



Tennessee
Citizens for
Wilderness
Planning

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Editor: Liane B. Russell, 130 Tabor Road, Oak Ridge, TN 37830. E-mail: russell1b@sprynet.com
Shaded box or star means "Action Needed." Don't be overwhelmed – check the ACTION SUMMARY on p. 2!

13. ACTION SUMMARY

| #No. | Issue | Contact | "Message!" or Action |
|--------|-----------------------------------|--------------------------|--|
| 4D | Voting record of legislators | -- | Vote Aug. 7. Check out environmental scores of candidates. |
| 8B, 6A | EPA's rules change on air quality | US senators and rep. | "Fix by legislation if EPA does not withdraw this proposal!" |
| 6B | North Shore Road settlement | Sen. Alexander | "Please get involved and speed up the process!" |
| 7B | Acquisition of Rocky Fork tract | US senators and rep. | "Support funding for this acquisition!" |
| 7C, D | OHV damage that pollutes Tellico | US Forest Service | "I support your closing the OHV trails!" |
| 8A | Drilling in ANWR and OCS | US senators and rep. | "This won't lower gas prices and will add to energy woes!" |
| 8C | Loaded weapons in parks | Interior Sec. Kempthorne | "Parks should be safe haven for animals and people!" |
| 8D | Mountaintop removal | Sen. Alexander | "Thanks for questioning buffer-zone rule. Please persevere!" |
| 11C | TCWP needs help | Sandra Goss | Please volunteer a little of your time |

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

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

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

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

Dear Senator Doe
Sincerely yours,

Dear Congressman Doe
Sincerely yours,

Dear Mr. President
Respectfully yours,

Dear Gov. Bredesen
Respectfully yours,

Sen. Bob Corker
Ph: 202-224-3344; FAX: 202-228-0566
e-mail: <http://corker.senate.gov/contact.cfm>
Local: 865-637-4180 (FAX 637-9886)
800 Market St. Suite 121, Knoxville 37902

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

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

To call any Rep or Senator, dial Congressional switchboard, 202-224-3121. 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.tcvp.org>
With mail to Congress still slow following the anthrax scare, consider faxing, phoning, and other modes of communication.

There is much contact information in our up-to-date Political Guide. Visit the TCWP web site (<http://www.tcvp.org>)

WHAT IS TCWP?

TCWP (Tennessee Citizens for Wilderness Planning) is dedicated to achieving and perpetuating protection of natural lands and waters by means of public ownership, legislation, or cooperation of the private sector. While our first focus is on the Cumberland and Appalachian regions of East Tennessee, our efforts may extend to the rest of the state and the nation. TCWP's strength lies in researching information pertinent to an issue, informing and educating our membership and the public, interacting with groups having similar objectives, and working through the legislative, administrative, and judicial branches of government on the federal, state, and local levels.

TCWP: 130 Tabor Rd., Oak Ridge, TN 37830 President: Jimmy Groton, 865-483-5799 (h)
Executive and Membership-Development Director: Sandra Goss, 865-522-3809; Sandra@sandrakgoss.com
Newsletter editor: Lee Russell, russelllb@sprynet.com Internet: <http://www.tcvp.org>

1. THE CUMBERLANDS

[Note: This section, which pertains to the Cumberland lands in general, is followed by sections on specific Cumberland regions.]

1A. A law suit with broad implications: do mineral rights include surface rocks?

Can the owner of mineral rights scraperocks from land owned by someone else?

A combination of circumstances makes the Cumberland Plateau very vulnerable to rockmining. (a) There is an abundance of sandstone rock. (b) This rock – as “Crab Orchard stone,” dimension stone, etc. – is in commercial demand for building and landscaping. (c) Generations ago, many poor farmers and settlers on the Plateau sold mineral rights to coal companies while retaining the land.

Background. Last year, a Florida-based company (Lahierre-Hill) that owns mineral rights in the Deep Creek Gorge section of the Cumberland Trail State Park began removing 40-60 tons per day of sandstone surface rocks from that area of the park (and from the trail itself), causing heart-breaking devastation. The state sued. But Judge Frank Brown of the Hamilton County Court ruled in April 2007 that the company was legally within its mining rights and could continue mining (though not the trail itself). In October, the state appealed this decision to the Tennessee Court of Appeal. TCWP was among several groups that filed an *amicus curiae* (Friend of the Court) brief in support of the state.

The appeal. Oral arguments in the case were heard June 18 in Knoxville, with the Amici granted 5 minutes. Our attorney, Gregory Buppert, reports that despite the short presentation time, it seemed apparent from the three judges' questions that the Amicus Brief had helped to direct the Court's discussion of the issues. Specifically, our emphasis on the destruction that the excavation causes in the Park appeared to resonate with the panel.

The attorney representing the state of Tennessee pointed out that the only way to mine stone from the parkland and other property is to destroy the surface, a position echoed in the Amicus brief. To which the mining company's lawyer responded that excavation for stone did not “completely destroy” the land's surface. “Complete destruction,” he said, would be like a quarry - where there is no surface left.” The Court appeared to recognize the numerous flaws in these arguments.

What happens next? Once the Appeals Court issues its opinion (probably within 6 months), the case will probably be remanded to the trial court for additional proceedings consistent with the Court's ruling, and there might be an opportunity for an additional evidentiary hearing at that time.

What is at stake. Are surface rocks minerals?

The answer to this question will affect many, many and people who, like the State (in the case of the Cumberland Trail), own land but not the mineral rights. If last year's Hamilton County Court decision is allowed to stand, more than 450,000 public and private acres in 11 East Tennessee counties will be at risk of rock mining.

1B. Cumberland Habitat Conservation Plans (HCPs) – for non-federal lands

[Contributed by Cindy Kendrick]

Habitat Conservation Planning is a congressionally approved process to promote proactive and voluntary strategies for both the use and conservation of resources associated with threatened and endangered (T&E) species on non-federal lands. Through legal agreements between the US Fish & Wildlife Service (FWS) and resource users, an HCP allows T&E resources to be used (“taken”) as long as the species impacts are mitigated and minimized through an approved plan.

The Tennessee Wildlife Resource Agency (TWRA) received a grant from FWS to facilitate HCP development for the Cumberland lands. The Nature Conservancy and faculty and staff of the University of Tennessee and Tennessee Tech form the primary Development Team, and ~20 scientists serve on a Science Advisory Committee. Partners in planning include various interests and stakeholders in the region, including private landowners and landowner associations, forestry and wildlife managers, developers, homebuilders, city and county government officials, watershed associations, other local community groups and state agencies.

A Regional Water Resources HCP is being developed to cover numerous aquatic species impacted by residential and commercial development, city and county roads and stream crossings, utility corridors, municipal wastewater treatment, and water-supply initiatives in the Emory-Obed Watershed and Big South Fork Cumberland River of Tennessee. HCP applicants currently active are Cumberland County, Morgan County, and the cities of Crossville and Wartburg. Stakeholders from Fentress and Scott counties are participating but have not committed to becoming applicants.

A Forestry HCP is being developed to cover multiple terrestrial and aquatic species and forestry activities on public lands in the project area of Tennessee. The applicant for this HCP is TWRA.

Work and negotiations are expected to take 2-3 years. Approvals by cities and counties will then be needed.

Reference and more information: <http://www.cumberlandhsc.org/default.html>

1C. Cumberland Plateau might become a State Heritage Area

[Contributed by Cindy Kendrick;
information from Katherine Medlock,
Alliance for the Cumberland]

A special task force has just concluded a listening tour across the state to share and hear ideas and perspectives on establishing a State Heritage Areas Program. The task force is led by the Tennessee Department of Environment and Conservation (TDEC) and includes numerous state agencies in investigating the merits of such a program for Tennessee.

The Alliance for the Cumberland has rallied support for this Program and for eventual designation of the Cumberland Plateau as a State Heritage Area. The program would bring state funding for cooperative initiatives by residents, landowners, non-profits, businesses, and government entities to enhance, conserve, interpret, and promote the resources and peoples that define their region.

Anticipated benefits include increased regional identity ("branding"), strengthened local commitment to conservation and historic preservation, expanded opportunities for interpretation and education, and increased tourism and economic health.

1D. Cumberlandia capsules

- The Tennessee Wildlife Resources Commission (which oversees TWRA) approved the motion to name Royal Blue, Sundquist, and Brimstone Wildlife Management Areas as units of a newly designated North Cumberland WMA. Brimstone WMA was acquired last year as part of the big Connecting the Cumberlands project (NL277 ¶1A). Also part of that project were timber rights for the earlier designated Sundquist WMA. Royal Blue WMA was designated a number of years ago.
- The Department of Tourism has created Cumberland Plateau links in its Vacation Guide (<http://www.tnvacation.com>). In the past, the guide had three sections, one for each of the grand divisions of Tennessee, and Plateau items were split between two of the sections. In the new Guide, a search for Cumberland Plateau yields 10 pages of links (~100 altogether), including one to the North Cumberlands Conservation Acquisition (i.e., "Connecting the Cumberlands").

2. THE GREATER FROZEN HEAD

[Section contributed by Cindy Kendrick]

2A. TDEC to issue Emory tract management plan in mid-September

On June 16, the stakeholder team that is helping to address issues for the Management Plan of

Frozen Head's new Emory tract held the last of its five pre-plan meetings. TDEC says it will issue the draft plan to the public in September. The five meetings included a tour along the five access roads into area.

TCWP's Executive Director Sandra Goss has participated actively on the team and helped the State recruit representatives from two other conservation-minded entities. Also on the team are three Morgan County hunting-community representatives; a representative of The Nature Conservancy, which purchased a portion of the tract; and several TDEC staff under the leadership of Assistant Commissioner Mike Carlton.

At the root of most issues discussed by the team were, (1) balancing access by hunting and non-hunting visitors, and (2) balancing recreational use and resource protection. Prior to establishing the team, TDEC Commissioner Jim Fyke outlined non-negotiable elements, including multi-use access, exclusion of recreational ATV use, and restriction of ATV use to hunting. The State has said it will provide no new resources for road/trail construction or maintenance in this area. Questions remain regarding vulnerabilities associated with mineral rights.

A resource inventory is gradually being generated as it can be worked into existing staff priorities. Plans are also being drawn to monitor any changes in water quality near Emory River crossings.

2B. Woolly Adelgid Infestation spreads

In early January, we first saw reports from Clint Strohmeier, Forest Health Specialist, Tennessee Dept. Agriculture, that the woolly adelgid, which is fatal to hemlock trees, had been found in Roane and Morgan Counties, including near the picnic area at Frozen Head. Since then, the adelgid has been seen in many areas of the State Park and Natural Area, including Judge Branch and DeBord Falls. Park Management had previously deployed preventive treatment for a few trees and is currently developing a comprehensive plan with a strategy of attempting to save selected trees.

The hemlock woolly adelgid is an invasive species that originated in China. It was first reported near Richmond, Virginia in 1951 and by 2005 had spread to 16 states and half the hemlock's range. Tree mortality can occur in as little as 3-6 years in the southern ranges (USDA - <http://na.fs.fed.us/spto/pubs/pest/al/hemlock/hwa05.htm>).

Options for treatment of adelgid infestations include foliar insecticide sprays, soil drenches/injections, trunk injections, and predatory beetles. Each option has limitations and potential "side effects."

C. Emergency response plan will include oil & gas wells

Frozen Head Management is preparing an emergency response plan that will address the oil and gas wells located on the new Emory tracts (NL279 ¶3B). (Note: mineral rights were not acquired in the Emory Tracts that were added to Frozen Head in last summer's large "Connecting the Cumberlands" project, NL277 ¶1A). The plan is expected to be issued October 1. Park officials are gathering information on existing wells and are to receive notification of any new wells. In addition to spill response, topics of concern include physical protection of well equipment, including that of capped or dormant wells.

2D. Upcoming Frozen Head events

(For more information, call 423-346-3318)

- July 26, all day, CCC Reunion (bring old photos).
- August 16, 11:00 a.m.-5:00 p.m., Heritage Day Festival.
- Volunteer Trail Work Days, 9:00 a.m. until about 3:00 p.m.

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

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

3. OBED and BIG SOUTH FORK

3A. Big South Fork NRRRA releases Environmental Assessment for plugging abandoned oil and gas wells

In our earlier article on the status of oil & gas regulations in the BSNRRRA and Obed WSR (NL279 ¶1D), we reported that the former had received funding for plugging a number of abandoned wells. This project is now getting under way.

[From BSNRRRA Press Release]

Big South Fork National River and Recreation Area (NRRRA) plans to plug eleven abandoned oil and gas wells within the park and to carry out the necessary surface reclamation to restore the sites to natural conditions and processes. This is a multi-year project.

The Environmental Assessment for the project describes and analyzes the impacts of two alternatives:

Alternative A -- No-action.

Alternative B -- Plug Eleven Wells and Reclaim Park Resources, evaluates the plugging and reclamation of the eleven selected wells in the park (preferred alternative).

Copies of the Environmental Assessment are available on the internet at the National Park Service Planning, Environment and Public Comment web page by visiting <http://parkplanning.nps.gov> and selecting Big South Fork NRRRA. A limited number of copies of the plan are also available by writing to the address below.

Comments should be mailed to Superintendent, Big South Fork NRRRA, 4564 Leatherwood Road, Oneida, Tennessee 37841. Any questions may be directed to Phyllis Trabold at (423) 569-9778. All comments must be received no later than August 1, 2008

3B. Crossville water-conservation practices

[Based on information from Louise Gorenflo, OWCA]

Recent drought conditions in the southeastern United States have exacerbated water-supply concerns by the City of Crossville which is located at the head of watersheds — the Obed-Emory to the east and the Caney Fork to the west. These concerns have, over the years, led to proposals for damming important streams, most recently the Clear Creek, one of the two major tributaries of the Obed (NL275 ¶1B). This makes the subject of water-supply planning of special interest to all who have an interest in the Obed watershed.

The role of the Corps of Engineers in such planning was reported in our last Newsletter (NL279 ¶4E). In a recent OWCA (Obed Watershed Community Association) newsletter, conservation measures taken by the City of Crossville are examined in the light of EPA's "best practices" water conservation model. [For more information, contact Louise Gorenflo, OWCA, 931-484-9033 or lgorenflo@gmail.com.]

As was apparent from the Corps of Engineers planning, it again seems clear that destructive damming of rivers is far from the only alternative for increasing useful water supply.

3C. Stuart Johnson has become acting superintendent at BSNRRRA

After more than 8 years at the BSNRRRA, superintendent Reed Detring has left to become superintendent of the Ozark National Scenic Waterway. At a June 12 farewell dinner given for Reed by his Park Service colleagues, Frank Hensley and Sandra Goss presented him with a large color photograph by TCWP's Hal Smith of the view from Honey Creek Overlook. The picture was also presented to Reed at the June 18 meeting of the Alliance for the Cumberlands (whose steering committee had underwritten the framing of the photograph).

Pending the selection of a new superintendent, Stuart Johnson, superintendent at Stones River National Battlefield, will oversee management of the BSNRRRA, while continuing his job at

Stones River. Johnson is very familiar with the Big South Fork. He was working in the NFS' SE Regional Office during the time the BSFNNRA General Management Plan was being formulated. Since moving to Stones River, he's been hiking in the BSFNNRA at least once a month.

3D. Obed WSR activities

[From Joe Zagorski, Chief of Interpretation] Numerous activities have been planned by the Obed WSR for the coming months. Call 423-346-8901, ext.24 for info. Here is the list for the next few months. All times are EDT.

- July 19, climbing expedition. Meet at 2:00 p.m. on Lilly Bridge for a display of basic rock-climbing techniques.
- July 26, "Leave No Trace" lecture, 2:00 p.m. at the Visitor Center, Wartburg. Watch a video and discuss the program.
- August 22, "Owls of the Obed." Meet at 9 p.m. in the Lilly Bluff parking lot. Bring a flashlight and wear sturdy shoes.
- Sept. 27, National Public Lands Day clean-up of several sections of the park. Phone the number above for particulars.

4. THE LEGISLATURE: DISASTROUS PARTING PRESENT and OTHER POST MORTEM

4A. Land-acquisition funds eliminated

As expected, the legislature left action on the appropriations bill to the end of the session. Some of the huge federal deficit had trickled down to the state. Several state programs were reduced, and positions were eliminated, but a shortfall remained. Some of this could have been balanced by plugging a tax loophole for businesses. Having failed to do so, legislators were looking for an easy revenue "fix." They found it easy to grab two years of dedicated funds for wetland acquisition, local parks land acquisition, state land acquisition, and agricultural resource conservation. (They could have taken a portion of the abundant road-building funds instead.)

Tennessee's conservation groups (including TCWP) had worked very hard for years to establish an assured funding source for land acquisition by dedicating a small percentage of real-estate transfer taxes for this purpose. All this effort has now been erased by a last-minute amendment to an appropriations bill! The legislature not only took the money but effectively eliminated the entire mechanism. No longer will revenue from real-estate transfer taxes be dedicated for land acquisition and conservation.

What a backward step! Tennessee is 7th worst nation-wide in the rate of loss of farmlands and forests (an average of 80,000 acres get devel-

oped or subdivided each year). And we have such outstanding land and water resources so vulnerable to so many threats. If federal funds become available, we now won't be able to match them.

By contrast, in our neighbor state North Carolina, legislators recently agreed on a budget that maintains the dedicated revenue sources for their Natural Heritage Trust Fund and Parks & Recreation Trust Fund.

4B. Good bills that failed to pass

In addition to taking the disastrous action of eliminating the state's land-acquisition funds, the General Assembly performed poorly in several other areas. They failed to pass some major pieces of very good legislation, among them:

- a bill that would have stopped mountain top removal ("Scenic Vistas Protection" -- NL279 ¶2D);
- the container deposit bill (NL279 ¶2E);
- the rock-harvesting bill, which would have halted severely damaging activities on the Cumberland Trail (NL279 ¶2C) (but a law suit on this subject is still in progress, see ¶1A, this NL).

Other failed efforts include several bills on water-quality protection and water conservation, an attempt to improve coal taxation, and a resolution supporting a comprehensive state plan to limit greenhouse gas emission.

4C. The limited good news

This is of two kinds: good bills that became law, and bad bills that were stopped. Among the former are several energy-conservation measures and a couple of bills to improve water quality in the Pigeon River.

Most significant among the latter was stopping the dangerous "Liquored Resource Waters Act" (NL279 ¶2A) -- a critically important victory over the might of a broad coalition that included the chamber of commerce, local highway officials, farm bureau, forestry association, bankers association, construction companies, road builders, homebuilders, and coal interests.

Other potentially harmful efforts that were stopped was a bill to transfer the duties of TWRA to a division within TDEC, and a resolution requesting TVA to approve construction of the Lighthouse Lodge in Norris Dam State Park. The latter issue (NL279 ¶2B) is still alive, however (¶5B, below).

4D. TCV issues legislative Score Card

Tennessee Conservation Voters, TCV (of which TCWP is a member) strives to make environmental protection a top priority for Tennessee's elected officials, political candidates and voters. One way to accomplish this is to publish an annual legislative scorecard.

TCV's 2008 card, which is enclosed with this Newsletter, evaluates our state legislators' performance on 22 matters (bills and resolutions) that

came up during the 2008 session of the Tennessee General Assembly. This body is somewhat atypical in that most bills never come up for a floor vote. TCV's evaluation thus includes (in addition to the rare floor votes) committee votes and bill sponsorship.

In the House, top positive scorers were Kernell (D-93) and McDonald (D-44), each with a score of 10. There were six negative scorers (5 Republicans, one Democrat), with Baird (R-36) and Nicely (R-17) topping the list with scores of -6 and -5, respectively.

In the Senate, top scorers were R. Finney (R-8, score 6), Kurita (D-22, score 6), and Jackson (D-25, score 5). The single negative scorer was Kilbey (D-12, score -2).

WHAT YOU CAN DO: Be sure to vote in the August-7 Primary and the November-4 General Election, and before you do, check out the environmental scores for candidates from your district.

5. OTHER TENNESSEE NEWS

5A. Large-scale shale operation to open near Whites Creek SWA.

The Whites Creek Small Wild Area on Watts Bar Reservoir received its protective SWA classification about 25 years ago as the result of a TCWP request to TVA, and TCWP has subsequently maintained a trail within it. On the inland side, the SWA area was surrounded by Bowater (timber company) land. Five years ago, on learning about Bowater's intention to sell its Tennessee holdings, TCWP raised funds to purchase a ~50-acre addition to the SWA to act as a buffer (NL25) ¶6A). It turns out to have been a wise move: ~200+ acre Bowater tract was subsequently acquired by General Shale Co, which intends to "harvest" rock from its surface (presumably after removing the timber). An endless procession of noisy, dusty trucks will carry the rock to a processing facility near Spring City. The company has already obtained an NPDES permit for water discharges from a 140-acre mining area into two lovely creeks that drain into Watts Bar, one of them in Kitty Hollow, below the SWA.

TCWP is taking steps to clearly mark the boundary between our property and General Shale's. We also hope to arrange a meeting with company executives to make them aware of the protected status of the SWA and our adjoining tract, and of the recreational users whose enjoyment could be seriously diminished by the mining operation.

5B. Pressure continues for the Lighthouse Convention Center in Norris Dam State Park

Some folks never give up. The interests that for some time have been agitating to build the Lighthouse Lodge in a state park (Norris) continued their pressure in the face of overwhelming public opposition, even after TDEC Commissioner Fyke had turned down their request (the proposed project being definitely not in keeping with the mission of Tennessee State Parks), and after Governor Bredesen had refused to sign a bill for financing the project (NL275 ¶2A). Most recently, the General Assembly failed to pass a resolution requesting TVA to approve construction of the lodge (¶4C, above). In the face of all these setbacks, however, the project supporters are pursuing additional contacts with TDEC.

5C. Invasive Weed Awareness

[From a communication by TN-EPPC]

The Tennessee Exotic Pest Plant Council (TN-EPPC) is working throughout 2008 to raise awareness of the negative impacts of invasive plants in Tennessee's natural landscape. TN-EPPC actively works with state and federal agencies and with public and private landowners to share information and offer advice within Tennessee. The organization is currently revising its list of invasive plant species, developing an early-detection and rapid-response protocol for new occurrences, and using an online mapping program to compile an accurate picture of present infestations. Visit www.tneppc.org to access materials developed by the TN-EPPC.

The National Association of Exotic Pest Plant Councils, TN-EPPC's parent organization, is joining the National Areas Association at a national conference in Nashville, Oct. 14-17 (see Calendar, ¶12, and visit www.naturalarea.org). Discussion of ecological management will feature an emphasis on invasive exotic species and the anticipated influence of climate change.

5D. Less water and more people: TDEC Deputy Director Sloan speaks on water supply and planning

[Contributed by Cindy Kendrick from Carol Gramelbauer's

Alliance for the Cumberland's meeting minutes]

Speaking at the June 18 meeting of the Alliance for the Cumberland, TDEC Deputy Director Paul Sloan said that last year's drought was the worst in more than 150 years, when we had half the population and few power plants on the rivers. The drought had enormous economic impact, including a half-billion-dollar loss in agriculture. Sloan said the experience was a wake-up call regarding the stress that will ensue as the population continues to grow.

Only one water system totally failed, he said, and through various grants a permanent solution was found for that system. Other systems had extensive interconnectivity and willingness to work together. Early in the summer, a Drought Task Force met weekly to track every community that was particularly under stress, directing some mandatory conservation and some voluntary conservation. A Water Resources Technical Advisory Committee was created, involving 16 people from across the state (<http://www.state.tn.us/environment/boards/wrtag/>). The committee met for the first time last fall and is helping develop a revision to the state drought management plan, a model for local communities in their drought response plans, and guidance for local communities in creating water conservation plans. The committee's advice is also being asked regarding regional water resource planning.

Sloan said that a bill withdrawn in the last legislative session (due to the budget crisis) would have required public water systems to develop a long-range plan, a drought plan, and a conservation plan, and would have provided funding to help local municipalities with regional planning projects. The state is still working with the advisory committee in two areas that need a regional plan: northern Sumner County and the southern Cumberland Plateau (Monteagle/Tracy City area). The Plateau has two distinct alternatives: to pipe water from the Tennessee River, or to sustainably capture enough from within the watershed. Sustainable water sources need to be aligned with 50-year objectives. Sloan said that Tennessee is No. 1 in the country in the area of freshwater biodiversity, and we don't want to lose that.

When asked whether the State is working with the USGS to determine whether Tennessee has enough water to support an increased population, Sloan said the USGS did an excellent survey several years ago in the Tennessee River water basin. The survey is being updated and will be available on the TVA web site.

5E. John Noel gets Governor's award

Our friend John Noel has received the 2008 Governor's Lifetime Conservation Achievement award for "exemplary service" in environmental stewardship. CONGRATULATIONS! "From policy to persuasion to procuring funds for conservation, John has been personally involved at levels that have taken him from the creek to the capitol," said Deputy TDEC Commissioner Paul Sloan during the award ceremony.

John has been a leader in many important efforts, including one that kept sewage effluent from draining into a fabulous cave system near Fall Creek Falls State Park. He serves on the boards of several active environmental groups, including the Tennessee Environmental Council and the South-

ern Alliance for Clean Energy. Among his greatest current interests is energy policy and climate change. He is a member of Gov. Bredesen's Task Force on Energy Policy, chairing an *ad hoc* committee to make energy efficiency recommendations for state buildings and state vehicles.

6. THE SMOKIES

(Section contributed by Tim Bigelow)

6A. Groups speak out to keep new pollution out of Gt. Smoky Mountains

A press conference sponsored by the National Parks Conservation Association (NPCA), local businesses, and organizations was held in Knoxville on July 2 to bring attention to the Bush Administration's proposed change in an EPA regulation that would result in worsening air pollution in the Great Smoky Mountains National Park (GSMNP). The rules change, which is described in greater detail elsewhere in this NI, (§8B), would alter power-plant emission-reporting requirement in a way that would lead to serious underestimates of pollution increases in the park. Nationwide, it would make it easier for new coal-fired power plants to be approved, and 6 such new plants have already been proposed within a 200-mile radius of the GSMNP.

The NPCA organized several press conferences near national parks across the country whose air quality is already poor and would become much worse if the proposed rules change is finalized. GSMNP is not only the most heavily visited national park, but it is also No. 1 in air pollution. Local governments and businesses are concerned about the potential negative health and economic impacts that worsening air pollution in the park would have on the surrounding area.

WHAT YOU CAN DO: For further information and action suggestions, visit www.npca.org, or call Lindsay Bartsh, 415-989-9921 x22. Also, see §8B, this NI.

6B. Four-party talks stalled on North Shore Road payment amount

At the end of 2007, the National Park Service signed a Record of Decision to resolve the North Shore Road obligation through a monetary settlement to Swain County (NL279 §5A). The next step is to replace the original 1943 Agreement, which specified a new road, with a new agreement that incorporates the monetary settlement in lieu of the North Shore Road. The four signatories (NPS, TVA, Swain County (NC), and the state of North Carolina) have had a few meetings to accomplish this, but as of June 26 no new "4-party meeting" is scheduled.

There is a possibility that Senator Elizabeth Dole (R-NC) will support a \$52 million settlement. It is unknown whether or not she has informed the NPS of this. There has been no meeting of Sen. Alexander (R-TN) and Rep. Shuler (D-NC) with the Sec. of Interior on this matter, and none had been scheduled as of the above date.

At the last meeting of the four parties, the negotiators attempted to arrive at figures that might be used for calculating the monetary value of the settlement on the basis of the value of the road that was inundated by Fontana Reservoir and the interest rate for the intervening time. Figures were proposed to which the NPS negotiators were planning to respond.

A number of Swain County citizens believe that Supt. Ditmanson may be waiting until after the Nov. election before resuming the negotiations. TCWP and other groups have contacted Supt. Ditmanson requesting that the issue be resolved without undue delay. The pro-settlement group Citizens for the Economic Future of Swain County has also urged Sen. Alexander to send a representative to the 4-party meetings to speed up the resolution.

WHAT YOU CAN DO: Contact Senator Alexander (address on p. 2) and urge him to get more involved in the process.

5C. NC state treasurer could control North Shore Road settlement funds

A bill was approved by the NC state senate that calls for investing the North Shore Road settlement payment received by Swain County. The investments would be controlled by the state treasurer. Investment income would be available to the Swain County government on a yearly basis, but withdrawal of investment funds would require approval by two-thirds of the county.

For further details, see <http://www.citizen-times.com/apps/pbcs.dll/article?AID=200880520123>

6D. LeConte Lodge concession contract announced

Great Smoky Mountains National Park Superintendent Dale Ditmanson has announced that a new 10-year contract has been awarded to the operator of LeConte Lodge, the only overnight lodging facility in the Park. LeConte Lodge Limited Partnership, which has operated the lodge since 1989, will continue to do so under the new contract, which is effective January 1, 2009. The Stokely Hospitality Enterprises (Sevierville and Knoxville) is the managing partner. The new contract will allow expansion of services to provide, in addition to the traditional overnight accommodations, lunch to daytime visitors. Maps, books and other trail information will also be of

fered for sale. The concession contract is negotiated through a competitive solicitation process.

7. NATIONAL FOREST NEWS

7A. Fate of a Cherokee National Forest proposed Wilderness Area is being negotiated.

[Based on contributions by Sandra Goss and Tim Bigelow]

Among new Wilderness Areas for the southern Cherokee National Forest proposed by a coalition of groups (of which TCWP is a member) is a 4,400-acre perimeter addition to the Big Frog Wilderness. The US Forest Service (USFS), by comparison, has identified a potential wilderness less than one-tenth that size (365 acres) as the Big Frog Wilderness Extension. Even worse, the USFS has recently issued an Environmental Assessment for commercial timbering in the Hogback area, part of which lies within the conservationists' proposed new Wilderness addition. Some of this timbering would greatly enlarge wildlife openings. Particularly troubling is the proposal to build the spur of a new permanent road to access the timber.

TCWP has signed on to a very well done response letter crafted mainly by Southern Environmental Law Center (SELC) attorney Sarah Francisco for the Southern Appalachian Forest Coalition, Wildlaw, and Cherokee Forest Voices (of which TCWP is a Board member). The Forest Service is considering limiting the activities in the Perimeter area contingent on the conservation groups' allowing the remainder of the project to proceed without challenge.

As of this writing, the conservation groups and the Forest Service are finalizing a Memorandum of Agreement, prepared by SELC, that outlines this understanding. To learn more about this project, or to involve yourself in activities in the area, contact Sandra Goss at 865-522-3809 or at Sandra@sandakgoss.com.

7B. Continuing efforts to raise funds for acquiring the Rocky Fork tract

[Contributed by Tim Bigelow]

A considerable effort is underway to purchase and preserve the 10,000-acre Rocky Fork tract in the northern Cherokee National Forest (NL275928). This undisturbed area lies along the TN-NC border and had been of interest for preservation for years. The US Forest Service has made the acquisition of Rocky Fork one of its highest priorities. The Appalachian Trail is adjacent to the upper edge of Rocky Fork. The current owner, New Forestry LLC, is asking nearly \$40 million for the tract. In June, a Mountain Expo event was held in nearby Erwin, TN, to increase

public awareness of the recreational activities in the Rocky Fork area.

WHAT YOU CAN DO: (a) Urge Senators Alexander and Corker (p. 2) to secure federal acquisition funds for Rocky Fork. (b) If you can help financially, contact the Appalachian Trail Conservancy (www.appalachiantrail.org/) or the Conservation Fund (www.conservationfund.org/).

7C. TCWP submits comments on the Upper Tellico OHV Area

[Contributed by Tim Bigelow]

TCWP Executive Director Sandra Coss, submitted comments on behalf of TCWP in support of the Forest Service's action to limit the silt runoff from the Upper Tellico OHV (off-highway vehicle) area into the Tellico River watershed streams. Each mile of these OHV trails sends an average of 35 tons of sediment to nearby streams each year. The Tellico rises in North Carolina and flows into Tennessee. The Upper Tellico OHV Area is located in Tusquitee District of the Nantahala National Forest in western NC (http://www.atvrideronline.com/hotspots/100_0312_upper_tellico_ohv_area/index.html). District rangers made the decision to close certain severely eroded OHV trails last winter to minimize the silt runoff during rainy seasons. An environmental assessment was drafted for this action, which has now been challenged by OHV interests (see related article 7D, below).

WHAT YOU CAN DO: Comments were due to the Forest Service by July 9, 2008, but additional individual comments or suggestions are still likely to be effective at: comments-southern-north-carolina-nantahalatusquitee@fs.fed.us.

7D. OHV groups threaten Forest Service with lawsuit for protecting Tellico River watershed

[Contributed by Tim Bigelow]

Several off-highway vehicle (OHV) recreation organizations are threatening to sue the US Forest Service for its action to temporarily close, last winter and in the future, some trails in the Upper Tellico OHV area in North Carolina's Nantahala NF. An interesting twist to the story is that the Forest Service took the action partially in response to threatened legislation by trout fishing organizations that are complaining that operation of the OHV area is causing excess siltation in the otherwise pristine Tellico River watershed.

The Forest Service has to invest very heavily in the maintenance of OHV areas (~\$50 per ORV visit) to keep erosion and runoff in check. To minimize these damages, OHV areas in NC's national forests are closed during the winter. Upper Tellico is the only one that had been kept open.

7E. Forest Service again tries to make rule change previously found illegal

The National Forest Management Act of 1976 requires (among other things) that the Forest Service (USFS) protect "viable populations" of various species of wildlife in the forests (the "viapops" requirement). Another requirement is that the public be invited to participate in forest planning.

In 2005, the Bush Administration re-wrote the management rules so as to eliminate the viapops requirement and to severely restrict public participation in planning. This re-write was thrown out as the result of a lawsuit. But they never gave up. Three months ago, the USFS released a new set of rules that differs only superficially from the one that was thrown out. This one has been challenged by Earthjustice on behalf of a number of conservation groups.

8. NATIONAL ISSUES

8A. High gas prices fuel proposals for drilling in ANWR and OCS

The undeniable hardship to large numbers of people from record high gasoline prices has been exploited by many politicians and oil interests by promoting oil extraction from environmentally sensitive areas, including the Arctic National Wildlife Refuge and the Outer Continental Shelf (OCS). Unfortunately, these drilling proposals are beginning to sound like a very good idea to many uninformed people who are being deliberately misled by advertising, media reports, and pandering politicians.

Numerous speeches by Pres. Bush and Sen. McCain have promoted this drilling. There have also been sneaky attacks. For example, Minority Leader McConnell (R-KY) attempted to attach an amendment to a totally unrelated Flood Insurance bill; and Republicans in the House used the budget process to open ANWR to drilling.

Two myths are being propagated: (a) we can drill our way out of our oil dependency, and (b) huge oil deposits on federal lands have been locked up through actions of environmentalists. Here are some facts pertaining to each of these fictions.

(a) Even if every bit of oil under US control were recovered, we wouldn't have enough to move the world market. While we consume 25% of the world's oil supply, we own only 3% of its reserves. Any effect on gas prices would be minute, and such minute decreases would occur only after a long lag period. Thus, the government's Energy Information Administration has stated that even if both coasts were opened to oil drilling, prices would not begin to drop until 2030. And

the Department of Energy has estimated that drilling in the Arctic Refuge would lower the price at the pump by less than 4 cents per gallon - and that not till 20 years from now!

(b) Of 89 billion barrels of recoverable oil believed to lie offshore, the federal Mineral Management Service says 80% is NOW open to industry, mostly in the Gulf of Mexico and Alaskan water. Far from being starved for resources, the oil companies are a long ways from using the ones to which they already have access. Approximately 90+ million acres of federal lands - onshore and offshore - are currently under lease by oil companies. But (according to separate studies by the House Natural Resources Committee and The Wilderness Society), 68 million of these 90+ million acres (i.e., 75%) are not being used to produce energy, among them many potentially highly productive ones. In view of this, a House bill has been introduced to force the companies to start using the leases they already have before getting any more. It seems rather obvious that what the oil companies are now trying to do is to exploit the high gas-price outrage to help them lock up every last acre of federal land before Bush/Cheney leave office.

What's the real problem? We are forgetting that burning carbon-based fuels (in our vehicles, in power plants) will increase global warming at a time when we may be approaching the tipping point toward catastrophe. Instead of making it easier for us to consume ever more oil, we should be doing everything to reduce our need for it. [This was well stated in a July 6 letter to the *Knoxville News Sentinel* by TCWP Board member Pat Mulholland]. Instead of expending our energy to extract oil from the ground - and in the process destroying some irreplaceable treasures - we should be directing them toward solutions that will significantly decrease our need for oil (and not just foreign oil). We need vehicles that need less oil, or no oil. We need convenient mass transportation. We need renewable energy sources and efficient energy grids. None of this will lower gas prices in the near future, but pretending that OCS or ANWR drilling will do so is a lie, and our politicians need to be told this.

WHAT YOU CAN DO: Contact your Congressman and both senators (addresses on p. 2) and tell them that oil drilling in ANWR, OCS, and other federal lands will not lower gas prices for decades and will add to, instead of solving, future energy problems.

SB. Sen. Alexander objects to EPA-proposed rules change that would further worsen air quality in national parks

EPA is preparing to finalize a rules change that would calculate the impact of new air-pollution sources by using annual averages instead of peak periods of pollution. This manipulation of the data would mask the true air-quality impacts on national parks and would make it easier to get EPA approval for building coal-fired power plants near national parks (visit http://www.npca.org/darkhorizons/pdf/NPCA_factsheet_EPA_PSD_modeling_rule.pdf). Currently 20 such plants are under construction in 14 states; an additional 100+ are in various stages of planning. Scary!

Under current regulations, one in three national parks already suffers from air pollution levels that exceed federal health standards. Much of that pollution comes from the burning of coal. In June, the National Parks Conservation Association's *Dark Horizons* report (<http://www.npca.org/darkhorizons/>) named Great Smoky Mountains as one of ten national parks most at risk from pollution from new coal-fired power plants (see #6A, this NL). Others in our region are Shenandoah and Mammoth Cave. Among western parks most at risk are Zion, Capitol Reef, and Mesa Verde.

Bad air quality in the parks has disastrous effects on park resources, on visitor experience, on the health of visitors and staff, and on the economy of regions surrounding the parks.

National Park Service scientists have criticized the proposed rules as providing "the lowest possible degree of protection" for 156 Class-I areas (under the Clean Air Act) that include our most revered national parks and designated Wildernesses. EPA scientists, however, have also objected to the rule change, as opening the door to "totally frivolous documentation" of emissions from coal-fired power plants that would "seriously underestimate" pollution increases at affected national parks. The proposal clearly comes from the top and is being pushed in the remaining months of the Bush Administration.

Senator Alexander recently wrote a letter to EPA Administrator Stephen Johnson citing the statements of NPS and EPA experts. The letter is co-signed by 7 other senators (4 Democrats, 3 Republicans). In an interview with Associated Press, Alexander stated that he would urge Congress to overrule EPA if the rule change is finalized. Half a dozen new coal-fired power plants are planned within a 200-mile radius of the Smokies; 30 already operate in the region.

WHAT YOU CAN DO: Thank Sen. Alexander (address p.2) and encourage him to pursue Con-

gressional action if the EPA rules change is finalized.

8C. Comment period extended on guns in national parks

[Information from NPCA]

Current Park Service officials have grave concerns with the Department of Interior's proposal to allow loaded guns in the parks (NL279 96B), and so does the Association of National Park Rangers, the Coalition of National Park Service Retirees, and many other organizations and individuals. And so should you ... and now there is again time for you to express your concerns since the comment period was extended to August 8 at the request of Congressional committees.

The new regulation (pushed by the National Rifle Association) would mandate that national parks allow visitors to have loaded and covered firearms if the state where that park is located allows the same practice in its state parks. NRA-beholden senators sent Interior Secretary Kempthorne a letter that incorrectly states that the National Park Service "prohibits" individuals from having guns in parks. The facts are that firearms are allowed in parks as long as they are unloaded and put away, e.g., in the trunk of a vehicle.

WHAT YOU CAN DO: Our national parks were intended to be a safe haven for animals and people. You can submit your comments rapidly and effortlessly through a link on NPCA's informative, user-friendly web site at www.npsa.org/keep_parks_safe. Be sure to do so prior to the new August 8 deadline.

8D. Rule changes that would facilitate mountaintop removal are challenged by two senators

The Office of Surface Mining (OSM) is finalizing revisions in the stream-buffer-zone rule - changes that would facilitate the type of coal surface mining that removes mountain tops and fills valleys with the waste. Now, the rule-making process is being questioned by two senators.

Since 1983, OSM regulations have stated that "No land within 100 ft of an intermittent or perennial stream shall be disturbed by surface mining operation ...," thereby establishing a stream buffer zone. The rule changes proposed by OSM last October would exempt certain activities from having to meet this requirement, which would allow valleys to become filled with waste (NL276 92).

Senators Jeff Bingaman (D-NM) and Lamar Alexander (R-TN) have asked the General Accounting Office to review whether OSM violated NEPA by limiting the scope and the analysis of alternatives in the Draft Environmental Impact

Statement (EIS). Bingaman is the chair of the Senate Energy and Natural Resources Committee; Alexander is a member of the Environment and Public Works Committee. In their letter to GAO the senators say that mountaintop removal "has far-reaching negative effect on local citizens and the environment."

WHAT YOU CAN DO: Thank Sen. Alexander (address p. 2) and urge him to take whatever other steps he can to stop mountaintop removal.

8E. The National Park Service as manager of Wild & Scenic Rivers

Under the National Wild & Scenic Rivers Act of 1968, there are a number of entities that may undertake management of a WSR. One of these is the National Park Service (NPS).

- Of 168 rivers in the National Wild and Scenic Rivers System, 28 are managed by NPS as part of the National Park System.
 - A recent report by the NPS Wild & Scenic Rivers Task Force gave the agency mixed grades for its management role, including a number of Fs. (Among several issues cited was resource damage from tributary dams on the Obol.) The report concluded that the NPS management approach was in need of a tune-up.
 - In May 2007, the Park Service National Leadership Council announced creation of a service-wide Wild & Scenic Rivers Program and a steering committee to investigate funding sources for a national coordinator. The program would consolidate management, facilitate employee training, oversee outreach programs, and establish a management home for the rivers program within the NPS.
 - The ruling in a lawsuit about a tributary dam (in the Buffalo watershed, Arkansas) set an important legal precedent that provides protection for National Wild & Scenic Rivers extending beyond the national park boundaries.
- We suggest one important way in which NPS could greatly improve its management performance relative to WSRs. They should strive to eliminate (through federal land acquisition of inholdings) the serious risks to still-unprotected lands within the park boundaries.

8F. National Park Service has new SE Region director

[Information from an NPS news release]

NPS has 7 regional directors. The newest is David Vela, who became Southeast Regional Director at the beginning of May. He came up through the ranks, beginning in 1981 as a park ranger and subsequently becoming a supervisory park ranger and district ranger. Starting in 1998, he served as superintendent of, successively, three NPS system units: the George Washington Memo-

tial Parkway, Lyndon B. Johnson National Historical Park, and Palo Alto Battlefield National Historic Site. In 2002, he was appointed the Texas State Coordinator for the Intermountain Region of NPS.

The Southeast Region encompasses 66 parks (including Wild & Scenic Rivers – see §8E, above) in nine states, Puerto Rico, and the Virgin Islands. The Region welcomes over 60 million visitors a year. It has a \$204 million operating budget and employs more than 2,600 people, including 174 at the regional office in Atlanta.

TCWP has arranged for a small delegation to meet with Mr. Vela concerning acquisition of remaining private lands within the Obed WSR boundary (NL279 ¶1A).

9. GLOBAL WARMING

9A. Climate Security Act supported in the Senate – but not enough

On June 6, the Climate Security Act, S. 2191 (Lieberman-Warner) received majority support in the Senate, but not the 60 votes needed to invoke cloture. There were 48 ‘yes’ votes on the floor, plus another six written statements of support from Senators who were unable to be present. It was thus the first majority for a comprehensive cap-and-trade system to reduce greenhouse gas (GHG) emissions. There were only 38 votes in 2005 and 43 votes in 2003, and these were cast for legislation substantially weaker than S.2191. Even that latest bill was only a good first step, and it needed to be considerably strengthened before passage.

Some post mortem on S.2191’s failure cited bad timing. With record gas prices on their constituents’ mind, some senators were worried about supporting legislation that would raise energy prices. The Republican leadership is more interested in protecting industry than the needs of the planet (at one point they forced a complete hour-long reading of the 492 page bill). It was doubtful whether all who supported cloture would have voted for the bill on the floor without substantial amendments.

One class of amendments would have addressed the use of the money generated by the sale of emission permits to polluting industries. Instead of investing these proceeds in clean technologies and jobs, some senators supported returning a sizable share to consumers as a cash rebate to help pay for higher energy bills. (See §9B, below, for another use of the funds.)

An improved bill is needed for next year. It is to be hoped that the November election will result in a Senate that not only can invoke cloture on a climate-change bill but will also vote down damaging amendments. High on the list of these are irresponsible proposals that, instead of invest-

ing in solutions and mitigations for global warming, would use every dollar for rebates. It’s hard for politicians to say no to cash given directly to their voters.

9B. Climate-change bill needs to help ecosystems survive global warming

Led by the National Wildlife Federation, a number of groups (representing conservationists, hunters, anglers, birders, etc.) and resource agencies are proposing that climate-change legislation include provisions to help ecosystems survive global warming. Specifically, a portion of the funds generated by the sale of GHG-pollution permits should be dedicated to this purpose. This is among the key elements recently proposed by a group of congressmen for climate-change legislation (NL279 ¶7C).

Cap-and-trade bills (such as S. 2191 which recently failed to be brought up in the Senate, see ¶9A, above), auction off pollution permits to industries that emit carbon dioxide and other greenhouse gases (GHG). To help curb global warming, the bulk of the funds generated need to be invested in clean technologies and jobs. Under the NWF proposal, a small portion (5% of the total value of the permits) would be given to natural-resource agencies to protect wildlife and ecosystems from global warming.

NWF calculates that between 2012 and 2030, \$7.2 billion per year (a total of \$137 billion) would be dedicated to natural-resource protection. Over 40% of this (or ~\$3 billion per year) would go to state fish and wildlife agencies, the rest going to the Land and Water Conservation Fund and federal natural-resource agencies. The money to states for global warming adaptation measures would require only a 10% match from states.

9C. Administration declares that polar-bear listing has no bearing on its global-warming policies

In mid-May, 5 months after it was legally required to act, the US Fish & Wildlife Service (FWS) declared the polar bear a threatened species. The delay occurred so the Bush Administration could sell leases to millions of acres of prime polar bear habitat in the Chukchi Sea (Arctic Ocean) to oil and gas companies.

At the May-14 press conference called to announce the polar bear’s listing as a threatened species, Interior Secretary Kempthorne said: “Today’s decision is based on three findings. First, sea ice is vital to polar bear survival. Second, the polar bear’s sea-ice habitat has dramatically melted in recent decades. Third, computer models suggest sea ice is likely to further recede in the future.” [The last two points were accompanied by dramatic graphic documentation.] He went on to say that what had actually been observed is “con-

siderably less sea ice than the models are projecting ..." [documented by another alarming map]. He projected that the bears were "likely to become endangered in the foreseeable future - in this case 45 years." [Therefore, the "threatened," rather than "endangered" listing.]

And then came the telling part of the announcement. "The most significant part of today's decision is what President Bush observed about climate change policy last month. President Bush noted that 'The Clean Air Act, the Endangered Species Act (ESA), and the National Environmental Policy Act were never meant to regulate global climate change.' The President is right. Listing the polar bear as threatened can reduce avoidable losses of polar bears. But it should not open the door to use the ESA to regulate greenhouse gas emissions from automobiles, power plants, and other sources. That would be a wholly inappropriate use of the Endangered Species Act. [The] ESA is not the right tool to set U.S. climate policy."

Thus, the Administration failed to identify any concrete way in which the listing will improve protection for the bear's sea-ice habitat, the loss of which prompted the listing.

9D. White House climate report, four years late, confirms other findings

Under a 1990 law, the government must, every 4 years, issue a comprehensive science assessment of the effects of climate change on various regions of the country. This had not been done since 2000, and environmental groups obtained a court order to force the Bush administration to produce the document by the end of May.

The 271-page report by the National Science and Technology Council's Committee on Environment and Natural Resources is entitled "Scientific Assessment of the Effects of Global Change on the United States" (<http://tinyurl.com/4hojv5>). It is dated May 2006 and has a 17-page executive summary. While the document contains no new science, it pulls together different U.S. studies and localizes international reports into one comprehensive document required by law. Even though it contains no new science, the report is notable because it is something the Bush Administration has fought in the past. One climate scientist described it as "a litany of bad news in store for the U.S."

9E. GHG-generating industries spend millions to spread fear with bogus information

As the Congress gets closer (albeit by painfully slow steps) to enacting legislation to curb Greenhouse Gas (GHG) emissions, polluting industries are engaging in a multimillion-dollar effort to spread doubt and fear. The struggling US

economy and the ever-rising energy prices are providing fertile ground for this propaganda. We must do all we can to broadcast the truth and to tell people about the real science.

I recently received a 20-page professionally produced tabloid with the title "Environment and Climate News" published by an outfit called The Heartland Institute in Chicago (<http://www.heartland.org>). Here is a small sampling of the articles:

- Cap-and-trade plans will require draconian lifestyle restrictions.
- EPA, CBO (Congressional Budget Office) document the high costs of proposed global warming legislation.
- Global warming - frog decline link disproved.
- Fears about polar bear populations are refuted by scientific forecasting.
- Hybrid vehicle owners report adverse health effects.
- Gore refuses global warming prediction challenge.
- Scores of peer-reviewed studies contradict global warming alarmism.

The e is also a Heartland Institute ad entitled: "Is your child being educated or indoctrinated?" that suggests steps you should take if "your child [is] being forced to watch Al Gore's propaganda film."

10. THE OAK RIDGE RESERVATION

10A. Groups again request

comprehensive EIS for entire ORR

It has become apparent from newspaper reports and other sources that the Department of Energy (DOE) is preparing to transfer ownership of Oak Ridge Reservation (ORR) to the DOE. This would be yet another instance of disposing of a separate, discrete part of ORR lands. A number of organizations, led by AFORR (Advocates for the Oak Ridge Reservation) and including TCWP, are urging DOE to refrain from making individual land-use decisions prior to completing a comprehensive environmental impact statement (EIS) that considers cumulative impacts of land-use actions on the Reservation and on the surrounding region. In their letter, the organizations point out that a consideration of cumulative impacts is required by the National Environmental Policy Act (NEPA) and by DOE Policy.

The organizations have repeatedly requested preparation of a comprehensive EIS for the land-use planning process and as a prerequisite for land-management decisions at ORR. Transfer of lands from federal ownership is an action that is clearly governed by the requirements of NEPA.

10B. ORR research providing information of continental significance

[From ORNL news release 6/26/08]

Portions of the ORR have been selected as a core wildland site in the planned NSF-sponsored National Ecological Observatory Network (NEON). This is a multi-decade continental-scale research platform supported by the National Science Foundation. The ORR is one of 16 sites that were selected across the continental USA to provide information related to climate change, biodiversity, invasive species, infectious diseases, and other areas of interest. Several areas of the ORR will be intensively instrumented for measurements of meteorology and climate, exchange of CO₂ and other gases between the atmosphere and vegetation, chemical and microbiological properties of soils and streams, and a variety of other ecological parameters. Data from the ORR site will be integrated with data from other NEON core sites and made available to scientists, students, and the general public via Internet portals.

For the past 40 years, studies in the ORR have focused on the effects of energy technology-driven environmental changes on ecological processes within forest ecosystems. The establishment of a ORR NEON site will enhance the historical and ongoing DOE research. The network is expected to gather ecological data for more than 30 years. ORNL scientist Pat Mulholland (who serves on the TCWP Board) is leading the NEON effort on the ORR.

Additional information is available at <http://walkerbranch.ornl.gov> and <http://www.neoninc.org>.

11. TCWP MATTERS

11A. Upcoming activities

[Contributed by Carol Grametbauer, with help of others, where indicated]

Head of the Sequatchie outing -- Saturday, July 19

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

Our day will include remarks by a ranger, well-known naturalist and TCWP Board member Mary Lynn Dobson, short walks to both springs, and lunch in a shady spot. We will carpool from the NOAA site on Illinois Avenue in Oak Ridge,

leaving at 8:30 a.m. EDT; or participants can meet at 8:45 a.m. CDT at Homestead Baptist Church in Crossville (directly across from the Hwy 127 entrance to Cumberland Mountain State Park) to caravan to the site. Wear sturdy shoes and bring a lunch. **NOTE: Pre-registration is required for this event: to register, or to find out more, call or e-mail Sandra (contact information above).**

What's Old and New at Ijams Nature Center -- Thursday, July 24

[Contributed by Cindy Kendrick]

Stephen Lyn Bales, Ijams Nature Center naturalist and author of *Natural Histories: Stories from the Tennessee Valley*, will share stories old and new in a presentation in the Craft Room, Oak Ridge Civic Center. The program will start at 7 p.m.

From its 20-acre beginning as the home of H.P. and Alice Ijams to its recent growth to more than 270 acres, Ijams has drawn many visitors over its long history. While it recently celebrated its 43rd anniversary, its nature and environmental education tradition can be traced back over 70 years. In many ways, Alice and H.P. Ijams were this area's original "green" family. In his talk, Bales will also describe the current programs and resources at Ijams Nature Center. An owl and a snake will play supporting roles.

Clifty Creek outing -- Saturday, July 26

This will be a repeat of last year's very popular "In the Creek" outing. The whole family can enjoy this event, which will involve netting aquatic insects and fish from the stream and learning to identify them. To carpool from Oak Ridge, meet at 9 a.m. at the NOAA site on Illinois Ave.; or meet the group at the Clifty Creek site near Harriman at 10 a.m. EDT (for directions, e-mail Sandra -- see contact information above).

Bring 1) old sneakers to wear in the creek, 2) lunch, 3) bug spray and 4) sun block. (There will be loaner waders at the event if you don't want to get wet.) We expect to return at about 1:30 p.m.



National Public Lands Day cleanup — Saturday, September 27

Come help remove invasive exotic plants at the TVA Small Wild Area at Worthington Cemetery on the east end of Oak Ridge, and enjoy a pizza picnic afterwards. This area depends on us annually removing exotic pest plants that threaten the native plants. The cleanup will begin at 9 a.m. and conclude with lunch around noon. Participants should wear sturdy shoes and gloves, and bring loppers or shears if possible. Tools will also be available at the worksite.

Black Oak Ridge Conservation Easement hike — Sunday, October 12

[Information contributed by Larry Pounds]

The Black Oak Ridge Conservation Easement (BORCE), opened to the public in October 2007, includes 3,073 acres on Black Oak Ridge and McKinney Ridge in the western part of Oak Ridge. The site contains hemlock-rhododendron forest, beech-maple forest, and cedar barrens, as well as some plant species unusual in this region. Plant ecologist and TCWP Board member Larry Pounds will lead this Sunday afternoon loop hike on the west end of the BORCE. We will meet at 1 p.m. at the west end guard shack. The hike will be less than five miles but will include some hill climbing.

TCWP Annual Meeting — Saturday, November 1

Mark your calendar now for a day of talks and hikes featuring the Cumberland Trail State Park. Bobby Fulcher, Park manager; Tony Hook, manager of the Cumberland Trail Conference; and Del Tritt of Friends of the Cumberland Trail will update us about the park, and the challenges and opportunities it presents. The meeting, to be held at the Ridge BBQ restaurant at Cove Lake State Park, will get underway with coffee and breakfast snacks at 9:30 a.m.; the program will start at 10. We'll conclude with a brief business session, followed by lunch at the restaurant. After lunch, there will be a choice of hikes for those who are interested. See the September NL for additional information about hiking options and advance registration.

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

the contributing authors. We hope to expand this participation in the future and urge others to come forward and offer their assistance (you can start with a single article, if you like).

11C. Volunteer opportunities

In addition to writers, we still need volunteers badly for numerous specific tasks, some quite small and easy. Please refer to NL277 ¶8A. If you've lost it, contact Sandra Goss at 865-522-3809, or at Sandra@sundrakgoss.com.

TCWP frequently exhibits at festivals throughout East Tennessee, spreading the word about our organization and our work. We'd welcome your help in manning such exhibits for limited periods. A brief orientation is provided for anyone who volunteers to be a TCWP ambassador at these events.

If you wish you could do more about any of the issues mentioned in this or other Newsletters, don't feel you are too ignorant or powerless. Contact Sandra and she'll get you in touch with the right person who can help you get started.

11D. Recent events

North Ridge Trail segment cleared on workday — June 7

(Contributed by Cindy Kendrick)

Three enthusiastic volunteers, under the able leadership of volunteer Trail Steward Susan Donnelly, cleared encroaching vegetation from the Delaware loop of Oak Ridge's North Ridge Trail on Saturday, June 7. This shady segment features abundant wildflowers along a cool creek. Photos of the workday activities may be viewed at <http://www.tcwp.org/scrapbook.shtml>.

Booth at Secret City festival — June 20-21

(Contributed by Sandra Goss)

The TCWP display was recently updated with photos of our various efforts, including trail maintenance, invasive exotic plant removal, informational meetings, and hikes and other outings. It was set up in the TCWP booth at the Secret City Festival in Oak Ridge. Thanks to Jean Bangham, Tim Bigelow, Marion Burger, Virginia Dale, Carol Grametbauer, Frank Hensley, Cindy Kendrick, Pat Mulholland, and Hal Smith for their work in connection with our booth.

11B. Newsletter authorship

We draw your attention to the multiple authorship of this Newsletter. Three members have each taken on most or all of two sections of the NL: Cindy Kendrick ¶1 and ¶2, Tim Bigelow ¶6 and ¶7, and Carol Grametbauer ¶11 and ¶12. Some provided additional articles, as well. It was a tremendous help for Lee (THANK YOU ALL!) and an eye opener and educational experience for

X. CALENDAR; RESOURCES

•• CALENDAR

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

- July 19, TCWP's Head of the Sequatchie outing (see ¶11A, this NL).
- July 23-26, Cullowhee, NC (50 mi. W of Asheville), Conference on Native Plants in the Landscape, Western Carolina University (info and registration material from <http://nativeplantconference.wcu.edu/>).
- July 2, Talk by Lyn Bales, Ijams (see ¶11A, this NL).
- July 26, Clifty Creek outing (see ¶11A, this NL).
- August 1, Comment deadline for EA on oil-well plugging in BSNRRA (see ¶3A, this NL).
- August 5, Crossville, TN, 4 p.m. (CDT), John McFadden (Exec. Dir., Tenn. Environmental Council) will speak on water issues that face our state. OWCA, at Common Ground, 185 Hood Drive.
- August 7, Primary election: check on your candidate's environmental record (see ¶4D, this NL).
- August 8, new deadline for commenting on guns in parks (see ¶8C, this NL).
- Sept. 22-23, Raleigh, NC, Biomass South 2008: Charting a Course for Biofuels, Biopower, and Bioproducts. For info, contact John Bonitz, bonitz@cleanenergy.org.
- Sept. 27, National Public Lands Day cleanup, Worthington Cemetery (see ¶11A, this NL).
- Oct. 14-17, Nashville, Natural Areas Association's 39th National Conference, joined by the National Association of Exotic Pest Plant Councils. Discussion of ecological management will feature an emphasis on invasive exotic species and the anticipated influence of climate change. Visit www.naturalarea.org. (Also, see ¶5C, this NL).
- October 19, Black Oak Ridge Conservation Easement hike (see ¶11A, this NL).
- November 1, TCWP Annual Meeting (see ¶11A, this NL).
- November 15, Oak Ridge Cedar Barren cleanup (details to come in September NL).

•• RESOURCES

- The League of Women Voters of Tennessee has recently updated its basic publication, "How to Vote in Tennessee" to include new topics such as provisional voting. It is available at www.lwv-tn.org.
- *State grants for tree-planting projects*
The Department of Agriculture, Forestry Division, announces the availability of Tennessee Agriculture Enhancement Program (TAEP) funds for community tree-planting projects. Urban For-

estry project proposals are accepted from city and county governments, and private non-profit organizations for planting trees on public land, such as parks, streets, greenways, or other local public places. TAEP grant information packets that include application forms may be requested from Bruce Webster, 615-837-5436, bruce.webster@state.tn.us. Proposals must be received by 4:30 p.m., August 15, 2008.

- *America's Heritage for Sale*, a recent report by the National Parks Conservation Association (NL279 ¶6A) details in holding problems in parks nationwide (privately-owned lands within park boundaries) while offering a blueprint for Congressional action. It advocates increasing the Park Service's share of the LWCF to \$100 million in FY2009. Visit <http://www.npsa.org/landforsale/>.
- *Fodor's Green Travel: The world's best eco-lodges and earth-friendly hotels*, Random House, paperback, 328 pages, \$25.

