



Tennessee  
Citizens for  
Wilderness  
Planning

# Newsletter No. 271

January 14, 2007

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Shaded box or star means "Action Needed." Don't be overwhelmed -- check the ACTION SUMMARY on p.2!

## 11. ACTION SUMMARY

| §No. | Issue                         | Contact                      | "Message!" or Action   |
|------|-------------------------------|------------------------------|--|
| 4A   | TVA's public lands policy     | TVA Board                    | "Thanks for protecting reservoir lands from developments!"       |
| 5B   | National Forest Plans         | Reps. Rahall, Udall, + yours | "NEPA requirement for Forest Plans must be restored!"            |
| 5D   | Forest products (wood, paper) | Your retailer                | Look for FSC (good) SFI certification                            |
| 6C   | Greenhouse-gas emissions      | Sen. Alexander               | "Thanks for bill to cap carbon emissions; please get it passed!" |
| 7C   | Polar bear habitat            | US Fish & Wildlife Service   | "List polar bear as 'threatened'! Save its habitat!"             |
| 7E   | The global-warming message    | Al Gore Jr.'s office         | Volunteer for the "Climate Project"                              |
| 8A,B | Oak Ridge Reservation (ORR)   | (AFORR)                      | Participate in 3-Bend events, Attend DOE meeting 2/13/07         |
| 9D   | Volunteer opportunities       | TCWP                         | Offer your services  |

Senator John Doe  
United States Senate  
Washington, DC 20510

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

Pres. George W. Bush  
The White House  
Washington, DC 20500  
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Governor Phil Bredesen  
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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: 202-228-1264  
e-mail: <http://corker.senate.gov/contact.cfm>

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

Rep. Zach Wamp:  
Phone: 202-225-3271  
FAX: 202-225-3494  
Local: 865-576-1976  
Web: [www.house.gov/wamp](http://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.hcv.org>  
With mail to Congress still slow following the anthrax scare. Consider faxing, phoning, and other modes of communication.

For information sources about state government, see ¶10, this NL (under RESOURCES)

## 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. LAND AND WATER PROTECTION INITIATIVES IN TENNESSEE

### 1A. State purchase of Bowater lands

The state has now finalized the purchase of 12,500+ acres from Bowater, Inc., about 5% of the company's former holdings on Tennessee's Cumberland Plateau (NL266 ¶3A; NL268 ¶2A). Bowater had offered these tracts to the state exclusively (i.e., had not put them on the open market). Altogether the state is said to have identified about 60,000 acres of high-priority Bowater lands. The final cost of the 12,500+ acres acquired was \$17.3 million (cost per acre, \$1,385). Earlier this year, the legislature had authorized \$20 million in bonds for purchases of special Plateau lands. Including the Bowater lands, the state will have acquired 15,000-16,000 acres through the bond package and through assistance from the Heritage Trust Fund. Altogether, more than 30,000 acres of conservation properties have been acquired by the state since 2003, when Bredesen became governor.

About one-half of the acreage purchased from Bowater will create an almost unbroken corridor of public land connecting the Bridge-stone/Firestone Centennial Wildlife Management Area (around the Upper Caney Fork River) to Bledsoe State Forest and Fall Creek Falls State Park. Another 4,000 acres will be added to the Cumberland Trail State Park in Hamilton, Rhea, and Cumberland Counties.

### 1B. Land donated by Plateau Properties

[Information from Kathleen Williams]

Plateau Properties (PP), long a family-owned land business on the Cumberland Plateau, has donated over 300 acres on Brady Mountain to the state of Tennessee. Roughly ¼ of the acreage encompasses about 2 miles of the Cumberland Trail (with a 250-foot buffer) on the crest of the 2,900-ft-high mountain. An additional 234 acres is located on the Grassy Cove (southeast) flank of Brady Mountain, toward "Low Gap," and conserves the historic Saltpeter Cave.

The late Arthur Harrison, a co-founder of PP, was a friend of Bob Brown's who, along with Don Todd, was chiefly responsible for the 1971 Tennessee Trails Act, which authorized the 300-mile-long Cumberland Trail (among others). Harrison participated in planning the route of the Trail and introduced Bob Brown to the beauties of Brady Mountain and Black Mountain (which overlook Grassy Cove). The PP land gift to the state of Tennessee was made in honor of Arthur Harrison and Bob Brown. Bob serves on the Board of Tennessee Trails & Greenways Foundation, which worked toward securing the gift.

### 1C. New Rugby State Natural Area

[Information from *The Rugbeian*, Fall 2006]

Over the past several years, *Historic Rugby* has been raising funds for acquisition of 540 acres

to prevent incompatible development. A 323-acre portion of this was then sold to TDEC, and in May of last year this land was designated the Rugby State Natural Area. The tract, which lies within the Rugby National Register Historic District, will be bounded in the north by the new Rugby bypass. It is an important watershed into White Oak Creek, just above its entrance into the Big South Fork NRA.

### 1D. Conservancy expands wetland preserve in Shady Valley

When the glaciers retreated after the last Ice Age, they left wetlands that once covered much of northeastern Tennessee. In recent times, many mountain bogs (remnants of these wetlands) have been drained for farming. But starting in 1996, the Tennessee chapter of The Nature Conservancy (TNC) has restored more than 100 acres of such bogs in two preserves in Shady Valley. These are home to 26 species of rare plants and animals, including the threatened bog turtle, a bellwether species that has been the subject of much scientific study.

Two recent purchases have now added 96 acres, more than doubling the size of one of the preserves. Some stream- and wetland-improvement work is needed to restore the habitat needed for bog turtles. However, with proper fencing, nearby areas can continue to be used for pasture.

### 1E. The Tennessee River Blueway

[Extracted from *Xplore*, Spring 2005]

In 2002, a 50-mile stretch of the Tennessee River was dedicated as a water trail and named the Tennessee River Blueway. This Blueway, preserved by several organizations, extends from North Chickamauga Creek toward the Tennessee River at Chickamauga Dam, and through the Tennessee River Gorge to Nickajack Dam and Shell-mound Recreation Area. Organizations involved in the conservation and promotion of the Blueway include the Tennessee River Gorge Trust, Chattanooga Nature Center, National Park Service, Chattanooga Audubon Society, Tennessee Valley Canoe Club, U.T. at Chattanooga, TVA, and several others. For more information, visit [www.outdoorchattanooga.com](http://www.outdoorchattanooga.com) or [www.chattanooga.org](http://www.chattanooga.org)

## 2. OTHER STATE NEWS

### 2A. Environmental credentials of legislators

Quite a few members of the Tennessee General Assembly, which convenes this month, have good environmental credentials. For the November 7 election, Tennessee Conservation Voters

(TCV), which for the past 4 years has issued an annual environmental scorecard (e.g., NL269 ¶3F), made 19 endorsements, based on environmental records and, in the case of non-incumbents, on environmental stances and experiences. Among these 19, there were 18 winners (see listin NL270 ¶1B).

After the election, Rep Gary Odom (D-Nashville), who over the years has had a consistently good record of sponsoring and supporting TCV's key bills, was elected the new majority leader by House Democrats. In that capacity, he will be responsible for stewarding the governor's legislative agenda through the House, including the annual budget.

A downside to Odom's new position is that he is giving up chairmanship of the Conservation & Environment Committee in which role he has been consistently helpful. The new Chair is Frank Buck, whose TCV scores in 2004, 2005, and 2006 were 1 (highest that year was 7), 2 (highest was 10), and 4 (highest was 12), respectively. During these same years, the scores of the Vice Chair, John Tidwell, were 3, 4, and 7, respectively.

## **2B. Information sources**

### **on Tennessee state government**

For a list of websites and phone numbers, see ¶10, this NL, under RESOURCES.

## **2C. Funding for the Dept. of**

### **Environment and Conservation**

TDEC performs two types of activities: those related to environmental protection (water, air, solid waste, etc.) and those related to parks and land conservation. According to a TDEC budget hearing of about a month ago, the outlay for these two major areas is 65% and 31%, respectively. An additional 4% goes to administration.

The recurring budget for TDEC is \$338 million. Only 20% of this comes from the state's general fund. An additional 21% comes from federal grants. The remainder (59%) is funded by dedicated fees or other revenues such as park concessions. TDEC awards grants, many of them derived from federal funds, to local governments, which are required to provide a 50% (in some cases, 20%) match. Grants awarded in August totaled \$11.3 million and were associated with three programs: the Local Parks & Recreation Fund (LPRF), the Recreation Trails Program (RTP), and the Land & Water Conservation Fund (LWCF).

## **2D. Company that conducted illegal mining operation has mounted a public-relations campaign**

Recently, the Tennessee Dept. of Environment and Conservation (TDEC) ordered National

Coal Corp. to halt some of its coal-mining activities on Zeb Mountain (in Campbell County) because the company was mining through two streams (tributaries of Lick Fork) without obtaining required water-quality permits (NL270 ¶3A). National Coal is using cross-ridge mining, a technique that involves mountain-top removal.

The company has since embarked on an ambitious public-relations campaign in the area, trying to show what good guys they really are. The National Coal website enumerates their good deeds, including support for several area schools, help for establishing a tourist center for the Big South Fork NRR, donations to civic organizations in the area, etc. Incidentally, the visitor center for the BSNRR is not affiliated with the National Park Service; it is run by the "Friends of the Big South Fork," which act like a regional Chamber of Commerce that capitalizes on the Big South Fork name.

## **3. OBED: EFFECTS OF IMPOUNDMENTS IN THE WATERSHED**

[Based on a contribution by  
Dabney Johnson]

The effects of impoundments in the upper Obed watershed, of which there is a large and growing number, has for some time been a subject of concern and has more recently become a subject of scientific study. On January 10, the USGS (US Geological Survey) and NPS (National Park Service, including the Water Resources Division, Denver) held a meeting to examine the status of available water-quantity data and to discuss the role of such data for supporting science-based comments about the impact of impoundments in the Obed watershed. Among attendees were members of a few citizens groups, including TCWP (represented by Dabney Johnson, Sandra Goss, and Frank Hensley), and of Tennessee Tech. There were two USGS speakers, followed by a great deal of discussion.

An informative outline of the meeting has been prepared by Dabney Johnson and is available to interested TCWP members (e-mail Dabney at [johnsondabney@yahoo.com](mailto:johnsondabney@yahoo.com), or send a self-addressed, stamped envelope to the TCWP address on p.2). Only a few highlights of new information and ideas are reported here.

- At low flows, about half of the Obed's water flow comes from the sewage treatment plant in Crossville; this is a higher percentage than it used to be and may grow as population grows. The impacts of this high percentage of sewage-plant effluent should be studied, as should other water-quality impacts resulting from land uses.
- The establishment and maintenance of alluvial bars in the Obed depend upon severe, occasional floods and regular low flows. These bars

support several listed plants that are adapted to the extreme water-flow regimes.

- Some owners of private impoundments have refused access for studies.
- Water quality in paired-basin watersheds (one with and the other without an impoundment) should be assessed.
- Land use (e.g., deforestation) for an impoundment may have as much effect on both quantity and quality of water as the impoundment itself.
- Computer models that use pertinent data could facilitate making short-turnaround estimates of impacts before damage is done.

#### 4. TVA's LAND POLICY and RESERVOIR PLANS

##### 4A. TVA's new Land Policy

###### *is ratified with minor changes*

Having received several thousand comments in support of a draft policy that bars sale of TVA's public lands for residential, retail, or other (non-industrial) commercial purposes (NL270 ¶4), the TVA Board's Community Relations Committee extended the comment deadline to accommodate mayors and Chambers of Commerce that had complained of insufficient time to oppose the proposal. (Also opposed to the proposal were Representatives Zach Wamp [R-TN] and Robert Aderholt [R-AL].) Altogether, the Committee received more than 5,000 comments, according to chairwoman Susan Williams, of which 92% were in favor of stopping the sale of reservoir lands for residential development.

On November 30, TVA's full Board of Directors voted 8:1 to ratify the policy largely as originally proposed by the Community Relations Committee. The only opposing vote came from former chairman, Bill Baxter. The Committee had made a couple of changes before submitting the proposed policy to the full Board; one concerns industrial use, the other, deed modifications. (a) As in the original draft, TVA will consider disposing of reservoir lands for industrial purposes if the property is located in an existing industrial park or is designated for such purposes in a reservoir management plan. The draft limited such land disposal to businesses needing water access. The final policy states that TVA will give preference to businesses making use of water access, but will also consider other businesses. (b) In the original draft, deed modifications were limited to removal of flowage rights no longer needed for river-operation purposes. In the final policy, TVA will also consider deed modifications that facilitate industrial development or that open the land affected to recreational access, or, in the case of land already open to the public, that continue such access. TVA will not remove deed

restrictions for the purpose of facilitating residential development. The Land Policy, which affects 293,000 acres along 652 miles of the Tennessee River and its tributaries, may be viewed at <http://www.tva.com/>.

Subsequent to the TVA's ratification of the Land Policy, it was revealed that the new Board had briefly considered disposing of all of its public lands and using the proceeds toward paying off some of TVA's debt.

**WHAT YOU CAN DO:** Thank the TVA Board for protecting some beautiful unspoiled lands around the reservoirs. This policy will also prevent further deterioration in water and air quality. E-mail to [landpolicyhearing@tva.gov](mailto:landpolicyhearing@tva.gov), or visit [www.tva.gov](http://www.tva.gov).

##### 4B. TVA updating Watts Bar Plan

Under the new Land Policy, individual reservoir plans have assumed special importance, because leases or sales for commercial recreation or industrial use will be considered for properties that are allocated for these uses in a reservoir land management plan. According to an article in the *Chattanooga Times Free Press*, of 12/26/06, TVA officials "said [that] they are updating a land management plan around Watts Bar Reservoir" and noted that this could lead to zoning changes for some of the 16,000 acres of public land around the lake. Specifically mentioned in the article are 1,700 acres of lakefront land, currently zoned for recreational use, that Meigs and Rhea county officials have sought to develop. The Watts Bar Development Authority was to meet after the holidays to discuss options.

##### 4C. Developers of formerly public lands reap huge profits

According to an article in the *Chattanooga Times Free Press* of December 12, more than 80 lots were sold for about \$30 million in the initial offering of land on Nickajack Lake that developer John Thornton acquired from TVA last spring. People bought lots ranging from \$250,000 to more than half a million dollars, with the price averaging ~\$300,000 per 1/3-acre lot. Altogether, about 1,000 lots will eventually be available.

This gated community will have a championship golf course, a marina, and 13 miles of hiking trails. "We're selling a dream," said the executive vice president of Rarity Communities, which is targeting baby boomers, because there are 78 million of them, and they are projected to inherit large sums

## 5. THE U.S. FOREST SERVICE and OTHER FOREST NEWS

### 5A. A halt is ordered for projects that were initiated in violation of the Roadless Rule

[Source: American Land Alliance]

Judge Elizabeth LaPorte, who on September 19 reinstated the Clinton-era Roadless Rule (NL270 17), has now ruled that projects in roadless areas begun after the Bush Administration repealed the 2001 Rule are unlawful and must be halted. On November 29, Judge LaPorte issued an injunction ordering the Forest Service (USFS) to stop work in inventoried roadless areas of 14 national forests, mostly in the Rockies, where roads were being built in association with oil & gas drilling (84 projects in all). The injunction also halts construction of new roads through a roadless area of Idaho's Salmon-Challis National Forest.

Mark Rey, the former timber company lobbyist who is now in charge of the USFS, argued that the agency took Judge LaPorte's original Sept. 19 ruling to mean that future road building was to be stopped, but that projects previously approved under then-current interpretation of the law could proceed. The judge rejected that argument, stating that these projects were begun under an *illegal* repeal of an existing rule, a rule that would be violated if the projects were continued. The USFS is now enjoined from allowing any surface use of a mineral lease issued after January 12, 2001, when the Rule went into effect.

The Bush Administration will probably fight the reinstatement of the Roadless Rule in the courts, and/or will attempt to undermine the Rule administratively behind the scenes because it is a regulation, rather than a law. We must be ready to support any bill that would enact the Roadless Rule into a federal statute.

### 5B. Administration exempts Forest Plans from NEPA

New Management Plans for individual national forests will no longer require an Environmental Impact Statement (EIS), according to a final rule issued by the USFS in mid-December (note that other features of this rule, finalized 1/05, are also highly objectionable, see NL259 15). After a 2-year review, the Administration concluded that the writing of forest plans has "no effect on the environment" and thus qualifies for "categorical exclusion" under NEPA. "Categorical exclusions" have been used by former administrations for small projects, such as expansion of a campground, but the Bush Administration has applied them to bigger and bigger projects ... and now to the entire management plans for 155 national forests and 20 national grass-

lands! (The USFS says it will still conduct NEPA studies at the individual project level.) The decision to exempt forest plans from NEPA (earlier foreseen by FSEEE, see NL260 18C) was hailed by the timber industry, whose Congressional allies have charged that environmental groups use the plans for winning lawsuits.

Forest plans were instituted by Congress in 1976 in an effort to make the USFS think long-term, to include the public in their decisions, and to consider the forest-wide, cumulative (not just site-specific) environmental impacts on all (including non-timber) resources.

Rep. Nick Rahall (D-W.VA), the new chairman of the House Natural Resources Committee, and Rep. Tom Udall (D-NM), head of the Forests Subcommittee, have asked the US Dept. of Agriculture to withdraw the rule. Among other things, "people will have even less ability to know about, let alone weigh in on, management of their U.S. forest lands," they charge.

**WHAT YOU CAN DO:** Contact Reps. Rahall and Udall (contact info on p.2), with a copy to your own Rep., urging them to take what measures they can to get this rule negated.

### 5C. USFS's Open Space Plan

The Forest Service recently solicited comments on its Open Space Conservation and Implementation Plan to help prioritize its efforts in combating the loss of open space. Developmental sprawl consumes 6,000 acres of open space every day (that is 4 acres every minute). An area the size of Colorado (34 million acres) of open space was lost to development between 1982 and 2001, and about twice that acreage is projected to be developed by 2020. Of all US forest lands, 57% are privately owned and unprotected from development. The agency declared three primary goals: (1) Protect land from conversion to other uses; (2) Assist private landowners and communities to maintain and manage their land as sustainable forests and grasslands; and (3) Mitigate the impacts of existing and new developments.

TCWP submitted comments on the Plan, making the following recommendations (here briefly summarized).

- To educate the public about the importance of our nation's forests and their rapid disappearance, the USFS's public outreach efforts should be enhanced. Our forests should be viewed as an integral part of resource security, an important component of our homeland security efforts. Among suggested strategies is creation of advisory boards representing a broad spectrum of forest-related interests. Further, meetings could be conducted in areas that are undergoing rapid loss of open space to educate the public about the loss of forests and what it means.

- Appropriation for the Land and Water Conservation Fund and the Forest Legacy Program should be increased.
- Provisions should be included in the Farm Bill that address the land-conversion issue. Among such provisions could be educational opportunities for local planning officials and financial incentives for landowners that protect private forests.

## 5D. An environmentally sound approach to use of forest products

[Information from Tennessee Forestry Council]

Have you ever bought wood and/or paper products derived from forests certified by the Sustainable Forestry Initiative (SFI) or by certain other timber-industry certification systems, and felt confident that you were thereby protecting forests? Sorry, but it ain't so; many of these certifications are greenwashes, condoning environmentally very harmful practices. Forests CAN be used more sustainably, and there is an industry-independent certification system that will encourage this.

Forest Stewardship Council (FSC) certification is the choice of a growing number of responsible businesses, including The Home Depot, Lowe's, IKEA, Gap, Starbucks, and many others. The *Alliance for Credible Forest Certification* has just launched a new website that can be accessed via <http://www.credibleforestcertification.org/> or <http://www.dontbuysfi.com/>. Among other things, the site:

- Explains the importance of forest certification as a tool for forest conservation,
- Provides comparisons of the Forest Stewardship Council (FSC) and Sustainable Forestry Initiative (SFI), and some other certification systems,
- Provides photos and other documentation on how the Sustainable Forestry Initiative (SFI) is greenwashing the destruction of imperiled forest resources,
- Provides testimonials about the FSC and SFI from companies, conservation groups, and others,
- Provides tools for companies seeking to procure credibly certified wood and paper products, including sample procurement policy language, and links to sources for FSC products,
- Explains the link between green building and certification,
- Provides a sample letter to urge the leading green building system not to give credit to the SFI and to wood from bad logging,
- Provides a host of fact sheets, reports, news items and other resources, and
- Provides information about the Alliance.

If you feel guilty at the thought that the toilet paper you use may be the product of an endangered (or, maybe even ancient) forest, look for

brands that have significant post-consumer recycled content and certification that any virgin fiber was obtained by sustainable forestry practices, and without touching endangered forests. Unfortunately, Kimberly-Clark, which markets many widely used brands of disposable paper products, is one of the worst offenders.

**WHAT YOU CAN DO:** (1) Look for FSC (and not SFI) certification when buying wood or paper products. (2) When buying disposable paper products, look for brands that have significant post-consumer recycled content.

## 6. OTHER NATIONAL ISSUES

### 6A. Tennessee legislators with important roles in the 110<sup>th</sup> Congress

Rep. Gordon new chair of the House Science Committee

Rep. Bart Gordon, Democrat from Tennessee's 6<sup>th</sup> District, is the new chair of the House Science Committee, of which he had been the ranking member. He plans to continue working in a bipartisan manner to advance science, technology, and science education. High on his agenda is enactment of measures to speed U.S. energy independence and to exercise better stewardship of energy resources. Gordon has authored legislation to ensure that federal buildings are meeting energy-efficiency goals and a bill that would make it easier for consumers to obtain alternative fuels like E85 ethanol and biodiesel.

New roles for Sen. Alexander

Sen. Alexander has been named to the powerful Senate Appropriations Committee. He will probably continue to serve on the Environment and Public Works Committee and the Education Subcommittee, though (being a Republican) not as chairman. He is chairman of the TVA Caucus, and co-chairman of the Science and Technology Caucus.

### 6B. Some additional consequences of the November elections

- With Rep. Richard Pombo (R-CA) gone, not only from the chairmanship of the powerful House Resources Committee but from the House altogether (NL270 ¶1A), Congressmen and women who care about the environment will have to spend less time and energy just playing defense against disastrous legislative proposals, such as drilling in the Arctic Refuge, emasculation of the Endangered Species Act, waivers of NEPA, etc. This should permit more time for positive actions.
- Replacing Pombo as committee chair is Rep. Nick Rahall (D-WV), whose LCV scores have risen in the 90s and high 80s. He has already re-

stored the word "Natural" to the name of the Committee (now the House *Natural Resources* Committee) and has created a National Parks, Forests and Public Lands Subcommittee. For his stand on National Forest Plans, see §5B, above.

- In the Senate, party shift in committee leadership will play a major role as Barbara Boxer (D-CA) replaces James Inhofe (R-OK) as head of the Environment and Public Works Committee. Boxer cares deeply about global warming, while Inhofe has ridiculed the idea that it poses dangers.
- Another highly important replacement is that of Pete Domenici (R-NM) by Jeff Bingaman (D-NM) as chairman of the Energy and Natural Resources Committee. Bingaman emphasizes conservation as a response to our oil dependency, while Domenici favors increases in oil & gas production. Bingaman is the cosponsor of S.6, the National Energy and Environment Security Act of 2007. This bill lays out a number of important goals designed to guide the 110th Congress's thinking and action on energy-related matters, including the issue of global warming.
- The House and Senate Appropriations Committees play a central role in land acquisition via the Land and Water Conservation Fund and the Forest Legacy Program. They are now chaired by Rep. David Obey (D-WI) and Sen. Robert Byrd (D-WV), who have Lifetime LCV scores of 84 and 52, respectively.
- Numerous environment-oriented state initiatives fared well. In addition to some key ones reported earlier (NL270 ¶1D), there were many that provided funding for land and water resources: 23 states passed 99 ballot initiatives that will fund \$5.73 billion for green-space protection.

#### **6C. New legislation in the making would diminish the threat that air pollution poses to our national parks**

Of the 390 units of our national park system, more than 150 are located in areas where air pollution exceeds federal standards (and those standards aren't nearly high enough, see proposed bill, below). Pollution-reduction programs implemented over the past two decades are achieving modest improvements in some parks, but new coal-fired power plants and thousands of new oil & gas wells are undoing the gains. Air pollution is destroying habitat for park biota and affecting park visitors by endangering their health and diminishing their park experience (e.g. by marring once stunning vistas with persistent haze). It is even corroding historic monuments.

The National Parks Conservation Association (NPCA) has recently released a special report, *Turning Point*, which can be downloaded from [www.NPCA.org](http://www.NPCA.org) (or call 1-800-488-4080). It calls attention to this rapidly growing problem and offers recommendations. Several media outlets subsequently amplified NPCA's call to action.

Last summer, Senators Tom Carper (D-DE) and Lamar Alexander (R-TN) introduced the Clean Air Planning Act, and they are all set to reintroduce it in this new session. Alexander is ranking member of the Senate Environment and Public Works Committee, which would be the one to mark up the measure. The Carper/Alexander bill would, for the first time, cap global warming-generating carbon emissions; they would be capped at today's levels by 2010, and at the lower 2001 levels by 2015. In addition, by 2015, SO<sub>2</sub> emissions would be cut by 82%, NO<sub>x</sub> emissions by 68%, and mercury emissions by 90%. Sen. Alexander has urged the state to adopt mercury rules that are stricter than the federal ones.

**WHAT YOU CAN DO:** Express your thanks to Sen. Alexander (address on p.2) and urge him to attempt to pass his bill without any weakening provisions. Urge your other senator(s) to support the Carper/Alexander bill.

#### **6D. We oppose the Corps of Engineers' "Nationwide Permit" proposal**

The U.S. Army Corps of Engineers' nationwide permits provide a "streamlined" approval process for projects that have so-called "minor" environmental impacts. Recently, the Corps proposed an expansion of this program, to give the agency broad discretion in permitting mining, bank stabilization, fill, development, and other activities. Nationwide Permits lack basic Clean Water Act safeguards, such as public notice requirements and a thorough evaluation of less damaging alternatives. By creating this less stringent permitting process, the Corps would be rubberstamping destruction of small streams and wetlands, and unwise floodplain development across the country.

TCWP submitted comments opposing the proposed changes in, and expansion of, the Nationwide Permit (NWP) program. The majority of proposed NWPs would allow unlimited impacts to streams, while others would grant the Corps broad discretion to waive limits. TCWP singled out NWP-21, for mountaintop mining, and NWP-A for "emergency repair activities" that could allow a host of undefined actions. Our comments noted that these rubberstamp NWPs would lead to much more than "minimal harm" to the environment, and we urged that strict limits be included on wetland and stream destruc-



tion and that NWP's not be applied to developments in floodplains.

## 6E. Listing and de-listing of species

### Cerulean Warbler - FWS won't list it

The population of cerulean warblers has declined by 70% since the 1960s, and is continuing to decline by 3% annually, primarily because of loss of forested lands. These birds live in the Andes during our winter (the Andean summer) and migrate to eastern and central North America during our summer. Because they nest in mature deciduous forests, the Cumberland Plateau has provided them with major breeding habitat. Now, these forests are being destroyed by logging or pine conversion and by mountaintop-removal and valley-fill coal mining operations.

The FWS has estimated that by 2012, 10-20% (1.4 million acres) of the warbler's core breeding habitat could be gone. Despite this dire projection, the agency has, for the second time since 1994, declined to list the cerulean warbler as threatened because there might still be tens of thousands of the species left in 100 years. In other words, FWS is daring the cerulean warbler to go to the brink of extinction. Many feel that the real reason behind the government's refusal to take action is that if the cerulean warbler were protected under the Endangered Species Act, this would prevent many stripmine permits from being granted and clear-cutting activities from being allowed.

### Bald Eagle - FWS plans to de-list it

The US Fish and Wildlife Service (FWS) is planning to "de-list" the Bald Eagle, i.e., to remove it from protection of the Endangered Species Act (ESA) as of February of this year. In the 1960s, there were only 417 nesting pairs in all of the lower 48 states combined. Now, Tennessee alone has 60 nesting pairs.

The American Eagle Foundation points out, however, that the species is not fully recovered, and that de-listing it could allow for adverse developments in areas that serve as bald eagle habitat.

Polar Bear - see 7C

## 7. GLOBAL WARMING

### 7A. Another dangerous consequence of greenhouse gases:

#### **acidification of the oceans**

[Information from Elizabeth Kolbert in *The New Yorker*, and *The New York Times* of Dec. 24]

The oceans act as a sink for CO<sub>2</sub> from the atmosphere: they absorb it and release it again, in roughly equal quantities ..., until recently. Now,

as the ever-increasing use of fossil fuels is spewing huge quantities of CO<sub>2</sub> into the air, the balance has been upset. The result is acidification of ocean water. Already, this has produced clearly measurable damage to coral reefs, and could ultimately wreak havoc on the entire oceanic food chain.

Rep. Jay Inslee (D-WA) has taken an important step toward focusing on this problem. He inserted a provision in the recently reauthorized Magnuson-Stevens Act (which regulates American ocean-fishing practices) that will direct the National Research Council (part of the National Academy of Sciences) "to conduct a study of the acidification of the oceans and how this process affects the United States."

### 7B. Supreme Court takes up control of CO<sub>2</sub> emissions

In early December, the US Supreme Court heard oral arguments in the case of *Massachusetts vs. Environmental Protection Agency*. The plaintiffs (12 states, three cities and 13 environmental groups) are seeking to compel the Bush Administration to impose limits on the emission of CO<sub>2</sub>, the prime greenhouse gas. The Administration argues that the EPA lacks authority to limit greenhouse gases under the Clean Air Act because, when the act was passed (unanimously in 1970), global warming was not yet recognized as a problem. There are many facts to show that this is a willful misconstruing of the Clean Air Act.

During the oral arguments, the courts punted a good deal of time on the "standing" of the plaintiffs. Justice Scalia stated that "standing" requires the plaintiff to be faced with imminent harm; and when a plaintiff attorney noted that rises in sea level were already occurring and were going to get worse, Scalia asked "when is the predicted cataclysm?" Let us only hope that most of the other justices have the wisdom to recognize that the fate of the globe is at stake. The Court is expected to rule before July 2007.

### 7C. Polar bears may be listed

On December 27, 2006, the US Fish and Wildlife Service (FWS) proposed listing polar bears as "threatened" under the Endangered Species Act. An AP report quotes Interior Secretary Dirk Kempthorne as saying: "We are concerned the polar bear's habitat may literally be melting." Before finalizing the listing, FWS has a year to gather and analyze peer-reviewed data and public comments (of which it has already received >120,000 in favor of listing). Once the listing is finalized, FWS must prepare a recovery plan for the bears, and federal agencies are barred from taking any action that could harm polar bears or their habitat.

Such harmful actions are any that put greenhouse gases into the atmosphere. Is the Administration finally prepared to stop greenhouse-gas emissions? Thank you, polar bears if you bring that about!

**WHAT YOU CAN DO:** Contact FWS ([www.fws.gov](http://www.fws.gov), and see Political Guide) in support of their efforts to save polar bears and their habitat.

## 7D. Oil companies

### **Investing in a warmer globe**

(Information from J. Kurlantzick in the *American Prospect* of Nov. 2006)

Even while some oil companies (e.g., BP), but not all, are acknowledging the seriousness of global warming, many of them are busily buying up rights to prospect for oil & gas in Arctic and sub-Arctic areas that will soon become ice-free as the polar cap melts. The US Geological Survey (USGS) estimates that the Arctic contains ~25% of all the globe's untapped petroleum and gas reserves. By 2050 or sooner, rather than later, most of the Arctic may be impacted by oil, gas, and mining development.

A large number of the leases being bought by the large oil companies are in the Beaufort Sea, a pristine ocean off the northern coast of Alaska. Exploratory activities in that area could ruin some of the world's biggest wild salmon runs and threaten bowhead whales. Other leases are located in the Barents Sea, north of Norway and eastern Russia, where they are likely to damage crucial spawning grounds for many species of fish. The shipping of oil from these areas would become more difficult due to the fact that the Northwest Passage is likely to become open within a decade. This means more likelihood of oil spills in the Arctic.

The current rush to exploration in a more ice-free Arctic signals several serious environmental threats.

- As a result of drilling activities and oil spills, the pristine Arctic environment faces destruction even beyond that due to global warming *per se*.
- Exploration (which produces methane) and the refining of crude add greenhouse gases to the atmosphere and thus increase global warming.
- Addition of more oil and gas for world consumption delays the transition away from fossil fuels, thus also increasing global warming.

While several other countries (Denmark, Russia, Canada) are not blameless, none is as heavily involved as the USA. The Bush Administration is actively promoting Arctic exploitation. For example,

- the USDI is offering oil companies waivers on the royalty fees they're supposed to pay on their finds,

- leases are offered without a substantial environmental impact study,
- to head the USGS, the White House recently picked Mark Myers, who previously worked for an oil company, thus breaking the precedent that USGS heads come up from within the agency or from academia,
- the US is encouraging Norway to explore in the Barents Sea.

## 7E. Spreading V.P. Gore's global warming message

Vice President Gore has embarked on training 1,000 "Climate Project" volunteers to help spread the message around the country and around the globe. Volunteers learn to present Gore's slide show, which was the basis for his movie (and book) "An Inconvenient Truth," and they undertake to offer the show wherever 50 or more people gather.

**WHAT YOU CAN DO:** To become a volunteer, contact Honorable Al Gore, Jr., 2100 West End Avenue, Suite 620, Nashville, TN 37203, or phone 1-615-327-2227.

## 7F. Some actions that address global warming

- The Tennessee Board of Regents has approved student-led initiatives to adopt a student fee that will fund clean-energy projects, such as energy-efficiency and conservation projects on campus.
- Tennessee campuses that are buying renewable energy from TVA under the Green Power Switch program include MTSU (which is offsetting 10% of its total energy usage with renewable), TTU, UT-K, University of the South (Sewanee), Rhodes College, and Maryville College.
- UT-K's entire fleet of diesel vehicles is now powered with 200 gallons/week of B-20 biodiesel fuel made from waste oil from the dining hall. Biodiesel fuel emits less sulfur and fewer hydrocarbons than does conventional diesel fuel.
- House Speaker Nancy Pelosi has announced plans to roll back subsidies to Big Oil (legislated by the previous Congress) and use the resources to promote research into renewable energy and energy conservation.
- Climate change will be a major issue for the House Science Committee under Rep. Bart Gordon ('06A, this NL). They will also investigate (and try to put a stop to) Administration censorship of climate-change scientists at NASA and NOAA (NL262 '08E).

## 8. THE OAK RIDGE RESERVATION (ORR)

[Based on information from Frank Hensley, submitted for AFORR (Advocates for the Oak Ridge Reservation)]

### 8A. Three Bends Area

Program on Wildlife Rehabilitation Centers, January 23

One of the possible future functions envisioned for the Three Bends area by AFORR is to provide the site for a wildlife rehabilitation center that would serve this region of East Tennessee. To learn more about this possibility, AFORR is sponsoring a meeting at which LouAnn Partington will make an informal presentation entitled "Herding Cats: Developing a Wildlife Rehabilitation Center."

Ms. Partington is an experienced wildlife rehabilitator, with state and federal licenses, who has worked with songbirds, raptors, small mammals, reptiles, and amphibians at several institutions in Tennessee and California. As chair of the board of the Tims Ford Environmental Education Association and President of the Tennessee Wildlife Educators and Rehabilitators Association, Partington is currently engaged in efforts to establish a wildlife rehabilitation and nature center at Tims Ford State Park, as well as working with the Tennessee Department of Environment and Conservation (TDEC) to provide park interpretive specialists with in-service training in wildlife rehabilitation and captive/education animal management, care, and training. Ms. Partington is also an outdoor enthusiast and is active in the Tennessee Trails Association.

Her talk will be presented on Tuesday, January 23, at 7 pm at the Oak Ridge Midtown Community Center (NE corner of Oak Ridge Turnpike at traffic light #11). The public is invited. Partington should be able to help us better understand the requirements and benefits of a possible wildlife rehabilitation center at the Three Bends area.

An outing at Solway Bend, January 20

Solway Bend, the easternmost of the Three Bends, is usually closed to the public, and more people need to become acquainted with its features. To that end, AFORR has arranged access for Saturday, January 20, and is sponsoring a short mid-winter hike in the area. Participants will meet at 1:00 pm in the parking lot behind the Scarboro Facility at the corner of Bethel Valley Road and Scarboro Road (the road that leads to Clark Center Park). The hike will be entirely on relatively level paved or gravel surfaces. For additional information, contact Bill Johnston at 482-7663.

### 8B. A possible future demand for land in the ORR

The Department of Energy (DOE) has announced that it will prepare a Programmatic Environmental Impact Statement (PEIS) for President

Bush's Global Nuclear Energy Partnership (GNEP) Initiative. GNEP will recycle spent nuclear fuel and destroy its long-lived radioactive components. To accomplish this, DOE proposes to design, build, and operate three facilities:

The PEIS will consider 13 sites as possible locations for one or more of the proposed GNEP facilities, and the ORR is one of them. A scoping meeting will be held in Oak Ridge on February 13 (6:00-9:30 PM, Double Tree Hotel, Salons A & B).

**WHAT YOU CAN DO:** AFORR invites you to join the outing at Solway Bend (January 20) and the meeting on wildlife rehabilitation centers (January 23). They hope you will also attend the DOE scoping meeting (February 13), concerning the possible use of ORR land for nuclear-fuel facility(ies).

## 9. TCWP NEWS

### 9A. TCWP receives grant

In our last Newsletter (NL270 #38), we reported having applied for a grant to convene a meeting of all groups and persons with an interest in the East Fork Obey River, one of the most pristine river gorge areas in the county that is under severe threat of degradation. Not only did we receive the grant, but it was for over three times the amount we had applied for -- \$5,000 from the World Wildlife Fund (WWF)!

According to TCWP executive director Sandra Goss, plans are under way to hold a day-long summit meeting. The event will feature an overview and history of the river, commentaries on its status, and opportunities and challenges in preserving its unique and remarkable qualities. Future Newsletters will keep you updated.

### 9B. Political Guide coming soon

This year's Political Guide will be mailed later this month. Preparation of the Guide, which has been undertaken by Board member Carol Grametbauer, is an even bigger job than usual this year because of the numerous changes (some still in progress), both on the federal and state levels. Additionally, several improvements in presentation have been made. Please be sure to save the Guide in a safe and accessible place, and use it often.

In the meantime, the first item under RESOURCES in #10, below, may be of use to you. We shall also post the Political Guide on the TCWP web site, and will keep it updated as the year progresses.

### 9C. Upcoming activities

(For additional information on any of the listed events, contact Sandra at 865-522-3809, or at [sandra@sandrakgoss.com](mailto:sandra@sandrakgoss.com))

#### Whites Creek Trail maintenance day -- January 27

More than 20 years ago, TCWP developed and undertook to maintain a trail in Rhea County on TVA property. This is now the Whites Creek Small Wild Area (SWA) trail, which volunteers have kept up since the mid-1980s. We invite you to join the traditional winter maintenance session. Participants can meet for carpooling at the former Food City location in Oak Ridge (on S. Illinois Avenue near the corner with Oak Ridge Turnpike) at 9:00 a.m.; or join in the crew at the Whites Creek trailhead about 10:00 a.m.

Participants should wear sturdy shoes and weather-appropriate clothing. Bring water, snacks, work gloves, loppers, and small bow saws or folding saws, if possible. Some tools will be available at the event. The work session will end around noon.

#### Cumberland Trail, Alley Ford Segment: hike and snip outing -- February 24

TCWP is the adoptive organization for the Alley Ford segment of the Cumberland Trail. This segment runs along the Obid River and offers beautiful views of the gorge. There will be a snip-and-saw hike on Saturday, February 24, when one can enjoy clear views of the gorge, thanks to the absence of leaves, and learn about Tennessee's linear park, as well as about one of the most spectacular river gorges in the Eastern United States.

Participants should wear sturdy shoes and weather-appropriate clothing. Bring water, snacks, work gloves, loppers, and small bowsaws or folding saws, if possible. Some tools will be available at the event.

There will be a carpool from the former Food City location (on S. Illinois Avenue at the corner with Oak Ridge Turnpike) at 9:00 a.m.; or meet at the Nemo trailhead at 10:00 a.m.

#### Additional activities

A supplementary events announcement will be sent out together with the Political Guide later this month (see 19B, above).

#### **9D. TCWP volunteers:**

##### ***we request some and thank others***

- For the Earth Day celebration in Knoxville, April 21, we're recruiting volunteer TCWP ambassadors to work our booth at Earth Fest. Each shift will last 2 hours. Interested folks should contact Sandra (see 19C, above) to discuss it.
- We are grateful to David Reister, who responded to our appeal for computer support (NL 270 ¶118). Additional volunteers will also be welcome.
- Thanks, Newsletter volunteers! The following volunteers assembled NL 270 for mailing: Jean Bangham, Don Davis, Carol Grametbauer, Frank and Catherine Hensley, Charlie Klabunde, Helen and Ken Warren. As always, Francis

Perey had the NL up on our website in record time. Thank you all!

#### **9E. Report on year-end appeal**

[Contributed by TCWP Treasurer Charlie Klabunde]

As of January 13, 54 donors have made contributions totaling \$14,015. The larger contributions included: 1@ \$5000, 1@ \$2000, 2@ 1000, 2@ 500, 5@ (200-350), 11@ 100.

There were also 80 membership renewals, which brought in \$3,170. (21 people did both at once.) All checks received in the pre-addressed return envelopes, without the Appeal form or any note on the check, were assumed to be contributions, not membership renewals.

#### **9F. Report of recent activities**

[Contributed by Cedar Barren Steward Tim Bagelow]  
Oak Ridge Barrens work day 11/18/06

Eleven people, including two Jefferson Middle School teachers and 5 students, participated in TCWP's Oak Ridge Cedar Barrens work day. Workers concentrated on removing smaller exotic species, including bush honeysuckle, privet, and a few autumn olive and lespedeza plants. A particularly heavy infestation near the playground area was removed by the students who worked very hard. No larger trees were removed during this work day. Some spraying of stumps was performed. Some trash was removed mainly from the playground-entrance area. The weather was cool at first but warmed up for a very pleasant workday.

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#### **10. JOB OPENINGS; CALENDAR; RESOURCES**

##### **•• JOB OPENINGS**

*Community Organizer for Save Our Cumberland Mountains (SOCM).*

The organizer will work with members in state-wide issue committees and/or local chapters. Some internal fundraising and writing duties. Must own a car. For further information contact SOCM, P.O. Box 479, Lake City, TN 37769, 865-426-9455; [info@socm.org](mailto:info@socm.org).

*Field Coordinator for Appalachian Voices (apply by January 19).*

Appalachian Voices seeks a motivated, dedicated and outgoing individual to manage and increase the involvement of members and volunteers in Appalachian Voices' campaign to end mountaintop-removal coal mining, promote sustainable forestry, and reduce air pollution in the Appalachian Mountains. The position is based at the group's main office in Boone, NC. Visit <http://www.appalachianvoices.org/>, or e-mail to [outreach@appvoices.org](mailto:outreach@appvoices.org), or phone 828-262-

1500, or write to 703 West King Street, Suite 105  
Boone, NC 28607.

## •• **EVENTS CALENDAR**

(For details, check the referenced NL item; or contact Sandra K. Goss, 865-522-3809, [sandra@sandrakgoss.com](mailto:sandra@sandrakgoss.com))

- January 20, AFORR's Solway Bend hike (¶8A, this NL).
- January 23, Oak Ridge, AFORR program on wild-liferehabilitation centers (¶8A, this NL).
- January 27, TCWP work hike: White's Creek Trail maintenance (¶9C, this NL).
- Feb. 3, Cherokee Forest Voices Annual Meeting, Tennessee Valley Unitarian Church (2931 Kingston Pike, Knoxville), 9:00-3:00. Contact Catherine Murray, [mncat7@earthlink.net](mailto:mncat7@earthlink.net).
- Feb. 9, Tennessee Conservation Voters (TCV) annual fundraising party with legislators, Nashville. Call 615-269-9090, or [tcvcd@bellsouth.net](mailto:tcvcd@bellsouth.net) (NL270 ¶3D).
- Feb. 13, Oak Ridge, DOE meeting on possible use of ORR land for nuclear-fuel facility (¶8B, this NL).
- Feb. 24, TCWP outing from Nemo Bridge: Cumberland Trail hike and maintenance (¶9C, this NL).
- Feb. 26, Cumberland Mountain State Park, 9:00-4:15. Second annual Alliance for the Cumberlands conference, featuring Rep. Lincoln Davis as keynote speaker. Call Katherine Medlock, 865-546-5998.
- March 31, TCWP work event: North Ridge Trail cleanup (details later).
- April 14, TCWP wildflower walk with garlic-mustard pull (details later).
- April 21, Earth Fest (celebration of Earth Day) at Knoxville's World's Fair Park from 11:00-7:00. Call 865-215-2872 for more information. Also see ¶9D this NL for needed TCWP volunteers.

## •• **RESOURCES**

- *Information sources about Tennessee state government*  
[From AP; sent by Charlie Klabunde]  
+ The text and status of bills can be found on the General Assembly's Website at <http://www.legislature.state.tn.us>, or by calling the Senate clerk's office at (615) 741-2730, or the House clerk at (615) 741-2901.
- + Information about lawmakers and their e-mail addresses also be found at the same web site. Legislators can also be reached by calling (800) 449-8366.
- + Details about Gov. Phil Bredesen's office can be found at <http://www.tennesseecanytime.org/governor> or by calling (615) 741-2001.

- + A directory of state agencies is posted at <http://www.tennesseecanytime.org/directory> and a telephone directory of state employees is at <http://www.ja.state.tn.us/oir/agda/agda/PgMainSearch.asp>.
- + The Ethics Commission Website has information on opinions and about lobbyists at <http://www.state.tn.us/sos/sec>, or by calling (615) 253-8634.
- *Volunteer pilots needed by SouthWings.*  
Founded in 1996, SouthWings is a non-profit conservation organization that uses a network of volunteer pilots and small aircraft to protect and conserve the natural resources and ecosystems of the Southeast. They provide a bird's-eye view of the natural wealth of the region's forests and watersheds, and they expose environmental degradation and illegal land management practices that would not otherwise be known. SouthWings, headquartered in Asheville, works across 10 states of the Southeast. E-mail SouthWings at [taylor@southwings.org](mailto:taylor@southwings.org), or call 1-800-640-1131.
- *The Knoxville Recycling Coalition's "Recycling Guide"* lists numerous recycling centers in Knoxville and the surrounding area. It also has a long alphabetical list of recyclable items and the organizations or businesses that will buy or accept them. For the latest edition of the *Recycling Guide*, visit [www.knoxvillerecycling.org](http://www.knoxvillerecycling.org) or call 865-525-9694 (hotline, 865-521-9900).
- *The Smoky Mountain Field School* is an educational partnership between U.T. and the Great Smoky Mountains National Park. Visit [www.outreach.utk.edu/smok](http://www.outreach.utk.edu/smok). To request a catalog of course offerings, call 865-974-0150.
- *How bacteria can remediate uranium-contaminated groundwater* (research by ORNL) is the subject of a TV show (*Modern Marvels*) on the History Channel, Wednesday, Jan. 24, 10 p.m. ET.
- [Submitted by Nina Gregg] *The Charter of Human Responsibilities* is an international project with the objective of mobilizing people to exercise their individual and collective responsibilities to humanity and the planet. For TCWP members who frequently take action to protect natural resources, responsibility is well understood. The Charter project offers an opportunity to use the theme of responsibility to engage and mobilize others. If you are interested in hosting Charter-themed activities in your community, workplace or organization, contact Nina Gregg, Coordinator for US Charter activities, at [charter.US@alliance21.org](mailto:charter.US@alliance21.org) or 865-977-7399. A conference on ethics and the environment is scheduled for April 10-12, 2008 in Knoxville. For details, visit [http://issue.utk.edu/energy\\_and\\_responsibility/](http://issue.utk.edu/energy_and_responsibility/)

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219 East Vanderbilt, Oak Ridge, TN 37830.

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.....

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