



Tennessee Citizens for Wilderness Planning

Newsletter No. 265

January 16, 2006

Taking Care of Wild Places

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12. ACTION SUMMARY

JNo.	Issue	Contact	"Message!" or Action
1A	New River petition	Gov. Brodesen (with copies)	"Urge OSM to embark on analyses required by the petition!"
2B	State legislative initiatives	Your state legislators	"Support the initiatives [listed in article]!"
3A	Bowater's land divestiture	Gov. Brodesen (with copies)	"Support appropriation to acquire certain Bowater lands!"
4A	North Shore Road	National Park Service	(1) Send comments by 3/20; (2) Attend hearing 2/9 or 2/13
5A	Roadless Rule for Cherokee NF	Gov. Brodesen (with copies)	"Submit petition for protection of inventoried roadless areas!"
5B	National Roadless Rule	SAFC web site	Sign the petition
5D	Disastrous national forest bill	Your US Representative	"Strongly oppose HR.4200 (FERRA)!"
7A	Proposed NPS policy revisions	NPS Off. of Policy (with cc.)	"Changes would seriously weaken resource protection!"
7C	Two dangerous House bills	Both US senators	"Defeat bills that dismantle ESA or sell parks or public lands!"
8A	Global warming	Sen. Alexander	"Thanks, and please get Congress to tackle this urgent problem!"
9B	DOE's policies for ORR		Attend January 31 meeting

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The Hon. John Doe
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Dear Senator Doe
Sincerely yours,

Dear Congressman Doe
Sincerely yours,

Dear Mr. President
Respectfully yours,

Dear Gov. Brodesen
Respectfully yours,

Sen. Bill Frist:
Ph: 202-224-3344; FAX: 202-228-1264
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To call any Rep or Senator, dial Congressional switchboard, 202-224-3121. To find out about the status of bills, call 202-225-1772
URLs: <http://www.house.gov/lastname/> and <http://lastname.senate.gov/> General contact info: <http://www.hcv.org>
With mail to Congress still slow following the anthrax scare. Consider faxing, phoning, and other modes of communication.

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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Executive and Membership-Development Director: Sandra Goss, 865-522-3809; sandra@sandrakgoss.com
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1. BIG SOUTH FORK AND OBED

1A. Lands-Unsuitable-for-Mining Petition seeks to protect Big S. Fork

On November 10, two conservation groups filed a Lands-Unsuitable-for-Mining Petition with the Office of Surface Mining (OSM) under Sec. 522 of the federal Surface Mining Act of 1977 (SMCRA). The two groups, the National Parks Conservation Association and the National Audubon Society's Warrenton Chapter, are represented by the Southern Environmental Law Center.

The petition pertains to surface coal mining in an area of 284,000 acres, located primarily (about 90%) in the New River watershed, which feeds into the Big South Fork NRR. Sediment and acid mine drainage from such mining would flow downstream into the Park. Other parklands that could be adversely impacted by mining in the petition area include the Cumberland Trail State Park, the Royal Blue and Sundquist Wildlife Management Areas, Frozen Head State Park and Natural Area, and Cove Lake State Park. SMCRA has a prohibition against issuing permits for surface mining operations that "will adversely affect any publicly owned park" and supports designation of lands in a petition area as "unsuitable for surface mining."

Nearly half of the New River watershed meets OSM's definition of "steep slope," a fact that greatly increases the likelihood that mining will cause landslides and catastrophic structural failures. Reclamation on such slopes is impossible extremely difficult.

Within, and downstream of, the petition area, vital habitat for numerous endangered, threatened, and sensitive species (mussels, fish, and migratory songbirds) would be destroyed by surface mining.

Mining within the petition area is incompatible with the goals of numerous existing federal, state, and local land-use plans. The recreational opportunities in the Big South Fork NRR that would be adversely affected by the mining represent an economic benefit to the region in the range of \$10-\$16 million annually. Additionally, the long-range productivity of the local water supply for Huntsville would be substantially reduced.

Recent circumstances make this New River Petition especially significant. TVA is in process of assessing the potential and the likely impacts of mining an estimated 82 million tons of coal from the Koppers Coal Reserves in the Royal Blue Wildlife Management Area (within the petition area). And, mountaintop removal (including "cross-ridge" mining) — with its totally devastating impacts on the environment — has become the industry's preferred method of mining.

The New River Petition covers a larger area and more issues than has been the case for most previous "Lands Unsuitable" petitions. This is due to the high concentration and quality of natural resources at stake, the level of coal mining anticipated, and the growing understanding of the scope of environmental damage associated with surface mining.

OSM, after determining that the petition is administratively complete, must conduct a comprehensive study of the impacts of future coal mining in the petition area (existing mines could continue to operate). All allegations in the New River Petition need to be analyzed.

Governor Bredesen has described the Cumberland Plateau as "one of the most beautiful and biologically diverse places on the planet," and as an "internationally recognized and celebrated gem of biodiversity" (NL 260 ¶4A). In view of the fact that protection of the landscape and natural resources of the Plateau is a top priority for the governor, it is to be hoped that the state of Tennessee will support the petition.

WHAT YOU CAN DO. Please tell Gov. Bredesen (address on p.2), that the New River Petition accurately represents the conditions and problems in the area, and ask him to urge OSM to embark on the analyses required by the petition. Send copies of your message to TDEC Commissioner Jim Fyke and Deputy Commissioner Paul Sloan (Tennessee Department of Environment and Conservation, 401 Church St., L&C Annex 1st Floor, Nashville, TN 37243-0435; or e-mail jim.fyke@state.tn.us).

1B. Forest fire in the Obed WSR

[Based on a report by Obed Ranger Matt Hudson]

One of the most scenic areas of the Obed Wild & Scenic River was damaged by a forest fire in November. The Park Service is fairly certain that the cause was an unattended campfire.

The fire was located between Clear Creek and the Obed River near the confluence of the two streams, and occupied an area of approximately 116 acres. It was discovered on November 14, and was contained the following day by personnel from the National Park Service, the Tennessee Division of Forestry and the National Forest Service; however, it continued to smolder for several weeks thereafter.

The bulk of the affected acreage consists of the area between the base of the cliff and the north bank of the Obed River, extending approximately one mile upstream from the Clear Creek/Obed junction. The majority of the ridge top between the two river canyons, near the end of the Point Trail, was also burned. Only small pockets of fuel burned within the Clear Creek gorge. Although the fire was primarily a ground fire, flame lengths reached 20 feet or more in

many places both, in the Obed canyon and along the Point Trail.

The Park Service has been working on rehabilitating the section of the Point Trail impacted by the firefighting effort, and the trail is now open to the public.

1C. Protection of Obed water quality: Crossville is now subject to EPA Phase-II Stormwater Mandates

Concerned about the recent ominous worsening of water quality in the upper Obed, TCWP recently approached the Dept. of Environment and Conservation (IDEC), requesting remedial measures (NL264 ¶118). Pollution, bad enough to merit the water-quality designation "non-supporting," afflicts an upstream river segment that has come to extend partway down into the Obed Wild & Scenic River (WSR) boundary. Its source is surface runoff from the City of Crossville.

TCWP's request that Crossville be added to the Phase-II Stormwater Control Mandates list has been joined by the National Park Service's Obed Wild & Scenic River. The NPS letter summarizes a number of statutory justifications for this request, citing the Wild & Scenic Rivers Act, the State's designation of the Obed WSR as Outstanding National Resource Water (ONRW), and the designation of federally listed Critical Habitat for three animal species (as well as the presence of two federally protected plant species).

Our requests were successful. IDEC's Division of Water Pollution Control sent a letter to Crossville last month, informing the city that it is now subject to the guidelines for the EPA Phase-II Stormwater Mandates. The city has 180 days from the date of the letter to submit the necessary paperwork.

The mandates should bring about a reduction in pollutants entering the Obed and tributaries. This should help change the present "Non-supporting" rating of the upper Obed (down past Potters Ford, within the WSR boundary) to a "Supporting" rating.

1D. New Community Planner at Big South Fork

[Contributed by Sandra Goss]

Phyllis A. Trabold who has served most recently as ecologist with the U. S. Army Corps of Engineers in Los Angeles, California, has been selected as the new Community Planner at Big South Fork National River and Recreation Area. Trabold will fill a position left vacant when Chris Stubbs transferred to Cedar Creek and Belle Grove National Historical Park last year.

1E. Big South Fork did not make the "10 Most Endangered Rivers" list

[Contributed by Sandra Goss]

NPCA staffer Vanessa Morel reports that the nomination of the Big South Fork of the Cumberland River for *American Rivers'* list of "Most Endangered Rivers" was not accepted for this year. TCWP was a partner organization in the nomination. In compiling the list of rivers across the country, *American Rivers* considers upcoming actions or decisions that threaten the rivers' health. Due to the uncertainty about the time of release of TVA's Draft EIS on mining the Koppers property, the threats to Big South Fork did not appear imminent at this time. Vanessa reports that we were invited to resubmit our nomination next year.

2. STATE GOVERNMENT

2A. Gov. Bredesen Appoints Conservation Trust Board

Last year's General Assembly passed the Tennessee Heritage Conservation Trust Fund Act, the product of an Administration bill (NL262 ¶3A). The Trust Fund Act promotes public-private partnerships as a means for conserving the state's natural spaces. While applying to the whole state, the initial emphasis of the Trust will be on the Cumberland Plateau. The main purpose is the acquisition of "real property" (i.e., land), or interest in "real property" (i.e., easements) for the state. The Trust Fund may accomplish this end by any of a number of means (donation, sale, exchange, lease, etc.), but may not use eminent domain. In addition to carrying out acquisitions itself, the Trust may make grants or loans to various government agencies or to non-profit organizations to fulfill the stated purposes. The legislature appropriated \$10 million in start-up money for the fund; subsequently, the Trust Fund is expected to raise much of its needed funding.

On November 1, Governor Phil Bredesen announced the appointment of the 11-member Tennessee Heritage Conservation Trust Fund Board. The Board of Trustees is independent of the Tennessee Dept. of Environment and Conservation, but attached to DEC for administrative purposes.

In making the announcement, Gov. Bredesen said: "It's personally important to me to preserve land for the future of our state and the people of Tennessee. Once it's gone, we can never go back to the wild spaces that are so much a part of Tennessee's landscape." The Board is charged with developing the criteria around which projects will be judged (i.e., it will not have to abide by existing plans or priority lists). It will also make decisions as to which tracts are to be acquired.

The 7 men and 4 women appointed to the Board hold (or have held) positions in local or federal government, business and industry, the press, law firms, and agriculture. Some have avocational associations with land-preservation or conservation groups, such as the Land Trust for Tennessee, the Tennessee Chapter of the Nature Conservancy, and Trout Unlimited.

2B. Legislative Initiatives to be supported in 2006

Tenn. Conservation Voters (TCV) is getting ready to support the agenda of its member organizations (including TCWP) when the General Assembly convenes for the second part of the session. Currently the TCV Board is compiling a final list from the separate lists that have been submitted.

The TCWP Board voted to support the following initiatives.

- A one-time appropriation for land purchases from Bowater (see ¶3A, this NL). This could take the form of a bond issue or other state-funding mechanism for the immediate purchase of land.
- SB.142/HB.1328, which authorizes TDEC to issue stop-work order when mining pollutes waters (for rationale, see NL264 ¶2C)
- SB.1945/(HB.318), the TN Forest Resource Conservation Act, which establishes a registration and permit system for chipmill facilities
- SB.1240/(HB.1578), which sets up TN beverage-container deposit program ("bottle bill") to conserve resources and control Tennessee's litter problem (see NL264 ¶2B for background). See also ¶11, this NL ("Resources").
- SB.611/(HB.1994), which adds environmental members to selected environmental-protection boards
- SB.292/HB.209, which provides a tax exemption for the purchase of hybrid vehicles and other cars meeting nonpolluting standards.

WHAT YOU CAN DO. Contact your Tennessee legislators in the General Assembly (see Political Guide) to support some or all of these initiatives.

2C Triennial Review of State's Water Quality Standards is under way

[Contributed by Sandra Goss]

Revisions to the State's Water Quality Standards are in the public review stage. Earlier this month, TCWP Executive Director Sandra K. Goss attended a Water Quality Board hearing about the proposed revisions. The draft document is now being analyzed by us and others, and TCWP's comments will be published on our web site later this month. We also plan to distribute an e-mail alert with information about how the changes proposed in this important document would affect the quality of our waters. For more

information visit our web site, www.tcwp.org; or contact Sandra (Sandra@sandrakgoss.com) to sign up for e-mail alerts.

2D. TCWP comments on Wildlife Agency's Strategic Plan

The Tennessee Wildlife Resources Agency (TWRA) is in the process of developing its "Second Strategic Plan, 2006-2012." The 175-page draft is divided into 19 chapters, many of them devoted to game animals. In December, TCWP commented on the "Nongame and Endangered Species" section.

In addition to applauding TWRA's conservation work and its strategic thinking about funding sources, we made the following suggestions/comments.

- It is important that large areas of natural communities be managed so as to support a broad range of biodiversity. For example the creation of food-plot areas for elk in the high elevation areas of Royal Blue WMA could be a threat to species that require high-elevation forest, including the cerulean warbler and many other plants and animals. We recommend that management plans for particular areas be reviewed for their effect on maintaining a variety of habitats.
- To protect the undoubtedly numerous "undiscovered" species throughout TN, it is essential to protect a wide range of habitats. For example, the loss of forest in the Nashville area, mentioned in TWRA's draft plan, could affect many "undiscovered" species. NatureServe has developed a list of imperiled habitats (plant associations) that may well be home to as yet "undiscovered" species. We recommend that TWRA protect the listed imperiled habitats in the Nashville area and elsewhere.
- Because plant biodiversity is affected by TWRA management, it is important that plants be considered in management plans. We recommend that TWRA work closely with the Tennessee Natural Heritage Program to protect plant species, especially those listed by the state of Tennessee or the federal government in need of protection.
- We recommend that all TWRA management and land-acquisition decisions be reviewed to ensure that they support the goals of preservation of a wide range of habitats and of biodiversity, including plants.

2E. Recommendations from the State Parks Summit

[Contributed by Sandra Goss]

The Tennessee Department of Environment and Conservation (TDEC) recently conducted a series of nine townhall meetings all across the state (NL263 ¶3B). This was followed by a Tennessee State Parks Summit meeting that came up

with the following top recommendations (there were two each for the #3 and #4 positions):

#1. Seek a large (\$50 to \$100 million) bond initiative for land acquisition, to be paid for over time through the real-estate transfer tax.

#2. Provide adequate funding to protect State Park and Natural Area boundaries. Conduct boundary surveys at all sites.

TIED FOR #3. Establish a Tennessee State Parks Commission (with dedicated funding). Consider expanding the duties/authority of the Conservation Commission.

TIED FOR #3. Dedicate staff positions at each park to focus on educational programming and outreach to the community, schools, etc.

TIED FOR #4. Develop a comprehensive state parks land acquisition plan that establishes a policy on number of acres protected per capita, and keeps pace with population growth.

TIED FOR #4. Implement job descriptions and job plans for all personnel, including top management.

2F. Golf courses in state parks have been an economic disaster

We hate to have to say "we told you so" but this issue really deserves it. In the early 1990s, Tennessee's state government went all out for developing major golf courses in numerous state parks (including Cumberland Mountain SP near Crossville). TCWP waged a valiant but losing battle against these developments, which, we believed, were totally at odds with the concept of state parks having been established for the protection and public enjoyment of an area's natural values. One additional argument used by us was the great likelihood that the golf course, funded by a 1993 bond issue, were a money-losing proposition.

This has, indeed, happened. Of the \$20 million in bonds, only \$1.2 million have been paid back, leaving the state in the hole to the tune of \$18.8 million. Just think of the acreages of natural, special lands that could have been acquired and protected with that amount of money!

3. OTHER STATE NEWS

3A. Bowater's land divestiture: threats and opportunities

Bowater, the Cumberland Plateau's single largest landowner, recently announced its intention to sell all of its timberlands in the southeast. These cover a total of 400,000 acres, of which 230,000 are in Tennessee, the bulk of them on the Cumberland Plateau (NL264 ¶3C). The process of divestiture has already got underway. "Packets" of sizable tracts of land have been sent out to prospective

buyers, and Bowater hopes to have all of the land sold by the end of the year. The company is looking for buyers of large parcels who will own the property but contract with Bowater to provide timber from the land for Bowater's paper mills.

The sales pose threats as well as opportunities. The large tracts of Bowater land located on the Cumberland Plateau include unspoiled wild gorges with bluff edges that could provide desirable building sites for houses, hotels, or restaurants. Developments such as these would quickly ruin the natural character of these special landscapes. Buyers of Bowater tracts could make a profit from selling the gorges and their bluff edges, while keeping the uplands for timber production. Alternatively, land-protection interests, state and/or private, might be able to acquire these critical areas for preservation. It is the latter possibility that lies behind the initiative, supported by TCWP, to get the state to make a one-time appropriation to acquire critical portions of Bowater lands (see ¶2B, this NL).

It should be noted that as part of the Memorandum of Understanding signed by Bowater last summer (NL262 ¶1B), the company committed itself to not selling or harvesting about 7,000 acres in sensitive areas that are of exceptional ecological, geological, or historical significance. It remains to be seen whether the Bowater abides by this MOU.

WHAT YOU CAN DO: Urge Gov. Bredemeyer (address on p.2) to support a one-time appropriation to acquire ecologically significant portions of Bowater lands. Send copies of your message to TDEC Commissioner Jim Fyke and Deputy Commissioner Paul Sloan (address in box on p.3).

3B. Good news for Crab Orchard Mtn.

[Contributed by Sandra Goss]

Not long ago, when a large (>6,000 acre) tract on Crab Orchard Mountain in Cumberland County was acquired by the Lone Star Energy Corp., there was concern about the future use of this area, which extends down to Daddys Creek, and which is slated to be traversed by the Cumberland Trail State Scenic Trail. Representatives of the company have now met with Cumberland Trail staff and with Save Our Cumberland Mountains members to discuss the future protection of Crab Orchard Mountain. The company has proposed alternatives that include conservation management for almost their entire holdings, or donation or sale of property to the State of Tennessee.

This is good news indeed; in addition to containing valuable natural landscapes, the property is a scenic asset to the I-40 corridor, as well as the site of historic places where middle Tennessee settlers camped on their way to new homes.

3C. *Savage Gulf is under threat*

[From dispatches by Ron Castle and Scott May]

A housing development under way by Roland Monette encompasses about 500 acres along the bluff, and surrounding Ranger Creek, across Savage Gulf to the southwest of Stone Door. This development threatens to spoil the viewshed of Savage Gulf. A gravel road has been laid to the property. Underground electricity has been run. There is a large inventory of 6" water pipe on site in preparation for laying water lines. The development is obviously moving forward at a rapid pace.

The goal of Friends of the South Cumberland Recreation Area is to assure that the viewshed of Savage Gulf will not be destroyed and that the wilderness character will not be ruined by seeing houses on the bluff from the Stone Door or the Big Creek Rim Trail. The Friends have been working diligently to raise money through their Saving Great Spaces campaign to purchase property surrounding the Park to keep the viewshed and wilderness character of the Park intact.

Friends of South Cumberland State Recreation Area are now in negotiations with Monette. They are also in contact with TDEC and other sources of revenue. The group has hired an appraiser and should have information from him in 3-4 weeks.

3D. *Walls of Jericho under state management and accessible by trail*

[Based, in part, on The Nature Conservancy's Field Notes]

The Walls of Jericho is a huge (21,453-acre) tract of river gorges and forested uplands, containing an extraordinarily diverse array of plants and animals (NL259 ¶1D).

The Nature Conservancy acquired this unique area in 2004, and the state of Alabama subsequently purchased the 12,510-acre Alabama portion and designated it as a Wildlife Management Area (WMA). FY2006 federal appropriations included a Forest Legacy Program grant for the 8,943-acre Tennessee (Franklin County) portion of this tract (NL263 ¶4B). Within it are the actual "Walls of Jericho," a large, bowl-shaped amphitheater that shocks water out of holes and cracks in the canyon wall during times of high flow. This area and its immediate watershed, 750 acres altogether, will be managed as a State Natural Area by the Tennessee Department of Environment and Conservation (TDEC). The remainder of the Tennessee portion will be managed by TWRA as the Bear Hollow WMA.

Until recently, the only public access was on a trail in Alabama. Now, Tennessee has access via a newly blazed hiking trail and parking lot. The trail was dedicated by Gov. Bredesen in late October. For information on visiting the Walls of Jericho, go to www.nature.org/Tennessee.

3E. *Legal battle over*

mountaintop mining permits

A little while ago, the Army Corps of Engineers (CoE) instituted a process for approving a "general permit" for mountaintop mining projects in Appalachia. The CoE can issue such permits under the Clean Water Act (CWA) for activities that "will have only *minimal cumulative adverse effect on the environment*" [italics ours].

In 2004, Judge Joseph Goodwin of the U.S. District Court in Huntington, W.Va., ruled that issuance of the general permit violated the CWA by allowing the Corps to conduct environmental analyses of the mining operations *after* the permit was issued, without affording the public an opportunity to comment.

Unfortunately, the U.S. Court of Appeals in Richmond recently disagreed with the lower court's ruling and remanded the case to the district court. Environmental groups say they will raise new issues in the new proceeding, including whether the Corps considered the impacts of the mining operations on terrestrial life.

3F. *Alliance for the Cumberlands to Sponsor First Annual Conference*

[Contributed by Sandra Goss]

A committee of the Alliance for the Cumberlands is making progress towards the Alliance's First Annual Conference. Scheduled for February 27, 2006, at the Cumberland Mountain State Park, the conference theme is "Ecologies and Economies." Among the speakers are Tennessee Department of Environment and Conservation Commissioner Jim Fyke. There will also be presentations by representatives of Daniel Boone National Forest, East Tennessee Climbing Coalition, National Parks Conservation Association, Tennessee Technological University, Tennessee Wildlife Resources Agency, Tennessee Chapter of the Nature Conservancy, and University of Tennessee. Registration fee is \$10.00, and the deadline to register is February 13. For more information or to register, e-mail Alliance Executive Director Katherine Medlock at kmedlock@tnc.org.

4. THE SMOKIES: NORTH SHORE ROAD EIS AND OTHER MATTERS

4A. *Comments are needed on the North Shore Road Draft EIS*

The Draft EIS (DEIS) on the North Shore Road has now been released, with notice having been published in the federal register of Jan. 4. Visit www.northshoreroad.info/documents.htm for the full DEIS, as well as for information presented at various past meetings on the subject. Enclosed with this Newsletter is a flyer contain-

analysis of the DEIS, along with recommended actions. TCWP has extensively discussed issues and alternatives in NL260 §5A.

The National Park Service has scheduled 5 hearings on the DEIS, two of them in Tennessee, as follows:

- February 9, 2006, 4:30-8:00 p.m., Knoxville Marriott, 500 Hill Avenue, SE, Knoxville, TN;
- February 13, 2006, 4:30-8:00 p.m., Gatlinburg-Pittman High School Auditorium, 150 Proffitt Road, Gatlinburg, TN.

The National Park Service (NPS) will consider comments received by March 20 in developing a final EIS and a Record of Decision. These may be expected in 12-14 months.

WHAT YOU CAN DO:

- (1) Read the conservationists' summary of the DEIS on the back of p. 15. In time for the March 20 deadline, write to NPS in support of the Cash Settlement for Swain County. Address: Gt. Smoky Mountains National Park, 107 Headquarters Road, Gatlinburg, TN 37738.
- (2) Attend one of the February hearings (see above). To carpool, call Sandra Goss at 865-522-3809.

4B. New Science Center for the Park

For 70 years the Great Smoky Mountains National Park's science program has operated out of a series of makeshift facilities. By spring of 2007, it should have a permanent building, equipped with needed lab facilities. The Twin Creeks Science and Education Center will be located off the Cherokee Orchard Road near Gatlinburg. Most of the funding for the \$4.85 facility came from the NPS Lute Item Construction Program.

Numerous construction and equipment features will result in a building designed to have a low impact on the environment. The Center will supply Park scientists and outside researchers with almost 5 times the amount of space they have today, with a climate-controlled room for natural history collections, and with laboratory facilities that may, among other things, expedite the progress of the All-Taxa Biodiversity Inventory.

4C. NPS outperforms outside contractors

Here's one concrete argument against an Administration initiative to replace NPS employees with outside contractors (NL255 §8D). Last year, the Park undertook the required Preliminary Planning Effort (PPE), designed to determine whether the maintenance and repair tasks currently performed by NPS employees could more cost-effectively be accomplished under outside contract. The analysis led to the conclusion

that the NPS could much more efficiently do this work in-house, using professional NPS workers.

5. OUR CHEROKEE NATIONAL FOREST AND THE USFS

5A. Gov. Warner petitions for roadless area protection; Gov. Bradesen should too

Virginia's Governor Mark Warner, on December 22, sent a petition for roadless area protection to Mike Johanns, U.S. Sec. of Agriculture. The petition requests 100% protection, in accordance with the 2001 Roadless Areas Conservation Rule, for all 380,000 acres in Virginia's national forests that have been inventoried as roadless by the U.S. Forest Service. He cites (among other arguments) the lengthy analysis undertaken by the USFS in developing the 2001 Rule and independent analysis of the relevant issues. The inventoried roadless areas provide "important recreation and tourism opportunities, clean water, wildlife habitat, and scenic beauty."

The action by Gov. Warner should set a clear standard for other states in the region, including Tennessee. We hope fervently that Gov. Phil Bradesen will join Gov. Mark Warner in the effort to protect the few remaining wild areas in southeastern forests and will also file a petition in time for the November 13, 2006 deadline.

Background

After years of seeking to weaken the 2001 Roadless Area Conservation Rule, the Bush Administration finally eliminated it altogether, ignoring the comments of about 1.5 million citizens and of numerous governors (including Gov. Bradesen) who had opposed this action. In May of 2005, the Rule was replaced by an optional state-by-state process under which governors whose state seeks roadless protection for National Forest(s) in their state have the burden of filing a petition (NL261 §6B). Unless a governor submits a petition, the only protections to roadless areas in that state's national forest(s) are those specified by the latest Management Plan for the forest(s) in question.

These Management Plans are totally insufficient. In the case of Tennessee's sole national forest, the Cherokee NF, the "prescriptions" (i.e., classifications entailing different kinds of management) adopted for the 2004 Revised Management Plan allow road-building and/or logging in 31% of the areas that were inventoried as roadless for the 2001 Rule. Even more worrisome: the Forest Plan can be amended at any time under the new "flexible" planning regulations.

About 85,000 of the 635,000 acres in the Cherokee NF (13.4%), were inventoried as roadless. The 2001 Rule prohibits construction of

new roads in these inventoried areas, but the use of existing roads and access (e.g., to private property) is maintained at the *status quo* level. The prohibition is not draconian: even in inventoried roadless areas, new roads can be constructed to protect public health and safety; and timber cutting may be done under special circumstances (e.g., for fuel reduction, maintenance of wildlife openings, to improve endangered, threatened, or sensitive species habitat, etc.).

The process of filing a petition need not be labor-intensive or expensive. Thus, the state of Tennessee can simply petition to restore the full protection of the 2001 Rule for 100% of the inventoried roadless areas in the Cherokee NF. The petition can rely on the assessment, environmental analysis, and the roughly 20,000 Tennessee public comments documented under the adoption of the 2001 Rule. In other words, the case for full protection has already been made by the USFS in the documentation provided for the 2001 Rule.

For more information about roadless forests in the Southern Appalachians and the benefits of protecting roadless areas, visit http://www.safc.org/campaigns/roadless/roadless_rule.php.

WHAT YOU CAN DO: Contact Gov. Bredesen (address, p. 2) and urge him to petition the U.S. Sec. of Agriculture to restore full protection of the 2001 Roadless Area Conservation Rule for 100% of the inventoried roadless areas located within Tennessee's Cherokee National Forest. The Forest Plan alone does not protect all inventoried roadless areas, nor is it permanent. You can use the information provided in the above article; or check out a sample letter at

http://www.safc.org/campaigns/governor_outrage_roadless.php. Send a copy of your letter to Commissioner Jim Fyke (Tennessee Department of Environment and Conservation, 401 Church St., L&C Annex 1st Floor, Nashville, TN 37243-0435; or e-mail jim.fyke@state.tn.us).

5B. National campaign to restore the Roadless Rule

While we are currently faced with following a state-by-state approach, the fact remains that our national forests belong to all Americans, regardless of state. They deserve national protection.

WHAT YOU CAN DO: Sign the online citizen's petition for reinstatement of the 2001 Rule (restoring national roadless area protection). Go to <http://www.net.org/petition.php?partner=SAFE>.

5C. Cherokee timber sale canceled

[Information from Southern Appalachian Biodiversity Project]

In November, the Watauga District of the Cherokee National Forest canceled The Walnut Mountain timber sale. This sale would have led to logging 726 acres and would have adversely impacted the Pond Mountain Wilderness and the Slide Hollow roadless area.

On behalf of Wild South and the Southern Appalachian Biodiversity Project, WildLaw submitted comments challenging this project, and filed a lawsuit over the Forest Service's failure to make public the documents on the proposed timber sale. The organizations will continue to press for the release of these documents in order to see why the agency would propose such a poorly designed project, and to help prevent similar bad projects from occurring in the future.

Other groups that also worked very hard on stopping this timber sale include Cherokee Forest Voices, the Southern Appalachian Forest Coalition, and the Southern Environmental Law Center.

5D. HR.4200 would be a catastrophe for our national forests

[Information from Forest Service Employees for Environmental Ethics]

On November 3, the Forest Emergency Recovery and Research Act (FERRA, HR.4200) was introduced in the House. If passed, FERRA will allow any and all kinds of logging, (including clearcutting) after a "catastrophe," which is defined as all things natural that happen in a forest, like wind, rain, snow, soil erosion, or fire. Following any of these circumstances, a project plan for logging can be drawn up in 30 days or less and numerous environmentally harmful activities are allowed, with the agency being exempted from the requirements of NEPA and other laws.

FERRA has the full support of the Bush Administration and the Undersecretary of Agriculture, Mark Rey, a former timber industry lobbyist. It is endorsed by the leading anti-environmental legislators in the House.

FERRA would,

- gut environmental laws that protect our national forests;
- declare war on nature by labeling natural events as "catastrophes" that compel logging to "save" the forest;
- put millions of acres of old-growth forest and wildland at risk of logging.

For more information, visit www.fsee.org.

WHAT YOU CAN DO: Without delay, please call and write your U.S. Representative (address on p.2) and tell him/her that HR.4200 (FERRA) would be an unmitigated catastrophe for our national forests.

5E. Salvage logging

has disastrous effects

[Based on information from Forest Service Employees for Environmental Ethics]

"Taking out the dead trees" sounds innocuous, doesn't it? In fact, in old-growth forests, trees killed by fire play a crucial ecological role. They provide habitat for important species of birds, mammals, insects, and fungi. Big dead trees fall into streams where they create fish habitat and lower downstream soil erosion. After a fire, ecologists see dead trees as essential to the future of old-growth forests (natural forests that have developed over at least 200 years). The Forest Service (USFS), however, sees only dead timber that should be logged before it rots. In addition to causing the detrimental loss of dead trees, salvage logging also inflicts severe damage on fragile soils through the use of heavy equipment, often on steep hillsides.

"Salvage" has become the Forest Service's favorite loophole to log protected forests. One reason: the Service gets to keep the money paid by purchasers of salvage timber instead of having to send it to the U.S. Treasury. Amazingly, in a series of recent timber sales, the USFS has justified logging living, green old-growth trees by claiming they were "dying."

The 1976 National Forest Management Act (NFMA) requires the USFS to protect wildlife diversity in our national forests. This must apply to all species, including those that require burnt forests. At the end of 2004, the Bush Administration deleted all rules that had been promulgated under the NFMA (NL259 ¶5; NL258 ¶7B2), including one requiring viable populations of wildlife. All battles must now be fought in the courts.

8. TVA

6A. TVA studying TCWP's offer

to donate land at Whites Creek

Ever since the early 1980s when TCWP successfully urged TVA to designate a ~200-acre hilly tract on the White's Creek Embayment of Watts Bar Reservoir as a Small Wild Area (SWA), we have had a strong interest in this beautiful land. TCWP entered into a contract with TVA for maintaining a trail that winds through the SWA, as well as (with the company's willing permission) through a small portion of an adjacent large Bowater tract. When Bowater, in 2001, announced its intention of selling this tract, TCWP raised enough money from its membership to purchase the ~50 acres that contain the trail and provide a buffer for the SWA (NL247 ¶4; NL250 ¶4B).

Our intention has always been to donate this land to TVA as an integral addition to the White's

Creek SWA. The deed would contain a clause by which the land would revert to TCWP should TVA decide to manage it for objectives other than those of a SWA, or – worse – should try to sell it. The latter possibility has become more frightening in the light of some recent land divestitures by TVA, and of the expressed philosophy of some TVA Board members that lands that are not generating revenue for the agency should be sold.

On January 12, four TCWP members met with a group of TVA staff to discuss our proposed land donation with a reversion clause. The Watts Bar Watershed Team manager has now been charged with taking the lead in TVA's further consideration of our proposal.

6B. No environmentalist on expanded TVA Board

The TVA Board, which, for about 70 years, has consisted of three full-time members, is now to be expanded to nine part-time ones. To date, Pres. Bush has nominated six to join the two remaining current directors, Skila Harris and Chairman Bill Baxter. According to an AP story, all six new nominees have been donors to Republican campaigns.

One argument in favor of expanding the Board was to increase diversity and to include people with different expertise. All the new nominees, however, are successful business people, including the only one who has utility experience. There are no people of color, and only one new woman. And there is no one with experience in, or advocacy for, protecting the environment.

7. NATIONAL ISSUES:

7A. Proposed Park Service policy revisions seriously weaken resource protection

[Contributed by Cindy Kendrick]

The National Park Service (NPS) has issued proposed revisions to its management policies (NL263 ¶7A; NL264 ¶7A) and is accepting public comments until February 18. The policies are used as a reference by NPS managers and planners when making decisions that affect units of the national park system. Initially issued in 1918, management policy has been revised a number of times, but previous revisions differ in fundamental aspects from the current initiative. First, previous revisions, including those in 1988 (Reagan) and 2000/01 (Clinton), have been first developed and extensively reviewed by career public servants and professionals prior to "clarification" or modification by political appointees. By contrast, the current revision represents, according to the

National Parks Conservation Association, "an Administration attempt to impose a fundamentally different interpretation of NPS laws and policies on the professionals in that agency."

Second, the 1916 Organic Act, which created the NPS, directs that the national parks be preserved "by such means as will leave them unimpaired for the enjoyment of future generations." The draft policy revision removes significant language that clearly sets conservation above all else in park decisions. Thus, these revisions could allow short-sighted recreational demands, perhaps driven by commercial profit, to degrade resources that we owe to our nation's grandchildren. Examples include weakened policies that protect air quality and "natural soundscapes," control livestock damage, and provide wilderness suitability review and interim protection of wilderness candidates. In addition, revisions reverse the burden of proof on unacceptable impacts of proposed uses, making exclusion of damaging activities tougher. New language would mandate that parks look for ways to help the proposed "use" comply, so it could be allowed. These and other provisions pave the way for extended use of motorized vehicles, including off-road vehicles and personal watercraft.

In October 2005, Senator Lamar Alexander and five other Republican senators sent a letter to Interior Secretary Gail Norton questioning the need for a change from the 2001 policy and noting that the "first principle in rewriting Park Service policies should be to do no harm." TCWP joins these senators in rejecting the proposed revisions.

WHAT YOU CAN DO: By February 18, tell the Park Service to abandon this damaging and unneeded policy revision. NPCA's detailed analysis (<http://www.npsa.org/stopherewrite/analysis.asp>) may be useful in formulating specific comments. Comments may be submitted on-line at <http://parkplanning.nps.gov/commentForm.cfm?projectId=13746&documentId=12825>, or to Bernard Fagan, Room 7252, NPS Office of Policy, 1849 C Street NW, Washington, D.C. 20240. Send a copy to Sen. Alexander (address on p.2), who has a strong interest in national parks.

party's budget if it sacrificed America's greatest wildlife refuge. On November 9, the House leadership dropped its plan to allow drilling in the Refuge.

Sad to report, there was not a single Tennessee among the courageous 29 Republican House members. Subsequent to the House vote, right-wing radio talk-show host Rush Limbaugh has been attacking the 29 Representatives for defying their party leaders, and this listeners have been calling these legislators to condemn them. We fervently hope they have received countervailing praise from their constituents.

2. Having failed with the Budget Reconciliation ploy, Alaska's Sen. Ted Stevens attempted to attach Arctic Refuge drilling to the Defense Appropriation, a bill that was bound to pass since it included money for our troops, as well as disaster relief for Hurricane Katrina. Besides, senators were anxious to get home for Christmas. On December 21, against all odds, Democrats opted for a filibuster ... and won: the Senate refused to invoke cloture by a vote of 44-56. Though the Democrats lost 4 of their members (Akaka (HI), Inouye (HI), Landrieu (LA), Nelson (NE)), they were joined by two Republicans (Chafee (RI) and DeWine (OH)). Majority Leader Frist (TN), a strong drilling proponent, changed his vote (for procedural reasons - to be able to reopen the bill, which passed easily after the Arctic drilling provision was deleted).

Sadly, though Refuge drilling was removed, the Budget Resolution retained numerous extremely harmful environmental provisions that read like a wish list drafted by major industries (NL264 ¶8A). The Arctic Refuge is safe for now, thanks to the strongly expressed feelings of the American public. But drilling proponents have already voiced a plan to attach Arctic drilling to this coming year's Budget Resolution, so we must continue our vigilance.

7C. Dangerous House bills

must be defeated in the Senate

Several extremely dangerous House bills that were summarized in NL264 are still pending in the Senate, where we must exert ourselves strongly to defeat them.

1. Crippling the Endangered Species Act (ESA). Rep. Pomo's (R-CA) disastrous Threatened and Endangered Species Recovery Act (TESRA, HR3824) passed the House by a vote of 229 to 193 (NL264 ¶8B). TESRA wipes out 30 years of species recovery in one stroke. It eliminates designation of critical habitat, transfers authority from scientists to politicians, eliminates the protection for "threatened" species, opens every stage of the listing process to industry lawsuits, and requires taxpayers to pay developers and landowners to comply with the ESA. Additional features are described in NL264 ¶8B.

7B. Arctic Refuge safe -- for now

Proponents of oil drilling in the Arctic Refuge (which is strongly supported by the Bush Administration), knowing that they would fail if the issue were brought up on its merits, used two nefarious schemes for getting their way.

1. They included a drilling provision in the Budget Resolution, which is immune from filibuster. The Senate, in fact, passed its version of the Resolution with the Arctic drilling included (NL264 ¶8A). Fortunately, 29 courageous Republican members of the House vowed to vote against their own

2. Selling off parks and public lands (NL264/7B). House bills by Representatives Pombo (R-CA) and Tancredo (R-CO) would sell off, respectively, 15 National Parks and 15% of America's public lands. Parks that receive less than 10,000 visitors per year would be sold for "energy and commercial development." Pombo (who chairs the House Resources Committee) argues that if drilling continues to be banned in the Arctic Refuge, the government will have to sell parks and sell advertising space in park buses, trains, etc., to reach the level of revenues expected from oil in the Refuge. Tancredo's justification for selling public lands is to pay for Hurricane Katrina relief efforts.

WHAT YOU CAN DO: It is urgent that you contact your senators without delay and ask them to vote against TESRA (HR 3824), as well as to oppose any bill that would sell off portions of the National Park System or other public lands. Contact information is on p.2.

8. GLOBAL WARMING

8A. Letter on global warming sent to Tennessee's senators

TCWP is a co-signatory to a letter sent to Tennessee's two senators, following up on Energy Bill amendment 866 to the Energy Bill, a resolution expressing the sense of the Senate on global warming (NL262 98D). This resolution was signed by Sen. Alexander, but not by Senator Frist. Hence our two letters differ slightly.

To Sen. Alexander, we wrote: "The U.S. Senate Resolution was a good first step, however Senators who recognize the severity of this problem should also recognize that serious solutions are needed, and needed now. We are asking you, Senator Alexander, for a commitment to actively support policies that will prevent irreversible harm from global warming to our economy, environment and health, by setting mandatory global warming emissions reduction targets with enforceable deadlines."

We asked Sen. Frist to make the same commitment, after pointing out to him that "the majority of the Senate has recognized the need to address global warming."

Both letters ended as follows: "The climate signals of 2005 augment previous indications of an unbalanced climate, and underscore the urgent need to move forward, from awareness to action. The real test for 2006 will be the extent to which our elected officials respond to this vital challenge." The senators were asked to show their dedicated support for the protection not only of our climate, but of our jobs, our way of life, and our health.

WHAT YOU CAN DO: Send a personal letter to thank Sen. Alexander for voting for the Sense of the Senate Resolution (Energy Bill Amendment 866). Urge him to work with his colleagues to ensure that the Congress loses no time in tackling this urgent problem with sound domestic policy. (Address on p.2)

8B. Some progress made in Montreal

(Information from Southern Alliance for Clean Energy, and New York Times)

The UN Conference on Climate Change that convened Nov. 28-Dec. 9 in Montreal, Canada, was a dual meeting of participants in two international treaties: the Framework Convention of Climate Change signed in Rio de Janeiro in 1992, known as the Rio Treaty, and the Protocol to Reduce Greenhouse Gas Emissions, or the Kyoto Protocol. The 1992 Rio Treaty, which has been ratified by 189 nations (including the USA) has no binding restrictions. The Kyoto Protocol (of which the U.S., along with Australia, is not a signatory) does impose mandatory limits on industrialized nations, but these limits do not apply to developing nations, including China and India.

The Marrakesh Accords are the rules of operation for the signatories to the Kyoto Protocol and the carbon marketplace that the Protocol establishes. At the Montreal conference, the Marrakesh Accords were finalized to meet the pollution reduction targets between 2008-2012 (Phase 1 of Kyoto). Also at the conference, countries agreed to start the talks that will deliver deeper mandatory reductions of greenhouse gas pollution and expand the global carbon market.

American efforts throughout the Montreal conference to prevent any fresh initiatives from being discussed were capped by a walkout of Harlan Watson, chief U.S. negotiator, on what was to have been the last day of talks. A few hours later, the USA dropped its opposition to nonbinding talks after a few words were changed in the text of the statement. The USA and China are still persisting in their refusal to agree to mandatory steps to curtail greenhouse gas emissions.

Kyoto countries will meet again in November 2006, at which time a broader review of the Kyoto Protocol's overall effectiveness will be conducted. This broadening is key to the long-term success of the Protocol and gives industrialized countries an opportunity to engage major developing countries to increase their participation in the Kyoto process while advancing their economic growth goals. Already at Montreal there were significant new signs that developing countries are beginning to consider ways to promote economic growth without increasing emissions. It is doubtful, however, whether any new targets would be sufficient to stem harmful warming without participation of the biggest polluters, notably the USA.

8C. It's getting hotter and hotter

The year 2005 was the hottest (NASA) or second-hottest (U.N.'s World Meteorological Organization) on record globally. It was also the hottest year on record for the northern hemisphere. The past five-year period was the hottest on record globally. And during the past decade, every year, except 1996, has set a record for warmth. A particularly worrying possibility is that positive feedback loops may be bringing world climate to the tipping point, where climate changes become sudden, instead of gradual (see NL264/99B).

Here in Tennessee, according to the Clear the Air coalition, maximum temperatures in 2005 were 14-28°F above normal in Bristol, Chattanooga, Knoxville, Memphis, and Nashville; and minimum temperatures were 0.5-28°F higher than their historical baseline.

9. OAK RIDGE

9A. North Ridge Trail to have signs:

U.T.-Battelle donates \$1,000 to TCWP's effort!

Thanks to a generous \$1,000 donation from U.T.-Battelle (which manages Oak Ridge National Lab), TCWP will be able to complete an effort begun several years ago when a number of our members kindly donated a total of ~\$900 toward the erection of durable signs at entrances to the North Ridge Trail. One reason for this effort was to prevent adverse trail use by motorized vehicles and horses; but the signs are also needed to promote trail visibility and thus proper use by walkers and nature lovers, and to note the honored status of the trail as both a National and State Recreation Trail.

The North Ridge Trail (NRT) is Oak Ridge's oldest and longest trail. Developed by TCWP volunteers soon after TCWP was founded in 1966, it extends through the northern greenbelt from scenic Endicott Lane in the east to Mississippi Road in the west. Together with access trails and a side loop, the entire NRT system measures almost 12 miles. In addition to having been designated both a National and State Recreation Trail, the NRT has been written up in several publications.

The trail winds through deciduous forestland and past spring-fed creeks, rock ledges and outcroppings, sinkholes, wildflowers, and mountain laurel -- almost everywhere out of sight of houses. Nowadays, the trail is maintained by a partnership between the City of Oak Ridge and TCWP. The volunteer Trail Steward is TCWP member Susan Donnelly, who, from time to time, is assisted by other TCWP volunteers, by scouts, students, and interested citizens. The NRT is enjoyed by families, individuals, hiking clubs, and other organized groups; it was included in the Secret City Hiking event last year.

With the money collected from members, plus the U.T.-Battelle donation, TCWP will order and purchase durable signs to be erected at 13 entrance points. The City of Oak Ridge has agreed to buy posts and install the signs. Look for an event to be held in celebration of sign installation.

9B. DOE Manager to speak

about the Oak Ridge Reservation

Gerald Boyd, manager of the Department of Energy's (DOE's) office that is responsible for tens of thousands of federal acres on the Oak Ridge Reservation (ORR), will be guest of honor and speaker at the Annual Meeting of AFORR (Advocates for the Oak Ridge Reservation). During Mr. Boyd's tenure, DOE completed the establishment of the ~3,000-acre Black Oak Ridge Conservation Easement (BORCE), and made progress on other stewardship initiatives of interest to AFORR. For these reasons, the event is billed as DOE Appreciation Night.

The meeting will be held Tuesday, January 31, 7:00 p.m., at the Midtown Community Center (Wildcat Den) on the Oak Ridge Turnpike at traffic light #11 (corner Robertsville Road). Everyone is invite. Refreshments will be served.

9C. Solway Park must not be privatized

During the fall, John Chilton, who has announced plans to develop Centennial Village within the 278 acres of land he owns around Centennial Golf Course, made a proposal for a large additional development on city-owned public land, namely in Solway Park. Solway Park is located along the shores of Melton Hill Reservoir, on the east side of the Oak Ridge end of the bridge. It has a modest marina (for ~20 small boats) and picnic tables on large grassy areas dotted with trees. Mr. Chilton's ambitious proposal would develop a 115-slip marina, two restaurants, and a 96-room motel with large conference rooms.

The area was deeded by TVA to the City of Oak Ridge in 1972. The deed requires that the land be used for "public recreation purposes." Furthermore, TVA maintains the right to flood to the 807-foot elevation, while most of the land in Solway Park lies at, or below, 800 ft.

Citizens' groups (including AFORR, TCWP, Friends of Haw Ridge, and Greenways Oak Ridge) that support public recreation access, ecosystem health, and aesthetics, are watching Mr. Chilton's proposal with considerable concern. Three representatives of these groups, including Frank Hensley for TCWP, spoke at City Council meeting of Nov. 21. They served to alert Council members and city staff to the existence of public opposition to the proposal, and the depth of feeling that exists regarding our public parks.

10. TCWP NEWS

10A. TCWP Has Student Volunteer Help

[Contributed by Sandra Goss]

Over the past several months, two UT students, Wallis Lavin and Kevin Smith, have been

year. The trail, located in the southwest corner of the Big South Fork NRRRA, is a 4-mile loop that runs mostly along a horseshoe bend of the Clear Fork, with about ¾ mile going up, over, and down the neck of the river bend. The rich vegetation is characterized by biological diversity.

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