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10. ACTION SUMMARY

| #No. | Issue | Contact | "Message!" or Action |
|------|------------------------------------|-----------------------------|---|
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| 6A | Unacquired lands in national parks | US senators and rep. | "Nat'l parks need \$100M LWCF appropriation for FY 2009!" |
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| 8B | TCWP needs help | Sandra Goss | Please volunteer a little of your time |

Senator John Doe
United States Senate
Senate Office Building
Washington, DC 20510

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

Pres. George W. Bush
The White House
Washington, DC 20500
202-456-1414; Fax 456-2461
president@whitehouse.gov

Governor Phil Bredesen
State Capitol
Nashville, TN 37243-9872
615-741-2001; Fax 615-532-9711
phil.bredesen@state.tn.us

Dear Senator Doe
Sincerely yours,

Dear Congressman Doe
Sincerely yours,

Dear Mr. President
Respectfully yours,

Dear Gov. Bredesen
Respectfully yours,

Sen. Bob Corker
Ph: 202-224-3344; FAX: 202-228-0566
e-mail: <http://corker.senate.gov/contact.cfm>
Local: 865-637-4190 (FAX 637-9886)
800 Market St. Suite 121, Knoxville 37902

Sen. Lamar Alexander
Ph: 202-224-4944; FAX: 202-228-3398
e-mail: <http://alexander.senate.gov/contact.cfm>
Local: 865-545-4253 (FAX 545-4252)

Rep. Zach Wamp
Phone: 202-225-3271
FAX: 202-225-3494
Local: 865-576-1976
Web: www.house.gov/wamp

To call any Rep or Senator, dial Congressional switchboard, 202-234-3121. 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>
With mail to Congress still slow following the anthrax scare, consider faxing, phoning, and other modes of communication.

There is much contact information in our up-to-date Political Guide. Visit the TCWP web site (<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 President: Jimmy Groton, 865-483-5799 (h)
Executive and Membership-Development Director: Sandra Goss, 865-522-3809; Sandra@sandrakoss.com
Newsletter editor: Lee Russell, russellb@sprynet.com Internet: <http://www.tcv.org>

1. OBED and BIG SOUTH FORK

1A. Further efforts to protect the Obed against development on the 30+ parcels of inholdings

In our latest Newsletter (NL278 ¶1A), we urged you to contact our legislators in support of funding for federal acquisition of the remaining private lands within the WSR boundary. Representatives of TCWP and other organizations have in past months met with aides to Senators Corker and Alexander, and with Rep. Lincoln Davis, all of whom expressed the wish to hear from more of their constituents.

To repeat our summary of the situation: Fully one-fifth of the lands within the authorized boundary of the Obed Wild & Scenic River (WSR) have no protection of any kind. This privately owned land is distributed among over 30 tracts, scattered up and down the gorges, that the government has to date failed to acquire, even though almost 32 years have elapsed since this unit of the National Park System was authorized. Anything could happen on these still privately-owned tracts: condominiums could be built on them, or oil wells could be drilled and potentially leak black goo into the rivers. If the Obed WSR is to remain the jewel that it is, these inholdings need to be purchased by the National Park Service (NPS). But to do this, the NPS needs to have funds appropriated by Congress.

TCWP is currently attempting to arrange a meeting in Atlanta with NPS's new Southeast Regional Director, David Vela. We will be urging NPS to place the Obed WSR high in their priority order of land-acquisition needs.

In this request, we will be supported by "America's Heritage for Sale," a recent report by the National Parks Conservation Association (NPCA), which brings to the attention of Congress the danger to our national parks from potential developments in the very numerous remaining park inholdings nationwide (see ¶6A, this NL for more extensive coverage). Among 10 "poster children" featured in the report is the Obed WSR (visit <http://www.npsca.org/landforsale/>). Congress is strongly urged to increase appropriations from the Land & Water Conservation Fund (LWCF) in order to acquire the unprotected lands, and the "poster children" constitute the highest priority. Prioritization of the Obed in the NPCA report had good coverage in Tennessee media, including the *Knoxville News-Sentinel* of April 9 and *The Tennessean* of April 11.

Senators Alexander and Corker, as well as Representatives Wamp and Lincoln Davis (addresses on p.2) and tell them of the grave danger posed by unacquired inholdings. If you need additional talking points, see NL 278 ¶1A. (We should very much appreciate your sending us a copy of your letter, plus any responses you may get. This information will help us in our future communications with the legislators.)

1B. Acquisition needs for the Big South Fork NRR

The BSNRRA is one of the almost 60 National Park System units described in the NPCA report as needing LWCF appropriations in order to acquire privately owned inholdings that hold the threat of development (¶1A, above, and ¶6A, below). One large tract on the edge of the beautiful North White Oak Creek gorge has, in fact, been subdivided, and luxury second homes (visible from the river) have recently been built, destroying the wilderness character of the gorge, in an area where threatened and endangered species are known to exist.

For FY09, the report asks for \$8.1 million to acquire 1,351 acres in the Darrow Ridge area of the park surrounding the Laurel Fork Canyon drainage. The BSNRRA's Land Protection Plan describes the area as possibly the most pristine and environmentally sensitive one in the entire park, and one that almost surely provides habitat for threatened and endangered species. Nearby, researchers recently discovered the first or second largest population of white fringeless orchids known to exist anywhere. The Darrow Ridge area is by no means the only private land remaining within the BSNRRA boundary.

1C. Major expansion of oil drilling threatens surroundings of the Obed WSR and Big S. Fork NRR

Large oil and gas fields are located adjacent to, and extend into, the BSNRRA boundary. The Obed WSR is located in an area where oil and gas occurs at relatively shallow depths, and in 2006 there were 44 oil and gas wells located less than half a mile from the WSR boundary. There are undoubtedly more now.

The rising price in crude oil is now creating a feverish upsurge in drilling activities in East Tennessee (417 permits were approved for the state in 2007, and 386 in 2006), and some of these are located awfully close to the Obed. Many of us remember the oil well adjacent to the Clear Creek that blew out in July 2002 causing a long-lasting oil spill into the river and a fire inside the park. A Canadian oil company (Montello Resources) recently leased 190 acres near that well and plans to encircle the area of the 2002 "gusher" with a series of shallower wells.



1D. Status of oil & gas regulation within the Big S. Fork NRRRA and Obed WSR boundaries

Federal oil and gas leasing is not authorized in either the BGFNRRRA or the Obed WSR. However, the Act that established the BGFNRRRA, while prohibiting all oil & gas activity in the "gorge," permits it for privately-owned rights in the "adjacent area" (i.e., the plateau portion of the ark), subject to regulations that protect park resources. There are 320 oil or gas wells in the BGFNRRRA and 6 in the Obed WSR, where exploration for any new wells is limited to drilling from outside the boundary (NL259 ¶6A). (These 326 wells comprise over 50% of all the wells in the entire National Park System!) According to an earlier brochure (<http://parkplanning.nps.gov/projectHome.cfm?projectId=10911>), many of the past and existing oil and gas operations in both park units are adversely impacting park resources and visitor experience, and most are not in compliance with federal and state regulations.

In September of 2006, the National Park Service started work on an Oil & Gas Management Plan/EIS for the two parks, and TCWP commented on the draft (see NL269 ¶1 for details). The final plan is expected to be ready for public comment this summer, with the whole process completed by the end of calendar year 2006. Tom Blount, Chief of Resource Management at the Big South Fork NRRRA, has kindly given us a recent update.

There have been no requests to drill new wells in either unit. BISO (Big S. Fork NRRRA) is finalizing its first plan of operations for Saint Joseph Petroleum. This plan will require the operator to bring the existing wells operated by the company in line with state and federal requirements, including additional bonds to cover plugging and reclamation.

Tom Blount also reports "some especially good news regarding funding and staffing at BISO. The ark received a permanent increase to park base funding to hire two additional positions for the oil & gas program which will cover both BISO and OBED. These positions will allow us to update our oil and gas well information (including leases), spend more time in the field to monitor existing operators, and implement the oil & gas management plan when completed. BISO also received funding in 2007 and 2008 for plugging 10 abandoned wells and to do site restoration including access road restoration. There will be an Environmental Assessment coming out soon to address plugging and reclamation for these wells.

Finally, BISO will have a student working through the Geologist in the Parks Program to complete contaminant sampling at old abandoned sites this summer. The goal of the summer project is to collect contaminant data associated with past

drilling or well operations to determine the requirements for plugging and reclamation of abandoned sites."

1E. Reed Detring leaving BGFNRRRA

After more than 8 years as superintendent of the Big South Fork NRRRA and Obed WSR, Reed Detring is moving to the Ozark National Scenic Riverways in Missouri. His last day here will be June 22. As of now, we don't know the name of his replacement. (Note: Phil Campbell remains as Site Manager at the Obed.)

We wish Reed all the best in his new location!

1F. Obed WSR activities

[From Joe Zagorski, Chief of Interpretation]

Numerous activities have been planned by the Obed WSR for the coming months. Call 423-346-8901, ext.24 for info. Here is the list for June and July. All times are EDT.

- June 7, 2:00 p.m., Lilly Bluff Boardwalk Overlook. Howard Duncan of the BGFNRRRA will discuss the roles and lives of the longhunters of East Tennessee. He will demonstrate a reproduction flintlock rifle.
- June 21, 2:00 p.m., Visitor Center, Wartburg. Katie Cottrell of the Clinch River Raptor Center will show a number of live birds.
- July 11, "Owls of the Obed." Meet at 9 p.m. in the Lilly Bluff arklinglot. Bring a flashlight and wear sturdy shoes.
- July 19, a "bing expedition. Meet at 2:00 p.m. on Lilly Bridge for a display of basic rock climbing techniques.
- July 26, "Leave No Trace" lecture, 2:00 p.m. at the Visitor Center, Wartburg. Watch a video and discuss the program.

1G. Plants of the Obed River watershed

[From Obed Watershed Community Association]

OWCA has issued a "Vascular Plants Inventory of the Obed River Watershed" (OWCA Fact Sheet #27) based on a 2000-2001 compilation by Professor Felix Coe of TN Technological University (TTU) and his graduate students. The inventory includes over 300 species of plants. Prof. Coe moved to another university in 2003, and the TTU herbarium has not been maintained or expanded since then. There have, however, been more recent surveys (call 423-346-8901, ext.24).

For more information, contact Louise Gorenflo, OWCA, 931-484-9033 or lgorenflo@gmail.com.

2. FATE OF BILLS IN THE TENNESSEE LEGISLATURE

[Information from weekly summaries published by Stewart Clifton for Tennessee Conservation Voters]

2A. *The Limited Resource Waters Bill — dead for this year*

Sen. Southerland, the chief sponsor of SB.4119/HB.4185, abandoned his efforts to pass the bill. A bill with this number and title is still around, but it was amended to a totally different purpose (to require TDEC to remove tires and associated debris from the Nolichucky River!). As originally written, SB.4119/HB.4185 (a very bad clone of last year's disastrous "ditch" bill, NL277 §3A) was one of the worst threats to the regulation of our water quality. Not only would it have lifted protection from about half of the streams in Tennessee (30,000 stream miles), it would also have led to the *destruction of adjacent land and scenic areas* (NL278 §6A).

2B. *Lighthouse Convention Center in Norris Dam State Park has risen from the dead*

We thought it was all over last year when TDEC turned down this request (NL275 §2A), but the proponents, working very quietly, managed to slip in a resolution (HJR 938, Baird) by which the General Assembly requests approval from TVA for the construction of the Campbell County Lighthouse Lodge and Convention Center. HJR 938 went to the Finance Committee's Budget Subcommittee, instead of to the House Parks Subcommittee, and was subsequently (April 7) passed 95 : 0 by the full House.

TCWP and some individual members wrote to the Senate Finance, Ways & Means committee pointing out that the proposed project was definitely not in keeping with the mission of Tennessee State Parks, that the development had been opposed by TDEC Commissioner Fyke, and that Governor Bresden had refused to sign a bill for financing the project. The letter also cited instances of the overwhelming public opposition to the lighthouse project, and gave reasons why it was likely to be a dismal financial failure. The Senate is scheduled to consider HJR 938 this week.

2C. *Bill to halt rock mining on the Cumberland Trail is withdrawn, but law suit goes on*

The effects of rock mining on the Cumberland Trail (NL278 §3A) have been heart breaking, but there is no legislative relief in sight this year. Regrettably, SB.4198, the Administration bill that TCWP was supporting, was "pulled," and all other rock-mining bills were similarly withdrawn from this legislative session. Supposedly, a new bill

will be written in a summer workshop and introduced next year. In the meantime, the destruction can continue. Here's one description: "I recall how green the gorge was with its mountain laurel and trees and the sound of Deep Creek flowing in the background, a genuine place for escape from the hustle and stress of modern life. After the mining, a barren landscape of rocks and destruction, void of its green splendor, roads ripped through the middle of it..." (Tony Hook).

We are, however, continuing on another path — through the courts. Because of the current ambiguity in the status of stone and rock in the definition of "mineral rights," the Hamilton County Chancery Court ruled last year that the perpetrator of this outrage was within his mineral rights. In October, the state appealed this decision to the Tennessee Court of Appeal. TCWP and several other groups filed an *amicus curiae* (Friends of the Court) brief in support of the state, and our brief was recently accepted. Oral arguments in the case are set for June 18 in Knoxville. It is very unusual for *amicus* parties to receive presentation time, but we have been granted 5 minutes.

2D. *"Scenic Views Protection" bill, which would stop mountaintop removal, has subsided in a study committee*

As introduced, this imaginative bill (SB.3822 [Finney R.]/HB.3348 [McDonald]) had three major provisions (NL278 §4A). (a) It stopped surface mining permits until a new programmatic EIS was generated; (b) it prohibited the issuance of permits for "[s]urface coal operations, or resulting waste, fill, or in-stream treatment within ... 300 feet of any water of the state;" and (c) it prohibited any "surface coal mining operations to alter or disturb any ridge line above 2,000 feet above sea level..."

The bill was supported by many organizations, and most vigorously and effectively by members of the faith-based community through an organization called LEAF (www.leaf.org), which believes that people of faith must come together to take care of God's creation. The issue had good coverage in the media (see, for example, <http://www.wtvi.com/Global/story.asp?S=6245860>). But Tennessee's coal producers went to the General Assembly, essentially threatening the state with lawsuits that could result in "hundreds of millions and potentially billions of dollars of possible judgments" because the ban would be the equivalent of taking away private landholders' rights.

In early April, the bill failed in House Environment Subcommittee. But, two weeks later, the Senate Environment Committee recommended it, with amendments. The main amendment, however, creates a study committee, made up of 3 members of each House, to study surface coal

mining. Until that happens, there will be no further action on this bill.

2E. Container deposit bill dies again

It almost made it two years ago in the preceding General Assembly. Last year, the first half of the present Assembly, it was delayed a year. This year has come and gone, and the bill is dead for the session. On May 6, SB.1408 (Jackson)/HB.1829 (Turner M.), the TN Deposit Beverage Container Act, was "taken off notice" in Senate Environment Committee. It would have established a refund value of five cents on each deposit beverage container sold in Tennessee and established redemption centers at which consumers could have returned deposit containers for a refund. The sponsors promise to bring up a container-deposit bill next year and are confident of passage.

2F. Water quality of the Pigeon River, HJR 1103 (Yokley)

Water quality in the Pigeon River is adversely impacted by activities of a North Carolina paper mill, Evergreen Packaging of Canton. HJR 1103 requests a number of permit-related measures to protect TN's public waters from ongoing degradation "that prevents the Pigeon River from fulfilling all of its designated uses, because of its failure to meet TN standards for color, foam and other floating matter, odor and taste." The resolution was adopted by the House and, with a minor amendment, by the Senate. It does not have the force of law.

2G. Outlook

In what is likely the last week of this session, most of the attention at the General Assembly is focused on the budget. Major proposed reductions in programs and staff may have serious impacts on future environmental protection. Several environmental bills remain for action, in addition to the few we have covered in this NL. We hope to bring you a summary in our next issue.

3. THE GREATER FROZEN HEAD

3A. Area named after Donald Todd

On April 14, the Morgan County Commission and Morgan County Executive passed a resolution (presented by Annetta Watson, Joni Lovegrove, and others) that "the area located south of the Emory River and acquired by the State of Tennessee Department of Environment and Conservation (TDEC) in 2007 by fee purchase from The Forestland Group and now often referred to by TDEC as the Emory River Acquisition, be named the EMORY RIVER/DONALD TODD TRACT." The preamble to the resolution listed a few of Don's numerous contributions to Morgan County.

The Commission resolved to work with legislators and with TDEC "to so name this area." All but one of the commissioners voted in favor. Morgan County Executive Becky Rupp and some of the Commissioners are now taking the initiative to move the resolution to the General Assembly via Sen. Kilby and Rep. Windle.

There is a 2004 picture of Donald Todd and 4 others (listed as the founding fathers of the CTC) on the Cumberland Trail web site, <http://www.cumberlandtrail.org/ctc.html>.

3B. Emory tracts include private oil & gas wells

[Contributed by Cindy Kendrick]

Oil and gas wells -- along with their associated tanks, pipelines, and pits -- frequently punctuate the lovely landscape along Macedonia Road that follows the upper Emory River. The River generally marks the boundary between the fee and easement portions of the Emory Tracts included in last summer's large "Connecting the Cumberland" project that was made possible with funds provided by the state, The Nature Conservancy, and two timber management companies (NL277 ¶1A). The Emory tract generally south of the River was purchased in fee and became part of Frozen Head State Park, and a conservation easement was purchased on the tract north of the River. The mineral rights were not acquired, and private energy companies continue to operate on both tracts.

TCWP members have talked with officials in the state Division of Water Pollution Control (which issues permits for, and inspects, oil and gas wells) regarding some concerns with several well sites. These concerns have included the condition of some berms and pits, proximity to the Emory and its tributary streams, an apparent leak, and vulnerability of wells to damage by vehicles. State personnel have contacted the owners and are addressing the questions and issues. The recent oil-well disaster in Oliver Springs, along with memory of the Obed oil-well spill and fire in July 2002 (NL246 ¶18; NL247 ¶1), help fuel TCWP's concern for protecting the upper Emory River.

3C. The management-planning process continues

The Planning Team that is charged with generating a Management Agreement for the Emory fee lands (NL278 ¶2B) is continuing its work. They held their second meeting April 1, and a field trip on April 26. There are five "roads" to the Emory fee lands (the northern addition to Frozen Head), all leading off Macedonia Road, which runs roughly along the upper Emory River. These roads were built by timbering and mineral-extracting operations. There is ongoing discussion about how these roads will be maintained. One of them is currently gated to prevent use of an unsafe

bridge over the Emory River. The other roads ford the Emory. How this will affect water quality is a topic of discussion. There was agreement that all creek crossings should be monitored continuously for water-quality changes, but details were deferred to future meetings.

The group also agreed that ATV/OHV use would be limited to hunting only, and that recreational use of such vehicles would not be allowed in the area.

3D. Upcoming Frozen Head events

For more information, call 423 346-3318.

- May 24, 1:30-6:00 p.m., Echo in the Mountains Bluegrass Festival (bring blanket or lawn chair).
- July 26, all day, CCC Reunion (bring old photos).
- August 16, 11:00 a.m.-5:00 p.m., Heritage Day Festival.
- Volunteer Trail Work Days, 9:00 a.m. until about 3:00 p.m.

| | |
|--------------|-------------|
| June 21 | October 18 |
| July 19 | November 15 |
| August 23 | December 6 |
| September 20 | |

Meet at Visitor Center. Bring daypack, lunch, water, sturdy hiking boots, and weather-appropriate clothing.

4. OTHER TENNESSEE NEWS

4A. Rugby State Natural Area is enlarged again

The Rugby State Natural Area has grown in several installments (NL273 ¶4B). The latest addition is 213 acres, bringing the total size of the protected area to 639 acres. The acquisition was made possible by a federal Forest Legacy grant for which \$171,000 in matching funds will have to be paid. Of this, \$81,000 has already been raised, and \$90,000 still needs to be collected.

4B. New Executive Director for Rugby

[Information from *The Rugbeian*, vol. 42(1)]

After decades of service to *Historic Rugby*, Barbara Stage will be stepping down as executive director. The Board search committee will advertise the position (primarily online) starting in late May, and the transition is projected to occur in the fall. To insure continuity, Barbara will remain as executive director emeritus, dealing primarily with capital development and land projects. It is almost inconceivable how much Barbara has achieved over the past 4 decades, bringing to fruition the dream of her late brother!

4C. About 13,000 acres protected near Sewanee

[Information from TNC field notes]

The University of the South at Sewanee owns ~10,000 acres of parkland that has been protected

from development and logging by a conservation easement with the Land Trust of Tennessee. Now, the ~3,000-acre Lost Cove tract will be added through a \$4.3 million purchase funded by the university, the Land Trust for TN, the state, and a \$0.5 million contribution from The Nature Conservancy. TNC (with support from the Lyndhurst Foundation).

4D. Additional land protection in the Southern Cumberlands

[Information from TNC field notes]

Late in 2003, the Tennessee and Alabama chapters of TNC collaborated to acquire the 21,000-acre Walls of Jericho tract, a spectacular canyon-like property. Early this year, the Tennessee Chapter purchased 674 acres in Franklin County that protect the NW border of the Walls of Jericho, as well as the Carlton Cave system and more than a mile of the headwaters of Paint Rock River with its abundant aquatic wildlife. The Tennessee Heritage Conservation Trust Fund (NL262 ¶1A) contributed to this purchase

4E. Water-conservation plan for Cumberland County

[Information from Louise Gorenflo, OWCA]

The City of Crossville has for some years worried that its growth potential would be hampered by limits to water supply. Parts of Cumberland County sit "on top of the mountain," i.e., at the head of watersheds -- the Obed-Emory to the east and the Caney Fork to the west. Numerous impoundments of small headwaters streams have been made over the past two decades to form "lakes" for residential developments, especially retirement communities. Repeatedly, there have been proposals to dam larger streams, e.g., the Clear Creek, one of the two major tributaries of the Obed (for the latest, see NL275 ¶18).

A Corps of Engineers study made in 1998 identified a number of alternatives, including pumping water from large reservoirs in the surroundings (e.g., NL226 ¶1A; NL231 ¶1A). Local sentiment has strongly rejected Water Bar Reservoirs a water source.

More recently, the Corps of Engineers was requested to perform studies for a Regional Water Supply Project for Cumberland County, but the progress of this work has been slowed by lack of funding. In February of this year, the Corps released a memorandum on a portion of this study, the Water Conservation Plan. We thank Louise Gorenflo of the Obed Watershed Community Association for furnishing a copy.

The memorandum summarizes 8 possible conservation measures to be investigated, and identifies 6 of these measures to pursue in more detailed modeling. These 6 are,

- Metering improvements
- Leak detection and system loss reduction
- Water pricing
- Education
- Existing structure retrofitting and replacement
- New construction standards, codes, and regulations.

It is interesting how much water could be saved by some of these measures. For example, unaccounted water losses constitute 13-25% for the Cumberland Utility Districts, considerably higher than the national average of 14%. This is largely due to the existence of over 75,000 ft of corroding piping.

Two conservation measures that were not recommended for further modeling (because they were considered less easily quantified) include Alternative Supply and Reuse. Under this heading are rainwater harvesting, and (for non-potable demand) wastewater and greywater reuse and industrial process water recycling.

Altogether, it seems clear that destructive damming of rivers is far from the only alternative for increasing useful water supply. In the next Newsletter, we hope to present an update on steps the city of Crossville is taking to conserve water.

5. SMOKIES; CHEROKEE NF

5A. *While the North Shore Road solution moves closer to settlement, some politicians are still proposing to build the road*

On December 28, the National Park Service signed a Record of Decision to resolve the North Shore Road obligation through a monetary settlement to Swain County (Bryson City). This is the culmination of years of work, many public meetings and EIS procedures. Superintendent Ditmanson has called meetings of the four signatories (NPS, TVA, Swain County, and the state of North Carolina) to hammer out a new agreement that will incorporate the monetary settlement. Their third meeting is scheduled for later this month. TCWP has written to thank Supt. Ditmanson for his leadership on the issue and to urge speedy implementation of the settlement.

In the meantime, the Republican primary for the 11th Congressional District of North Carolina presented new opportunities for reviving the proposal for the Road to Nowhere. The two candidates, both running as fiscal conservatives, stressed the "promise" the government made in 1943 to build the road. Spence Campbell, one of the Republican contenders for Heath Shuler's seat, believes that this promise should trump the worry about adding "\$400 million" to the deficit. (Note that this is about half the NPS estimate of \$729 million). Mr. Mumpower, the other Republican

candidate, also thinks that the governments should honor its promise, and that the road would provide "an economic stimulus for Western North Carolina," similar to roads through the Smokies in East Tennessee. So much for fiscal conservatism!

5B. *Beaverdam Creek watershed, a "Cherokee Mountain Treasure," would be harmed by USFS plan*

The Beaverdam Creek watershed is in Shady Valley, Johnson County, Watauga District of the northern end of the Cherokee National Forest. It is one of the Mountain Treasures (unprotected wildlands) identified by Cherokee Forest Voices and The Wilderness Society in our national forest (<http://www.wilderness.org/WhereWeWork/Tennessee/treasures.cfm?TopLevel=Treasures>). The watershed meets the criteria for being designated a Wilderness Area.

In March the Forest Service issued an assessment for the Beaverdam Creek watershed (www.fs.fed.us/r8/cherokee/planning/2003/watershed_assessments/beaverdam.shtml) that proposed some ill-advised projects, including a timber harvest in 711 acres of mature forest and conversion to early successional habitat (trees harvested at less than 10 year of age).

TCWP submitted comments on the USFS plan. We stressed the importance of safeguarding the forest in this unique high-quality watershed and agreed with the decision to designate two areas of old growth. We commended the Forest Service for proposing to decommission several road segments, converting one of them to a trail. On the other hand, we opposed the proposal to add almost 6 miles of unclassified roads to the Forest Service road system, and we opposed the construction of more roads.

The comment deadline was April 23.

5C. *Tennessee field organizer will further wilderness designations in the Cherokee NF*

[Information from SAFC]

The Southern Appalachian Forest Coalition is pleased to announce that Jeffrey Hunter has accepted the position of Tennessee Field Organizer, effective April 21, 2008. Jeff will be responsible for implementing and coordinating the Great Forest Campaign for national forest lands in Tennessee according to priorities established by SAFC's Conservation Vision.

Jeff, most recently American Hiking Society's Director of Southeast Trail Programs, will be based in Chattanooga -- concentrating his efforts on the southern zone of the Cherokee NF.

6. NATIONAL NEWS

6A. Our national parks, imperiled by development, need acquisition of inholdings

America's Heritage for Sale -- that is the title of a comprehensive report published April 8 by the National Parks Conservation Association (NPCA) about the development threat to lands within national park boundaries. While Congress drew the boundaries of those parks (decades ago, in some cases), the president and the Congress have yet to provide the funds needed to purchase all of the acreage within these boundaries. The privately owned inholdings are increasingly on the market for development (residential or commercial) that would seriously damage the purpose for which the parks were set aside. Nationwide, about 4.3 million acres are scattered within authorized park boundaries, creating gaps that shatter the integrity of parks. NPCA recommends that, for FY 2009, at least \$100 million from the Land and Water Conservation Fund (LWCF) be appropriated for the National Park Service's (NPS's) federal land-acquisition needs; and that significant additional sums be appropriated in subsequent years in order to ensure that the national parks are fully protected and preserved by the year 2016, the NPS centennial.

The report summarizes the land-acquisition funding needs for each of nearly 60 of the National Park System's 391 units. Three of these are in Tennessee: the Obed WSR, the Big South Fork NRR, and Cumberland Gap National Historical Park. Preceding the paragraph-length summaries, the report features 10 "poster children" in full-page spreads; one of these is the Obed WSR (see 71A above).

You can view the report at <http://www.npsa.org/landforsale/>. This website also contains a petition to Congress that we hope you will sign: *I support full and adequate funding for the Land and Water Conservation Fund. Congress needs to provide the necessary funding to protect and complete our national parks.*

The current list of NPS priority land-acquisition needs includes 1.8 million acres at an estimated price of 1.9 billion. Most owners of inholdings would very willingly sell to NPS but many cannot afford the years of waiting and they succumb to the increasing pressure of developers.

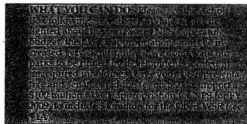
If we are to ensure the preservation of the most significant natural, cultural, and historic places on the American landscape, Congress must act to make the purchase of inholdings and the acquisition of strategic adjacent lands a priority. Federal dollars must be used to preserve our national heritage, and that means more robust support for the Land and Water Conservation Fund.

LWCF background

The Land and Water Conservation Fund (LWCF) was enacted in 1964 to "conserve, develop, and utilize outdoor resources for the benefit and enjoyment of the American people." The Fund is credited with \$900 million annually -- primarily from revenues generated from oil and gas leasing of the Outer Continental Shelf (OCS) -- but these credited LWCF monies cannot be spent unless appropriated by Congress. Each year, the Congressional appropriations have been only a fraction of the available LWCF. Any unappropriated funds are diverted toward other federal activities. Thus, between FY 1965 and FY 2006, \$29 billion was credited to the LWCF, but only \$14.3 billion was appropriated. These congressional appropriations are made annually for federal acquisition programs (NPS, Forest Service, BLM, US Fish and Wildlife Service) and for state and local LWCF matching-grant programs for outdoor recreation needs.

Since the turn of this century there has been only one year (FY 2001) when the appropriated amount approached the one that had been credited from OCS oil & gas revenues. In subsequent years, the totals have decreased steeply. Furthermore, in each year of the new century, a major portion of the appropriated funds was used for "other" federal programs (something rarely done before) -- such as maintenance needs, highway rehabilitation, and In Lieu of Tax payments, thus further diminishing the amount available for land acquisition (see Congressional Research Service Report of 7/10/06, RL33531).

In the past 10 years, Park Service appropriations, have fluctuated between about \$130 million (FY 2002) and \$34 million (FY 2006 and FY 2007). The most recent one (FY 2008) was \$44 million -- well below the \$100 million now suggested by NPCA. The Administration's budget request for FY 2009 is a meager \$21.8 million.



6B. Another push to allow live firearms in national parks

[Information from the NY Times, 2/20]

For many years now, gunowners visiting national parks and wildlife refuges have been required to keep their weapons unloaded, disassembled, and stored. But early this year, 47 sena-

tors (including one Democrat, Baucus of Montana) wrote to Interior Secretary Kempthorne urging him to lift this ban (NL277 ¶5B). More recently, the gun lobby has taken another approach. Sen. Tom Coburn (Republican of Oklahoma), threatened to block a bipartisan public lands bill (which, among other things, authorizes new wilderness areas) unless it includes his amendment to allow the packing of live fire arms in the parks. His justification: "Guns locked in your trunk are of no use when a rapist is attacking your family." Not only are ready-to-fire guns a threat to public safety, but they would do much to empower game poachers. Our legislators should not allow this NRA-inspired type of vigilantism to take hold of our lives - including our outdoor experiences.

WHAT YOU CAN DO: Urge your senators (addresses on p.2), to oppose the Coburn amendment. Our national parks were intended to be a safe haven for animals and people.

6C. National Parks Second Century Commission Is Launched

[From NPCA's Inside Report]

The National Park Service will celebrate its 100th birthday in 2016, and, looking ahead to the next 100 years, the National Parks Conservation Association (NPCA) has convened the National Parks Second Century Commission charged with developing a vision and a path for the National Park System. The System is vastly more varied than it was in its early years, and the National Park Service is now an institution with significantly broader and still-evolving purposes.

The first of five Commission meetings is being held this month. Howard Baker, former senator from Tennessee, serves as co-chair. NPCA and the National Geographic Society will work in tandem to promote the Commission's findings in a comprehensive report scheduled for release in September 2009, coinciding with the lease of Ken Burns' PBS documentary on the history of America's national parks.

6D. More Wild & Scenic Rivers should be designated

[Information from American Rivers]

This year is the 40th anniversary of the National Wild and Scenic Rivers Act (and, incidentally, of Tennessee's Scenic Rivers Act, which preceded it). But, to date, only 168 outstanding, free-flowing rivers in 39 states and Puerto Rico have been protected under the Act (an average of 4.2 per year). More than 3,400 rivers across the country meet the criteria for National Wild and Scenic designation, yet are left vulnerable to sprawl, pollution and new dam building. This year, there are 14 bills before Congress that would add more than 200 rivers to the system.

WHAT YOU CAN DO: Urge your legislators (addresses on p.2) to ensure that these rivers, additional bills are passed, and to support future legislation to enlarge our National Wild & Scenic River System.

6E. Environmental laws and fragile habitat are victims of the border fence

[Info from NY Times, 4/3/08]

On April 1, the Secretary of Homeland Security, waived the Endangered Species Act, the Clean Water Act and other environmental laws to allow the 700 or so miles of border fence to be built by the end of 2008 without undertaking legally mandated reviews of the consequences for threatened wildlife and their habitats. Among the many areas that are now at risk is the 95,000-acre Lower Rio Grande Valley National Wildlife Refuge, whose oc lots, jaguarundis, and other rare species will be left virtually impossible to monitor and protect.

7. GLOBAL WARMING

7A. S. 2191 needs to be strengthened, then passed

[Information from League of Women Voters and Union of Concerned Scientists]

The Senate plans to debate global-warming legislation during the first week of June. America's Climate Security Act, S. 2191 (Lieberman-Warner) is a good first step in establishing the basic framework for curtailing greenhouse gas (GHG) pollution, but it needs to be considerably strengthened before passage. The bill establishes a "cap and trade" system that aims to cut GHG emissions in an economically efficient manner. The "cap" sets a limit on allowable emissions from electric power, transportation, and manufacturing sources that will decline overtime to meet the pollution-reduction goal. The "trading" system sets up a market that allows sources to buy, sell, borrow, and trade emission allowances so reductions can be achieved in the most cost-effective ways.

There are two areas in which the bill must be strengthened. First, the bill, as written, does not achieve enough of the reductions that the best scientific analysis indicates are needed to avoid catastrophic harm. Second, the auction system should be expanded to include more emissions earlier in the process. This will both speed compliance and increase the economic efficiency of the program. The trade system invites loopholes that undermine the emissions cap through such mechanisms as a so-called "safety valve" that would allow sources to purchase unlimited emission allowances.

To ensure that the bill is strong enough to prevent dangerous warming, please support the following improvements:

- oo Require science-based emission reductions of at least 80% by 2050, and ensure that the Environmental Protection Agency adjusts this target if the National Academy of Sciences finds that we are not on track to a void dangerous warming.
- oo Eliminate or significantly reduce free emission allowances for polluters. Proceeds from auctioned allowances and any free allowances should benefit public programs and promote investment in clean-energy technologies.
- oo Oppose attempts to provide additional subsidies for coal or nuclear power, which already receive substantial benefits under this bill.

WHAT YOU CAN DO: Urge your senator (address on page 4) to immediately introduce S.212 (see list above) and then pass it.

7B. This sham bill must be defeated

[Information from *Environmental Defense*]

On May 2, Senator George Voinovich (R-OH) proposed a bill that is dressed up as a way to take action, but in fact is a detailed prescription for doing nothing. It would postpone meaningful action on global warming pollution for at least twenty years, disastrously wasting precious time. The emissions-reduction benchmarks it calls for are pitifully weak and *non-binding*. Thus current levels are to be achieved in 2020, and 1990 levels in 2030. It provides taxpayer-funded subsidies for favored technologies.

To add insult to injury, the Voinovich bill would take away the authority of individual states — confirmed by the U.S. Supreme Court in “Massachusetts v. EPA” — to control global warming pollution. Dozens of states across the country, including California, Florida, and the Northeast members of the Regional Greenhouse Gas Initiative, have set ambitious emissions reduction targets.

7C. Principles for Global Warming legislation are set forth

On Thursday, the Speaker of the House, Nancy Pelosi, was presented with “Principles for Global Warming Legislation,” by Congressmen Henry Waxman, Ed Markey, and Jay Inslee. They write: “[W]e have developed a set of principles to guide Congress as it produces legislation to establish an economy-wide mandatory program to address

the threat of global warming. Acting in accordance with these principles is critical to achieving a fair and effective bill that will avoid the most dangerous global warming and assist those harmed by the warming that is unavoidable, while strengthening our economy. ...

“Comprehensive legislation to address global warming must achieve four key goals:

1. Reduce emissions to avoid dangerous global warming;
2. Transition America to a clean energy economy;
3. Recognize and minimize any economic impacts from global warming legislation; and
4. Aid communities and ecosystems vulnerable to harm from global warming.”

The letter then develops a number of key elements that climate change legislation must include to meet each of these goals. Among these are the following:

- oo A commitment to ongoing scientific review so that the best available science will always be taken into account
- oo Assistance for the wildlife and ecosystems threatened by global warming.
- oo Investment in energy efficiency
- oo A strong citizen enforcement provision.

7D. Climate Capsules

- In addition to generating our primary greenhouse gas (GHG), coal burning produces ash that forms the nation's second largest industrial waste stream, with more than 129 million tons generated each year. Coal ash is full of arsenic, lead, and other toxins. Unsafe disposal practices have poisoned water supplies across the country. (From *Earth Justice*, 1/15/08)
- Every second of every day, an area of jungle the size of a football field is cut down. Deforestation now contributes as much to global warming as does all the carbon emitted by the United States. By one calculation, four years of deforestation have the same carbon footprint as all flights in the history of aviation up until the year 2025. (From Nicholas D. Kristof, *NY Times*, 5/1/08)
- Research suggests that by paying tropical countries \$27.25 per ton of carbon not emitted by retraining from forest destruction, the world could avoid \$85 in damage per ton from the carbon. (Nicholas D. Kristof, *NY Times*, 5/1/08)
- In a year, the US government spends \$1.5 billion for renewable energy research. In a day (!), ExxonMobil earns \$1 billion. (Environmental Defense, 1/24/08)

8. TCWP NEWS

8A. Upcoming activities

[Based on contributions by TCWP Executive Director Sandra K. Goss, from whom additional information may be obtained at 865-522-3809, or at Sandra@sandrakgoss.com]

Bird-watching hike at Frozen Head - Saturday, May 31

Chuck Estes will lead a 4-mile hike with plenty of bird-watching opportunities. Meet at 8 a.m. (EDT) at the gate for the jeep trail, located at the end of the Frozen Head campground. We will hike the jeep trail for about 2 miles to the first gap (gaining about 1,000 feet), looking for warblers and especially the Cerulean Warbler. Frozen Head is prime nesting territory for the Cerulean Warbler, which loves the canopy of the high elevation mountains of the Cumberland Plateau. This hike will provide an excellent opportunity to see this bird. We will return down the jeep trail. Bring plenty of water and a lunch snack. Wear sturdy shoes. Total trip time will be about 5-6 hours.

North Ridge Trail workday - Saturday, June 7

The North Ridge Trail was developed by TCWP about 40 years ago and subsequently designated both a State and federal Recreation Trail. Over the decades, we've had a major role in its maintenance, overseen by dedicated trail stewards.

For National Trails Day, our trail steward Susan Donnelly is organizing a work session that will focus on the segment between Georgia Avenue and Orchard Lane. Volunteers should meet at 9:00 a.m. at the trailhead where Georgia Avenue joins Outer Drive, wearing sturdy shoes and weather-appropriate attire. Snacks and water, as well as gloves, loppers and/or snippers are also recommended.

Head of the Sequatchie outing - Saturday, July 19

We have a great opportunity to get an early look at the Head of the Sequatchie, the latest acquisition for the Cumberland Trail State Park. The Sequatchie River originates from two beautiful springs at the head of a narrow, scenic valley. The state recently acquired the area (~400 acres 12 miles south of Crossville) from Tennessee Parks & Greenways Foundation, which had bought the unique site the year before to protect it from development. By the time of our visit, the Cumberland Trail SP staff, currently based in Crossville, plans to be relocated to the site.

Our day will include remarks by a ranger, well-known naturalist and TCWP Board member Mary Lynn Dobson, short walks to both springs, and lunch in a shady spot. Details are still being arranged. To register for the event, or to find out

more, call or e-mail Sandra (contact information above).

Talk by Lyn Bales of Ijams - Thursday, July 24

Lyn Bales, author and naturalist, will present a talk on the history, programs, and resources of Ijams Nature Center. An owl and a snake will participate in Lyn's presentation in the Craft Room, Oak Ridge Civic Center. The program will start at 7:00.

Clifty Creek outing - Saturday, July 26

This will be a repeat of last year's very popular "In the Creek" outing. Look in the July Newsletter for details."

TCWP Annual Meeting - Saturday, November 1

Mark your calendar now for a day of talks and hikes featuring the Cumberland Trail State Park. Bobby Fulcher (the Park's manager) and a representative of Friends of the Cumberland Trail will update us about the park, and the challenges and opportunities it presents. The Service Committee promises a good lunch, followed, in the afternoon, with a choice of hikes - one easy and one moderate. See a future NL for location and other details about the meeting.

8B. Volunteer opportunities

We do need volunteers badly for numerous specific tasks, some quite small. Please refer to NL277 18A. If you've lost it, contact Sandra Goss at 865-522-3809, or at Sandra@sandrakgoss.com].

8C. Bob Laffer has died

We were saddened to learn of the recent death of Bob Laffer, an active and devoted TCWP member during its very early days. Bob served on the TCWP Board in 1968 and 1969 (our second and third Boards), and was Vice President in 1970 and 1971. He was very much involved in our activities to save the Big South Fork from the Devils Jumps Dam and, subsequently, to ensure a protected status for the area. When we carried out research to help in the study of alternatives to the dam, his contributions were in the fields of archeology and history. Bob was also an active participant in TCWP's construction of the North Ridge Trail.

As devoted teacher, first at Jefferson Junior High School and then at the Oak Ridge High School, he involved students in environmental activities. Among these was exploration of Ernie's Creek (near the JHS site) and advocacy to have the City confer some protective status for it. Unfortunately, Bob moved to update New York before these efforts could come to fruition.

Bob died May 7, at the age of 69, of mesothelioma. He had only recently moved back to this area, and we had been looking forward to seeing more of him.

9. CALENDAR; RESOURCES

•• CALENDAR

(For details, check the referenced NL item; or contact Sandra Goss, 865-522-3809, or Sandra@sandrakgoss.com)

- May 1 through June 14, trail construction of ~4 miles remaining to complete the section of the Trail between Cove Lake and Frozen Head. There are many ways you can help. Call 931-495-6259 or visit <http://www.cumberlandtrail.org>
- May 17-18, Sewanee, Conservation Forestry Workshop on the South Cumberland Plateau. Visit http://www.osiny.org/site/PageServer?pagename=programs_Institute_CFN_TN
- May 31, Frozen Head, TCWP's bird-watching hike (see ¶8A, this NL).
- June 7, TCWP's North Ridge Trail clean-up outing (see ¶8, this NL).
- June 7, and later dates, activities of the Obed WSR summarized in ¶1F of this NL.
- June 14, Oak Ridge Reservation, 9:00 a.m. until noon. Tour of invasive plant sites. (For more info contact Marti Salk at salkms@ornl.gov, or 865-574-7315).
- June 18, Alliance for the Cumberlands meets in McMinnville. For further information, contact Katherine Medlock (kmedlock@tnc.org).
- June 21 and later dates, Frozen Head workdays listed in ¶3D of this NL.
- July 19, TCWP's Head of the Sequatchie outing (see ¶8A, this NL).
- July 24, Talk by Lyn Bates, Ijams (see ¶8A, this NL).
- July 26, Chifty Creek outing (see ¶8A, this NL).
- November 1, TCWP Annual Meeting (see ¶8A, this NL).

•• RESOURCES

- DOE has launched a website with energy-saving tips for consumers: <http://www.energy.gov/ene=/61754.htm>
- A program for calculating energy savings has been developed by Lawrence Berkeley National Laboratory. Visit <http://hes.lbl.gov/>.
- Oak Ridge has expanded its recycling program. Waste Connections will now recycle plastics numbered 1 through 7. Numbers 1 and 2, can be left in the curbside bins, as before, but numbers 3-7 must be taken to the Convenience Center (400 Warehouse Road). For info, call 482-3656.
- The National Phenology Network is tracking changes in natural events (e.g., blooming dates, first sighting of certain animals/species) that may be caused by global warming. You can enlist as a volunteer "citizen scientist" (a data provider) by visiting <http://www.windows.ucar.edu/citizenscience/budburst/index.html>. The website

gives directions on what to look for in different parts of the county.

- A 30-Year Tellico retrospective symposium was recently held at U.T. You can access the webcast at <http://www.tellico.com/30years/30years.html>
- The League of Women Voters' website [VOTE411.org](http://www.vote411.org) is a one-stop shop for election-information needs, including a nationwide polling place locator, voter registration tips, important dates, and much more. If you click on "Sign up" you will receive special alerts about general and state-specific information on all aspects of the election process.

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