)

- "Environmental Ethics" is a new, quarterly journal published by the John Muir Inst. for Env'tl. studies. Subscr., \$15. Write Environmental Ethics, Dept. of Philosophy, U. of New Mexico, Albuquerque, NM 87131
- An updated edition of "Careers in Conservation," sponsored by the Natural Resources Council, is available from the publisher (\$11.95, John Wiley & Sons, 605 Third Ave, NYC, NY 10016)
- "Ambio," is an interdisciplinary periodical on international environmental problems and related research, Pergamon Press, 6 issues annually; cost, \$60.

17. CALENDAR

- January 21 - TVA workshop on new rate standards, such as time-of-day rates etc. (¶11A) Memphis State Univ., 3:30 - 10 p.m.
- January 24 - TVA rate-standards workshop, Nashville Civic Center 3:30 - 10 p.m.
- January 29 - TVA rate standards workshop, Knoxville Hyatt Regency, 3:30 - 10 p.m.
- February 23 - TCWP hike to Flint Fork Cove, Pickett (See p. 1)
- March 29,30 } - Foraging Workshops (see ¶ 15). Also May 3,4.
- April 26,27 }
- April 22 - Earth Day and Sun Day 1980

Action Summary -- turn the page!

Please pay your due early!

ACTION SUMMARY

¶ No.	Issue	Contact	Message or Action
1	Big S. Fork	R. Howard, EPA. Copy: Corps & NPS	Do not permit coal-prep plant!
2B	Columbia Dam	Corps. of Eng. Copy: U.S. Reps. & Senators	Columbia Dam is not in the public interest: deny the 404 permit!
3A	Fed. Stripmine Act	U.S. Rep.	Do <u>not</u> weaken the 1977 Act!
3C,D	State stripmine bill	State legislators	Support a strong bill, including provision to confiscate wildcatter eqpt.!
3D	Wildcatters' Violence	SOCM	Send check for arson victims
4	Obed	Comm. Tuck	Deny stripmine permits in watershed!
5	Deposit legislation	State legislators	Support HB 343/SB 742. Oppose a litter tax (HB 1569)!
6	Dept. of Cons. budget	Gov. Alexander Copy: Comm.Tuck	Do not starve conservation activities!
6	State Rivers program	Comm. Tuck	Mount a public education effort!
7A	New dam planning	Corps. of Eng. Copy: U.S. Rep & Senators	Hydro study should omit rivers authorized or studied for protection!
8	Alaska	U.S. Senators	Support Tsongas-Roth substitute bill!
9	Energy legislation	U.S. Rep. & Sens.	Protect envtl. safeguards on "Fast Track" bill! Oppose huge synfuels funding!
11	TVA rate reform	you	Attend workshops
12	Political action	you	Save the Guide; Communicate often; scrutinize candidates
13	TCWP	you	Send horror slides; volunteer your efforts; buy Little-T record