1A. Glaring Issues with Environmental Management Disposal Facility Record of Decision—Please Send Letters

The Department of Energy (DOE) has provided an inadequate and deficient response to comments submitted by Advocates for the Oak Ridge Reservation (AFORR) and sister groups regarding the proposed construction and operation of the Environmental Management Disposal Facility (EMDF). DOE failed to follow the public participation requirements required for Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) cleanup actions as outlined in federal law and regulations.

Also, DOE has repeatedly stymied the local community’s ability to receive, evaluate, and comment upon DOE’s preferred remedial action and its supporting data and analyses. CERCLA regulations specify that the public should be able to review and comment on remedial alternatives underpinned by “detailed analysis” generated and distributed prior to issuance of a proposed plan.

Instead, we citizens seem to be stuck with a project meant to handle hazardous waste that hasn’t even been defined, in a facility of which one cell will be built first as an experiment to see if the construction will hold up as expected. That’s a lot of issues to be determined.

The proposed project has many unknowns. We citizens must communicate with many people. Tell them the EMDF, with its many unknowns, is not a good fit for our Oak Ridge community.

Send this message to: roger.petrie@orem.doe.gov, Regan.Michael@epa.gov, jones.constance@epa.gov, Waterhouse.Carlton@epa.gov, randy.young@tn.gov, steven.stout@tn.gov, Karen.Thompson@orem.doe.gov, Urquhart-Foster.samantha@epa.gov, dawson.jana@epa.gov, monell.carol@epa.gov

Copy the message to: Adams.Glenn@epa.gov, Amoroso.Cathy@epa.gov, Froede.Carl@epa.gov, OakRidgeEM@orem.doe.gov, Cathleen.Burnette@tn.gov, kristof.czartoryski@tn.gov
1B. Oak Ridge Cedar Barrens TEX/NEON Project

This year, TCWP has connected with the Thriving Earth Exchange (TEX) program in its new partnership with the local National Ecological Observatory Network (NEON) office. The main goal of the project was to create an accurate inventory of the plant species within the Oak Ridge Cedar Barrens Natural Area. This project came from the 2014 Oak Ridge Barrens Natural Area Management Plan which outlined the need for comprehensive biological surveys to evaluate the site’s importance and serve as a baseline and guide for future management. This intensive survey was led by ORNL scientists Jen Peters and TEX Fellow/NEON Plant Ecologist Margaret Cumberland, with lots of help from Larry Pounds, Jimmy Groton, and multiple volunteers. The survey was conducted at 3 different areas within the barrens: the more pristine section near the road, the middle section where the majority of the invasive species removal has taken place, and a section further in that has potential for becoming a cedar barrens if opened up. Each plot consisted of 24 points where the plant species and number were counted within a half meter radius. The surveys were conducted in the spring to early summer and are currently in process of being updated with fall-flowering species.

In addition to botanical data, other biota information was collected by ORNL Scientist Evin Carter, such as bird song data, and CRESO performed bird nest surveys. This fall, the data will be compiled and analyzed. This study can also be conducted in future years to compare changes in plant composition as management of the site continues. The survey of the biota in the Oak Ridge Cedar Barrens will serve as a benchmark for future surveys, and its characterization will help identify other potential cedar barrens in East Tennessee. Margaret Cumberland

1C. APIEL Conference Scheduled in Knoxville

The 13th Annual Appalachian Public Interest & Environmental Law (APIEL) Conference Scheduled for October 1

Lawyers, scientists, students, and members of the general public are encouraged to join the 13th Annual Appalachian Public Interest and Environmental Law (APIEL) Conference. This year’s event will be held both in-person at the University of Tennessee Law School, 1505 Cumberland Avenue in Knoxville and via Zoom on Saturday, October 1 from 8:30 to 5:00. There will also be an in-person social event at Albright Grove at 6:00 PM that evening.

This year’s Conference brings a range of speakers and sessions to cover emerging topics.
in environmental law, policy, and ethics. We are offering 6 hours of CLE credit to attorneys (5 general credits, 1 dual credit). For those seeking CLE credit, the cost of the Conference will be $80. For those not seeking CLE credit, the cost of the Conference will be $20. Finally, the Conference is free to students, speakers, and volunteers.

To register visit https://tennesseeenvironmentallaw.org/. For more information write apiel.info@gmail.com.

1D. Oak Ridge Airport Update

The Preliminary Design and Environmental Assessment for the proposed Oak Ridge Airport was expected to be released at the end of July. The NHPA Section 106 Consultation (historic preservation) must be completed before the EA will be released.

- Some unverified airport talk about town:
- Airport is being FORCED into current site for it is the only option.
- Few regional airports pay for themselves & cities can go into the red.
- Capital costs of airport will not be borne by local taxpayers.
- Net costs of the future airport operation have not been explored.

2. NATIONAL

2A. Congress Passes Historic IRA

Despite concessions to win support for the Inflation Reduction Act, passage of the IRA is a historic step in efforts to ameliorate the effects of climate change. Among the plethora of items in the bill, including some health care measures, the IRA subsidizes purchases of electric cars, low-energy appliances, and solar panels; helps lower-income families retrofit homes with heat pumps and electric water heaters; provides billions of dollars in incentives for manufacturing and deployment of wind turbines, solar modules, batteries, and electric vehicles; and gives billions of dollars to states and utilities to hasten the transition to clean energy. The bill will be funded primarily by a 15% corporate minimum tax and increased IRS tax enforcement.

All told, the IRA will put within reach Pres. Biden’s goal of reducing the country’s net greenhouse gas emissions 50% below 2005 levels. The Rapid Energy Policy Evaluation and Analysis Toolkit (REPEAT) Project, led by Princeton University, estimates a reduction of around 40% below 2005 levels with the IRA, compared to only a 27% reduction under current policies.
Keep Community Shares and TCWP in Mind for Charitable Payroll Deductions

It’s the season to finalize payroll deductions for next year. If you’re already contributing to TCWP, thanks!! Please consider renewing that support for next year.

When Community Shares is an option at your workplace, you can make charitable contributions to any of the 30 odd Community Shares members. TCWP is an option!! Our organization number for the Combined Federal Campaign is 77429.

Pres. Biden signed the IRA into law on August 16th after passage by both the Senate and the House. The votes were along party lines. All Senate Democrats voted for the bill, and all Senate Republicans, including Tennessee’s two senators, voted against the bill, with Vice Pres. Harris breaking the tie in favor of the bill. The House vote was similarly along party lines. Not a single Republican voted for the IRA despite numerous polls showing the majority of Americans support the bill. Tennessee GOP House members specifically attacked the bill, with Rep. Burchett (District 2), for example, claiming the bill will create a $146 billion deficit, despite numerous analyses showing an excess of funds. Estimates prepared by a group that included Congress’s Joint Committee on Taxation indicated a $276 billion surplus that should help fight inflation.

Rep. Fleischmann (District 3) also voted against the bill, while Tennessee’s two Democratic Congressmen, Cooper (District 5) and Cohen (District 9) voted for the bill.

To help offset the compromises made for passage of the IRA, the Biden Administration is planning for a number of executive actions, such as new regulations limiting emissions from vehicles, power plants, and oil and gas wells. These regulations, combined with new legislation and progress from the states, will enable the country to achieve the goal of cutting emissions in half compared to 2005. Russ Manning

2B. Federal Judge Vacates Changes to ESA

Under the Biden Administration, the U.S. Fish and Wildlife Service has sought to revisit the regulatory changes to the Endangered Species Act enacted by the previous administration. Among the changes that weakened the Act is a requirement to take into account the economic impacts of designating critical habitat, with the implication that the cost might prohibit saving the species from extinction.
Conservation groups and some states filed a lawsuit challenging the new rules and so welcomed Fish & Wildlife’s plans to revisit those regulatory changes. However, the Service stated that to avoid confusion the changes would remain in place while the regulations were reviewed, which could take as long as two years. Because such a delay would be detrimental to endangered species, Earthjustice continued to pursue legal action on behalf of the conservation groups led by the Center for Biological Diversity.

The Service filed a motion to remand (send it back) but without vacatur (vacating the changes made by the previous administration). The Plaintiffs instead asked for remand with vacatur or summary judgment. In a decision in July 2022, U.S. District Judge Jon S. Tigar agreed with Fish & Wildlife’s request for remand because the changes by the previous administration would likely be rescinded after review, but he did not concur with keeping the regulatory changes in place. Judge Tigar disagreed that vacatur would cause confusion and in his decision stated, “…this is not the ‘rare circumstance’ in which remand without vacatur would be appropriate. … This case is remanded and the 2019 ESA Rules are vacated.” Another successful reversal of the previous administration’s policies. Russ Manning

https://earthjustice.org/sites/default/files/files/2022.07.05_-_rec_doc_131_-_order_granting_remand_and_vacating_regulations.pdf

2C. Updates to NEPA Procedures on Hold

As reported in NL 353, 09/23/2020, the previous administration sought to weaken implementation of the National Environmental Policy Act through a final rule issued by the Council on Environmental Quality within the Executive Office of the President. Included in the sometimes silly requirements, such as page limits, were also egregious rules, like requiring a bond from anyone mounting a challenge to an agency’s NEPA decision that would result in delay of a project.

The final rule also required Federal agencies to propose updates to their NEPA procedures within a year from the rule’s effective date of September 14, 2020. However, in 2021 the CEQ under the Biden Administration extended that deadline two additional years to September 14, 2023. The extension provides time for the CEQ to review and likely revise the 2020 rule changes, thereby allowing agencies to avoid spending resources on developing procedures for rules that will likely be withdrawn or at least revised. Russ Manning

3. TCWP NEWS

3A. Upcoming Activities

TCWP’s Guidelines for Activities during the COVID-19 Pandemic

In an effort to reduce the spread of COVID-19, TCWP will be conducting its activities following CDC guidelines:

- We ask that you not participate if you are sick or were recently exposed to someone who is.
- We ask that unvaccinated participants practice social distancing, maintain at least 6 feet of separation between themselves and other unvaccinated participants.
- We ask that unvaccinated participants continue to wear a mask especially when social distancing is not possible.
- We will organize activities into group of 20 or fewer.
- We recommend that you bring hand sanitizer or other ways to wash your hands.
- We recommend that everyone bring their own water, lunch, snacks, and sunscreen.
- We recommend caravanning for unvaccinated participants, rather than carpooling.
- Keep in mind that restrooms may be unavailable at activity locations.
- Activities are subject to change or cancellation as we monitor and react to local, state, and federal data and guidelines.

Thank you for your patience while we work through ways to serve our community.
[NOTE: Times listed for all events are Eastern time unless specified otherwise.]

Norris Watershed Hike – Saturday, October 8

We will meet in front of Norris Middle School at 9:00 a.m. and carpool to the trailhead on Upper Clear Creek Road in the Norris Municipal Watershed. Our hike will start on Hi Point Trail and take us to Lakeview Trail in Norris Dam State Park. We’ll follow Lakeview, which meanders along Norris Reservoir, to Dawn’s Point, which is at the confluence of the Clinch River and Big Creek. Continuing on, we’ll get to Homestead Trail (a new trail), and take it up to Hi Point Trail, then follow that trail back to the start. Our route will take us through family farmlands that were purchased in the early ’30s by TVA and are now a variety of forest types.

The hike will be about 3.8 miles long on single- and double-track trails with some uphill climbs. Wear sturdy boots or shoes, and bring appropriate clothing, water, and snacks if you like. Joe Feeman

Three Bends Appreciation Event – Sunday, October 16

The site of Freels Bend Cabin will be opened to the public Sunday, October 16 at 2:30 p.m. for a field trip. Sponsored by Oak Ridge Heritage and Preservation Association, Advocates for the Oak Ridge Reservation, and Tennessee Citizens for Wilderness Planning, the Three Bends Appreciation Day will include remarks by representatives of these groups.

This is a rare opportunity to visit a premiere Oak Ridge cultural and historic site. There will be limited seating, so bring a chair, and a portable toilet available.

Pellissippi Blueway Paddling Trip and Trash Pickup – Saturday, October 22

TCWP and Advocates for the Oak Ridge Reservation are organizing another scenic paddle trip, for Saturday morning, October 22, to promote and help maintain the Three Bends and Pellissippi Blueway on Melton Lake. This time we plan to begin at the Oak Ridge Marina boat ramp and paddle across and upstream to enjoy tranquil inlets, birds, other wildlife, early fall wildflowers, and the fabulous scenery that the Pellissippi Blueway area has to offer. A portion of Braden Branch inlet will be visited, and we may paddle as far as Worthington Cemetery Inlet and the train trestle. Along the way we’ll do our part in cleaning up the shoreline by picking up and hauling back any manageable trash we run into.

Participants should meet at 9:00 a.m. at the Oak Ridge Marina boat ramp on Melton Lake Drive. Those needing a kayak or canoe may be able to rent one from Adventure Outdoors Center (Outdoorsrentals.com) and paddle around to the starting place. Please bring and wear a life jacket whenever in the boat! Be prepared for sun, and bring a lunch and water. For more information, contact Tim Bigelow at 865-607-6781 or Bigelowt2@mindspring.com. Tim Bigelow

Fall Cedar Barren Cleanup/Weed Wrangle® – Saturday, November 5

The Oak Ridge Cedar Barren will again be the site of exotic invasive plant removal as we conduct our fall cleanup, our third and final cleanup of the year. Located next to Jefferson Middle School in Oak Ridge, the Barren is a joint project of the City of Oak Ridge, State Natural Areas Division, and TCWP. The area is one of just a few cedar barrens in East Tennessee, and is subject to invasion by bushy lespedeza, leatherleaf viburnum, privet, autumn olive, mimosa, Nepal grass, multiflora rose, and woody plants that threaten the system’s prairie grasses. Our efforts help to eliminate invasives and other shade-producing plants that prevent the prairie grasses from getting needed sunlight.

Volunteers should meet in the Jefferson Middle School Parking lot at 9 a.m., with sturdy shoes, loppers, gloves, and water. The work session will conclude at noon with a pizza lunch. For more information, contact Tim Bigelow at 865-607-6781 or Bigelowt2@mindspring.com.
5B. Recent Events

Transformation Church Big Serve Day at Worthington Cemetery – Saturday, July 16

On July 16 TCWP joined forces with volunteers from Transformation Church in Knoxville to celebrate the church’s Big Serve Day. Sixteen volunteers from the church joined three TCWP volunteers, focusing our efforts on the Worthington Cemetery Ecological Study Area by Elza Gate Park.

Most of the volunteers from the church were part of a monthly hiking group, so the event started out as a trailwork project as they helped clear brush and vegetation from around the trails at Worthington. After a while the event transformed into a Weed Wrangle of sorts. Church volunteers really loved the area around the cemetery, and refocused their efforts from trails to weeds, removing as much wisteria, privet, and other invasive plants as they could from around the cemetery. We had a wonderful time working with them. Afterward we had a nice lunch together by the cemetery. The church volunteers also donated several pairs of loppers, which we have already put to good use at the Cedar Barren. Jimmy Groton

Freshwater Mussels: Restoring Virginia’s Bivalve Bounty – Tuesday, July 19

Tim Lane, Mussel Recovery Coordinator at the Virginia Department of Wildlife Resources, spoke July 19 at a program cosponsored by TCWP and the University of Tennessee Arboretum Society. Lane leads the DWR’s annual Musselrama mussel sampling event in the Clinch River, involving 20 to 30 biologists and volunteers who gather for a week each summer to monitor the largest mussel population centers in the Clinch, which is home to more endangered mussel species than any other river in North America.

As Mussel Recovery Coordinator, Lane oversees operations at the Aquatic Wildlife Conservation Center in Marion, VA, and monitors and manages mussel recovery in streams of the Upper Tennessee River Basin, including the Clinch, Powell, and Holston rivers and their tributaries. Established in 1998, the AWCC is used to collect larvae that are transferred to host fishes, cultivating young mussels. The AWCC has successfully produced 39 species of freshwater mussels, including 19 federally endangered species and six state-listed species. Over the past 16 years, more than 150,000 juvenile mussels have been released into the Clinch, Powell and Holston Rivers in Virginia.

Through videos and photos, Lane shared with his audience mussels' diversity and life history, and explained why they are crucial animals that humans need to conserve, recover, and protect.

Seven Islands State Birding Park: From Farm to Wildlife Refuge – Tuesday, August 23

On August 23, Seven Islands State Birding Park Seasonal Interpreter Clare Datillo spoke about the park at a program cosponsored by TCWP and the University of Tennessee Arboretum Society. Seven Islands is a 416-acre tract situated on a peninsula in the French Broad River in east Knox County, about 20 miles from Knoxville. Its designation as Tennessee’s only birding park means that bird habitat dictates many of the staff’s land management decisions.

Datillo discussed the park’s history, including the recognition of its potential, as former farming land, for old fields to be developed into grassland habitat—significant because grassland birds are one of the fastest-declining bird groups in North America, decreasing 53 percent since 1970 due to the loss of grasslands.

She described the park’s four major objectives—demonstration area, public use and enjoyment, education, and research—and discussed many of the major programs being conducted in each area. Seven Islands has many opportunities to volunteer, and numerous events coming up this fall; Datillo invited everyone to “come on out and see us!” More information about Seven Islands State Birding Park is available at https://tnstateparks.com/parks/seven-islands. Carol Grametbauer
Summer Cedar Barrens Cleanup/Weed Wrangle® - Saturday, August 27

On August 27, TCWP hosted our second Weed Wrangle® of the year at the Oak Ridge Barren State Natural Area. Fifteen volunteers worked to remove bushy lespedeza and other plants from the area.

Volunteer ecologists Margaret Cumberland and Jen Peters gave a brief summary of a botanical study of the barrens that they have led this spring and summer. They have been working to identify all plants within three study areas: the Triangle area along Fairbanks Road, the Ellipse in the center of the area, and a third area near the northern end of the barrens with potential to be restored as a barren. Larry Pounds led short walks to introduce volunteers to the unique habitat at the barren and to identify plants. Our friend Pat Cox helped by photographing volunteers at work, in addition to some of the beautiful plants and insects.

Work was done on cutting back the small trees crowding out the connecting trail and on clearing some of the buildup from the upstream waterbars that were added to reduce erosion of the trail in the Triangle area. The waterbars appear to be helping. The pond area has gotten heavily overgrown with all the rain, so paths around the pond were trimmed and several invasive bushes cut back in that area over to the fence, which had become completely choked. After the morning’s work, we had a nice lunch together by one of CRESO’s wetlands. *Jimmy Groton/Tim Bigelow*

Van Buren County Power Line Walk – Saturday, September 3

On this joint outing for TCWP and the Tennessee Native Plant Society, we started out driving in rain that was heavy at times, but when we got out of our vehicles at the right-of-way the weather was nearly perfect. The ten of us walked into a major natural plant display.

Yellow came from many species of composites, particularly tickseed sunflower (*Bidens polylepis*), tall coreopsis (*Coreopsis tripteris*), stiff-haired sunflower (*Helianthus hirsutus*), and Appalachian sunflower (*Helianthus atrorubens*). Less showy were three species of goldenrod, *Solidago odorata*, *S. nemoralis* and *S. rugosa*. White came from thoroughworts (*Eupatorium*), boneset (*Eupatorium perfoliatum*), and hyssopleaf thoroughwort (*Eupatorium hyssopifolia*). Another source was tall flat-topped white aster (*Doellingeria umbellata*). Very showy was hollow Joe-Pye weed (*Eupatorium fistulosum*), in pink.

We were too early for most of the asters. We did see one purple aster (*Symphyotrichum patens*). Downy lobelia (*Lobelia puberula*) and blue curls (*Trichostema dichotomum*) added blue.

There were plants that fascinated even though they were not important to the display. Screwstem (*Bartonia virginica*) is so small that we almost didn’t find it, despite my having flagged it the day before the outing. The leaves of fernleaf false foxglove (*Aureolaria pectinata*) gave it a delicate soft look.

As suspected, the fringeless orchid species were nearly done. We did see a few yellow fringed orchids (*Platanthera ciliaris*) with some color. *Larry Pounds*

Oak Ridge Cedar Barren and Worthington Cemetery TVA Ecological Study Area Outing – Saturday, September 10

Yes, Virginia, there are prairies in Tennessee! It had been a long time since I went on a field trip with a group of native plant enthusiasts. Still, my delight in walking in nature with like-minded people was renewed when I attended an outing in Oak Ridge on September 10. A steady downpour of rain did not deter 16 people from the Tennessee Native Plant Society (TNPS) and Tennessee Citizens for Wilderness Planning (TCWP) from following our trip leader, Larry Pounds, through the Oak Ridge Cedar Barrens Natural Area and the Worthington Cemetery Trail, a TVA Small Wild Area.

The Oak Ridge Cedar Barrens is a unique prairie habitat with a thin or nonexistent soil layer. Two open areas (prairie pockets) are skirted by stands of eastern red cedar (*Juniperus virginiana*), a conifer that can thrive in the shallow, rocky soil. As we entered the first prairie pocket, a simultaneous chorus of oohs and aahs erupted. Showy yellow goldenrod (*Solidago nemoralis*) and purple blazing star (*Liatris aspera*) comingled with native Indian grass (*Sorghastrum nutans*), frostweed (*Verbesina virginica*), tick trefoil (*Desmodium ciliare*), and other perennials. It was a spectacular mosaic of color.
The second prairie pocket had several Tennessee rare plant species, including white flat-top goldenrod (*Solidago ptarmicoides*), which doesn’t look like goldenrod at all; naked-stem sunflower (*Helianthus occidentalis*); and Torrey’s mountain mint (*Pycnanthemum torreyi*). Big bluestem grass (*Andropogon gerardii*), black-eyed Susans (*Rudbeckia fulgida*), and guara (*Guara bienis*) were also seen in both prairie pockets.

After a short lunch break, but with no break in the rain, we headed to the Worthington Cemetery Trail. This Tennessee Valley Authority area protects the cedar barren habitat, a wetland, and the Worthington Family Cemetery with gravestones dating back to the 1800’s. It shares some common plants with the Oak Ridge Barrens, including eastern red cedar, blazing star (*Liatris spicata*), big bluestem, and coneflowers. One different and fascinating plant found there is prairie dock (*Silphium terebinthinaceum*), a yellow composite that grows up to 10 feet tall with huge spade-shaped basal leaves that sit vertically to the ground. In the wetlands area, we saw jewelweed (*Impatiens capensis*), cardinal flower (*Lobelia cardinalis*), native American holly (*Ilex opaca*), and more.

For most of the walk, I only took photos with my cell phone, which was difficult in the rain. Only after we finished our second hike did we get a break in the showers, which allowed me to return to the Oak Ridge Barren to take a few shots of the prairie and the rare plants. I guess you could say that it was such a great place, I didn’t want to leave.  *Donna Bollenbach, Editor, TNPS Newsletter*

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**5C: Coutant joins National Parks Conservation Association Staff**

Linda Coutant, daughter of long-time TCWP members Nancy and Chuck Coutant, has joined the National Parks Conservation Association (NPCA) as the staff writer on the Communications Team. Linda, who has a doctorate in Educational Leadership, retired from Appalachian State University (Boone, NC) in 2021. In her position as writer and editor in University Communications, she had been responsible for many aspects of communication within the university and with alumni and the public.

At NPCA, she will write stories for their blog and monthly newsletter, particularly articles about under-reported US National Park Service sites and their people. Linda and her spouse live high in the mountains of Southern Appalachia near Boone, where she will work primarily from home. Linda welcomes story ideas and can be reached at [lcoutant@npca.org](mailto:lcoutant@npca.org). *Chuck Coutant*
TCWP Newsletter 365  September 2022

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Hannah Tippett ............ Director

UPCOMING EVENTS

- October 8 – Norris Watershed Hike
- October 16 – Three Bends Appreciation Event
- October 20—TCWP Board Meeting
- October 22 – Pellissippi Blueway Paddling Trip and Trash Pickup
- November 5 – Fall Cedar Barren Cleanup/Weed Wrangle®

These events are subject to cancellation. Call ahead to verify the event will occur.