



Tennessee
Citizens for
Wilderness
Planning

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Taking Care of Wild Places

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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 |
|------|------------------------------------|---|--|
| 1B | Siltation in BSF Watershed | Div. of Water Poll. Control | By July 27, comment on the Draft TMDIs |
| 4A | Cherokee Wilderness designations | Your US rep. and senators Jeff Hunter (jeh1@sen.gov) | "Add acreage to existing Wildernesses in Cherokee NF!" "Howelsecan help?" |
| 4C | Roadless Rule for National Forests | Pres. Obama | "Thank you for the 'Time Out!' Fully reinstate the 2001 Rule!" |
| 5A | New Integrated Resource Plan | TVA (by August 14) | Submit comments. Contact us if you want TCWP's comments. |
| 7A | Clean Water Restoration Act | Both your US senators US representative | "Please vote for S.787 to restore Clean Water Act protections!" "Please become co-sponsor of House companion bill!" |
| 7D | Hydrofracturing for natural gas | Your US rep. and senators | "Support HR.2766 and S.1215, respectively!" |
| 8A | Climate bill (ACES) | Reps. Colven, Cooper, Gordon, Shuler Your U.S. senators | "Thank you for voting for HR. 2454!" "Support strong Sen. bill. with EPA authority to regulate coal plants!" |
| 8D | Climate and energy legislation | Repower America | Volunteer for grassroots efforts |

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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
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To call any Rep or Senator, dial Congressional switchboard, 202-224-3121. To find out about the status of bills, call 202-225-1772
URLs: <http://www.house.gov/lastname/> and <http://lastname.senate.gov/> General contact info: <http://www.kcy.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.tcwp.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. OBED AND BIG SOUTH FORK

1A. Additional authorized BSF land lost to private auction

[Contributed by Cindy Kendrick]

Another fraction of the Big South Fork National River and Recreation Area has been sold. The latest "lost" publicland is along near Greasy Creek, a tributary to the New River. Auctions conducted by Ayers Auction & Real Estate on May 16 (45+ acres in five tracts) and June 12 (46+ acres in four tracts) sold privately owned land "adjoining" and some inside the boundary authorized by Congress for the Big South Fork in 1974. Paradoxically, it is Congressional action - annual diversion of authorized LWCF money - that has prevented acquisition of the lands they authorized. (See 17C, this NL.)

Significant tracts of private land within the authorized boundaries of the Big South Fork NRR and the Obed Wild and Scenic River have not yet been purchased and thus remain vulnerable to development and degradation. Some tracts have already been developed, and large houses are now perched on gorgeous bluff lines - major intrusions into this public domain. After they are developed, these tracts are essentially lost to the Parks and to the public, and their private use is likely to degrade the quality of the adjoining public land, as well as of the streams and rivers that flow through them. TCWP continues to advocate for acquisition or protective easements for these inholdings.

1B. Siltation has caused biological damage in streams of the Big South Fork watershed

Streams in the Big South Fork Cumberland (BSF) watershed have appeared on the state's 303(d) list. Section 303(d) of the national Clean Water Act requires states to develop TMDLs (Total Maximum Daily Loads) for waters on their "impaired waters" list. TMDLs determine the allowable pollutant load that the water can assimilate.

Impaired waters are those that do not support designated-use classifications, and fail to attain water-quality standards. The problem in the listed BSF streams is loss of biological integrity due to siltation associated with abandoned mining, silviculture, and channelization. The TMDLs (determined by a number of data-sets, criteria, and models) establish reductions in sediment loading that will result in the re-attainment of water-quality standards. In the listed BSF waterbodies, the TMDLs require reductions in sediment loading of 27% to 84% -- in other words, the siltation is pretty bad in these streams.

WHAT YOU CAN DO: More detailed information about the Draft TMDLs can be obtained from the Division of Water Pollution Control staff, specifically,

ally, Bruce.Evans@tn.gov (615-532-0668) and Sherry.Wang@tn.gov (615-532-0656). Comments concerning any needed revisions to the Draft TMDLs must be received by July 27 (address in Political Guide). The state submits final TMDLs to EPA.

1C. Bridge construction in Obed WSR

The Federal Highway Administration (FHA) proposes to construct two bridges, the first over the Obed River on Potters Ford Road (near River Mile 21) and the second over Daddys Creek at Devils Breakfast Table. The first is within, and the second immediately upstream from, the Obed WSR boundary. Both are within the Catoosa Wildlife Management Area (WMA). As proposed, each bridge will be a concrete and steel structure, 16 feet wide with timber bridge railings, requiring piers for support.

The Obed River and Daddy's Creek are classified by the state as Exceptional Tennessee Waters. Under the National Wild & Scenic Rivers Act, the National Park Service (NPS), as river-administering agency, must review water resources projects that have the potential to invade or unreasonably diminish the values for which the park was established -- in this case, the high-quality condition of park waters and the park's outstandingly remarkable scenic, recreational, geological, and fish and wildlife values.

NPS has provided extensive analysis of the cautions to be exerted relative to the federally endangered spotfin chub and to a number of rare freshwater mussels. It has requested salvage operations to relocate potentially impacted mussels at both construction sites, with Park staff to assist in these efforts. In addition daily and weekly monitoring of various water parameters must be performed. The US Fish & Wildlife Service has also issued a Biological Opinion dictating that certain measures be incorporated into the project design.

The comment period for the state's ARAP permit has ended.

1D. Obed WSR hosts Owl Prowl

[Contributed by Cindy Kendrick]

The Obed Wild and Scenic River will host its second "Owl Prowl" of the season on July 24, from 9-10 p.m. Prospective prowlers are instructed to meet at the Lilly Bluff Overlook parking lot to hear about and look/listen for screech owls and barred owls. The Park strongly recommends bringing flashlights and wearing sturdy shoes. For more information, call 423-346-6294.

1E. Clean-up day scheduled for Obed

Adopt-a-Crag Day, an annual clean-up and maintenance event organized by climbers, will be held at the Obed WSR on Saturday, September 12. For more information e-mail Rick Bost at Rickbost@aol.com.

1F. Obed on the Internet

The internet site "National Parks Traveler," at <http://www.nationalparkstraveler.com/2008/10/park-history-obed-wild-and-scenic-river>, has a good little article by Chance Finegan about the Obed WSR. Comments can be (and have been) posted, including one about the need for acquisition funds.

1G. Former Obed Superintendent moves

Monika Mayr, Superintendent of the Obed National Wild & Scenic River from 1994-1998, assumed her new position as Assistant Superintendent of the Blue Ridge Parkway on June 21. While at the Obed, Monika was very involved and proactive. Among her many accomplishments was bringing about the land acquisitions at Lilly Bluff that facilitated construction of the spur road, parking lot, and trail to the overlook, and that kept trucks and ORVs from driving out to the bluff.

From the Obed, Monika moved to Biscayne National Park in Florida (Assistant Superintendent, 1998-2004), and then to Vicksburg National Military Park in Mississippi (Superintendent, 2004-2009). At Blue Ridge Pkwy, Monika will again be closer to us, and we hope to see her back visiting the Obed.

2. THE CUMBERLANDS

2A. New Cumberland Plateau web site promotes natural features

[Contributed by Cindy Kendrick]

The Alliance for the Cumberlandlands has just completed the Tennessee Cumberland Plateau Nature Trail web site, <http://www.woods-wondersandwildlife.com>, an appealing tourism tool packed with information that locals also will appreciate (also see 2C, below). The site lays out three tours – Northern, Central, and Southern – and provides maps, directions, and photos related to parks, greenways, natural areas, wildlife management areas, heritage sites, and other features along the routes. The Alliance credits a great deal of volunteer hours, as well as private, state and federal funding for creating the web site.

2B. Frozen Head: Activities and News

[Contributed by Cindy Kendrick]

Maintenance. Park Manager David Engebretson shared news that the old CCC spring basin at Coffin Springs has received some much-needed work this summer, and that the Summer Youth Work Program is devoting time and energy to general park maintenance, improving back-country trails, and lower-road maintenance. Engebretson also said that the Park is working to replace the decking on the bridge at Gate # 5 (at the old Tipton site on Macedonia Rd) for safety reasons.

Frozen Head's ranger-led summer programs encompass a wide variety of topics, including reptiles and amphibians, bats, fossils, geology, nighttime exploration, creek ecology, CCC history in the Park, and more. Program schedules may be found at

<http://www.tennessee.gov/environment/parks/FrozenHead/pdf/programs.pdf>. For more information, contact the Park Office at 423-346-3318.

2C. Alliance for the Cumberlandlands stays active

[Contributed by Sandra Goss]

"Woods, Wonders, and Wildlife - The Cumberland Plateau Nature Trail," located at www.woods-wondersandwildlife.com, features sites of interest on the Plateau (2A, above). This project of the Alliance for the Cumberlandlands was funded by TWRA's Watchable Wildlife program, TDEC's RTP Education Fund, National Migratory Bird Conservation Act, and the Benwood Foundation. Promotion of the site will be funded by a grant from the USDA Rural Development program.

The Board of the Alliance recently completed an exhaustive selection process for a new Executive Director. Zebulon Turrentine, a native of Bell Buckle, will assume his duties in August when he completes his Peace Corps Service in Jamaica. The Alliance will have an office on the Tennessee Tech campus.

TCWP, which was instrumental in starting the Alliance in 2001, fostered it for its first 3 years. TCWP Executive Director Sandra K. Goss is currently serving as the Secretary/Treasurer.

3. OTHER TENNESSEE NEWS

3A. What happened in the legislature

[Information from TCV and SOCM]

The General Assembly finished its work (the first year of the 2-year session) on Thursday, June 18. The following is excerpted from a short summary by Tennessee Conservation Voters.

"Unfortunately, a dangerous water quality bill passed, land acquisition dedicated funds were once again taken for general government use, the container deposit legislation did not pass, and the important mountaintop removal bill did not pass. ..."

"... the Governor's energy initiative was approved as part of the budget and his Tennessee Clean Energy Future Act of 2009 legislation also passed. The additional \$6 million for specific state parks renovation and upkeep passed in the budget. And the selenium bill which was stopped on the House floor stayed in the calendar committee. This last item is important because many feared that the House sponsor would try to move the bill to the floor so it could be acted upon without warning at the beginning of next year's session."

i. Bills related to water

Here are a few more details about the multitude of dangerous water bills that haunted this session. The bill that did pass was SB.0632 (Southernland)/HB.1615 (McCord). It creates new permitting standards for altering a watercourse, clarifies definition of "wet weather conveyance" and streams, and sets up a third-party approval designation for privately paid hydrologists making watercourse determinations, heretofore made by TDEC. Among bad water bills that did not pass was, (a) SB.0633 (Southernland)/HB.1617 (McCord), which would have established a class of "limited resource waters" (NL284 §1A), (b) the Water Quality Standards bill, SB.0631 (Southernland)/HB.1616 (McCord), which would allow a great deal more water-quality degradation, and (c) SB.1112 Overbey/HB.1622 (McCord), which forbids state standards for air and water quality from exceeding federal requirements. Another water bill, pertaining to selenium standards in water, is considered in relation to mining (see below).

ii. Bills related to coal mining

The "Scenic Vistas" bill, SB.1406 (Ketrone)/HB.0999 (Dunn), which would have prohibited surface coal mining operations within 100 ft. of any waters of the state or on any ridge line above 2,000 ft. elevation, was amended, then "taken off notice" (NL 284 §1C; NL 285 §3B). The first of these two prohibitions became incorporated in an administration bill, the Responsible Mining Act, SB.232 (Kyle)/HB.2300 (Turner, M.), which passed. TDEC announced that it had developed this bill with the agreement of industry, but conservation groups were not involved in the drafting. The bill had several flaws (aside from not including the ridgeline prohibition): (a) the buffer zone was measured from the center, instead of the banks, of streams (thus shrinking the land area protected), and (b) several stream segments were exempted from the prohibition, such as those that had been previously affected by mining and those on which "incidental" to mining (e.g., processing plants) could be located. SOCM successfully fought the first of these flaws, and in the bill that as passed, the 100 ft. zone is measured from "the ordinary high-water mark" of any stream.

Another mining-related and potentially harmful bill was SB.1331 (Yager)/HB.1204 (McCord), which would replace the state's current water-quality standard for selenium with a much lower one. This potentially toxic chemical (as selenite) is a coal-mining pollutant of streams, and the bill was submitted by the Tennessee Coal Association. The bill was passed by the Senate but, thanks to ineffective educational work of several groups, it failed in the House (where the vote was 49 : 42 in favor, but a constitutional majority was not achieved). It was sent back to the Calendar Committee, which deferred it to the first committee calendar of 2010.

iii. Budget

No money for land acquisition: dedicated funds were once again taken for general government use. The \$29.4 billion budget signed on June 25 includes the following other items of interest.

- About \$62.5 million of federal stimulus funds are earmarked for the solar energy initiative. This includes a U.T. Solar Institute in Knoxville and at Oak Ridge National Laboratory, and a solar farm five-megawatt power generation demonstration project at the West Tennessee industrial mega-site near Brownsville (in Haywood County).
- \$6 million to the Department of Environment and Conservation. These funds, which will be used for state park renovation and upkeep projects, were thought, at one point, to be in jeopardy.

3B. Appointments and retirements

[Information from Sandra Goss]

- **Lee Barclay**, head of the Tennessee office of the US Fish and Wildlife Service, retired in early July. Lee, whose office is in Cookeville, has for many years played an active role in protecting Tennessee's environment. He has been eminently approachable and has generously contributed his time and expertise. Among his "extra" volunteer jobs is long-term service on the Alliance for the Cumberland's Steering Committee.
- **Steve Scarborough**, a design engineer and former owner of the Dagger Canoe Co., has become chair of the Tennessee Conservation Commission, an advisory body to the Tenn. Department of Environment and Conservation (TDEC). Steve is the conservation-owner of considerable acreage on upper Whites Creek, where it cuts through the edge of the Cumberland Plateau, and he lives there in a house of passive solar design. He is a sponsor of Conservation Fisheries. For several years, he published the almost-daily online Whites Creek Journal and blog.

3C. Origin of Tennessee state parks

Of Tennessee's present 54 state parks, 16 (including most of the best-known ones) had their origin in the New Deal. In East Tennessee and the Cumberland, these include Fall Creek Falls, Pickett, Cumberland Mountain, Big Ridge, Cove Lake, and Norris Dam State Parks. Some of the 16 New Deal era parks (e.g., Fall Creek Falls) were set up by the National Park Service to demonstrate to states how to preserve scenic areas for outdoor recreation. The purpose of others (e.g., Cedars of Lebanon) was the reclamation and rehabilitation of ruined landscapes. Still others (e.g., Norris Dam) were the byproducts of independent New Deal projects, such as TVA.

The buildings and other infrastructure within the parks are the products of New Deal job programs – the Civilian Conservation Corps (CCC)

and the Works Project Administration (WPA). Their constructions are characterized by fine craftsmanship and by architectural styles that blend with the natural landscape. Today, we still admire the beautiful bridge at Cumberland Mountain SP, the overlooks at Fall Creek Falls, and the original shelters at Pickett.

4. THE CHEROKEE and other NATIONAL FORESTS

4A. Wilderness designations needed for the Cherokee

[Information from Tim Bigelow and Sandra Goss]

Efforts continue to develop public support for legislation that will set aside some of the most special areas of the southern Cherokee National Forest as Wilderness. Additions are proposed for the existing Big Frog, Little Frog, Upper Bald River, and Slickrock/Citico Wildernesses – a total of ~17,800 acres. Currently, ~67,000 acres (~10% of the total Cherokee) are designated Wilderness. The June-27 workshop in Knoxville (NL285 ¶7B) featured 5 informative and inspiring speakers, including Doug Scott (Campaign for America's Wilderness), nationally known wilderness advocate and author.

The campaign for Cherokee Wilderness is in need of your help – see the action box below

WHAT YOU CAN DO: Contact your Congressman and both senators, as well as Rep. Duncan (addresses on p. 2) and urge them to support legislation for adding acreage to existing Wildernesses in the Cherokee National Forest. To learn of other ways in which you can help, contact Jeff Hunter, jah@cal.org or 423-322-7866.

For copy of an excellent article, "Economics + Wilderness: CNF Wilderness and the Monroe County Economy," send a self-addressed, stamped envelope to Tim Bigelow, 10626 Forest Crest Road, Knoxville, TN 37922.

4B. Corridor K: a new road through the Cherokee NF?

[Contributed by Sandra Goss]

The Corridor K Citizens Resource Team, a group of stakeholders convened by Tennessee Department of Transportation, continues its work (NL284 ¶5C). TCWP Executive Director Sandra Goss, a member of the team, reports that the most recent meeting of the group included efforts to refine the "Problems and Values" statements and to discuss Corridor resource data, including an Economic Feasibility Study that was conducted about three years ago at the request of the Southeast Development District.

Public workshops were held July 20 and 21 (before you will receive this NL) to gather input about the proposed project. To find out the latest

information on this issue, contact Sandra at 865-522-3809 or Sandra@sandrakgoss.com.

4C. Moratorium on roads and timbering in inventoried roadless areas

The Cherokee National Forest has ~85,000 acres of inventoried roadless areas, amounting to 13.4% of the total acreage (NL264 ¶4A).

Finalized at the end of the Clinton Administration, after a record number of public hearings and 1.7 million comments, over 90% of which were positive, the Roadless Rule designated a total of 58.5 million roadless acres in our national forests in which no road building or logging would occur (NL236 ¶4A). Road construction (paid for by taxpayers) almost solely benefits timber interests and other industrial operations, whose activities damage or destroy other valuable functions of national forests: major watershed protection, ecological integrity, wildlife corridors, outdoor recreation, etc. Thus, taxpayers fund damage to their own forests.

Within hours of becoming president, George Bush suspended the Roadless Rule, and during the subsequent years, his Administration made numerous attempts to weaken it. While most of these attacks were deflected by legal actions (fewer than 8 miles of road were built, altogether, in designated areas), the Bush Administration, at the behest of the timber industry, established a policy under which the fate of a national forest would be decided by the state in which the forest happened to be located. One state, Idaho (whose national forests have 9.3 million acres of inventoried roadless areas – 16% of the nation's), opted for this right to road building. (Note: Idaho's governor at the time was Dirk Kempthorne, who became Bush's second Secretary of the Interior.)

As a presidential candidate, Barack Obama promised to uphold and defend the 2001 Roadless Rule. Two months ago, the Obama administration announced a one-year interim directive barring Forest Supervisors (except those in Idaho) from approving any road construction projects or timber sales in inventoried roadless areas. The personal consent of Agriculture Secretary Vilsack would be required to authorize any such project. This one-year review period is needed to assess the situation, which is complicated by pending lawsuits.

We must, however, urge the President to hold firm to the goal of returning the protections of the Roadless Rule to all national forests. To start with, the Dept. of Justice must be instructed to stop defending the flawed 2005 Bush roadless rule in pending court cases. Additionally, the Bush administration's 2003 "temporary" exemption of the Tongass National Forest in Alaska must be terminated; and the Rule's protections must be restored to all of Idaho's roadless forests.

WHAT YOU CAN DO: Thank Pres. Obama (address p.2) for the "time out" on developments in

roadless areas. Regarding long-term policy, remind him of his pledge to uphold and defend the 2001 Roadless Rule.

4D. NFMA protections return to forests

The National Forest Management Act (NFMA) requires that key priorities in the management of national forests must include: the protection of healthy wildlife populations, the preservation of clean water, and the conservation of a diverse array of natural forests. Bush-era rules of 2005 (NL259 ¶5) and 2008 (NL280 ¶7E) repealed these key protections.

On June 30, the U.S. District Court for the Northern District of California threw out this Bush Administration rule, finding that it was in violation of NEPA. The ruling also re-opens the door for much greater public participation. Citizens will again be able to insist that science and proper stewardship do matter when it comes to managing our forests.

4E. New Chief for the US Forest Service

Tom Tidwell is the new Chief of the US Forest Service, and assessments from conservation groups are generally favorable. To find out more, see ¶9C, this NL.

5. TVA ISSUES

5A. A new Integrated Resource Plan in the making

Fourteen years have passed since TVA published an Integrated Resource Plan. The 1995 IRP, titled "Energy Vision 2020," was a flexible "resource portfolio" of various combinations of energy generation, energy efficiency, and demand-response options. Now, the agency is launching an expanded update to apply for the next 20 years.

"This study will combine aspects of a traditional utility industry integrated resource plan," states a news release, "with an evaluation of methods that TVA could implement, both alone and in partnership with others, to improve its stewardship of the valley's air, land, and water resources." The new IRP will consider the best options to support the Environmental Policy adopted by the TVA Board in 2008. The broad goals of this policy involve climate-change mitigation, air-quality improvement, water-resource protection and improvement, waste minimization, sustainable land use, and natural resource management. Clearly, the devil will be in the details. The IRP comes at a critical time, when our country needs to change its energy policy and do all it can to reduce Greenhouse Gas emissions.

During the period between July 20 and August 6, TVA will conduct 7 scoping meetings in

different parts of the Valley. Four of these will be held in Tennessee, all starting 4 p.m. local time:

Nashville, July 20 Knoxville, July 23
Chattanooga, July 21 Memphis, August 6.
The Knoxville meeting will be held at Pellissippi State Community College (College Center). For details on all meetings, visit www.tva.gov/environment/reports/irp/index.htm.

TVCW plans to participate in the scoping process and make organizational comments. To involve yourself in this project, see the action box, below.

WHAT YOU CAN DO: This IRP will play an important role in TVA's future actions, and we hope you'll add your voice. You can e-mail comments by August 14 to IRP@tva.gov and/or leave them on the above website. If you'd like to receive a summary of TVCW's scoping comments in time to craft some of your own, send an e-mail to sandra@sandrakoss.com.

5B. Coal ash disposal

Representatives of TVA (Neil Carrier) and EPA (Leo Francendese) spoke at TVCW's well-attended meeting on June 16, providing a great deal of information on the nature and aftermath of the December-2008 Kingston Power Plant disaster. In mid-May, EPA formally assumed oversight of the clean-up operation. Current safety & health measures include stabilizing the site (to prevent further movement of ash), getting the ash out of the rivers (where it is smothering aquatic life), and minimizing airborne dust (e.g., by keeping it wet on land). The greatest health issue comes from heavy metals, primarily arsenic; others are present below EPA (Region 4) remedial action levels, and radiation levels are negligible.

Choosing a permanent storage site for the 5.4 million cubic yards of coal ash that were released has become a hot topic. Some people actually want a site in their backyard. Most vocal among these are the owners of a partially abandoned coal mine on Smith Mountain in Eastern Cumberland County (in the Obed watershed, see NL285 ¶2A). According to the *SOCM Sentinel*, a 100 ft-high mountain of coal ash would rise on a 300-acre site. Smith Mountain Solutions LLC, one of whose owners is vice president of the National Road Builders Association, offered the county a host fee of about \$8 million, promised 100 jobs (mainly trucking), and brought a huge number of trucks to a public meeting held in Crossville on June 2. Although the vast majority of those who spoke at the meeting (45 out of 50) strongly opposed the Smith Mountain site, and more than 2000 people signed a petition opposing it, the Cumberland County Commission voted for it 11 : 5 on June 15.

TVA has proposed a landfill in Perry County, Alabama, as recipient for 3 million cubic yards of the Kingston sludge that ended up in the Emory River. Removal from the river is considered a pri-

ority, especially since heavy rains cause downstream flows of the suffocating sludge. Following a test run in May, the sludge will be transported to Alabama by rail. Removal of the ash from land (is this where the remaining 2.4 million cubic yards are located?) is not considered as time-critical, and we'll have to be watchful that disposal sites that present environmental or human risks are eliminated from consideration. A bill recently passed by the Tennessee legislature, SB.1539 (Burchett)/HB.1628 (McCord), prohibits TDEC from issuing any permit for the disposal of coal ash without plans for a liner and final cap.

The Kingston disaster has drawn national attention to the problems of ash generated by coal-fired power plants. An EPA survey has turned up 44 "high hazard" sites across the country. These are just a subset of an estimated 300 coal-ashesites (both wet and dry) nationwide. DOE data indicate that, in 2005, 721 power plants produced 95.8 million tons of coal ash. Yet, there are no federal regulations or standards that govern its storage or disposal.

6. SMOKIES

Stimulus \$\$ bring needed improvements

The American Recovery and Reinvestment Act (ARRA), the "stimulus bill," included more than \$900 million to restore crumbling national park infrastructure. Of this total, \$64 million went to the Great Smoky Mountains National Park. The money comes in three phases, beginning this fall. Funds have to be spent or obligated by 9/30/10. An estimate 1,500 jobs are being created in the Smokies.

The biggest chunk of the money, \$34 million (=53%) will go for a 1,200 ft. extension (including a 800 ft.-long bridge) of the Foothills Parkway westward from its intersection with U.S. 321 in Wears Valley. The next biggest, \$25 million (=39%) will be used for repaving and rehabilitation of several road segments and parking areas in four locations, including the Cosby campgrounds.

Additional projects include:

- Repair of eroded horse trails (22 miles in TN, 104 miles in NC)
- Restoration of historic cemeteries (61 in NC)
- Improvement of public restrooms in campgrounds and picnic areas
- Maintenance on various park buildings
- Expansion of handicap access throughout.

7. NATIONAL NEWS

7A. Clean Water Restoration Act (S.787) moves closer to passage

The jurisdiction of the 1972 Clean Water Act needs to be restored. The objective of the CWA

was to keep all of the nation's waters free of destruction, pollution, and degradation, and great progress toward this goal was indeed made for about 35 years. Since 2006, however, two Supreme Court decisions (Rapanos and SWANCC -- 4 : 4 opinions, i.e., with no majority) have left protection for many water bodies indoubt.

The Clean Water Restoration Act (CWRA), moving through Congress, would eliminate this doubt and make it abundantly clear that the 1972 CWA's protections apply to all waters of the US, including seasonal or intermittent streams (60% of streams, nationwide) and "isolated" wetlands (20 million acres). [Does this sound familiar? We've had concerted attacks on such waters in the Tennessee legislature -- see, e.g., §3A1, this NL. Over half of our state's streams are currently considered "non-navigable."]

On June 18, the Senate Environment & Public Works Committee, passed a compromise version of S.787 by a vote of 12 : 7, and the bill now moves to the Senate floor. Many of the major provisions of the bill, originally introduced by Sen. Feingold (D-WI), remain in the compromise version, the most important of these being to strike the words "navigable waters" and to replace it with "Waters of the United States." Some weakening compromises include the exemption of prior converted cropland and waste treatment systems.

A House bill needs to be taken up by the Transportation and Infrastructure Committee, of which Tennessee Congressmen Cohen (D-9) and Duncan (R-2) are members. Tennessee Reps. Cohen, Cooper (D-5), and Gordon (D-6) were co-sponsors of a 2007 version of CWRA.

WHAT YOU CAN DO: Urge your senators (address on p.2) to vote for the Clean Water Restoration Act, which would once again protect all waters of the US against pollution. Water in even small streams ends up in the bigger ones we eventually drink.

If you live in the districts of Representatives Cooper, Gordon, or Cohen thank them for co-sponsoring the House bill. If you live in any other Tennessee district, urge your representative to become a cosponsor.

7B. Mountaintop removal: now better regulated, but not banned

On June 11, three federal agencies announced an Interagency Action Plan (IAP) "to significantly reduce the harmful environmental consequences of Appalachian surface coal mining operations, while ensuring that future mining remains consistent with federal law." The IAP has both a short-term and a longer-term focus. For the short term, it announces a set of "actions to be implemented in 2009." The longer-term process will consist of gathering public input, assessing the effectiveness

of current policy, and developing regulatory actions.

The Memorandum of Understanding (MOU), which formalizes the IAP is signed by the heads of the following three agencies: the Environmental Protection Agency (EPA), The Corps of Engineers (CoE, which issues mining-related Clean Water Act Sec404 permits), and the Dept. of the Interior, within which the Office of Surface Mining, OSM, is located. Each of the agencies agreed to take significant steps, some starting 30 days from the date of the MOU. An interagency working group is being set up to coordinate the signatory groups and to be in consultation with CEQ (Council on Environmental Quality) regarding NEPA concerns.

Among the short-term actions are the following:

- CoE proposes to discontinue the use of "Nationwide" Permit-21 for authorizing the discharge of fill material into streams for surface coal mining activities in the Appalachian region. In other words, there'll no longer be an automatic authorization of §404 permits. Instead, applications will be reviewed by CoE and EPA on a case-by-case basis. (CoE will solicit comments on its proposal to discontinue use of the Nationwide Permit.)
- The environmental review of surface coal mining projects under §404 will be strengthened.
- EPA will strengthen oversight and review of surface mining operations under Clean Water Act §402, and will assist the States to strengthen state regulation, enforcement, and permitting under CWA §401.
- Concerning the Stream Buffer Zone (SBZ) Rule. On April 27, Sec. Salazar requested that the Bush 2008 ("midnight") rule, which essentially permitted the filling of streams, be vacated (NL285 §8A). If the court agrees to vacate the Bush rule, there'll be a return to the 1983 SBZ rule, which limits the dumping of mining waste in, and within 100 feet of, streams, and OSM will issue guidelines on applying this rule.

Considered among longer-term actions are revisions to certain regulations promulgated under SMCRA (the 1977 surface-mining law). These include the Stream Buffer Zone Rule and Approximate Original Contour requirements. In addition to the several specific actions enumerated in the MOU is a general commitment that "the Federal government will help diversify and strengthen the Appalachian regional economy," and will "work to focus clean energy investments and create green jobs in Appalachia."

While the tightening of regulations will decrease some of the horrors, many people are wondering why mountaintop-removal coal mining isn't banned altogether. It is true that coal currently generates about half the electric power used in the U.S.; but less than 5% of that coal derives from mountaintop-removal procedures.

And the industry has a nerve. While many of us are rejoicing that rules are *finally* getting tightened a little, the National Mining Association has written a letter to Congress urging that rules for surface-mining permits in Appalachia (and especially CWA §404 permits) be *axed*!

7C. FY2010 appropriations bills promise increases for land acquisition

[Contributed by Cindy Kendrick]

The Land and Water Conservation Fund (LWCF), the source of which is part of the revenue from offshore oil leases, was designed to support land acquisition needs. However, this Fund has historically been woefully under-utilized, and especially so in the past several years. Although the LWCF is authorized for \$900 million annually, the amounts requested by the administration and appropriated by Congress have typically been not much more than 10% of this, with the remainder of the authorized money being diverted to general deficit reduction.

FY2010 House and Senate appropriations bills (see Table 1) indicate that the final conference report (i.e., the reconciliation between House and Senate amounts) will probably yield LWCF funding increases over FY2009 in federal land acquisition, assistance to states, and the Forest Legacy program (Table2).

Table 1. Land & Water Conservation Fund (LWCF)

| Agency* | FY2009 enacted | FY 2010 Budget | FY 2010 House | FY 2010 Senate |
|-------------------|----------------|----------------|---------------|----------------|
| BLM | 14,775 | 57,445 | 26,529 | 28,650 |
| FWS | 42,455 | 65,000 | 67,250 | 82,790 |
| NPS | 45,190 | 68,000 | 73,222 | 83,586 |
| USFS | 49,775 | 28,684 | 36,782 | 67,784 |
| Subtotal, federal | 152,195 | 186,713 | 203,783 | 262,810 |
| State assistance | 20,000 | 30,000 | 30,000 | 35,000 |

*BLM=Bureau of Land Management; FWS=US Fish & Wildlife Service; NPS=National Park Service; USFS=US Forest Service

While neither the House nor Senate committee report designates land-acquisition funds for the Obed or Big South Fork, some of the LWCF funds have been marked for inholdings and/or emergencies.

Appropriations for the Forest Legacy Program (see Table 2) must be matched by state and/or private funds. This money is typically used for acquisition of easements on forested lands. The mechanism can prevent developments while, in some cases, permitting sustainable timber harvest. The program sometimes attempts to buy land adjacent to existing national parks. Although the budget by the Obama Administration requested a very considerable boost over the current year's appropriation, it appears that the final amount that emerges

from the conference committee may yield little, if any, increase.

Table 2. Forest Legacy Program

| Agency | FY 2009 enacted | FY 2010 Budget | FY 2010 House | FY 2010 Senate |
|--------|-----------------|----------------|---------------|----------------|
| FLP | 57,445 | 91,060 | 75,000 | 55,145 |

7D. Federal regulations needed for hydraulic fracturing in the drilling for natural gas

Hydraulic fracturing (or hydrofracturing, or fracking), a technique used since 1949 to increase the yield from natural-gas wells, involves shooting a fluid-sand mixture under high pressure into rock formations where oil or gas is trapped. The fluid is often all water, but it can contain chemical additives, some of which can be toxic agents or carcinogens. The pressure creates small fissures in the rock, and the sand holds the fissures open, allowing the gas to escape and move up the well. As the hydrofracturing material comes back up to the surface (sometimes under pressure), a large area near the well is needed to store it. In addition to this surface disturbance, there is a major underground risk that the material could leak into aquifers and contaminate drinking-water supplies.

As the result of a provision slipped into the highly-controversial Energy Policy Act of 2005 at the request of Halliburton, Exxon and a few other corporations, the oil and gas industry (unlike other industries) was exempted from having to comply with critical provisions of the Safe Drinking Water Act—a law that protects underground sources of drinking water for millions of Americans. EPA lacks the authority to investigate instances of contamination and cannot regulate this controversial practice.

On June 4, the House Natural Resource Subcommittee held hearings into the need for federal regulations on hydraulic fracturing. The industry (through Energy In Depth, a coalition of the nation's producers) had launched a preemptive strike, spreading the word that the individual states are capable of overseeing the technology and that federal regulations would be very costly. (Note: many states lack the resources for adequate enforcement, and some state agencies are under the thumb of the oil & gas industry.)

Legislation to close the "Halliburton Loop-hole" has recently been introduced in both the House and the Senate. HR.2766, introduced by Diana DeGette (D-CO), Maurice Hinchey (D-NY), and Jared Polis (D-CO); and S. 1215 introduced by Bob Casey (D-PA) and Chuck Schumer (D-NY) would regulate hydraulic fracturing under the Safe Drinking Water Act.

WHAT YOU CAN DO: In view of the wide-spread and growing development of natural-gas drilling on the Cumberland Plateau, this is an issue close to home. Recall that fracking was to be

used for gas drilling on the U.T. property (NL285 ¶1). Please urge your Congressman and Senators to co-sponsor HR.2766 and S.1215, respectively, to prevent contamination of our precious groundwater.

7E. Guns in Parks: on again, off again -- but now permitted

OFF: A regulation in effect since 1963 (Reagan Administration) required guns in national parks to be unloaded and put away.

ON: One of the Bush Administration's midnight rules allowed individuals to carry loaded, concealed guns into the parks, putting park resources, wildlife, and park visitors at risk.

OFF: In response to a lawsuit filed by a number of conservation groups and NPS retirees, a U.S. District Court judge on March 19 issued a temporary injunction that suspended the Bush concealed firearms regulation (www.anpr.org/legal.htm). (NL285 ¶8F).

ON: An amendment to the sure-to-pass Credit Card bill enacted near the end of May allows loaded rifles, shotguns, and semi-automatic firearms to be carried in national parks. A win for the gun lobby.

8. CLIMATE CHANGE

8A. House bill makes a good start, but much help is needed

On June 26, the House of Representatives passed HR. 2454, the American Clean Energy and Security Act (ACES). Despite its numerous and significant weaknesses (see it, below), the bill has the fundamental structure needed to significantly reduce carbon pollution while growing the economy, and its passage (under the expert guidance of Representatives Waxman (D-CA) and Markey (D-MA, and with the support of Speaker Pelosi) was a monumental achievement. Republicans had vowed to slow the markup for months, and only one Republican committee member (Mary Bono Mack, CA) voted for it.

On the House floor, the bill passed by only a narrow margin, 219 : 212. The problem was not only with Republicans but with a large number of Democrats -- Blue Dog and/or from coal and oil states. It was significant, however, that the 219 "aye" votes included 24 from Southeastern states -- Tennessee's Cohen, Cooper, and Gordon, and North Carolina's Shuler among them. You must be sure to thank them (see action box).

An example of the Republican "take" on the bill is seen in a response to a letter we sent mentioning the industry-friendly features of the bill. Rep. Zach Wamp responded: "... a national energy tax [his hot-button word] is the last thing struggling businesses and families need. The President

himself admitted that cap-and-trade regulations will cause electricity rates to 'skyrocket,' and some estimates suggest millions of Americans will lose their jobs, further weakening the economy. This sweeping tax and regulatory scheme is the wrong approach."

i. Provisions of the House bill

The Environmental Defense Fund has summarized some of the major policies HR. 2454 institutes (<https://www.edf.org/article.cfm?contentID=9854>). Here are a few: HR. 2454,

- Sets a declining cap on greenhouse gas emissions at 17% below 2005 levels by 2020, advancing to 83% by 2050.
- Establishes a cap-and-trade program to spur investment in clean energy technologies and new manufacturing jobs.
- Promotes clean energy by requiring that, by 2020, 20% of electricity come from renewable sources and energy efficiency.

How the "trade" works

Companies covered under the bill will need to have a permit -- called an "allowance" -- to emit greenhouse gases. Every year, the number of allowances (or the covered sectors will shrink (see "cap," above). Companies can trade allowances with each other, so whoever can reduce emissions most cheaply can profit by selling their excess allowances. (Ideally, this raises the cost of dirtier fuels while steering investments to cleaner ones.) "Cap and trade" is a proven tool: in the 1990s, the U.S. acid rain cap-and-trade program dramatically cut sulfur dioxide pollution at 30% of the projected cost.

Consumers, industry, and others get much help

Over 30% of the value of the allowances will go to households: 15% directly in the form of tax credits and other payments; 1.5% for home heating oil use; and roughly 15% indirectly through benefits that utilities are required to pass on to end-users.

About 15% of the allowances will, in the early years, be given away for free to U.S. industries -- like steel, cement and glass -- that use large amounts of energy and are exposed to imports from countries that don't yet have carbon caps.

Roughly 5% of the allowances will be used to secure additional emissions cuts from reduced deforestation, including preservation of tropical rainforests. (Deforestation accounts for one-fifth of the world's greenhouse gases.)

About 1%, and gradually increasing to 4% in 2027, will go to safeguarding natural resources. The Wilderness Society and other groups had asked for a higher percentage, but there was too much competition.

The remainder is divided among a multitude of other recipients.

ii. Weaknesses of the House bill

The framers of the legislation had to give up numerous features to give the bill a chance of passing. Among objectives that were weakened from earlier drafts:

- Requirements for renewable energy were slashed;
- Targets for CO₂ emissions were reduced;
- The coal industry was subsidized to the tune of \$60 billion (by creating incentives for carbon capture and storage);
- EPA was removed from oversight of carbon offsets that relate to farming;
- Worst of all is a loophole that exempts coal-burning utilities from changing their ways for at least 15 years (i.e., EPA is prohibited from using the Clean Air Act to regulate CO₂ emissions from coal plants). This means that the nation's biggest single contributor to greenhouse gas emissions can keep on polluting -- and expanding -- even as other industries are forced to clamp down. Not only the existing, dirtiest coal plants, but 43 new ones planned or being built in the next five years would escape the bill's performance standards. The upshot is that dirty coal plants would supply nearly half of our electricity through at least 2025, and we would be certain to miss the CO₂ reduction targets that are essential for saving our Planet.

Because of these compromises/weaknesses, a few environmental groups have refused to support HR.2454. However, the bill includes key provisions ensuring that the policies can be strengthened in the future in response to emerging climate science.

iii. Senate prospects

Right now, the prospects are very uncertain, and for this reason it is good news that no Senate bill will be worked on until fall, at the earliest, providing some time for acquainting law makers with real facts to counter the industry propaganda. On top of everything else, the huge loophole in the House bill must be eliminated.

At the time of the budget resolution in April, as many as 26 Democratic Senators (mostly from coal states and the rust belt) voted with all Republicans to kill the chance that measures to regulate carbon emissions would be considered under rules where 51 votes are sufficient for passage. The Senate climate bill will therefore almost certainly require 60 votes to pass. Increasingly, the coal, oil, utility, and auto industries (as well as Sarah Palin, the no-longer governor of Alaska) are mounting a heavily funded publicity campaign (\$35 million just in the first quarter of 2009) to make Americans worried about adopting carbon caps and a cap-and-trade strategy -- concepts that aren't very clear to most people and that head off their best interests and misrepresent.

Tennessee's Sen. Corker recently wrote the following to one of his constituents: "... the Waxman-Markey climate bill appears to be even more prob-

lematic than the climate bill considered in the Senate last spring. I don't know of many special interests that don't receive a pay-off in this legislation, and if it comes to the Senate floor in this form, I'll vote against it."

Many of the bill's weakened provisions were added to placate coal-state politicians. If, despite these compromises, Congress fails to enact a bill to control carbon pollution this year, it's still possible, for the President, to take action on global warming. He could use his executive power through the Environmental Protection Agency to reign in Greenhouse Gas Emissions.

WHAT YOU CAN DO:

(1) Thank Congressmen Cohen, Cooper, Gordon, and Shuler (address, p.2) for voting for HR.2454.

(2) Urge your senators (address, p.2) to support a strong bill that sets science-based enforceable caps on carbon emissions, that creates millions of jobs, and that protects our planet from certain climate catastrophe. The EPA must have the authority to ensure that CO₂ reductions are actually achieved. In particular, we cannot afford to allow the old dirty coal plants, most responsible for creating the climate crisis in the first place, to continue business as usual.

5B. Vehicle fleet 40% cleaner by 2016

(Information from NY Times of 5/20/09)

The new national standard announced May 19 will create a car and light-truck fleet that is almost 40% cleaner and more fuel-efficient by 2016 than it is today. By then, the fleet-mileage average must be 35.5 mpg; presently it is slightly above 25 mpg. California (with 13 other states and D.C. following suit) has for 7 years sought to impose similar vehicle-emission standards, but the state's application for a waiver from the much less stringent federal rules was refused by the Bush Administration.

The new rules have been welcomed not only by those concerned about global warming or about dependence on foreign oil, but (surprisingly) also by the automobile industry. The industry, in its current financial crisis, welcomes the certainty of having a single national standard. The president of the Alliance of Auto Manufacturers said the industry could meet the new mileage target using existing technology and improvements in future models.

A 2007 law required a 40% improvement in mileage for autos and light trucks by 2020. The Bush Administration, however, never wrote any regulations to enforce this law. Now we have them.

5C. Ever more warnings from scientists

- On June 1, the InterAcademy Panel, a network of the world's science academies, issued a statement warning that ocean acidification caused by carbon dioxide (CO₂) emissions will have a profound impact on marine ecosystems. A quarter of the CO₂

produced by human activity in the last 200 years has been absorbed in the oceans. Marine life that depends on calcium carbonate is particularly hard hit. Moreover, ocean acidification is irreversible on a timescale of thousands of years. The only way to mitigate ocean acidification is to reduce CO₂ in the atmosphere. The InterAcademy Panel's statement calls on negotiators at upcoming U.N. climate-change talks to recognize the threat of ocean acidification and to mitigate it by reducing CO₂ emissions by at least 50% of 1990 levels by 2050, with further reductions thereafter.

- On June 11, in a joint statement, the science academies of the G8 countries, plus Brazil, China, India, Mexico, and South Africa, called on their leaders to "seize all opportunities" to address global climate change that "is happening even faster than previously estimated." The signers, which include the US National Academy of Sciences President Ralph J. Cicerone, urged nations at the upcoming Copenhagen climate talks to adopt goals aimed at reducing global emissions by 50% by 2050. (Sadly, progress at the recent G8+5 meeting in Italy was less than hoped for.)

5D. Organization seeks volunteers

Statement by Drew Staniewski, Repower America:

"Repower America is a non-partisan project of the Alliance for Climate Protection" on the ground in Tennessee to educate the public about the need for comprehensive climate and energy legislation much like the American Clean Energy and Security Act currently moving through Congress. This is the first comprehensive bill that addresses a host of climate and energy issues such as mandates for carbon control, energy efficiency, and renewable energy (see 18A, this NL).

"Our work to educate and increase awareness is being done through grassroots efforts and we need your help in order to make it happen. We are looking for volunteers to help call and canvass voters about legislation, writing letters to the editor, assisting with town halls and media events, and submitting opinion editorials.

"Repower America is also running national cable ads in support of our ground campaign and we will be holding organizational meetings across the state in July and August, including the Chattanooga, Knoxville, and the Tri-Cities areas.

"If you are interested in getting involved with our campaign and volunteering, please contact Drew Staniewski at drew.staniewski@climateprotect.org or visit <http://www.repoweramerica.org>.

"The opportunity to enact comprehensive climate legislation is finally here so come join us as we work to repower America and repower Tennessee.

*Chairman of the Board: Former Vice President Gore.

3E. Just a thought

[From IN BRIEF, EarthJustice, Spring]

As green energy developments (solar, wind) increase, pressure will build to site them on *public lands*, along with their attendant infrastructure of transmission lines. When these projects are proposed for inappropriate locations, they'll have to be opposed by conservationists, just like poorly-sited fossil-fuel developments.

9. APPOINTMENTS TO FEDERAL AGENCIES WITH JURISDICTION OVER PARKS & FORESTS

9A. Nomination to USDI's No.2 spot is blocked

In mid-May, Senate Republicans blocked confirmation of David Hayes to be Deputy Secretary of the Interior (No. 2 to Secretary Salazar). Hayes is currently Chairman of the Board of American Rivers, and a Senior Fellow at the World Wildlife Fund. The 57 : 39 vote for Hayes fell three short of the 60 needed to invoke cloture. The Republican campaign against Hayes was led by Senators Bennett (R-UT) and Murkowski (R-AK), partly in retaliation against Sec. Salazar's halting oil leases near national parks in Utah. The Majority Leader plans to bring the confirmation up for reconsideration.

9B. Update on NPS Director

When we reported on Jon Jarvis, the presumed new Director of the National Park Service (NL285 ¶10A), he had not even been nominated, let alone confirmed. A few days ago, Pres. Obama did, in fact, announce his intention to nominate Jarvis. This gives us an excuse for reporting information additional to that in our earlier report.

According to the *NY Times* (7/14/09), he "spoke out fearlessly against the Bush administration's alarming effort to promote commercial and recreational activities in the parks at the expense of conservation — historically the service's central mission." Earlier (NL285 ¶10A), we mentioned his advocacy for the Parks' involvement in climate change issues. In his present capacity of Regional Director for NPS's Pacific West region, Mr. Jarvis has required the 54 National Park System units in his jurisdiction to become carbon-neutral by the time of the NPS centennial in 2016. In his new capacity of NPS director, it is hoped he will extend that commitment to all of this country's national parks.

The *NY Times* also hopes for a sign that the parks will be managed by the best guidance of science, rather than by the demands of politicians and industry. A positive indicator would be his tackling the question of snowmobile use in Yellowstone National Park, which has increased under the present superintendent. Every major scientific study

has indicated that steering visitors to snow coaches, would be considerably better for the air and for Yellowstone's wildlife.

9C. Chief of the US Forest Service

On June 17, Agriculture Secretary Tom Vilsack announced that Tom Tidwell was his choice to serve as the new Chief of the US Forest Service, replacing Gail Kimbell, the most recent Bush appointee in that position. Tidwell has been with the USFS for 32 years in eight different national forests, across three regions. He has worked at all levels of the agency in a variety of positions, including District Ranger, Forest Supervisor, and Legislative Affairs Specialist in the Washington Office. Most recently, he has been Regional Forester, supervising national forests through northern Idaho, Montana, and the Dakotas.

Assessments from conservation groups (such as The Wilderness Society and Trout Unlimited) are generally favorable. He is described as "a strong supporter of protecting wild lands, including roadless areas in remote forests," and as having proved "his conservation mettle time and time again during his distinguished, 30-plus-year career."

In recent interviews, Tidwell has said that some major new directions for forest management will be climate change and watershed health. (One of the reasons many of our national forest lands were reserved in the first place was to maintain healthy watersheds.) The USFS has been accumulating extensive data on how climate change is affecting the natural landscape. One objective is to change forest management so as to enable these natural systems to adapt to various climate change stressors.

9D. High-level USDA positions

The US Forest Service is in the Department of Agriculture (USDA), but its chief reports to the Undersecretary, instead of directly to the Secretary of Agriculture, Tom Vilsack. During the Bush years, the Undersecretary position was held by Mark Rey, a former timber industry lobbyist, who was responsible for many of the USFS's anti-environmental positions and actions that characterized the past administration.

The Obama Administration nominee for Undersecretary, Homer Wilkes, backed out in mid-June, leaving Deputy Undersecretary Jay Jensen (NL285 ¶10C) as acting Undersecretary. For the new chief of the USFS, see ¶9C, above.

10. OAK RIDGE RESERVATION

10A. DOE balancing benefits of BORCE with damages to Watts Bar

[Contributed by Sandra Goss]

DOE has released the *Oak Ridge Reservation Natural Resource Damage Assessment: Evaluation of*

Contaminant-Related Losses in Watts Bar Reservoir and Gains from the Black Oak Ridge Conservation Easement, Final Draft Report, dated March 25, 2009. From the Executive Summary: "A comparison between the ecological and human use services lost due to . . . contamination, and the corresponding services provided by the (Black Oak Ridge) easement indicates that the . . . services provided under the Easement are sufficient to compensate for damages . . ."

In other words, the Black Oak Ridge Conservation Easement (BORCE) is deemed adequate recompense to Tennesseans for the toxic elements DOE and its predecessor agencies dumped into Watts Bar Reservoir. Note that the Assessment addresses only Watts Bar Reservoir, and not the Clinch River.

This decision is the result of years of work by and among the Trustees to conduct a natural resource damage assessment, as prescribed by CERCLA (the Comprehensive Environmental Response, Compensation, and Liability Act). A similar process was undertaken for the Oil Well Explosion and Fire on Clear Creek several years ago. The Trustees in the present situation are the State of Tennessee, TVA, US Fish and Wildlife Service, and DOE, which is the responsible party.

Industrial Economics, Inc., the Cambridge, Massachusetts-based company that prepared the report, worked to quantify four elements: ecological-service and human-use-service losses in Watts Bar Reservoir and the gains in the corresponding two elements under the Black Oak Ridge Conservation Easement.

On the ecological-loss side, using a quantification approach and addressing the impacts of PCBs and mercury, thereport analyzes soil, fish, piscivorous birds, piscivorous mammals, and aquatic habitat loss. On the human-loss side, the report addresses recreational and commercial fishing opportunities.

On the gain side (BORCE), the report quantifies habitat types and works out an equivalency ratio as well as providing a "benefits transfer" methodology for human-use gains. DOE will fund TWRA \$20,500 annually for management of the area under the Easement, and \$16,000 annually in maintenance and operation services.

In the minds of many people, there are concerns that the loss side has been undervalued and the gain side overvalued. For both reasons, more compensation should be provided to balance the scale. Added to the loss should be the fact that Watts Bar has become "poison" in the minds of nearby communities. Thus, Crossville, which has a water-supply problem, has totally rejected the solution of piping water from Watts Bar. Subtracted from the gains should be the hold and influence that DOE retains on the property through liberal terms of possible easement revocation and the retention of certain perpetual management rights.

July 23 is the date for the public meeting on this topic, at the DOE Information Center, 475 Oak Ridge Turnpike. The comment deadline is August 21. For more information about TCWP's comments, contact Sandra@sandrakoss.com or 865-522-3809.

10B. Science camp on the ORR

[Contributed by Virginia Dale]

During the third week of July, the Oak Ridge Science Camp will be piloted. The camp is being designed to address the problems of an insufficient number of U.S. students, particularly minority students, majoring in science, technology, engineering, and mathematics (STEM) in college, and the perceived disconnect between science and society.

During the camp, middle-school kids from 13 Appalachian states will explore the carbon footprint of solar energy, wind energy, and bioenergy. They will also take part in a mark-recapture study of box turtles on the Oak Ridge Reservation and will discuss how climate change and global warming affects the ecosystems inhabited by these turtles.

Oak Ridge Associated Universities (ORAU) will take the lead in developing and implementing the pilot camp in coordination with Oak Ridge National Laboratory (ORNL). This approach builds from ORAU's expertise in establishing programs in science education and is consistent with ORNL's leadership in science and technology.

11. TCWP NEWS

11A. Annual Meeting to feature BSF and Obed

[Contributed by Sandra Koss]

Save the date: Saturday, October 17. Our featured speaker will be Steven Young, the new Superintendent of the Big South Fork River and Recreation Area. Attendees will also have a chance to meet the new Obed Unit Manager who, at press time, had not been selected.

After lunch, there'll be a choice of hikes in the BSF/NRRA - one easy and one moderate. We'll provide more information about this event, including meeting location in the Park, in our September Newsletter and in a special mailing.

11B. Other upcoming activities

[Contributed by Carol Grametbauer]

Program by Pat Parr, ORNL Natural Resources Manager - Thursday, July 30

The 35,000 acres of farmlands and forest acquired by the federal government in 1942 for the Manhattan Project have evolved over decades into habitat for diverse and, in some cases, locally uncommon plant and animal species. In a TCWP informational program on July 30, Oak Ridge National Laboratory Natural Resources Manager Pat

Dreyer Parr will speak about some of the special natural resources of the Department of Energy's Oak Ridge Reservation, what's being done to manage them, and why the community should be proud of them. The event will begin at 7 p.m. in Room 102 of the First Presbyterian Church, 1051 Oak Ridge Turnpike.

In addition to her work at ORNL, Pat has been involved for many years with the Tennessee Exotic Pest Plant Council, the Southern Appalachian Man and Biosphere Cooperative, and the Association of Southeastern Biologists. She is also a member of the board of directors of Discover Life in America, which sponsors the All Taxa Biological Survey in the Great Smoky Mountains National Park and at other sites.

TCWP/Tennessee Native Plant Society Whites Creek outing - Saturday, August 22

Join us for this TCWP/TNPS exploration of Whites Creek in Roane and Rhea counties. We will seered starvine (*Schisandra glabra*) and a highly rhizomatous goldenrod which is so far unidentified. There will also be many interesting cobblebar species. In addition to plant viewing, there will be opportunities to cool off (wade or swim) in the creek. Walking distance will be about 3.5 miles, including about 1 mile off-trail.

To carpool from Oak Ridge, meet the group in the parking lot of the NOAA building on S. Illinois Avenue to depart at 9:15 a.m. The full group will meet at 10 a.m. Eastern time at the Harriman exit (#347) of I-40, in the Shoney's parking area. Participants should bring lunch and water, and wear sturdy shoes.

Elk viewing - Saturday, September 12

We will make a trip to the Hatfield Elk Viewing Stand in the Royal Blue Unit of the North Cumberland WMA (Campbell County). This is the rutting season for the elk that were successfully introduced a few years ago, and it's likely we'll see more than one elk.

Participants can caravan or carpool from the Tractor Supply parking lot (465 Oak Ridge Turnpike). We'll meet there at 3:15 and plan to be back at the caravan site before dark. Wear sturdy shoes and bring water. Camp chairs might be desirable. There is a ¼ mile walk from the parking lot to the viewing area, including a little hill. For more information call or write Sandra.

National Public Lands Day cleanup - Saturday, September 26

Once again this year we will observe National Public Lands Day by spending a morning removing invasive exotic plants at the TVA Small Wild Area at Worthington Cemetery on the east side of Oak Ridge. Our annual efforts in this area are helping to eradicate wisteria from the cemetery, and privet and other invasive exotics from the SWA. Additional details will be provided in the September newsletter.

TCWP Annual Meeting - Saturday, October 17 See #11A, above

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.

11C. Thanks upon thanks to ...

(continuation from last NL)

[Compiled by Sandra Goss]

Thanks to the following folks who furthered our work through their volunteer time and effort over the past several weeks:

Secret City Festival Ambassadors Jean Bangham, Tim Bigelow, Marion Burger, Virginia Dale, Carol Grametbauer, Jimmy Groton, Frank Hensley, and Pat Mulholland helped with the TCWP booth. Thanks to Mary Lynn Dobson and Jimmy Groton, who brought in interesting exhibits from our natural world including the roe of the mouth of a drum fish. These attracted much interest from passers-by.

A tip of the hat to David Reister who developed a spreadsheet for tracking how our executive director's time is spent. This tactic was undertaken to help us use our resources as wisely as possible.

Fly-ash program (June 16) developers, implementers, and publicists Marion Burger, Carol Grametbauer, Jimmy Groton, and Cindy Kendrick deserve much credit.

Jimmy Groton has represented TCWP at meetings and in conference calls for Tennessee Wild and the Emory River Watershed Association; his acumen in making good connections with other groups is a great asset for TCWP.

Ongoing gratitude to webmaster Francis Perey, the stellar Service Committee led by Carol Grametbauer, and the marvelous Mailing Group. Working year-round, these folks help develop programs and activities and get the word out about them.

ORNL Distinguished Scientist and TCWP Board member Pat Mulholland traveled to Nashville and offered expert testimony on the damaging effects of proposed water legislation. In spite of his efforts, which are deeply appreciated, and those of many others, the dreadful bill passed.

North Ridge Trail Steward Susan Donnelly does an A-one job of monitoring the trail, overseeing the adoption program, and interacting with city officials to insure that the trail is enjoyable.

Tim Bigelow, steward of the Oak Ridge Cedar Barren, has worked to get fencing repaired and mowing problems alleviated.

Larry Pounds and Jean Bangham took the lead on arranging Pat Parr's July 30 presentation.

Cindy Kendrick did a very considerable amount of research to gather facts on land-acquisition funds reported in this NL. And Kathleen Williams and Don Barger are always willing to help us find hard-to-get information.

Mary thanks to Jerry Hardin for arranging a meeting with Morgan County folks to discuss the Obed Wild and Scenic River.

Many thanks to each of you who has called, written, e-mailed, and otherwise worked to communicate with state leaders about issues of importance to all of us who breathe air or drink water. You will be needed in the future, so rest only briefly on your laurels.

11D. North Ridge Trail stewardship.

[Contributed by Sandra Goss]

The recent successful work day (¶11E, below) was another example of our stewardship of this great trail in Oak Ridge's Northern Greenbelt.

Developed by TCWP, and maintained by members for over four decades, the North Ridge Trail was long ago designated as both a State and National Recreation Trail. Our current maintenance functions are performed by Trail Steward Susan Donnelly, with the help of trail-segment adopters. The trail is part of Oak Ridge Greenways system, and the City of Oak Ridge helps with larger chores such as removal of fallen trees. Recently, the city took action against the owner of trail-adjacent property for cutting trees on the trail. This advocacy for the trail signals the commitment of Oak Ridge to protecting its green resources.

A few segments of trail are still available for adoption (see NL281 ¶8A). For more information about the trail and adopting a segment, visit <http://www.tcwp.org> or contact Susan Donnelly at susan.donnelly@comcast.net or Sandra Goss at Sandra@sandrakgoss.com.

11E. Report on recent events

[Contributed by Carol Grametbauer]

North Ridge Trail workday – Saturday, June 6

TCWP's 2006 National Trails Day commemoration was a Big Success. A dozen folks gathered at the Wedgewood Avenue trailhead of the 7+ mile North Ridge Trail in Oak Ridge to clear vegetation from one of seven segments of the trail during a 3½-hour event.

See ¶11D, above, for how you can adopt a segment.

Information Program on TVA Coal-Ash Spill – Tuesday, June 16

Some 40 people attended our June 16 program to hear TVA representative Neil Carriker and EPA's Leo Francendese discuss the December 22, 2008 coal-ash spill at TVA's Kingston Fossil Plant. Their wide-ranging presentation covered the initial emergency response, recovery objectives, the scope of the cleanup (including environmental activities such as air, water and soil sampling, and site stabilization), and ash-disposal options, as well as the long-term issues that need to be addressed. See also ¶5B, this NL.

12. CALENDAR; RESOURCES

.. CALENDAR

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

- July 23, Public meeting, TVA Integrated Resource Plan, 4 p.m., Mississippi State Community College Center (see ¶5A, this NL).
- July 23, Public meeting on balancing damages to Watts Bar with gains from BORCE, 7 p.m., DOE Information Center, 475 Oak Ridge Turnpike (see ¶10A, this NL).
- July 24, Owl prowling at the Obed (see ¶1D, this NL).
- July 27, Comment deadline for BSF draft TMDL (see ¶1B, this NL).
- July 30, TCWP talk by Pat Parr on the special natural resources of the ORR, (see ¶11B, this NL).
- August 22, TCWP/Tennessee Native Plant Society Whites Creek outing (see ¶11B, this NL).
- September 12, Elk viewing (see ¶11B, this NL).
- September 12, Adopt-a-crag Obed cleanup (see ¶1F, this NL).
- September 26, National Public Lands Day cleanup, Worthington Cemetery (see ¶11B, this NL).
- October 17, TCWP Annual Meeting (see ¶11B, this NL).
- Nov. 14, Cedar Barrens cleanup (see next NL).
- Dec. 12, Sandhill crane outing (watch future NL).

.. RESOURCES

- A wealth of information regarding the Kingston Fossil Plant coal-ash spill and subsequent activities (see ¶5B, this NL) is available on the "Kingston Fly Ash Release" website, www.epakingstonva.com.
- *Hidden Reservoir: Why Water Efficiency is the Best Solution for the South*, published by American Rivers, Inc., 2008 (Outreach@AmericanRivers.org). This report outlines 9 water-efficiency policies and calculates the amount of water that could be secured and \$5 that could be saved as compared to building a new dam. Contact jhoffner@AmericanRivers.org, or 404-373-3602.
- The website www.sierraclubgreenhome.com can help you incorporate green practices into your daily life via the following features: SCGH Home Carbon Calculator (how to lower your home's carbon footprint), SCGH Home-Health Quiz (how to better your indoor air quality), SCGH Solar Costs Calculator (solar technology for your home).
- *Green Careers: Choosing Work for a Sustainable Future*, by Jim Cassio and Alice Rush, New Society Publishers (349 pp., \$17.95).