



Taking Care of Wild Places

BREAKING NEWS on p. 12

1. **Obed and Big South Fork watersheds** p. 3
 - A. TCWP buys Obed tract to protect it
 - B. Decisions still pending on landfill in BSF watershed
 - C. Measuring water quantity and quality in the Obed System
2. **Frozen Head; Cumberlands** p. 3
 - A. More land added to park
 - B. Frozen Head BioBlitz continues
 - C. Wild pigs at Frozen Head
 - D. Alliance for the Cumberlands
3. **The Tennessee legislature: mostly bad news.**..... p. 4
 - A. Land-acquisition funds removed from Governor’s budget
 - B. Parliamentary ploy kills mountain-top-removal bill
 - C. ATV bills: one postponed, one passes
 - D. Bottle Bill “taken off notice”
 - E. Resolution for Lighthouse Lodge at Norris S.P. is approved
 - F. Some other bills
4. **Other State news** p. 6
 - A. Addition to Cumberland Trail State Park
 - B. Tennessee’s watersheds
 - C. Civil War parks in Tennessee
5. **Federal regulation of coal-power-related evils** .. p. 6
 - A. EPA-proposed guidance on Mountain-Top Removal
 - B. EPA proposes to veto largest MTR mine; our support urgently needed
 - C. EPA proposes two strategies for regulation of coal ash; one is too weak
6. **Cherokee NF; Appalachian Trail** p. 7
 - A. Corridor K update
 - B. The Appalachian Trail, a major resource
7. **Other national issues** p. 8
 - A. Kerry/Lieberman climate bill must be strengthened and improved
 - B. ACCWA, another bill to make Clean Water Act work again
 - C. Presidential initiative on land conservation
 - D. National Wild & Scenic Rivers System
 - E. Two conservation giants have died
8. **TCWP news** p. 10
(A note from the Executive Director; TCWP-website resources; Upcoming activities; Recent events)
9. **Calendar; Resources** p. 11
10. **ACTION SUMMARY** p. 2

The BIG stories

TCWP buys Obed tract to protect it ¶1A

Acreage to be added to Frozen Head ¶2A

Mostly bad news from State legislature ¶3

EPA strong on proposed MTR regulation ¶5A, B

Senate climate bill needs strengthening.... ¶7A

Bill to make CWA work again ¶7B

10. ACTION SUMMARY

¶No.	Issue	Contact	"Message!" or Action
1B	Landfill near BSF	Sign up for e-mail alerts	Comment on Corp's Environmental Assessment.
2B	Frozen Head ecological inventories	Ranger Michael Hodge	Offer your assistance with inventories of species, disturbances.
3A	Restoring land-acquisition funds	List in ¶3A Action Box	"Retain these funds in the budget!" U R G E N T
3B	Scenic Vistas bill	Reps. McDonald, Fraley, Gilmore, Borchert	"Thank you for trying to stop MTR! Try again next year!"
3D	"Bottle bill" - county endorsements	Marge Davis	"Please provide advice on how to proceed!"
5A	EPA guidance on MTR	Administrator Lisa Jackson Info sources (see ¶5A)	"Thank you for confronting MTR assaults on environment!" "Please provide info on where/when to comment!"
5B	EPA veto of largest MTR mine	By June 1, Adm. L. Jackson	"Thank you, and follow through with full veto of Spruce No.1!"
7B	Ambiguities in Clean Water Act	Your US Representative	"Co-sponsor HR.5088 to restore functions of our CWA!"
8A	Many ways to help TCWP	Sandra Goss	Find out how you can get involved

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. Barack Obama
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/public/>
Local: 865-637-4180 (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/public/>
Local: 865-545-4253 (FAX 545-4252)
800 Market St., Suite 112, Knoxville 37902

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, 202-224-3121. To find out about the status of bills, call 202-225-1772
URLs: <http://www.house.gov/lastname/> and <http://lastname.senate.gov/> General contact info: <http://www.lcv.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.tcwp.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.

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1. OBED and BIG SOUTH FORK WATERSHEDS

1A. *TCWP buys Obed tract to protect it*

[Contributed by Sandra Goss]

As frequently reported in these pages, completing federal land acquisition for the Obed Wild and Scenic River is a central goal for TCWP. A sizable proportion of the authorized acreage (in numerous parcels) is still in private ownership and vulnerable to developments that could greatly damage the integrity of the wild river gorge and its upland rims.

Early this month, TCWP took an 18.6-acre step toward our protection goal, with the purchase of land near Clear Creek. We heard about the availability of the tract from friends and were able to reach a fair price agreement with the seller very quickly. This land is now assured of protection until the National Park Service is able to acquire it.

With help from Frank Hensley and Charlie Klambunde on the land description, we created our own deed and registered it last week. You'll be hearing more about this purchase in a separate mailing as we go about the business of replenishing our financial coffers. We want to be ready for the next opportunity to preserve the beautiful Obed gorge.

1B. *Decisions still pending on landfill in BSF watershed*

[Contributed by Cindy Kendrick]

Decisions are still pending on permits for the proposed Roberta Landfill Phase II in the watershed of the Big South Fork River (BSF). TCWP submitted comments on the state Aquatic Resource Alteration Permit (ARAP) and on the state Solid Waste Disposal Permit and attended both associated hearings in Oneida (NL289 ¶1A; 290 ¶1A).

The National Park Service has laudably asserted its legislated responsibility for the BSF National River and Recreation Area and will conduct an assessment of the potential impacts from the landfill on BSF resources. The Army Corps of Engineers is preparing an Environmental Assessment (EA), and the NPS assessment will figure into this EA. The state's permits will be influenced by the outcome of these *federal* assessments. The good news is that, according to state staff, if the permits do go forward, the state will require collection and monitoring of the effluent from the French drain prior to its discharge into the watershed. The drain is designed to run under the landfill liner and is quite vulnerable to infiltration of toxic pollutants when the liner begins to leak. (EPA studies have shown that all liners eventually leak.) The bad news is that leachate could still leak into groundwater and surface water via other routes.

TCWP continues to follow developments related to this landfill and to interact with decision-makers to oppose its construction. We are not opposed to all landfills,

but we are opposed to yet another landfill in this sensitive watershed.

WHAT YOU CAN DO: Stay tuned for the opportunity to comment on the Corp's EA. Sign up for TCWP's email alerts (<http://tcwp.org/emailalert.shtml>) and/or "like" us on Facebook to get timely notification and instructions.

1C. *Measuring water quantity and quality in the Obed System*

The National Park Service (NPS) and the US Geological Survey (USGS) recently installed a new stream-flow gage at Adams Bridge on the Obed River, and NPS equipped the gage to read water-quality, as well as - quantity, data. Measurements are continuous and shown in graph form. (You can visit the site at http://waterdata.usgs.gov/nwis/uv?cb_00065=on&cb_00060=on&format=gif_default&period=7&site_no=03538830 and access the quality data by checking the box "all 9 parameters available.")

The quality data have revealed some interesting features, including regular diurnal fluctuations in pH and other parameters that probably result from photosynthetic activity of algae. The stream-flow gages at Antioch Bridge (Daddys Creek) and Lilly Bridge (Clear Creek) will soon be equipped with added instrumentation to record the water-*quality* data.

2. FROZEN HEAD; CUMBERLANDS

2A. *Land to be added to Frozen Head*

[Contributed by Cindy Kendrick]

With the closing of Brushy Mountain State Prison, the state is working on disposition of the prison land and facilities. Park Manager David Engebretson indicated that several hundred acres of mostly forested prison land is being transferred to become the newest addition to the adjacent Frozen Head State Park and Natural Area (FH). This land will likely include a reservoir, headwaters, and a large trillium patch.

2B. *Frozen Head BioBlitz continues*

[Contributed by Cindy Kendrick]

On April 17, FH Ranger Michael Hodge led a kickoff for the initiative to inventory plants and animals on the north side of the Park (NL290 ¶2A). This land, also known as "Goby," was purchased by the state and The Nature Conservancy in 2007 in Governor Bredeson's "Connecting the Cumberlands" initiative. A handful of experts have volunteered to help conduct the inventory, deemed the "BioBlitz," which will establish a baseline and enable better protection of the Park's natural resources.

WHAT YOU CAN DO: More specialists and other volunteers are needed, as the BioBlitz will continue into the summer and next year. Additional inventory dates are scheduled for May 22 and June 26, but volunteers may come any day. Please contact Ranger Hodge at 423-346-3318, or Michael.E.Hodge@tn.gov, if you're willing to donate your expertise and time to this important initiative.

2C. *Wild pigs at Frozen Head*

[Contributed by Cindy Kendrick]

Wild pigs have in recent months encroached significantly into the original Park area, rooting extensively along trails including upper North Old Mac and Panther Branch. FH Ranger/Forester Rick Noseworthy brings previous experience in battling these invaders, and Park staff have participated in a focused workshop and collaboration with Smokies specialists to control these destructive animals. Hikers may notice a couple of cages that are being set in strategic locations to trap pigs.

2D. *Alliance for the Cumberlands activities*

[Contributed by Sandra Goss]

A brochure on Tennessee's Cumberland Plateau Nature Trail has been completed. This "trail" is a personal automobile tour, guided by a list that identifies special nature spots in the Cumberlands. The brochures will be distributed to welcome centers, rest areas, chambers of commerce, and to sites on the trail. The Tucker and the Lyndhurst Foundations provided financial support for this initiative.

The Alliance will next meet Tuesday, August 3, at the Appalachian Center for Crafts. The program will both entertain and increase awareness of the many initiatives that are under way to preserve and promote the arts and crafts in the region. Among the presenters are Bob Fulcher and Bill Landry.

The Alliance for the Cumberlands is composed of groups that have an interest in the Cumberland Plateau. For more information, visit www.allianceforthecumberlands.org.

3. THE TENNESSEE LEGISLATURE: MOSTLY BAD NEWS

3A. *Senate Republicans remove state land-acquisition funds from Governor's budget*

During the past two years, state land-acquisition funds had been diverted for the purpose of balancing Tennessee's ailing finances. This year, Gov. Bredesen restored the four small funds (a total of about \$17 million) to the administration's budget.

On May 12, however, it became apparent that the funds were not included in the "Ramsey Budget," i.e., the budget developed by the Republican majority. Once again, in a tight budget year, the funds have been targeted and may be taken to meet general budgetary needs.

This is tragic, because, as time goes by and Tennessee becomes increasingly developed, it is ever more essential for us to save woods, wetlands, wildlife, and clean water; to maintain and add to our parks and natural areas; to aid agricultural best practices. It is also foolish because these funds, which represent only 0.07% of Tennessee's budget, leverage federal funding, and, in addition to accomplishing miracles of preservation, also yield economic benefits. Tourism, which is Tennessee's second largest source of revenue certainly benefits from the availability of state parks and other natural resources.

We are grateful to the coalition "Forever Green Tennessee," headed by Kathleen Williams, which worked tirelessly and effectively to get the funds restored, and to Gov. Bredesen, who included them in his budget. There was considerable editorial support for this, e.g., in the *New Sentinel* of 4/9/10.

WHAT YOU CAN DO: By the time this reaches you, time may be extremely tight. Just as soon as you can, send a short message by e-mail or phone to the following (as well as to your own senator and representative):

lt.gov.ron.ramsey@capitol.tn.gov	615-741-4524
sen.randy.mcnally@capitol.tn.gov	615-741-6806
sen.mark.norris@capitol.tn.gov	615-741-1967
rep.glen.casada@capitol.tn.gov	615-741-4389
rep.jason.mumpower@capitol.tn.gov	615-741-2050

3B. *Parliamentary ploy kills mountain-top removal bill*

After a couple of postponements, the Scenic Vistas Protection bill, SB.1398/HB.455 (NL290 ¶3C), was finally scheduled for the last meeting of the House Environment Subcommittee. At this point, opponents used an interesting parliamentary ploy to kill HB.455; they moved to adjourn the committee, before a vote on the bill could occur.

The bill's House sponsor, Rep. Mike McDonald had made a very strong case against Mountain Top Removal (MTR) coal mining, introducing the irrefutable scientific evidence (NL289 ¶3A) and the groundswell of public opinion into the argument. Additional support came from Reps. Fraley, Gilmore, and Borchert, who also deserve our thanks. For new MTR developments on the federal front, see ¶5A, 5B, in this NL.

WHAT YOU CAN DO: Express your thanks to Representatives McDonald, Fraley, Gilmore, and Borchert (addresses in Political Guide).

3C. *ATV bills: one postponed, one passes*

SB.0957 (Yager)/ HB.1324 (Winningham) -- sent to a summer study committee

This rambling bill, which (among other things) sets license fees, would permit all-terrain vehicles (ATVs) on public highways for specified distances. This is likely to increase the vulnerability of natural areas to illegal ATV traffic. Additionally, the bill directs TDEC (TN Dept. of Environment & Conservation), the Department of Tourism, and the Department of Economic and Community Development to conduct a study and develop a plan for the promotion and development of adventure tourism in rural areas of TN and for the creation of an adventure tourism district. TCV's assessment: The issue deserves considerably more study and deliberation, and deferral for further study is a definite victory.

SB.3651 (Yager)/HB.3904 (Winningham) – amendment needs opposition

This bill, the "Tennessee Adventure Tourism and Rural Development Act," Creates the Tennessee Off-Highway Vehicle Grant Act. Requires the commissioner of conservation and environment to establish a statewide off-highway vehicle (OHV) grant program. Requires the commissioner to make grants to state, federal, local governments or non-profit organizations for purposes of purchasing land and constructing OHV trails. Creates an annual award of \$225,000 to the TWRA to maintain a motorized trails program.

This bill, which transfers federal funding to TDEC for the OHV grant program, has passed committee and is scheduled for House floor vote on May 17. While the bill doesn't change existing law relative to ATV regulation, it also doesn't provide any additional prohibitions about ATV use in state parks. TDEC, which agreed to the bill as amended (i.e., with language removed that used to protect state parks from ATVs), has assured Tennessee Conservation Voters that they have no intention of placing ATV trails in state parks. We may be concerned, however, about giving *future* departments this kind of latitude.

3D. *Bottle Bill "taken off notice"*

[From Marge Davis, POP-coalition coordinator]

A large number of calls and e-mails failed to bring about a last-minute change of heart (or burst of courage) among the skeptics on the House Government Subcommittee (Joe Carr, Ty Cobb, Ryan Haynes, John Litz, Gerald McCormick). So, rather than force a losing vote, Rep. Mike McDonald (the sponsor) took HB.3429 "off notice," which is the same as killing it. (This effectively killed the Senate side of the bill as well.)

The decision not to force a vote had several advantages:

- It made the bill's supporters look reasonable and realistic, as opposed to vindictive and desperate. Legislators will remember this in 2011.
- It denied the opposition a chance to present misleading and distorted testimony.
- It gave Rep. McDonald a chance to deliver a strong parting statement, in which he read parts of a letter from an Iowa state legislator, saying that Iowa wants to use Tennessee's bill as a model in upgrading its own 32-year-old deposit program.

In preparation for 2011: we need county endorsements.

To date, 13 county commissions have overwhelmingly endorsed the bottle bill. (Note: these counties do NOT include Knox, Anderson, Roane, Davidson, Hamilton.) Nothing will do more to ensure victory in 2011 than gaining the remaining 82 endorsements. This needs to be our principal focus in the months between now and 2011.

WHAT YOU CAN DO: If you are willing to pursue an endorsement in your county, please contact Marge Davis. She can, (1) let you know what contacts have already been made; (2) provide you with handouts and other information; and (3) make sure you know, and can respond to, the questions that will inevitably be asked. Marge can be reached at margedavis@comcast.net, or 615-758-8647.

3E. *Resolution for Lighthouse Lodge at Norris State Park wins approval*

Rep. Faulkner's resolution, HJR.0820 (NL290 ¶3E), was recommended by the House Finance, Ways & Means Committee on May 4 and is on its way to the House floor for passage. The resolution requests TVA to approve the Campbell County Lighthouse Lodge and Convention Center (Note: a similar resolution failed in 2008). This monstrous development would be located at Norris Dam, adjacent to the State Park, and, if constructed, would be a blight on the landscape as well as a budget buster for the state-parks system.

3F. *Some other bills*

Here's the status of other bills we had followed in NL290 ¶3E

- Coal ash disposal permit requirements, SB.2550 (Burks)/HB.2829 (Swafford). Failed in House Local Government Subcommittee.
- Rock harvesting: Tennessee Non-Coal Surface Mining Act, SB.2717 (Watson B.)/ HB.2837 (Floyd). Set for House Conservation & Environment Committee.

4. OTHER STATE NEWS

4A. *Addition to Cumberland Trail State Park*

[From HPC Newsletter]

On January 12th, Governor Phil Bredesen announced a public-private agreement that will add more than 3,200 acres and 10 linear miles of trail to the Cumberland Trail State Park in Hamilton and Rhea counties. This acquisition was funded through a grant from the Heritage Conservation Trust Fund (i.e., state acquisition funds), federal grants, private funds raised by the Cumberland Trail Conference, and a private landowner who will hold a permanent conservation easement on 2,197 acres.

Upon its completion, the Cumberland Trail will extend 300-plus miles from Cumberland Gap National Park (KY) south to Chattanooga.

4B. *Tennessee's watersheds*

[Information from TDEC]

There are 55 watersheds in Tennessee, distributed among the state's 4 major (and 2 minor) basins. In 2008, TDEC (Tenn. Dept. of Environment and Conservation) launched a program to increase the public's awareness of the watersheds. (a) In cooperation with TDoT, 187 signs were erected on highways to inform travelers as they enter a watershed. (b) A *Guide to Traveling Tennessee's Watersheds* will soon be available at rest areas and welcome centers. (c) A web site, www.tn.gov/environment/watersheds has been posted that contains facts about each watershed, including its water-quality-management plan, contacts to related watershed associations, restoration and green projects, and tips on how to get more involved.

In a recent letter, Paul Sloan, Deputy Commissioner of TDEC, reminds us that, while much has been accomplished since the original Earth Day, far more is required (including the education and empowerment of citizens) for the health of our streams to become fully restored. Our goal must be to secure the right of all Tennesseans to unpolluted waters.

4C. *The state of Civil War parks in Tennessee*

[Information from NPCA]

A year ago, as part of its *State of the Parks* series, NPCA published *Civil War Parks of Tennessee*. There are four of these: Fort Donelson, Shiloh, Stones River, Chickamauga & Chattanooga.

Some of these parks protect significant natural as well as historical resources, and some steps have been taken to enhance these. Stones River has an innovative habitat-restoration program, and benefits from a strong relation with Middle Tennessee State University. Chickamauga & Chattanooga protects a significant landscape, and 382 acres near Lookout Mountain were added to the National Military Park in 2008. At Shiloh, riverbank

stabilization completed in 2008 protects the park's shoreline from erosion. Nearby development projects threaten scenic viewscapes of all of these parks and bring increased air, water, and noise pollution.

5. FEDERAL REGULATION OF COAL-POWER-RELATED EVILS

5A. *EPA-proposed guidance on Mountain-Top Removal*

During the Bush administration, EPA ignored the science on mountain-top removal (MTR) mining and simply rubber stamped destructive mining permits with little or no regard to the devastating effect of this form of coal extraction. Now, we have an EPA driven by science in its formulation of new regulations designed to prevent the significant and irreversible damage MTR mining inflicts on our watersheds.

On April 2, EPA issued a press release announcing a set of actions to further clarify and strengthen environmental permitting requirements for Appalachian mountain-top removal and other surface coal mining projects, in coordination with federal and state regulatory agencies. EPA's proposed actions may be grouped as follows.

- Improved Guidance and Clarity for EPA's Regional offices with permitting responsibility in Appalachian states. The guidance details EPA's responsibilities under Sections 402 and 404 of the Clean Water Act (CWA), and outlines how the Agency uses its CWA authorities to ensure that future mining will not cause significant environmental, water-quality, and human-health impacts. EPA expects this information will also help to strengthen coordination with other federal and state regulatory agencies and mining companies.
- Strong Science: EPA is making publicly available two scientific reports prepared by its Office of Research and Development (ORD). One summarizes the aquatic impacts of mountaintop mining and valley fills. The second report establishes a scientific benchmark for unacceptable levels of conductivity (a measure of water pollution from mining practices) that threaten stream life in surface waters. [This means that if a mining operation would raise the levels beyond a permissible standard -- a certain multiple of normal -- the regional office must deny the permit.]
- Increased transparency: EPA is creating a permit-tracking website so that the public can determine the status of mining permits subject to the EPA-Army Corps Enhanced Coordination Procedure (ECP).

EPA will be soliciting public comments on the new guidance. All of the documents are available at

<http://www.epa.gov/owow/wetlands/guidance/mining.html>

WHAT YOU CAN DO:

- (1) Please contact EPA Administrator Lisa Jackson, www.epa.gov (see Political Guide for other contact info), and applaud her efforts to confront MTR's devastating assault on our environment.
- (2) For information about submitting comments on the proposal, contact Timothy Landers, EPA, at (202) 566-2231, or, landers.timothy@epa.gov; or call Liz Judge, Earthjustice, (202) 667-4500, ext. 237.

5B. EPA proposes to veto largest MTR mine. Our support urgently needed!

[Information from EarthJustice and Clean Water Network]

EPA has proposed to veto an Army Corps of Engineers permit for the Spruce No. 1 mine in West Virginia, the largest mountain-top removal mine ever authorized by the Corps in Appalachia. The Clean Water Act (CWA) gives EPA the ultimate enforcement authority via a veto process. The mine would directly impact 2,278 acres of wooded mountains and fill six Appalachian valleys with over 100 million cubic yards of debris, burying more than seven miles of headwater streams.

Recent scientific analysis has revealed serious, irreversible environmental impacts from mountaintop mining that mitigation practices cannot adequately address. Regulatory controls currently in place have not prevented adverse water quality and aquatic habitat impacts from other similar mining operations.

It is urgent for EPA to hear public support for its proposed denial of this permit. We must strongly urge EPA to follow through with a full veto prohibiting this mine.

WHAT YOU CAN DO: By June 1, thank EPA Administrator Lisa Jackson, www.epa.gov (see Political Guide for other contact info), for recognizing that science and the law require denial of this permit, and urge her to follow through with a full veto, prohibiting the Spruce No. 1 mine to proceed.

The docket number for the Spruce No. 1 Surface Mine is EPA-R03-OW-2009-0985.

You can send your message by either of these methods:

- (1) <http://www.regulations.gov> and follow instructions for submitting comments.
- (2) e-mail to ow-docket@epamail.epa.gov. Include the docket No. in the subject line.

5C. EPA proposes two different strategies for regulation of coal ash; one is too weak

Coal Combustion Residuals (CCR), or "coal ash," the residue from the combustion of coal in power plants, have not been subject to federal regulation; they are con-

sidered "exempt wastes" under an amendment to the Resource Conservation and Recovery Act (RCRA). The disaster of December 2008 at TVA's Kingston Steam Plant was a wake-up call, especially since it brought out the information that there are hundreds of similar CCR storages at coal-fired power plants across the country.

For the first time ever, EPA is now proposing to regulate CCR in landfills or surface impoundments under RCRA. Two options are under consideration, under the Act's subtitles C (special wastes, in hazardous section) and D (non-hazardous wastes), respectively. The pre-publication of the proposed rule was signed 5/4/10; the official version will be published in the Federal Register. There are major differences between these options, the second one being very much weaker.

- Subtitle C: Enforcement is State and federal; permits are required; corrective action is monitored by authorized States and EPA. Surface impoundments would be phased out.
- Subtitle D: Enforcement is through citizen suits (States can act as citizens); no permits are required; corrective action is self-implementing.

There are several additional differences, with Subtitle D being very much weaker in all respects except, possibly timing; it could be effective 6 months after the rule is promulgated, while Subtitle C could take 1-2 years to implement.

Coal ash contains numerous toxic substances (arsenic, cadmium, mercury, selenium, and others), and there appears no reason *not* to classify it as hazardous waste (Subtitle C). Furthermore, it has been pointed out that regulations that could only be enforced through citizen suits (Subtitle D) put an unfair burden on already impacted communities.

Hearings will be held, followed by a 90-day comment period, but no dates have been announced as of now. Get ready for when it happens!

6. CHEROKEE NF; APPALACHIAN TRAIL

6A. Corridor K Update

[Contributed by Sandra Goss]

The Tennessee Department of Transportation (TDoT) is completing a Transportation Planning Report (TPR) for Corridor K, the Appalachian Regional Commission road project for Highway 64 along the Ocoee River. The TPR is a preliminary step toward the NEPA process, which is expected to get underway in the Fall. Several route options are under consideration, some of which would cut across the Cherokee National Forest. The public will be invited to comment on these in the next several months as the NEPA process continues.

TCWP Executive Director Sandra Goss has served on TDoT's Citizen Resource Team, which gives various stakeholders an opportunity to provide input on the

project. These meetings, and the recently cleared Hwy 64 rockslide, have provided ample opportunity to learn about the Copper Basin's and the Ducktown area's dependence on the road. Balancing the needs of this small community with protection of the Cherokee National Forest is a difficult task. For regular updates on the project, write Sandra at Sandra@sandrakgoss.com.

6B. *The Appalachian Trail, a major resource for the Nation and for Tennessee*

[Information from NPCA, 4/13/10]

A very significant portion of the 2,178-mile Appalachian National Scenic Trail (A.T.) traverses Tennessee, most of it in the Cherokee National Forest and the Great Smoky Mountains National Park. The A.T.'s protected corridor (a swath of land averaging about 1,000 feet in width) encompasses more than 250,000 acres between Springer Mountain in Georgia and Mount Katahdin in Maine, making it one of the largest units of the National Park System in the eastern United States. The trail passes through some of the most significant and rare ecosystems remaining along the East Coast.

NPCA's Center for State of the Parks recently released a report exploring cultural and natural resources along the trail, as well as threats to those resources and to the visitor experiences the trail provides.

The profusely illustrated 28-page report (www.npca.org/stateoftheparks/appalachian/AT-report-web.pdf) identifies incompatible developments within and near the trail's narrow corridor as a major threat to resource integrity and visitor experience. Such development threats include pipelines, power lines, racetracks, quarries, residences, energy-producing wind turbines, and ATV and mountain bike use. Also of concern is the lack of comprehensive knowledge of the condition of natural and cultural resources that abound along the A.T. In addition, visitors to the trail are not always aware of the significant resources protected within the trail corridor.

Staff of the Appalachian Trail Conservancy (ATC, a private non-profit organization) and the Appalachian Trail Park Office (ATPO) are accomplishing important resource protection, monitoring, and education programs, in addition to working to protect the trail and viewshed from adjacent development that negatively affects trail resources. Their efforts include achieving the goal of placing every mile of the trail under public ownership.

7. OTHER NATIONAL ISSUES

7A. *Kerry/Lieberman climate bill must be strengthened and improved*

On May 12, Senators Kerry and Lieberman introduced a bill, the American Power Act, which might be

able to serve as the foundation for badly needed climate/energy legislation, but only if it is substantially improved.

We are faced with a real dilemma. It is imperative that we lose no time in decreasing the amount of greenhouse gases (GHGs) we put in the atmosphere; we are getting dangerously close to the tipping point. The past few weeks and months -- with the oil gusher in the Gulf, the coal-mine explosion in West Virginia, the bursting coal-ash pool at Kingston, the continuing mountaintop removal -- have amply illustrated the disasters of fossil-fuel use (not to mention economic and national-security costs).

We desperately NEED a bill, and the bill must be able to pass. The latter requirement was presumably the rationale for drafting something as weak as the Kerry/Lieberman proposal. It may be necessary to end up with subsidies and loan guarantees for certain industries in order to garner the necessary votes. But is it necessary to give away the store even before real negotiations begin?

The major *good* feature of the bill is that it puts a declining cap on America's GHG emissions from major sources: 17% below 2005 levels by 2020, 42% by 2030, and 83% by 2050. It could thus put in place a structure that would hopefully move private capital to clean energy investments. The bill includes tougher standards for stationary sources of carbon emissions, and it would enact "Carbon Tariffs" to protect us against imports from countries with weak or no limits on GHG pollution.

The really *bad* feature of the American Power Act is that it would take away EPA's abilities to regulate GHGs under the Clean Air Act -- the one best means now available for stopping and reducing global warming. Similarly, it would preempt existing state laws, such as the California's, that call for much deeper cuts in GHGs than are proposed in the Kerry/Lieberman draft. In addition, it would provide certain subsidies for dirty energy sources, like coal and oil, and would expand off-shore drilling.

This may be our last best hope of addressing the climate crisis and the other disastrous effects of fossil fuels; but we must find a way of doing so without the many bad features of this bill. Stay tuned.

7B. *ACCWA, to make the Clean Water Act work again*

Ambiguous Supreme Court decisions of 2001 and 2006 have led to varied interpretations, some of which have caused the exclusion of important waters from the protection of the 1972 Clean Water Act, CWA (NL290 ¶8C). Such variably vulnerable sources (waterways that are entirely within one state, intermittent creeks, lakes unconnected to larger water systems, etc.) furnish drinking water for 117 million Americans.

Legislation designed to fix this problem is the Clean Water Restoration Act (NL290 ¶8C), which has been approved by a Senate committee. A somewhat

similar House bill, "America's Commitment to Clean Water Act," ACCWA (H.R. 5088), was introduced on April 21 by Congressmen Oberstar (D-MN), Dingell (D-MI), and Ehlers (R-MI).

The purpose of ACCWA is to restore the jurisdictional application of CWA to that which existed prior to the 2001 and 2006 Supreme Court decisions. The bill reaffirms the original objective of Congress in enacting CWA, namely, to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.

Similar to the Clean Water Restoration Act, ACCWA deletes the term "navigable waters" and replaces it with its statutory definition "waters of the United States." This is based upon the regulatory definition established in 1986 during the Reagan administration.

In some ways, ACCWA is a compromise bill. Thus, it explicitly states that ground water is considered separately from "waters of the United States." It limits the authorities of EPA and the Corps to those that existed on the day prior to the Supreme Court's 2001 decision. And it does not affect a number of existing permitting exemptions, such as those for normal farming, silviculture and ranching activities, and for farm or forest roads.

WHAT YOU CAN DO: Urge your US Representative (p. 2) to co-sponsor H.R. 5088 to restore the original functions of our essential Clean Water Act, which have been jeopardized by recent Supreme Court decisions.

7C. *New Presidential Initiative on land conservation*

[Information from NPCA, 5/10/10]

On April 16th, the White House hosted a conference to focus on land conservation in the United States and discuss a new presidential initiative, America's Great Outdoors. This was the first time a president had convened such a meeting since 1908, when Theodore Roosevelt was in office.

The conference initiated an important dialogue among land managers who work within government agencies, and national as well as local conservation groups. During the next few months, the Department of Interior, Department of Agriculture, and Council on Environmental Quality will host public and private forums around the country to solicit information about ongoing land conservation programs as well as ideas for new ones.

The three agencies are expected to produce a report for the President with their recommendations sometime this fall. We shall attempt to keep you informed concerning participation in some of the forums and the need for comments.

7D. *Scope of the National Wild & Scenic Rivers System*

[Information from *American Rivers*]

The National Wild & Scenic Rivers Act, when it was passed in 1968, designated 8 "instant" rivers and 27

others for future study. Our Obed was one of those in the latter group that had enough citizen support to make the grade (8 years later). The national system grew rather slowly over the subsequent years. A push to add 40 rivers during the 40th anniversary year, 2008, was successful beyond all expectations: 91 rivers were added. The growth was even greater in 2009 when, as a part of the Omnibus Public Lands Management Act, enough rivers were designated to bring the total to 252.

The 252 National Wild & Scenic Rivers protect a total of 12,000 river miles and more than 3 million acres of riparian land.

7E. *Two conservation giants have died* Stewart Udall (1920-2010)

Some of our most important environmental laws were passed during the eight years (1961-1969) he served as Sec. of the Interior under Presidents Kennedy and Johnson. They include the Wilderness Act of 1964, the Clean Air Act, the Land & Water Conservation Fund Act of 1965, the Endangered Species Preservation Act of 1966, the National Trail System Act of 1968, and the Wild & Scenic Rivers Act of 1968.

He greatly promoted the expansion of public lands. More than 3.8 million acres were protected as national parks, monuments, wildlife refuges, and scenic rivers; more than 60 additions were made to the national parks system during his tenure.

One of the causes energetically pursued by Stewart Udall during his later life was a campaign to abolish the antiquated, disastrous 1872 mining law, which still sets the rules for the mining of hardrock minerals (like gold and copper) and has resulted in battered landscapes of abandoned mines and poisoned streams in the West.

Stewart's son, Tom Udall, is currently senator from New Mexico; and his nephew (the son of Stewart's wonderful brother Morris), Mark Udall, is senator from Colorado. Both have 2009 League of Conservation Voters scores of 100% (Lifetime Scores of 96 and 99%, respectively).

Edgar Wayburn (1907-2010)

[Information, in part, from *Washington Post*, 3/9/10]

Dr. Ed Wayburn, a physician and five-term Sierra Club president, played a leading role in preserving perhaps more natural lands than any single private individual. Much of it was in the San Francisco's Bay Area, but most of it was in Alaska.

He was instrumental in establishing Point Reyes National Seashore in 1962, and 10 years later partnered with Rep, Phil Burton (D-CA) to push through legislation that created the Golden Gate NRA. He was also the leading force in the expansion of Mount Tamalpais State Park from 870 to >6,000 acres. He was heavily engaged in the decades-long struggle to found (in 1968), and later expand, Redwood National Park.

His greatest achievement culminated in 1980, when Pres. Jimmy Carter signed ANILCA (the Alaska National Interest Lands Conservation Act), which preserved

more than 104 million acres in Alaska and created 10 new national parks, effectively doubling the size of the nation's parklands. This was the result of 13 years of lobbying and hard work led by Dr. Wayburn and his wife, Peggy.

Speaking of his profession and his avocation, he said, "Medicine is concerned with the short-term survival of the human species; conservation with the long-term survival of the human and other species as well. We are all related." His own survival was blessedly long. And so was Stewart Udall's.

8. TCWP NEWS

8A. *A note from the Executive Director*

[Contributed by Sandra Goss]

Dear TCWP folk,

In the past several weeks, we have been called upon to exercise strengths that are uniquely TCWP-like. At the beginning of the year, the Board of Directors made a decision to learn more about hydraulic fracturing ("fracking"), the latest method of cost-effective natural-gas extraction. Such drilling is on the rise in the north Cumberlands and we want to assess its potential damage to the natural environment.

Members and volunteers with issue-specific expertise are addressing this issue. Engineers, hydrologists, and others (all found among our members and friends) have researched and synopsised the literature. A TCWP contingent recently toured well sites in Morgan County to examine firsthand the wells' footprints. I attended an informative presentation by Nashville-based professional geologist Mark Quarles, who reported on a recently attended national meeting on the topic. That trip was partially funded by the Tennessee Chapter of the Sierra Club, and they are generously sharing the knowledge with others.

Word of a landfill draining into the Big South Fork reached our ears and caused some of us to vastly increase our knowledge of solid waste and the disposal thereof in the state. Along the way, we've attended two public hearings, provided detailed, extensive testimony, informed sister organizations about the issue, consulted with experts, both scientific and legal, and made more than 3 dozen phone calls to various members of officialdom to research the regulations on landfills.

We're building a solid body of knowledge on hydrofracking and Tennessee Solid Waste regs through our knowledgeable members and friends, and are networking with sister organizations to further our efforts. Hydrofracking and solid waste disposal were the topics I covered in a recent presentation to the State's Water Quality Control Board meeting in Nashville. This is an effort to catalyze policy-making on a rapidly growing mineral-extraction technique that is largely unregulated in the state, and to bring attention to regulatory loopholes in connection with solid waste that could have deleterious impacts on important water resources

Thanks to a combination of factors, TCWP is making a difference in the state on these two topics. It's slow work; it's important work. We are blessed with smart, curious members and friends, as well as a certain organizational nimbleness that allows us to address breaking issues such as the Oneida landfill.

None of this is possible without the larger support of our members through financial and time contributions. Among our many helpers in recent weeks are Charlie Klabunde, Frank Hensley, Dick Raridon, Carol Grametbauer, Jean Bangham, Jimmy Groton, Cindy Kendrick, Francis Perey, and Lee Russell who have helped get out the word regarding events and issues through our newsletter, press releases, web site, e-mail alerts, and just recently Facebook! Many thanks to Mary Lynn Dobson, Annetta Watson, Bob Luxmoore, and Melinda Welton for their assistance with the hydrofracking issue. Thanks to Hal Smith, Carol Grametbauer, Jean Bangham, Frank Hensley, and Jimmy Groton for their help with TCWP's booth at various events in the last several months. Thanks to all who have helped with maintenance of various public places -- from the Wildflower Greenway's garlic mustard invasion, to the weeds on the Oak Ridge Cedar Barren.

Your name can be on the list—call or write me about how you can get involved -- Sandra K. Goss, 865-522-3809, Sandra@sandrakgoss.com.

8B. *Political Guide and e-mail-alert sign-up on our web site*

The Political Guide for 2010 (NL290 ¶9A), which was included with our mailing of the last NL, can also be accessed by visiting the TCWP website, www.tcwp.org.

You can also use our web site to sign up for TCWP e-mail alerts (<http://tcwp.org/emailalert.shtml>); or e-mail Sandra at Sandra@sandrakgoss.com to be added to the alert list.

8C. *Upcoming activities*

[Contributed by Carol Grametbauer]

National Trails Day workday on the North Ridge Trail – Saturday, June 5

North Ridge Trail Steward Susan Donnelly will host a working morning on the N.Walker Lane-to-Wedgewood section of the trail on Saturday, June 5. In an event planned to coincide with National Trails Day, participants will trim encroaching vegetation from the trail.

The North Ridge Trail is one of TCWP's oldest on-going projects. Built and maintained by TCWP members for many decades, the 7+-mile trail is the crown jewel of the acclaimed Oak Ridge Greenway system. Sections of the trail are available for adoption.

The event will start at 9:00 a.m. from N Walker Lane (off Outer Drive in Oak Ridge). Participants should wear weather-appropriate clothes and sturdy shoes. Recommended items to bring include gloves, drinking

water, and (if available) clippers, hand pruners, hedge trimmers, and/or cordless weed-eaters. For more information, e-mail Susan at susan.donnely@comcast.net, or call Sandra at 865-522-3809.

Will Skelton, "Favorite Hikes in the Cherokee National Forest" – Thursday, June 24 Rescheduled: probably to Thursday, July 29.

Knoxville conservationist Will Skelton, who has served on the Knoxville Greenways Commission and as general coordinator of the Cherokee National Forest Wilderness Coalition, is also editor of *Wilderness Trails of Tennessee's Cherokee National Forest*, the third edition of which was recently released by the University of Tennessee Press. On Thursday, June 24, Will will describe for us some of the trails he most enjoys in an information program on "Favorite Hikes in the Cherokee National Forest." The program ~~will be held at 7 p.m. in Room 102 of the Activity Building, First Presbyterian Church in Oak Ridge (off Lafayette Avenue, near Turnpike.~~ location will be announced in the next Newsletter.

Additional information on all TCWP activities may be obtained from TCWP Executive Director Sandra K. Goss at Sandra@sandrakgoss.com or at 865-522-3809.

8D. Recent events

[Contributed by Carol Grametbauer]

Frozen Head State Park Wildflower Hike - Saturday, March 27

Due to chilly weather in much of March, fewer wildflowers than usual were blooming at Frozen Head at the end of the month. But 24 participants, including a group from Jefferson Middle School in Oak Ridge, enjoyed a wildflower walk led by Tennessee State Naturalist Randy Hedgepath on a beautiful Saturday morning and saw a number of early-bloomers, including bloodroot, hepatica, spring beauties, and several species of violets.

Wildflower Greenway Garlic Mustard Pull and Wildflower Walk – Saturday, April 10

A group of 11 volunteers came out to continue our efforts to eliminate garlic mustard—a very invasive exotic that crowds out native plants—from the Wildflower Greenway behind Oak Ridge's Rolling Hills Apartments. During the morning's work, the group removed enough garlic mustard to fill more than 15 bags. Greenways Oak Ridge co-sponsored the event with TCWP again this year.

9. CALENDAR; RESOURCES

•• CALENDAR (deadlines and events)

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

- May 22, BioBlitz inventory, Frozen Head State Park. Assist with the inventory (see ¶2A, this NL).
- June 1, deadline for urging EPA Administrator Jackson to veto the Spruce No.1 MTR permit.
- June 5, National Trails Day workday on North Ridge Trail (see ¶8C, this NL).
- June 6, 1:30-4:30, Animal inventory will be done on the last of a series of 5 nature walks in the O.R. National Environmental Research Park. Must reserve by June 3 at mcdonaldlk@ornl.gov or 574-7323. For info, contact Marti Salk at 574-7315, or salkms@ornl.gov.
- June 18 (11 a.m. – 6 p.m.) & 19 (10 a.m. – 6 p.m.), 8th Annual Oak Ridge Secret City Festival. Look for TCWP's exhibit among those in the library parking lot and surrounding area. For more information on all the events associated with the Festival, see www.secretcityfestival.com.
- July 29, Information program by Will Skelton, "Favorite Hikes in the Cherokee National Forest" (see ¶8C, this NL).
- June 26, BioBlitz inventory, Frozen Head State Park. Assist with the inventory (see ¶2A, this NL).

•• RESOURCES

- For extensive information on coal-related environmental problems, including links to fact sheets, maps, etc., go to www.sierraclub.org/sierra/coal.
- *All Tissue is not Created Equal* is a guide to recycled tissue and toilet paper. An expanded online version of the pocket-sized paper version can be downloaded from www.greenpeace.org/tissueguide.
- Naturalist, teacher, and photographer Kris Light has created an extensive web site, www.easttennesseewildflowers.com. The "Search all galleries" link provides access to 716 local wildflowers listed by blooming season, color, and location. Among numerous other links is one to "Wildflowers of Haw Ridge." Flowers are indexed by common name and by scientific name.
- To celebrate the 10th anniversary of the Green Power Switch, TVA is making available yard signs. Contact www.greenpowerswitch@tva.gov or your local power company if you want to receive a sign.
- Solar-power installation facts. The average system size for residential customers is 2.5 kilowatts @ \$8,000-\$9,000 per kw. However, there are numerous incentives available, including a \$1,000 lump-sum payment, 100% buy-back of extra output, and a 30% federal tax credit. For more info, visit www.dsireusa.org.

“If future generations are to remember us with gratitude rather than contempt, we must leave them something more than the miracles of technology. We must leave them a glimpse of the world as it was in the beginning, not just after we got through with it.” – Pres. Lyndon Johnson, on signing the Wilderness Act of 1964.

BREAKING NEWS!!!

TODAY – STOP DISASTROUS ATTACK ON OUR CLEAN AIR ACT

[Information from EDF]

In 2007, the Supreme Court ruled that global warming pollutants are covered by the Clean Air Act. EPA has begun carrying out the law by taking steps to limit global warming pollution from cars and from large power plants and factories.

Sen. Murkowski (R-Alaska) is pushing a **bill that would *permanently* take away the Environmental Protection Agency's ability to cut carbon emissions.** She is using a little-known procedural maneuver called the Congressional Review Act to move a "resolution of disapproval" very quickly to the Senate floor, ***perhaps in a matter of days.*** Vote counts in the Senate suggest this could be close. Senator Murkowski's resolution already has dozens of cosponsors, and it requires only 51 votes to pass.

Please contact your Senators, without delay to oppose this disastrous attack on our Clean Air Act — our only means, at present, to limit Greenhouse Gas emissions. Contact information on p.2

Upcoming Events of Interest

[Contributed by Sandra Goss]

<See Page 10, ¶8C for more details>

June 5—National Trails Day—North Ridge Trail

June 18, 19—Secret City Festival

June 24 July 29—Will Skelton presentation on his favorite trails in Cherokee National Forest

Sept. 11—Leatherwood Ford outing with Native Plant Society

Sept. 25—National Public Lands Day/Elza Gate and Worthington Cemetery

October—Elk Viewing

Fall—Annual Meeting featuring TWRA Director Ed Carter

Nov. 6—Oak Ridge Cedar Barren Workday

NOTES from the printed back & outside pages.

95 are receiving this Newsletter as this PDF.

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