



Tennessee
Citizens for
Wilderness
Planning

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Taking Care of Wild Places

1. **The Cumberlands: vigilance against threats . . . p. 3**
A. UT gas-drilling proposal C. Frozen Head activities
B. Heritage Conservation Plans D. Cumberland Trail activities
2. **Obed and Big South Fork p. 5**
A. Coal-ash disposal sites in Obed watershed being considered
B. Obed raft trip for NPS staff D. Phil Campbell farewell
C. Under-water mapping for the rivers E. Obed activities
3. **The Tennessee Legislature p. 7**
A. Status of bad water bills B. Good bills dead C. Analysis
4. **Other Tennessee news p. 8**
A. Enviro speak to Water Quality Board D. Short Springs
B. State Recreation Plan C. Rugby capsules E. Prichard honored
5. **TVA issues p. 9**
A. Kingston coal-ash disaster C. Use of renewable energy
B. Nominations to Board D. No more delay in emission controls!
6. **Smokies issues p. 10**
A. Monetary settlement must be implemented
B. Park's 75th Anniversary C. Smokies star in Ken Burns' series
7. **Cherokee National Forest (A. Closure of Tellico ORV area B. Wilderness Workshop) p. 10**
8. **Undoing Bush-Era damages to the environment p. 11**
(A. B. Mountaintop removal; C. Endangered species; D. GHG emissions; E. Offshore drilling; F. Guns in parks)
9. **Other national news p. 12**
A. Clean Water Restoration Act B. Omnibus wilderness bill passes C. Push for more acquisition funds
10. **Appointments to key federal positions p. 13**
A. NPS Director values science B. Other USDI appointees C. Position above USFS Director
11. **Climate change p. 14**
A. Climate bill is a good start B. Worsening projection C. EPA: "GHG endanger public health"
12. **TCWP news (Activities, new and past; thanks for volunteers and gifts; special mentions) p. 15**
13. **Calendar; Resources p. 16** 14. **ACTION SUMMARY p. 2**

The BIG stories

Cumberlands: UT gas drilling off — for now . . . ¶1A

Obed-watershed sites for coal-ash disposal?? . . . ¶2A

Some good state bills die; bad ones still alive ¶3A

Bad stream buffer-zone rule on its way out ¶8B

Other Bush Era damages being undone ¶8, ¶10

Big public-lands/wilderness bill passes ¶9B

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

14. ACTION SUMMARY

#No.	Issue	Contact	"Message!" or Action
1A	UT gas drilling in Cumberlands	UT Pres. and Gov. Bredesen	"Thanks for withdrawing proposal! Need inventory; public review!"
2A	Coal-ash to Obed watershed??	—	Get listed for TCWP e-mail alerts. Check TCWP website.
3C	Tennessee legislature	—	Get listed for TCWP e-mail alerts. Make calls; send e-mails.
4B	Tennessee State Recreation Plan	—	Participate in online survey
6A	N.Shore Road: monetary settlement	Interior Sec. Salazar	"Promptly fulfill obligations to Swain County!"
8	Undoing Bush-Era damages	Sec. Salazar, Admin. Jackson	"Thank you for undoing Bush rule on [insert as appropriate]"
9A	Clean Water Restoration Act	Both your US senators	"Co-sponsor S.787 to restore Clean Water Act protections!"
9B	Omnibus Public Land Mgmt. Act	Those who voted "Aye"	"Thank you!" To 3 TN "no" voters: "I'm disappointed!"
9C	Increased land acquisition funding	Sens. Corker, Alexander	Thank Sen. Corker for signing. Urge Sen. Alexander to do likewise
11A	Climate bill (ACESA)	US rep. and sens.	"Support this bill to move us toward clean-energy future!"
11C	EPA finding on GHG emissions	EPA Administrator Jackson	"We need strongest possible regulation of GHG emissions!"

Senator John Doe
United States Senate
Senate Office Building
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The Hon. John Doe
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Pres. Barack Obama
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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: 202-228-8566
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.tcnw.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.tcnw.org>)

WHAT IS TCWP?

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

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1. THE CUMBERLANDS REQUIRE CONSTANT VIGILANCE AGAINST THREATS,

1A. Natural-gas drilling in U.T. forests of the Cumberland: a critical look at the proposal

This is the story of a proposed project that would have major impacts on large areas of the Cumberland Mountains. It has now become dormant, but could be reawakened.

[With gratitude to Annetta Watson for providing many facts and their sources]

Early this year, the University of Tennessee issued an RFP (Request For Proposal) for Oil & Gas Lease on 8,616 acres of the University's lands in Morgan and Scott County. Bids were due by March 9. UT received only one bid -- from CNX Gas Corp. of Pittsburgh.

Although UT properties are public lands the public was not informed about the RFP (let alone invited to comment); it learned about it only when an article by Anne Paine appeared in *The Tennessean* of April 7. The trigger for this article was the agenda of an upcoming (April 20) meeting of the State Building Commission (SBC), a body that must approve leases on state-owned land.

Additional press coverage and a flood of messages from concerned citizens and groups resulted in a request to the SBC from Gov. Bredeson to postpone consideration of the UT proposal. The SBC (which also felt a need to know more) complied and opened a comment period. Within 4 days (on April 24), UT withdrew its proposal from SBC consideration.

Prior to this withdrawal, TCWP, with the Emory River Watershed Assoc. and the Morgan County Forestry Development Commission, had organized an information meeting on the proposal. This was canceled. Many of us are concerned, however, that the issue could return, and this is why we are acquainting all interested persons with some of what we have learned.

The RFP and the bid

- The leases would be in effect for 5 to 20 years, and as long thereafter as oil and/or gas is recovered. A provision of the RFP requires wells to be added each year of the lease.
- In addition to natural gas, U.T. intends to lease out oil "and other hydrocarbons including coal-bed methane" in the same bid proposal. There are several coal beds on the UT lands, some previously mined, some not.
- The area being leased is very large, 8,616 acres. It is contained in three tracts identified as Brushy Mountain, Wilson Mountain, and Scott/Morgan, which are, respectively, 2,792, 1,196, and 4,828 acres in size. The first two are both located on Little

Brushy Mountain (headwaters of the Little Emory River), to the WSW of the Highway-62 segment between Coalfield and the Petros turnoff (Hwy 116). The third is to the East of the US 27 segment that includes Sunbright. That tract contains Griffith and Landrom Mountains, and the Scott County portion encompasses the watershed of Cowan Creek, for which see below.

- The RFP requires a minimum annual rental of \$35/acre, which amounts to ~\$300,000 for the 8,616 acres. CNX's bid did not offer anything above this minimum, and U.T. apparently accepted their offer. This amounts to only 0.6% of UT's expected budget shortfall within two years.

The gas-drilling process

- The process involves drilling a deep borehole then running a "horizontal" line in the Chattanooga Shale, approximately 2,500-4,000 feet below ground. The shale is then hydraulically fractured by an extraction process called "fracking." Nearby water-bearing strata (sources of springs and creeks) may also become fractured and dewatered.
- Fracking usually involves huge amounts of water. CNX says it will smash the shale using nitrogen gas and a water-based foam under great pressure (what are the components of the foam? how much water does the foam consume?). Large quantities of sand are co-injected to create and keep the fractures open. (Where will the sand come from?)
- The Chattanooga Shale contains radioactive materials and is a source of radon gas. Not only the Chattanooga Shale but other nearby rock layers that may contain toxic materials are fragmented in the process and these tainted byproducts can migrate into aquifers, springs, and wells, along with the materials used to bring about the fragmentation. This water will find its way into wells and springs.
- Fracturing fluids may contain chemicals at concentrations that are toxic or carcinogenic to humans (see www.earthworksaction.org). The chemical composition of fracturing fluids is often considered "proprietary information" by the drilling companies and thus inaccessible to the public. CNX says that, instead of drilling fluids, it will use biodegradable drilling polymers (elsewhere identified as "mud" or "detergent"). It is not clear what the chemical composition of these substances is. Subsequent to the fracturing operation itself, 20-40% of the fluids may remain in the rock formation, thus continuing to be a source for potential groundwater contamination for years to come. CNX says it will store the spent water mixture in ground-level pits and get it tested. Not all of it will be recoverable, however, with much of it remaining in the rock formations and thus capable of contributing to ground water.
- Fracking is specifically exempted from the protections of the Safe Drinking Water Act. There are no

ferential environmental standards for the procedure. Downstream water users are not protected.

- The state of Tennessee has no jurisdiction over the underground operations or the chemicals used in them. Though the state does have jurisdiction about surface effects related to the drilling, there is an extreme shortage of state inspectors for oil & gas operations.

Surface impacts of drilling operations

- The surface disturbance surrounding each well involves clearing the forest from ~2 acres. Each of these sites would have a barren surface accommodating the well itself, storage sheds, vehicles, and storage pits for fluids brought back to the surface.
- It is possible to drill a well in each 100 acres; thus, there could, theoretically, be a total of 86 wells on the U.T. tracts. There will also be a massive road network (with constant truck traffic connecting drill areas), and pipelines for moving the gas out.
- The tract that contains the majority of Cowan Creek, in the Black Wolf Creek watershed is immediately adjacent to lands protected under the Connecting-the-Cumberlands Initiative of a couple of years ago (NL274 ¶1). On an overflight, individuals planning the Initiative identified the Cowan Creek cove as one of the most outstanding forested sub-watersheds in the area. It ranked as the No. 1 highest of all the forested coves for mature forest and lack of fragmentation, even when compared to the best forest on the Sundquist and Brimstone properties.

Other considerations

- The Cumberland Plateau has been identified by the Natural Resources Defense Council (NRDC) as one of just a handful of unique "BioGems" in the American continent. Two years ago, under the Connecting-the-Cumberlands Initiative our state wisely purchased lands in the area for the purpose of protecting these unique ecosystems. Does it make sense to destroy other state lands in the same special region?
- The lands in question are parts of a forest experiment station. The activities encouraged under the UT bid package are not forest experiments.
- The products resulting from the IJT's proposed activities would generate greenhouse gases and thus contribute to climate change. Would it not be wiser to use the forest in its capacity of a carbon sink (see NL284 ¶5D). Forest experiments might even contribute knowledge for improving carbon-sink capabilities of forests.
- The de-watering of aquifers that may follow the fracking procedures would be particularly harmful in these times of regional drought.

one or two reasons from above.) Urge U.T. to conduct a resource inventory of the lands in question which are thought to contain valuable biological and perhaps cultural resources. Any possible future proposals for these lands should involve public notification and review. Also contact Gov. Bredesen (see p.2) and thank him for recommending that the SBC delay decision on the UT lease proposal until more information about potential impacts could be obtained.

1B. Cumberland HCPs to balance conservation needs and private property rights

[Contributed by Cindy Kendrick]

On April 6, several TCWP Board Members and Executive Director were privileged to be briefed on the Cumberland Habitat Conservation Plans (HCPs) Project by Emily Woodlee, HCP Outreach Coordinator. Emily explained that HCPs are authorized under the federal Endangered Species Act (ESA). ESA prohibits harming ("taking") threatened and endangered species or their habitat. When an HCP is negotiated and approved, an Incidental Take Permit is issued by the U.S. Fish & Wildlife Service (USFWS). The Permit allows resources to be used, and "take" to occur, within the framework of the HCP. So far, "focal species" have included spotfinch, black-sideded, two muskies, Indiana bat, and cerulean warbler. Many additional species with similar habitat needs may also be included. The HCP is negotiated among the involved and impacted parties and provides proactive plans to avoid, minimize, and mitigate species impacts. Public review occurs through an EIS or EA process. HCP meetings are open to the public.

Two HCPs are under way for the Cumberland lands.

(a) The Regional Water Resources HCP will protect numerous aquatic species in the Embury and the Big South Fork Cumberland River watersheds by dealing with developments (e.g., residential, commercial) and water-supply activities (e.g., water harvesting, pipelines). The current permit applicants are Cumberland and Morgan Counties and the cities of Crossville and Wartburg. The HCP Technical Team has been working with TDEC, UT, TVA, and the Southeast Watershed Forum to explore existing construction stormwater permitting, as well as new elements of sustainable development. A draft HCP is anticipated in late 2010.

(b) The Northern Cumberlands Forest Resources HCP is being developed to protect many terrestrial and aquatic species by dealing with activities such as forestry on public lands within the project area. The permit applicant is Tennessee Wildlife Resources Agency (TWRA), and the participating Wildlife Management Areas include Sundquist, Royal Blue, Brimstone, Catcoosa, and Mt. Roosevelt. The current focus is on development of

WHAT YOU CAN DO: Contact U.T.'s Acting President, Jan Simek (actpres@tennessee.edu, jimek@tennessee.edu; 865-974-2241, FAX 865-974-3753), to thank him for his wise decision to withdraw the proposal to develop natural gas extraction from UT lands. (You may want to cite

science-based biological goals and objectives with practical applications. Impact mitigation strategies will be based on these goals and objectives. The draft HCP is expected to be complete in early 2010.

The HCP project is funded by a grant through the USFWS. Each HCP has a steering committee that includes permit applicants, other key stakeholders, and a technical team. A Development Team, composed of The Nature Conservancy and staff and faculty from UT and Tennessee Tech University, facilitates the Project. A Science Advisory Committee, a large group with diverse expertise, meets annually and serves both HCPs.

More information, including maps of the HCP areas and a quarterly newsletter, is available at the web site www.cumberlandhcp.org.

1C. Frozen Head: activities and news

[Contributed by Cindy Kendrick]

TDEC Division of Natural Areas will continue into next year to conduct resource surveys. Meanwhile individual discoveries keep being made. Ranger Michael Hodge found previously unrecorded Solitary Pussys (Antennaria solitaria), and on May 3 a transient American Bittern was the first recorded sighting in the Park. Studies of cerulean warbler breeding populations are also being conducted.

Free public programs at Frozen Head in the latter part of May are outlined below:

- May 17: CCC History Hike (9:00 a.m.); Why Is It Called Frozen Head? (2:00 p.m.); Archaeology in the Cumberlands (3:30 p.m.)
- May 19: Bird Walk (8:00 a.m.)
- May 23: Echo in the Mountains Bluegrass Festival (1:30-8:00; bring blanket/lawnchair)
- May 24: Why Is It Called Frozen Head? (2:00 p.m.)
- May 27: Night Sky (9:30 p.m.)
- May 30: CCC History (9:00 a.m.); Creek Ecology (2:00 p.m.); Reptiles (3:30 p.m.)
- May 31: Judge Branch Loop Hike (10:00 a.m.)
- June: Programs are currently being scheduled.

Volunteer Trail maintenance days are May 16 and June 6 (National Trails Day.)

For more information (e.g., meeting locations and what to wear and/or bring) on May or June programs or Trail Days, contact the Park Office at 423-346-3318 or see <http://www.tcwpg.org/frozenhead.shtml>.

Specialized Volunteer Need: Adopt a Frozen Head Flowerbed

Thanks to the hard work of Frozen Head staff and the insightful leadership of Park Manager David Engebretson, Frozen Head's flowerbeds were planted with delightful native plants. With state budgets stretched thin, ongoing adoptive care for these beds would be most welcomed. If you can tell a precious native plant from an invasive (even when they aren't blooming) and are willing to



weed and mulch seasonally, with the Park providing materials, please contact the Park Office (423-346-3318.)

1D. Upcoming Cumberland Trail volunteer opportunities

[Contributed by Cindy Kendrick]

In April, volunteers (students from Wartburg College, Waverly, Iowa) made tremendous progress toward reopening the final segment of the North Boundary Trail at Frozen Head!

Of the numerous future activities, the selected ones listed below are within relatively easy driving distance of Knoxville/Oak Ridge. To participate or get information on additional activities, please see the Cumberland Trail Conference Activities page at <http://www.cumberlandtrail.org/act.html>. Pre-registration is typically required.

- May 30, 2009: Plateau Chapter Piney River Trail Hike - Piney River Segment
- June 13, 2009: Louie Blum Music and Arts Festival - Celebrating Howard Armstrong's 100th Birthday - Caryville
- June 20, 2009: Cumberland Trail Hike - Obed Segment - Morgan County
- July 11, 2009: Laurel-Snow Pocket Wilderness State Natural Area Hike - Laurel-Snow Segment

2. OBED AND BIG SOUTH FORK

2A. Possible coal-ash disposal locations include sites in Obed watershed

TVA is trying to find a disposal site for the massive amounts of coal ash that got deposited all over the landscape following the disastrous spill at the Kingston coal-fired power plant on December 22 (see 15A, this NL for reference to chronology). The disposal site would probably also receive the ash that continues to be generated from the Kingston Plant.

In addition to the Roane County landfill and some possible out-of-state locations, a couple of sites in Cumberland County are under consideration. One is the abandoned rock quarry at Crab Orchard, for which a landfill proposal has recently been defeated (NL283 11B). In a 1999 study, county engineers found this quarry to have a high water table and fractured geology. Another site being considered is an abandoned coal deep-mine on Smith Mountain Road in the eastern part of the county. The Cumberland County Commission will be considering these proposals at their May 18 meeting. The quarry site drains into the Obed (via Daddy's Creek) and deep-mine site into the Obed and Emory.

So far, fly ash is not considered a hazardous waste (though EPA will probably try to get it listed as such), and is thus not regulated under federal statutes (RCRA). Its disposal would, however, be under oversight of state agencies, with the type of

permit depending on the nature of the location. Requirements, such as a full liner for the site, could be among the conditions of the permit. Possible dissemination by surface water, groundwater, and air/willall have to be considered.

WHAT YOU CAN DO: Stay informed as various alternatives for ash disposal are being considered. Get yourself listed for receiving TCWP e-mail alerts [visit www.tcwp.org and click on the appropriate link on the home page]. Be particularly aware of opportunities for public participation and disseminate such information.

2B. Superintendents get to see the Obed WSR ... from river-level

On April 3, new BSFNRRRA superintendent Stennis Young and just-retired Obed WSR site manager Phil Campbell got a trip down the Obed, from Obed Junction to Nemo. Despite the gloomy, cold weather, both enjoyed the experience and hope to run the BSF next. The raft trip from Obed Junction to Nemo, at a river flow of ~4,000 cfs, took slightly over 5 hours. We hope that others (especially TWRA personnel) may take advantage of an opportunity to experience the River gorge at high flow next year.

The efforts to organize this event were led by TCWP Vice President Frank Hensley. Among others who helped with arrangements and logistics (e.g., equipment, schedules, helpers), or who participated in the trip itself, were members of the East Tennessee Whitewater Club (Billy Bob Scarborough, Rick Zingg, and Gordon Abney, who served as safety boaters) and of the Obed WSR staff (Matt Hudson, Rebecca Shapansky, and Audie Critchley), to all of whom we are grateful.

2C. Obed and BSF waters being mapped in detail

In a collaborative project between the University of Tennessee (UT) and the National Park Service (NPS), the underwater and surface features of streams in the Big South Fork NRRRA and Obed WSR are being mapped in considerable detail. The sophisticated equipment includes underwater and surface geo-referenced video cameras that store and process GPS data. The GPS locations are recorded on every frame on the sound track and then display on a GIS computer at the engineering lab. Sonar depth finders and laser devices contribute to mapping river-bottom features, including particle size.

A major objective of the study is the identification of good habitat for the 26 remaining (out of >70 original) species of freshwater mussels and for many rare species of fish. In the BSFNRRRA, 10 mussel and 3 fish species are federally endangered; in the Obed system, the respective numbers are 1 and 1. Other objectives include habitat mapping for all aquatic species.

The BSFNRRRA and Obed WSR encompass 122 river miles (77 and 45, respectively) of the main streams, plus many hundreds of miles of tributary streams. The attributes that will be deduced from the data now being gathered include: flow characteristics, depth, nature of substrate and presence of contamination. One charm of the rivers is the alternation of rapids/riffles and pools. Among pools studies to date in the BSFNRRRA, the average depth is 35 ft, and the deepest is 60 ft.

The NPS has spent over \$120,000 on mapping the under-water environments; studies for the Obed WSR have been completed. For additional information, contact Steve Bakaletz, Wildlife Biologist, BSFNRRRA, 423-569-2404, Ext. 246, or Steve.Bakaletz@nps.gov.

2D. Farewell to Phil Campbell

Phil Campbell retired from the Park Service on April 1. As of now, his former position at the Obed is held in an "acting" role by Rebecca Shapansky, the Obed's Resource Manager. A TCWP delegation consisting of Jimmy Groton, Cindy Kendrick, and Sandra Goss attended Phil's farewell party on April 17 and presented him with a framed enlargement of a black & white photograph by Bill Russell of a still pool in the upper Obed. In a subsequent note, Phil writes: "I look forward to continuing my association with both organizations [the Park and TCWP] in my retirement."

2E. Obed activities

[From Cumberland News; sent by Cindy Kendrick]
National River Cleanup Day, May 23

For those folks with a yen to do some volunteer work, feel free to join us for the National River Cleanup Day on Saturday, May 23. We'll meet at the park's Visitor Center at 9:00 a.m. (Eastern time). The Obed Visitor Center is located at 208 North Maiden Street in downtown Wartburg. From there, we will travel to the Nemo and Lilly Bluff areas of the river and begin picking up trash. Hard work requires a sturdy appetite, so when we're finished, we'll return to the Visitor Center parking lot and enjoy some hamburgers and hotdogs. Comfortable walking shoes, hats, gloves, insect repellent, and a volunteer spirit are required. This event will be held rain or shine. Kids and adults of all ages are welcome to participate.

Owl Prand, June 5

Back by popular demand! Join us under a starlit sky (hopefully) on Friday, June 5, for a chance to get to know the owls of the Obed. We will discuss the habitat and mannerisms of the Screech Owl and the Barred Owl. We will also attempt to locate and view these owls with recorded owl calls. Meet at the Lilly Bluff Overlook parking lot at 9:00 p.m. (Eastern time). Bring a flashlight and be sure to wear sturdy shoes. This free event should conclude by 10:00 p.m.

3. THE TENNESSEE LEGISLATURE

3A. Status of the bad water bills

There were almost a dozen bills before this session of the Tennessee General Assembly that seriously threaten water quality (NL284 §1A and 1B). They are being pushed by powerful interest groups - the Tennessee Chamber of Commerce, the Tennessee Farm Bureau, construction companies, coal interests, and others.

Of the three worst, two are no longer on this year's calendar, though they have not gone away. HB.1616 was referred to a study committee, and HB.1617 was moved to next year's calendar. The former would prevent impaired streams from being classified "exceptional" or "Tier-2," thus stripping them of special protections. The latter creates the definition "limited resource waters," excluding streams thus classified from the definition of "waters of the state" and thus from protection by water laws.

The third bill, HB.1615, passed out of the House Environment Subcommittee at its last meeting of this session, May 5, and is scheduled to come before the full House Committee on Conservation and Environment on May 12 - after this Newsletter has gone to press. This bill narrows (on the basis of flow) the types of water bodies protected under our laws; among other things, it authorizes private consultants (outside of TDEC) to make stream determinations that are presumed to be correct unless specifically overturned by TDEC within 30 days.

TCWP Board member and aquatic biologist Pat Mulholland has arranged to testify before the full committee on May 12. His testimony includes scientific evidence demonstrating that headwater streams (even those that do not flow continuously) are extremely important for biodiversity, productivity, and water quality of watersheds and river basins. Moreover, he will make the case that only a very limited type of private "experts" is qualified to make correct stream determinations.

3B. Some good bills are dead

At the end of March, the Scenic Vistas bill, SB.1406/HB.0699, to end mountain-top removal (NL284 §1C) was amended, then "taken off notice" by the House Environment Subcommittee.

The "bottle bill," SB.1404/HB.1167, was "taken off notice" by the Senate Environment Committee and the House State Government Subcommittee.

3C. Environmental Issues

In the Tennessee legislature— Update and Analysis

[By Sandra Goss]

The newly Republican-dominated State Legislature is winding down toward the end of its first year of the 2-year session. The season has featured

some surprisingly progressive energy-related bills that have been, or seem likely to be, passed and signed into law. This good news is countered by the proposed legislative assaults on Tennessee's waters (see §3A, above).

The larger environmental/conservation community has continued to work together to analyze complex legalese, to educate legislators and administrators, to inform the citizenry about these issues, and to strategize and implement larger politically oriented tactics together what we want. We're getting better at this and I'm anticipating even more improvement as we all work toward a more environmentally-aware legislative session in 2010.

It's an uphill battle, and it's the same old story...

The development-oriented factions traditionally (and understandably) seek fewer constraints, such as permits and rules because these things increase costs and take time. Statewide associations that represent road builders, homebuilders, and contractors, as well as the Farm Bureau and the Tennessee Chamber of Commerce, contribute full-time personnel to work with our legislators. They provide many services -- from authoring bills to supporting political campaigns financially. Our state legislators, with many bills to understand and minimal staffing, are forced to rely on readily available resources. Most of them always have been.

The environmental groups, on the other hand, traditionally work on shoestring budgets. For years, we groups who are members of Tennessee Conservation Voters (this includes TCWP) have availed ourselves of the services of lobbyist Stewart Clifton, and we continue to do so. This year, our statewide community of groups has worked together at an unprecedented level. Among our efforts:

- Tabling at the Legislative Plaza: a different enviro/conservation group every Tuesday and Wednesday in March and April.
- Presentations to the Water Quality Control Board, made by representatives of 5 groups at one of the two meetings that are annually open to public comment. (See §4A, below)
- Communicating through innumerable conference calls and regular e-mails that facilitate collaboration among the many groups in this loosely-knit coalition.

This writer made three trips to Nashville to carry our message(s) in person; and various TCWP folk have read, analyzed, devised, and otherwise worked on the unprecedented high number of environmental bills that were submitted this year.

Preparing for next year...

Our efforts to influence legislative and executive decisions in favor of our water, land, and air must begin this summer. Organizationally, we are looking to the membership to swell the number of people who receive our e-mail alerts and newsletter.

ter. Ideally, there would be two people in each Representative's district who can call or e-mail their elected officials with the environmental message.

WHAT YOU CAN DO: Involve yourself by signing up to receive e-mail about legislation and by recruiting neighbors and friends to make calls. We could also use help in developing and implementing lobbying-training sessions. To find out more about any of these, call or e-mail 865-522-3809 or Sandra@sandrakoss.com. Thanks for being a TCWP supporter!

to get input from citizens who care about and use parks, rivers, and recreational facilities and programs.

WHAT YOU CAN DO: TCWP members and friends are encouraged to participate in this survey, which may be accessed at: www.tennessee.gov/environment/recreation/pla.nl

4. OTHER TENNESSEE NEWS

4A. *Enviro/Conservation Community Comments to the Water Quality Control Board*

[Contributed by Sandra Koss]

The State Water Quality Control Board (WQCB) was formed to "to abate existing pollution of the waters of Tennessee, to reclaim polluted waters, to prevent the future pollution of the waters, and to plan for the future use of the waters . . . so that the water resources of Tennessee might be used and enjoyed to the fullest extent consistent with the maintenance of unpolluted waters."

The group of appointees meets monthly to consider various issues in its purview. Twice annually, April and October, the meetings allow time for public comment.

At the April 21 meeting, representatives from several environmental/conservation groups (including TCWP) made presentations to the WQCB, with the overarching message: Tennesseans need pure drinking water (see 13A, this NL). Among the topics covered were: coal ash, coal mining and selenium standard; the role of ground water in our water supply; storm water and enforcement of storm water rules; the economic and human health values of water.

This is an example of expanding efforts to bring the environmental message to our state's decision makers. The WQCB will hold another public comment meeting in October, and we hope to have a contingent continuing to educate these important decision makers about the importance and fragility of clean water.

4B. *TDEC survey solicits public participation in new State Recreation Plan*

[Contributed by Cindy Kendrick;
from Cumberland News]

The Tennessee Department of Environment and Conservation (TDEC) is updating the State Recreation Plan, as they do every five years to accommodate changing needs. This year, for the first time, TDEC has designed a new on-line survey tool

4C. *Rugby capsules*

(Because of its contiguity with the Big South Fork National River & Recreation Area, the compatible developments at Historic Rugby have always been of interest to TCWP.)

- A new trail is being developed with the help of a \$32,200 Recreation Trail Program grant from the State of Tennessee. The 1½-mile loop will go up Allerton Ridge to the former (1860s) Massengale Homeplace, for which interpretive exhibits are being developed. The Homeplace is now within the new Rugby State Natural Area.
- Barbara Stagg, has stepped down after 32 years as the dynamic, activist, and successful executive director of Historic Rugby. After a long and thorough nationwide search, the Board selected Cheryl Cribbet as Barbara's successor. Barbara will continue working for the next year or two, as Development Director. She is confident that she can "assure Historic Rugby's financial future, even in these challenging times."

4D. *Short Springs,*

a beautiful, large State Natural Area

Not many of us are familiar with one of our most beautiful State Natural Areas, the 420-acre Short Springs in Coffee County, NE of Tullahoma. While located on the Highland Rim, Short Springs dramatically plunges into the Central Basin. Down-cutting of flowing creeks, gushing wet-weather springs, and scenic waterfalls (up to 60 ft high) has helped carve the deep gorges and steep slopes that drain into the Duck River (now impounded as Normandy Lake). These unique geological features support a rich, diverse flora that includes rare plants. The Natural Area contains 5 trails, totaling more than 5 miles.

The Short Springs area would not have been preserved and eventually designate a State Natural Area had it not been for the untiring efforts of Marjorie Collier and Dennis Horn (both of whom are also TCWP members). For more information, contact the newsletter editor of the short springs scene, Earline Fultz at andare2006@yahoo.com

4E. *Mack Prichard honored with Yeatman Award for Environmental Education*

[Contributed by Cindy Kendrick; from Cumberland News]
St. Andrew's-Seawane (SAS) School announced that Mack Prichard, Tennessee's longtime

and recently retired State Naturalist, was the 2009 recipient of the Yeatman Award for Environmental Education. This award, named for noted environmental educator Dr. Harry Yeatman, Professor Emeritus at the University of the South, is given annually during Trails & Trilliums, a celebration of native plants held on the SAS campus. The Land Trust for Tennessee was also honored for its efforts in preserving the South Cumberland.

5. TVA ISSUES

5A. Kingston coal-ash disaster

The retention wall of a 40-acre coal-ash containment pool adjacent to TVA's coal-fired power plant at Kingston failed during the night between Dec. 21 and 22. The wet coal-ash sludge, spilling out of the pool, buried 300 acres to a depth of up to 6 feet. The disaster was covered widely in news media across the nation and has stimulated discussion in a variety of venues, including the U.S. Congress.

Subsequent happenings, as well as pre-disaster warnings, have recently been compiled into a succinct "Chronology" in one of the fact sheets (by Louise Gorenflo, lgorenflo@gmail.com) that are published monthly by the Obed Community Watershed Association (January factsheet; call 931-484-9033).

One matter of grave concern is the permanent disposal of the 5.4 million cubic yards of coal ash that was released during the disaster, as well as of the ash being constantly generated. Three possible locations have been proposed by TVA, two of which drain, by surface and ground water, into the Obed and/or Emory watershed. See ¶2A, this NL.

5B. Nominations to the TVA Board

In the coming weeks or months, Pres. Obama is expected to make nominations to the TVA Board. For more than five decades, TVA had a three-member Board. Just a couple of years ago, this was changed to nine. There are now four available slots. It is possible that nominees for all four will be named at the same time.

In recent years, TVA has become primarily a power company, and the agency's mandated resource-protection functions have been put very much on the back burner. Environmental groups are recommending that persons be nominated for the TVA Board who have the will and the ability to work toward restoring the balance between these functions. Further, where electric-power is concerned, nominees should share the objective of TVA becoming a leader in developing clean energy by minimizing power sources (primarily coal) that produce greenhouse-gas emissions (see NL284 ¶4B for recommendations to the President). By contrast, development interests are lobbying the White House to nominate people on the basis of their abil-

ity to deal with large, complex, financial and business decisions.

Several potential nominees have already been contacted in very preliminary inquiries. Further, in response to a White House request, Rep. Bart Gordon has submitted a list of 10-12 candidates, developed after consultation with Tennessee's two Republican senators (Alexander and Corker). As always, there will be competition among the seven states in the TVA-service region regarding representation on the TVA Board.

5C. TVA's use of renewable energy

On April 16, Sen. Alexander (R-TN) and Rep. Heath Shuler (D-NC), who co-chair the TVA Congressional caucus, hosted a forum with TVA, ORNL, and renewable-energy-manufacturing companies. TVA currently generates 60% of its power from coal-fired power plants, and only a small amount from renewable energy (namely, about 46 million kWh during a recent 6-month period - www.greenpowerswitch.com). About 40% of the "renewable" power, moreover, comes from methane gas, a greenhouse gas (GHG), recovered from a waste-treatment facility. By 2021, the agency hopes to get more than half of its electricity (much of it purchased, rather than TVA-generated) from zero- or low-carbon sources. Contracts have recently been signed to purchase 2,000 megawatts by 2011. (Comment: purchases from outside the region will do little or nothing to improve air quality within it, unless an equivalent capacity of coal-generated power is shut down.)

Both Sen. Alexander and Rep. Shuler voiced opposition to wind power because turbines on mountains spoil the scenery without contributing much energy in this relatively windless region of the country. Both support solar panels and underwater turbines as electricity generators. In addition, they praised the potential of wood-chip burning and of nuclear energy. The former, however, holds the potential of forest destruction and, besides, would generate - instead of reducing - GHG. The latter generates dangerous waste, for which there is, to date, no safe-disposal plan. In addition to switching to desirable energy sources, TVA was urged to push energy conservation and to install pollution-control equipment in its coal-fired power plants.

5D. Judge denies TVA's request for delay in emissions controls

In January 2006, the State of North Carolina filed a lawsuit, asking that TVA reduce emissions to levels comparable with those generated by NC's 14 coal-fired power plants (NL278 ¶7D). Emissions from coal-fired power plants in Tennessee are carried across the Smoky Mountains and into Western North Carolina.

The lawsuit was filed against all 11 of TVA's coal-fired power plants, but the court confined it to

the four closest to NC; in TN, these include Bull Run (at Oak Ridge), Kingston, and John Sevier (at Rogersville). For the four plants, a federal judge ordered installation of pollution controls for SO₂, NO, and mercury.

TVA appealed the deadlines, requesting an extra two years that would extend some of the work to 2014. NC expert witnesses testified that the job could be done in less time. On April 1, U.S. District Judge Thornburg denied TVA's appeal for extension. A scrubber has already been installed at Bull Run, and two are in process of installation at Kingston.

6. SMOKIES

6A. It's time for implementing the monetary settlement in the North Shore Road controversy

[Contributed by Tim Bigelow and Sandra Goss]

With the new Administration now in place, a letter-writing campaign is being initiated by the Sierra Club, the Smoky Mountains Hiking Club, and other organizations to push for final monetary settlement in lieu of completing the North Shore Road.

The 2007 Final Environmental Impact Statement on the North Shore Road designated a monetary settlement with Swain County, NC, as the Preferred Alternative, in lieu of any further road construction. Throughout the EIS process, Swain County was unwavering in preferring a monetary settlement over road construction, and the county has consistently stated its willingness to accept \$52 million. This amount is just over 7% of the estimated construction cost of the Road, which is \$729 million in 2006 dollars, per Appendix R of the Final EIS.

Last year there were three meetings of the signatory parties. Those meetings have not resulted in a settlement, which is long overdue.

WHAT YOU CAN DO: Urge our Dept. of the Interior to promptly fulfill its obligation to Swain County. Address: Hon. Ken Salazar, Secretary of the Interior, 1849 C Street, NW, Washington, DC 20240, or feedback@ios.doi.gov.

6B. The Park's 75th Anniversary

[Contributed by Tim Bigelow]

On April 25, the NPS conducted a Proclamation ceremony in the Clingmans Dome parking lot to celebrate the 75th anniversary of the Great Smoky Mountains National Park. The program included speeches by dignitaries and representatives of state and local governments and of the Cherokee Tribal leadership. The history of the creation of the national park was summarized, and speakers celebrated the amazing economic and environmental impact the Park has had on the surrounding region.

6C. Smokies star in Ken Burns series

Ken Burns' 6-part documentary series, "The National Parks: America's Best Idea," scheduled for September viewing on public television, will be shown in a special preview series on June 1, 7:30 p.m., at the Tennessee Theater in Knoxville. The film traces the birth of the national park idea in the mid-1800s and follows its evolution for nearly 150 years. It was filmed over the course of 6 years at spectacular locales, including the Great Smoky Mountains.

You can request a complimentary ticket from tickets@elpvtv.org or ETPtv, 1611 E. Magnolia Ave., Knoxville, TN 37917. Doors open at 7:00.

7. CHEROKEE NATIONAL FOREST

7A. Controversy over USFS closure of Upper Tellico OHV area

[Information from Southern Environmental Law Center, and contribution by Tim Bigelow]

(USFS) issued an Environmental Assessment that documented significant damage to water quality throughout the Tellico watershed caused by muddy runoff from off-road-vehicle use in the Upper Tellico River ORV area in the Nantahala National Forest. Over the years, about 74,000 tons of sediment are estimated to have washed off from the Nantahala NF ORV trails into streams of the Cherokee NF, bringing about the decline of native brook trout in the area. Of 6 alternatives reviewed, USFS chose as its Preferred Alternative the closure of the Tellico ORV trail system, starting April 1, 2009. Ten miles of Nantahala NF roads would, however, remain open for access to ORVs and other vehicles.

The Southern Four Wheel Drive Association (SFWDA) now intends to sue the USFS over the recent closure. According to a Notice of Intent letter posted on the SFWDA web site (http://www.sfwda.org/forum/forum_posts.asp?TID=215) the organization intends to introduce the lawsuit on grounds that the Clean Water Act is being interpreted incorrectly by the USFS in its action. The SFWDA contends that alternative measures, such as trail repair and maintenance, could alleviate the situation without need for closure of the OHV area.

7B. Cherokee Wilderness Workshop

[Contributed by Tim Bigelow]

Learn more about the Cherokee NF's wilderness issues and ways you can help protect Tennessee's remaining National Forest wildlands. The Tennessee Wild Workshop is scheduled for Saturday, June 27, 2009, 10am - 5pm, at the Tennessee Valley Unitarian Church, 2931 Kingston Pike, Knoxville. The program will include hands-on workshops, and talks by several esteemed and na-

see's remaining National Forest wildlands. The Tennessee Wild Workshop is scheduled for Saturday, June 27, 2009, 10am - 5pm, at the Tennessee Valley Unitarian Church, 2931 Kingston Pike, Knoxville. The program will include hands-on workshops, and talks by several esteemed and nationally known guest speakers. Sunday, June 28 will feature an optional outing to the Upper Bald River Wilderness Study Area. The Tennessee Wild Campaign aims to add -17,800 acres to existing Wilderness Areas in the Cherokee NF.

Registration is required. Please contact Jeff Hunter for more information: 423-322-7866 or left@saic.org

6. UNDOING BUSH-ERA DAMAGES

Below are accounts of recent actions that should succeed in undoing some of the damages inflicted on the environment by Bush Administration policies or regulations. Thank Sec. Salazar and EPA Administrator Lisa Jackson. For a brief summary of additional examples, visit <http://wilderness.org/content/obama-first-100-days>.

8A. Mountaintop removal:

Salazar moves to undo the disastrous Bush rules change

Under a last-minute Bush rule, coal mine operators are able to dispose of excess mountaintop spoil within 100 feet of streams, and even into the streams, whenever alternative options are deemed "not reasonably possible." Alternatives are considered "unreasonable," whenever the cost of pursuing them "is substantially greater than normal costs."

The rule, issued during the last month of the Bush Administration (NL282 ¶4 and 8B), replaced a Reaganera rule of 1983, which allows the dumping of overburden within 100 feet of a perennial or intermittent stream only upon finding that such activities will not adversely affect the water quantity or quality or other environmental resources of the stream.

On April 27, Sec. of the Interior Salazar determined that the Bush rule was legally defective, and directed the Department of Justice to file a pleading with the U.S. District Court in D.C. requesting that the rule be vacated and remanded to the Department of the Interior (USDI) for further action. Two suits by citizens groups had been filed earlier in the same court -- one in late December and the other on Jan. 16 (Southern Envtl. Law Center on behalf of NPCA). It was these law suits that kept the door open for the government to act (NL284 ¶8A).

If the court vacates the Bush rule and remands it to USDI, the 1983 rule will continue to remain in force. The Office of Surface Mining (OSM) will then issue guidance to states that administer Surface Mining Control and Reclamation Act (SMCRA) regulations (all except Washington and Tennessee,

which have federal enforcement) regarding application of the 1983 rule.

Also, OSM expects to solicit comment on the potential development of a comprehensive new stream buffer zone rule that would update the 1983 rule, address ambiguities and fill interpretational gaps, while implementing SMCRA requirements and ensuring that these requirements are coordinated with Clean Water Act obligations. The latter are administered by the U.S. Army Corps of Engineers and EPA (see ¶8B, below).

8B. Mountaintop removal: EPA puts some existing permits on hold

Under §404 of the federal Clean Water Act, the Army Corps of Engineers (CoE) may issue "Dredge and Fill" permits for certain activities affecting streams. In March 2007, a US District Court ruled that the CoE was violating the Act by not conducting a adequate environmental reviews or mandating sufficient protective measures before issuing §404 permits for mountaintop removal mines that bury streams (NL274 ¶5C). In February of this year, however, this ruling was reversed by an Appeals Court (NL284 ¶7B). A backlog of over 100 pending permit applications was potentially reactivated by this court reversal.

EPA to the rescue! On March 24, the agency put these permits on hold until the impact of each operation on streams and wetlands could be evaluated.

8C. Endangered species: Salazar restores scientific consultations; another bad ESA rule remains

Among the atrocious last-minute rule changes by the Bush Administration were two that seriously undermined Endangered Species Act (ESA) protections. One eliminated the ESA requirement that a federal action, such as a dam or a highway, could proceed only after scientists at the US Fish & Wildlife Service or the National Marine Fisheries Service had studied possible impacts of the proposed action on at-risk species (NL282 ¶8B). The other Bush rule (referred to as the polar-bear rule) prohibited basing endangered-species decisions on effects of climate change.

That the 1973 ESA works was demonstrated in an article in SCIENCE, which showed that less than 1% of listed species have become extinct, while 10% of candidate species still waiting to be listed have suffered that fate.

To help the Obama Administration undo the harm that would be caused by the new Bush rules, the Congress added an amendment to the Omnibus Appropriations bill (H.R.1105). This amendment gave the Secretary of the Interior and the Secretary of Commerce a special 60-day period in which to revoke the flawed Endangered Species Act regulations.

Secretary Locke announced that they were restoring the requirement for scientific consultation.

However, just before the May 10 deadline for using the congressional authority of the recent H.R. 1105 amendment to also repeal the "polar bear rule," Secretary Salazar declined to do so. The polar bear will remain listed as "threatened;" but climate change – the reason for the threat – will be addressed through independent legislation.

8D. EPA finds: GHG emissions

endanger public health and welfare

For the story on this important finding, see ¶11C, this NL.

8E. "Drill, baby, drill" is replaced

by calmer deliberations

Offshore oil drilling became a campaign issue, and just 4 days before Pres. Obama took office, the Bush Administration, in a parting shot, opened the entire US coastline, from New England to Alaska, to off-shore drilling. This included areas that had been off-limits since the drilling ban of 1981.

On February 10, Interior Secretary Salazar rejected the Bush ruling. In doing so, he said that planning for energy development needed to be based on an orderly process and needed to include other possible energy sources, such as wind. He also pointed out that our information on oil and gas resources in the Outer Continental Shelf was incomplete and more than 3 decades old, and he directed USDI scientists to produce updated reports. Finally, there must be more public involvement. He will hold regional meetings, and he is extending the public comment period on a 5-year leasing plan to September.

In the meantime, a federal court has vacated the Bush USDI's 3-year plan for oil and gas leasing in Arctic waters off the coast of Alaska. The court said the Bush Administration plans failed to properly consider environmental sensitivity.

8F. Court rules against Bush regulation that allowed loaded guns in parks

One of the many last-minute rules changes the Bush Administration put in effect allowed individuals to carry loaded, concealed guns into the parks, putting park resources, wildlife, and park visitors at risk. By contrast, the overturned regulation that had been in effect since 1983 (Reagan Administration) required guns in parks to be unloaded and put away. On January 6, several groups, including some that represent NPS retirees and current NPS rangers, filed a lawsuit trying to overturn the new Bush rule.

On March 19, a U.S. District Court judge issued a temporary injunction that temporarily suspended the concealed firearms regulation (www.anpr.org/legal.htm), finding it to be the product of an "astoundingly flawed process."

9. OTHER NATIONAL NEWS

9A. S.787 would restore protections lost from Clean Water Act

[Information from NRDC, 5/1/09, and EarthJustice, 4/30/09]

Since 1972, the Clean Water Act has protected our nation's lakes, rivers, streams, and wetlands from unregulated pollution and destruction. But in 2001 and 2006, the Supreme Court issued decisions that have been interpreted to mean that the Clean Water Act might not apply to certain water bodies, namely, those that are "isolated" from others, are located far from "navigable" waterways, or are dry for portions of the year. Ambiguous federal agency policy directives during the Bush Administration have contributed to weakening protection for thousands of miles of streams and rivers and tens of millions of acres of wetlands that are vital for replenishing drinking-water supplies, lessening flood damage, purifying water, and supporting wildlife habitat. Even now, the government's ability to enforce the law is hamstrung by questions about which waterways remain protected and which ones do not.

An available legislative solution is the Clean Water Restoration Act (S.787), which would restore the law's intended power to protect American waterways from polluters. By clearly outlining what water bodies the law protects, Congress can ensure that the Clean Water Act will comprehensively guard against polluted rivers, streams, lakes, and wetlands. While campaigning, President Obama indicated that he would support and sign legislation fixing this problem.

WHAT YOU CAN DO: Urge both Senators (see p.2) to co-sponsor S.787, the Clean Water Restoration Act. Because of his position on the Senate Environment and Public Works Committee, Sen. Alexander's support is particularly important.

9B. Hurrah! Big public lands/wilderness bill finally becomes law

The amalgam of ~160 public-lands bills gathered in the Omnibus Public Lands Management Act, H.R. 146, had a tortuous path through several Congresses (NL 282 ¶9A). Most recently, it narrowly failed, despite a huge majority, because a legislative maneuver required a 2/3 House vote (NL 284 ¶7A). It was, however, brought up again ... and passed. On March 30, Pres. Obama signed H.R. 146 into law. Voting in favor were both Senators Alexander and Corker, all 5 of Tennessee's House Democrats, and Rep. Wamp (citing two projects in his district). The three remaining Tennessee Republicans voted against it.

The passage of the Omnibus Public Lands Management Act provides the largest expansion of our wilderness system in some 15 years. It means

protection for more than 2 million acres of special wild lands, rivers, and cultural sites throughout the nation, and it makes the National Landscape Conservation System official.

WHAT YOU CAN DO: Thank both of our senators. If your House Member voted for this bill, express your thanks (see p. 2). If he/she voted against it, let them know you are disappointed.

9C. Push to increase acquisition funds for land protection

A "Dear Colleague" letter being circulated by Senators Patrick Leahy (D-VT), Jean Shaheen (D-NH), Olympia Snowe (R-ME), and Richard Burr (R-NC) solicits signatures for a letter to the Interior and Environment Appropriations Subcommittee, urging it to provide increased funding for several land-acquisition programs. The programs in question are the federal and state LWCF (Land and Water Conservation Fund) and the Forest Legacy Program. The sums being requested are \$325 million, \$125 million, and \$125 million, respectively.

The LWCF, fed by offshore oil drilling revenues, is authorized at \$900 million annually, but usually appropriated at a much lower level. For the present fiscal year (governed by last year's Bush budget), only \$155 million were appropriated, and the state side of the program was totally zeroed out.

The federal side of the LWCF helps ensure permanent protection of critical lands in national parks, forests, wildlife refuges, recreation areas, historical sites, etc. The state-side LWCF provides matching funds for state parks, natural areas, etc. The Forest Legacy Program leverages state and private matching funds for the purchase of easements to prevent forestland from being converted to non-forest uses.

As of May 6, there were 29 senators who had signed the bipartisan letter to the Interior Appropriations Subcommittee; they included 22 Democrats, 5 Republicans, and 2 Independents. Great news: Tennessee's Sen. Corker was among them.

WHAT YOU CAN DO: Thank Sen. Corker, and urge Sen. Alexander also to support this appropriation (contact info on p. 2). Mention areas in Tennessee that are greatly in need of being protected by acquisition, e.g., Obed and B&F lands, bluffs and gorges throughout the North Cumberland. Tennessee is 7th worst in the nation for losing forests and fields; yet tourism is our 2nd most important industry.

10. APPOINTMENTS TO FEDERAL AGENCIES WITH JURISDICTION OVER PARKS, FORESTS

10A. New Park Service Director values science

Secretary of the Interior Salazar has announced his intention to nominate Jon Jarvis as the new director of the National Park Service (NPS). Starting as seasonal interpretive ranger, Jarvis rose through the ranks in NPS (with positions that included resource management and park biologist) and has served as superintendent of a couple of parks and a national monument. He is currently the director of the Park Service's Pacific West region. Jon Jarvis has also been president of the George Wright Society, an association of professionals who work on behalf of the scientific and heritage values of protected areas.

Recently, he has advocated that NPS needs to be involved in responding to climate change. He is looking at how park operations may be changed so that NPS can reduce its own carbon footprint. He also feels that there is a role for the National Park Service in carbon trading. "In most of the large (parks)," he said at a recent Congressional hearing, "we are in active restoration. Those trees will sequester carbon. Understanding how we could market that in a carbon market would be important."

Members of conservation groups who are acquainted with Jon Jarvis say that he has a solid and strong ethic for the mission of the national parks and has not been afraid to speak out when appropriate over the past few years.

10B. Other USDI appointments

(Information from Ted Snyder)

The following have been nominated. So far, one (Strickland) has been confirmed by the Senate.

- Deputy Secretary of the Interior (#2 to Sec. Salazar): David Hayes, currently Senior Fellow at the World Wildlife Fund and Chairman of the Board of American Rivers.
- Assistant Secretary for Fish, Wildlife, and Parks (oversees National Park Service and US Fish & Wildlife Service): Thomas L. Strickland. Strickland helped create the Great Colorado Outdoors program (using lottery revenues for preservation of open space and wildlife habitat).
- Deputy Assistant Secretary for Fish, Wildlife, and Parks (#2 under Strickland): Wili Shalroth, who has 13 years experience running the Great Outdoors Colorado Trust Fund and the Colorado Conservation Land Trust.

10C. Position above USFS Director

(Information from USDA news release)

On April 22, Agriculture Secretary Tom Vilsack announced the appointment of Jay Jensen as USDA Deputy Under Secretary for Natural Resources and Environment (NRE). In this position, Jensen will have responsibility for the U.S. Forest

Service (USFS) and the Natural Resources Conservation Service (NRCS, at one time named the Soil Conservation Service). The heads of these two agencies haven't yet been named.

Jensen holds a B.S. degree from UCLA and an M.S. in Forestry from Colorado State University. For the past several years, Jensen has worked for the Council of Western State Foresters/ Western Forestry Leadership Coalition (a federal-state governmental partnership), most recently as executive director. He has also served as Senior Forestry Advisor for the Western Governors Association, where he was responsible for the biomass energy program. Before that, as lead forestry advisor for the U.S. House Committee on Agriculture, Jensen helped develop programs under the 2002 Farm Bill. He has also served as lead policy analyst for the National Association of State Foresters.

Sec. Vilsack said: "I'll be looking to Jay's leadership as we address the health of our forests. This is a top priority for USDA because it relates to several critical challenges — the intensity of forest fires, climate change, biomass and renewable energy, clean water and revitalizing forest-dependent communities."

11. CLIMATE CHANGE

11A. Climate bill makes a good start

[Information from SAEE, 5/5/09,
and NYTimes, 5/8/09]

Henry Waxman (D-CA) and Edward Markey (D-MA), leaders of the House Energy and Commerce Committee, have introduced the American Clean Energy and Security Act of 2009 (ACESA). ACESA is designed to cap America's global warming pollution, and to accelerate our transition to a clean energy economy that would liberate us from imported oil and put millions of Americans to work. The heart of the bill is a cap-and-trade system that puts steadily declining ceilings on GHG emissions while permitting emitters to trade allowances. Ideally, this raises the cost of dirtier fuels while steering investments to cleaner ones.

The bill includes provisions to increase energy efficiency and encourage clean energy sources by providing subsidies for industries that produce them. This would create jobs and new economic opportunities. A standard that requires utilities to provide 25% of their electricity from renewable sources by the year 2025 could save Americans nearly \$100 billion in electricity costs (according to DOE).

Unfortunately, it won't be easy going. According to *USA Today* (4/29/09), 50 of the nation's largest electric utilities recently increased spending on lobbyists by 30% to influence the climate-change debate in Congress. Partly as a result of clever industry propaganda, as many as 41% of the American people think the threat of global warming is being exaggerated. About half of all Democratic sena-

tors, particularly those from the rust belt and from coal states, cannot be counted on to support climate-change legislation. This became apparent recently when they succeeded in deleting such initiatives from the Budget Resolution, where only 50 votes were required for passage instead of the usual 60.

Pres. Obama has urged the sponsors to work out a consensus in order to get the bill moving, but it is essential not to weaken it to where it becomes worse than nothing. Republicans, without exception, insist that the bill would bankrupt the economy. However, the cost of doing nothing dwarfs the cost of acting now.

WHAT YOU CAN DO: Contact your legislators today (see p.2) and ask them to support ACESA, which would cap global warming pollution, thus keeping our Earth from becoming uninhabitable. In achieving the goals of renewable energy and energy efficiency, the bill would create new jobs, put our economy on the path to recovery, and move us toward a clean energy future.

11B. The projections get worse

- (From Thomas Friedman, *NYTimes*, 3/29/09.) In January, M.I.T.'s Joint Program on the Science and Policy of Global Change updated its Integrated Global System Model ... Its revised projection indicates that if we stick with business as usual, in terms of CO₂ emissions, average surface temperatures on Earth by 2100 will hit levels far beyond anything humans have ever experienced. ... Each of several indicators has increased slightly, but they appear to interact multiplicatively, with feedbacks among the contributing factors, leading to the surprisingly large increase in the chance of much higher temperatures.
- At the March 2009 International Scientific Congress on Climate Change, 2,500 scientists came to the following conclusion: "Recent observations confirm that, given high rates of observed emissions, the worst-case IPCC scenario trajectories (or even worse) are being realized. For many key parameters, the climate system is already moving beyond the patterns of natural variability within which our society and economy have developed and thrived. ... There is a significant risk that many of the trends will accelerate, leading to an increasing risk of abrupt or irreversible climatic shifts."

11C. EPA: "Greenhouse gas emissions endanger public health and welfare"

On April 17, U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson issued a finding that greenhouse gases (CO₂ and 5 other gases) endanger public health and welfare (Docket ID # EPA-HQ-OAR-2009-0171). This finding affirms that the Clean Air Act gives EPA authority to combat global warming pollution.

The Bush Administration had refused to issue such an endangerment finding, despite the fact the Supreme Court in 2007 directed it to do so (*Massachusetts vs. EPA*). Political appointees ignored and deliberately suppressed scientific analysis from EPA scientists that urged them to act. Following these years of denial and inaction, the new EPA finding now removes the roadblock and sets the stage for the Obama Administration to combat global warming by regulating emissions of GHGs.

The Clean Air Act allows the EPA to regulate major sources of global warming emissions. These sources include power plants (particularly, coal-fired ones) and vehicles, which together generate more than half of the heat-trapping emissions produced in the United States. Big Oil and Big Coal are spending tens of millions of \$\$ to weaken any laws and regulations that might result from the EPA finding. We must voice our very strongest support for strong regulation of GHGs. Hurry, the comment period ends June 12.

WHAT YOU CAN DO: Contact Administrator Lisa Jackson, EPA (www.epa.gov, or 1200 Pennsylvania Ave., NW, Washington DC 20460) urging the strongest possible regulation of GHG emissions in order to minimize the disastrous effects of climate change. (You may wish to refer to the information in #11B, this NL.)

11D. Rule requires reporting of GHGs

[From www.platt.com]

On April 10, EPA published a proposed rule requiring reporting of greenhouse gas (GHG) emissions from all sectors of the economy, including suppliers of fossil fuels. The proposed rule does not require control of GHGs, but only that sources above certain threshold levels monitor and report emissions.

The data would improve the government's ability to formulate a set of climate-change policy options and would help identify reduction opportunities, EPA said. Starting in 2010, facilities that emit 25,000 or more metric tons of CO₂ equivalent annually would be required to submit yearly reports. The comment period on the proposal closes June 9.

12. TCWP NEWS

12A. Upcoming activities

[Contributed by Carol Cramelbauer]

North Ridge Trail workday – Saturday, June 6

North Ridge Trail Steward Susan Donnelly invites everyone for a morning of accomplishment on the Wedgewood section of the trail on Saturday, June 6. In an event planned to coincide with National Trails Day, participants will trim vegetation from the trail.

The North Ridge Trail is one of TCWP's oldest on-going projects. Built and maintained by TCWP members for over four decades, the 7+-mile trail is the crown jewel of the acclaimed Oak Ridge Greenway system. Sections of the trail are available for adoption. [See NL281 #8A, for the Adopt-A-Segment Program. To volunteer for this program, contact Sandra Goss, see below.]

The June-6 event will start at 8:30 am at the trailhead on Wedgewood Rd. in Oak Ridge. Participants, who may pre-register at susan.donnelly@comcast.net, should wear weather-appropriate clothes and sturdy shoes. Recommended gear includes gloves and water, and if available, clippers, hand pruners, hedge trimmers, and/or cordless weed-eaters. For more information, e-mail Susan at the address above or call Sandra at 865-522-3809.

Whites Creek Outing with Tennessee Native Plant Society – Saturday, August 22

This will be a TCWP and TNPS exploration of Whites Creek in Roane and Rhea counties. We will see red starvine (*Sclaisandra glabra*), a so-far-unidentified goldenrod, and many interesting cobbler bar species; and there will be opportunities to cool off (wade or swim) in the creek. Walking distance will be about 3.5 miles, with about one mile of trail. See the July newsletter for corpoling information.

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

12B. Special mention of TCWP members

- TCWP Board member Pat Mulholland was elected a fellow of the American Geophysical Union, an international scientific society with 50,000 members engaged in the study of the Earth and space.
- [Contributed by Sandra Goss]. Founding TCWP member, current Board member, and newsletter editor Liane "Lee" Russell has been notified that she is this year's James R. Compton River Achievement Award winner, awarded by River Network. This award honors dedication to conserving our nation's rivers. Lee was nominated by the Tennessee Clean Water Network to receive this national recognition of her efforts.
- Virginia Dale, ORNL Corporate Fellow, has been named director of the new Center for BioEnergy Sustainability (CBES), a leading resource for dealing with the environmental impacts and the ultimate sustainability of biomass production for conversion to biofuels and bio-based products.

12C. Thanks upon thanks to ...

the folks who have invested time and effort helping TCWP in various ways over the past several weeks ... there are so many of them:

Ongoing management of the TCWP website: Francis Perey.

Attendance at official retirement events: Mary Lynn Dobson Frank Hensley, and Sandra at Cary Myers': Cindy Kendrick, Jimmy Groton, and Sandra Goss at Phil Campbell's (¶2D, this NL).

Printing and framing an Obed enlargement of Bill Russell's to present to retiring Phil Campbell: Hal Smith (with a little help from Lee Russell) (¶2D, this NL).

Folding and stuffing of NL284 and Political Guide: Frank Hensley, Charlie Klabunde, Jean Bingham, Carol Grametbauer, Dick Ratidon.

TCWP Ambassadors at Earth Day event in Wartburg and Oak Ridge: Tim Bigelow, Marion Burger, Jenny Freeman, Carol Grametbauer, Jimmy Groton, Frank Hensley, Linda LaForest, Pat Mulholland, and Hal Smith.

Help with event development, implementation, and leadership: Tim Bigelow, Chuck Estes, Jimmy Groton, Roger Macklin, Larry Pounds, Annetta Watson.

Organizing the Obed raft trip for Superintendents Stennis Young and Phil Campbell: Frank Hensley (see ¶2B, this NL, for our thanks to white-water and NPS helpers).

Testimony on water bills before the TN legislature: Pat Mulholland.

Organizing the information meeting (subsequently canceled) on U.T.'s proposed gas development in the Cumberlands (see ¶1A, this NL): Jimmy Groton Sandra Goss, Cindy Kendrick.

Attendance at a Breakfast with Legislators: Marion Burger.

Contribution of articles to NL285: Cindy Kendrick, Sandra Goss, Carol Grametbauer, Tim Bigelow. Help with fact checking: Annetta Watson, Sandra Goss, Cindy Kendrick, Steve Bakaletz, Louise Gorenflo, Jimmy Groton.

12D. Thanks for gifts

TCWP has received gifts of two badly needed filing cabinets. Donors were: (a) Tim Bigelow, and (b) Howard and Kelli Tidwell. Thank you!

12E. Reports of recent events

[Contributed by Carol Grametbauer]
Oak Ridge Greenway Exotics Removal and Wildflower Walk - Saturday, April 11
About twelve people—familiar faces as well as some folks new to TCWP activities—met at the Greenway behind Oak Ridge's Rolling Hills Apartments to remove the very invasive garlic mustard from one of the best wildflower trails in Anderson County. During the work session, volunteers saw trillium, foamflower, phlox, and some dwarf larkspur (among many other species) in bloom, as well as showy orchis showing flower buds. This event has been held for a number of years, and the battle against garlic mustard is gradually but definitely being won!

Bird-watching hike at Frozen Head - May 2

Unfortunately, this outing had to be cancelled due to bad weather. But our thanks and appreciation go to Chuck and Lola Estes for coming out to Frozen Head State Park on a very rainy Saturday morning, just in case any bird-watchers showed up!

13. CALENDAR; RESOURCES

•• CALENDAR

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

- May 16 and June 6, Frozen Head work days (see ¶1C, this NL).
- May 17 and six other May dates: free public programs in Frozen Head (see ¶1C, this NL).
- May 23 River cleanup at the Obed (see ¶1E, this NL).
- May 30, 9:30-noon, Tour of Invasive Plant Sites in ORR's National Environmental Research Park. Contact Neil Giffen at ngiffen@ornl.gov or 865-241-9421.
- June 1, Knoxville, screening of Ken Burns' "The National Parks: America's Best Idea" (see ¶6C, this NL).
- June 5, Owl Prowl at the Obed (see ¶2E, this NL).
- June 6 (National Trails Day), TCWP North Ridge Trail workday, 8:30 a.m. (see ¶12A, this NL).
- June 19 (11 a.m. - 6 p.m.) & 20 (10 a.m. - 6 p.m.), 7th Annual Oak Ridge Secret City Festival. Look for TCWP's exhibit among those in the library parking lot and surrounding area.
- June 27, Tennessee Wild Workshop, 10 a.m. - 5 p.m., Knoxville (see ¶7B, this NL).
- August 22, TCWP/Tennessee Native Plant Society Whites Creek outing (see ¶12A, this NL).

•• RESOURCES

- Calculate your household's Greenhouse Gas emissions. An online calculator allows you to figure out the quantity of GHG emissions emitted by your household. The website also provides tips for reducing your emissions and for reducing your energy and waste disposal costs. Visit www.epa.gov/climatechange/emissions/ind_calculator.html.
- Factsheet on Water Scarcity (Dec. 2008) and Cumberland County Water Supply Timeline (Feb. 2009) have been compiled by OWCA (the Obed Watershed Community Association—www.obedwatershed.org). OWCA has also developed very informed testimonies on Water Needs Assessment for Cumberland County, and Water Conservation Study (931-484-9033, or lgorenflo@gmail.com).