



DWIGHT DYKE

# ADVOCACY in ACTION

Quarterly Protection Highlights from the Southern Environmental Law Center • WINTER 2008



Southern Environmental Law Center

## Check Out Our New Website

At *Southern-Environment.org*, it's easier than ever to find the latest on SELC's work, including what's happening in your state.

**More on Page 7.**

## IN THIS ISSUE

- Regional Highlights . . . 1-3
- What's Happening in Your State? . . . . . 4
- The Inside Story . . . . . 6
- SELC News . . . . . 7
- Ways to Give . . . . . 8

## SELC Responds to New Push to Drill in the Atlantic

**W**ild swings in fuel prices and worries about the nation's energy supply have led to new and insistent calls to drill for oil and gas on the Atlantic outer continental shelf. SELC opposes opening the waters off the southern Atlantic coast to drilling, recognizing that it would expose our region to huge environmental risks for modest energy gains.

SELC was successful in blocking a drilling lease off the North Carolina coast in the 1980s, and we will challenge new drilling proposals that arise, including one recently announced for a 2.9 million-acre area off of Virginia. In the meantime, we are making the case for cleaner, safer, and more effective ways to meet the nation's energy needs.

**The Environmental Risks.** Offshore drilling would endanger beaches that are vital to a southern tourism industry that generates more than \$63 billion each year and sustains nearly 814,000 jobs. It would also put at risk saltwater fisheries that pump another \$2.7 billion into the South's economy. Drilling in the Atlantic is sure to bring these hazards:

- **Oil spills.** In our hurricane-prone region, spills are inevitable. Oil spreads on water at a rate of half a football field per second.
- **Oil rig wastes.** Offshore rigs produce "drilling mud" and other wastes containing toxins such as mercury, lead, barium, and arsenic, which contaminate ocean waters daily and accumulate in the marine food chain.
- **Onshore development.** Construction of new pipelines, processing plants, and related infrastructure would destroy or pollute coastal wetlands and other sensitive ecosystems.

**The Energy Rewards.** In the best-case scenario, the entire Atlantic coast would yield the amount of oil the United States now uses in just six months, according to the Minerals Management Service, the federal agency that regulates drilling. It would take more than a decade for this oil to reach our gas tanks and would do nothing to stabilize fuel prices today.

### A Better Way to Meet Our Energy Needs.

Drilling in the Atlantic would distract us from making the changes necessary to shift from a fossil fuel economy to a clean energy economy. We should invest instead in the following:

- **Improved fuel economy standards.** According to a study by the Center for Economic and Policy Research, increasing fuel economy standards just 0.4 miles per gallon per year between 1985 and 2007 would have reduced U.S. oil consumption for gasoline by a third.
- **Vehicle maintenance.** If each of us simply maintained appropriate tire inflation, it could save more than 1 billion gallons of gas each year.
- **Alternative fuels.** We should invest more in the development of new types of fuel and vehicles that can use them.
- **Efficient transportation.** We should steer transportation dollars away from more asphalt and toward transit, rail, and other alternatives to cars and trucks. We should also reform sprawling land-use practices that increase the miles we drive.

A national commitment to energy efficiency and conservation and to the development of clean and renewable energy sources—including wind, solar, tidal, and geothermal—will avoid putting marine and coastal resources at risk, reduce global warming emissions, and set us on a path to true energy independence.

## SELC Counters Continued Push to Lift Virginia's Ban on Uranium Mining



**S**ELC stands firm in its opposition to lifting the ban on uranium mining in Virginia, countering pressure from a company that wants to exploit a large deposit of the ore north of Danville. Last year we helped block a bill in the state legislature that was clearly the first step toward lifting the freeze.

Nothing in our research since then has provided evidence that uranium mining and milling can be done safely in Virginia. To the contrary, mining in the eastern U.S.—with its wetter climate, high water table, greater population density, and vulnerability to hurricanes and other storms—pre-

sents tremendous threats to the environment and public health.

In November, the Virginia Coal and Energy Commission decided to launch a wide-ranging study of potential economic, environmental, and human health impacts of uranium extraction in the state. SELC argued successfully that the study must be conducted by an independent research institution, such as the National Academy of Sciences, and we continue to insist that it be a rigorous and objective analysis that looks at

- risks to air and water,
- threats to public health and worker safety,
- land reclamation issues, and
- regulatory structures.

We are also calling for ways to engage and inform the public as the study proceeds.

## Plan for Sonar Range Raises New Dangers

**I**n its latest proposal for an East Coast sonar training range, the U.S. Navy has set its sights on the waters off of southern Georgia and northern Florida. This location would send military vessels right through the only known calving grounds for the North Atlantic right whale, one of the most endangered marine mammals on Earth.

SELC has submitted a detailed critique of the plan to the Navy, emphasizing that vessels en route to antisubmarine training exercises would increase the right whale's exposure to ship strikes—one of the greatest threats to the species. Whales also would be subjected to the disorienting effects of sonar and would risk getting tangled in cables, acoustic devices, torpedo control wires, and other debris. The Navy is expected to release its final environmental analysis of the plan in spring 2009.

## Four-Wheelers Drop Suit Against Tellico Cleanup

**T**hreatened with legal action by SELC and its partners, the U.S. Forest Service took emergency measures this past year to clean up a heavily used off-roading area in North Carolina's Nantahala National Forest. It's estimated that 74,000 tons of mud from the 40-mile trail network have washed into brook trout streams feeding the Tellico River.

When four-wheeler groups sued the Forest Service for its temporary and selective closure of off-road vehicle trails, we entered the case to defend water quality in the Tellico. The ORV clubs have now dropped their suit, and the Forest Service is proceeding with development of a long-term plan to address its pollution problem.





## SELC Defends Threatened Places in the Cherokee National Forest

**P**ressure to increase timber harvesting in our region has led to proposals for logging thousands of acres in Tennessee's Cherokee National Forest. Especially targeted are the mature hardwoods in the peaks and valleys of the northeast corner of the state, where the Appalachian Trail and cold mountain streams draw hikers, anglers, and others who cherish backwoods experiences. Working with Cherokee Forest Voices and other groups, SELC has succeeded in scaling back or halting a number of destructive projects, but serious threats remain.

**Beaverdam Creek: A Haven for Rare Species.** Last year, we joined U.S. Forest Service rangers in a public assessment of the Beaverdam Creek watershed in Tennessee's northeast tip, focusing attention on the need to protect some of the state's best brook trout waters, rare plant and animal species, and areas now largely free of roads and other intrusions. The agency's response: a plan to log 700 acres in the watershed, which we are opposing.



BILL LEA

**Rough Ridge: Recreation Zones at Risk.** In this timber sale east of Johnson City, the stands slated for logging can be seen from the Appalachian Trail and are near the Dennis Cove recreation site on Laurel Fork and the Pond Mountain Wilderness. Although the Forest Service refuses to cancel the sale, we succeeded in removing more than 450 acres from the project.

**Flatwoods and George Creek: Protecting Water Resources.** Thanks

to our legal action, the Forest Service cut back these timber sales on Holston Mountain and near Roan Mountain to prevent harm to a popular backcountry recreation area and headwater streams. We also secured an agreement to conduct joint inspections of the projects, which have resulted in improved water protections.

We will remain vigilant to safeguard places vital to east Tennessee's outdoor tourism industry and the state's natural heritage.

## As Drought Holds Its Grip, SELC Guides the Way to Better Water Stewardship

**S**erious, persistent drought continues to grip much of the South, but lack of rainfall is only part of the problem. Unchecked sprawl, demands of a growing population, and wasteful practices all have contributed to recent water shortages.

Across the South, SELC is advocating water management policies that protect drinking water supplies and the health of rivers and streams. We are working with state legislatures and natural resource agencies to create statewide water plans and regulations that

- keep rivers and streams flowing at

natural levels to safeguard water quality and aquatic wildlife;

- embrace water conservation as a core principle over engineered fixes, such as new dams, reservoirs, or pipelines that cause environmental damage; and
- ensure that the availability of water is considered when future development is planned and built.

SELC has prepared a comprehensive analysis of the Southeast's water challenges and what we must do to overcome them. To download a copy, visit [SouthernEnvironment.org/publications](http://SouthernEnvironment.org/publications).



BILL SUBLETTE

# WHAT'S HAPPENING IN YOUR STATE?

## ALABAMA

**1 Cherokee Mining.** A federal appeals court has agreed with SELC's interpretation of the law and upheld the right of citizen groups to sue polluters under the Clean Water Act. The court ruled against Cherokee Mining, which sought unsuccessfully to dismiss a suit by the Black Warrior Riverkeeper on the grounds that Alabama's environmental agency was also prosecuting the case and the Riverkeeper was ineligible to file suit on its own. In the company's appeal, SELC submitted a "friend of the court" brief to block what was clearly an attempt to limit the ability of citizens to address threats to water resources.



**2 Northern Beltline.** Business interests in Birmingham have formed and financed a group dedicated to fast-tracking the Northern Beltline, a proposed highway that would loop northwest of the metro area through the watersheds of the Cahaba and Black Warrior rivers. The Coalition for Regional Transportation aims specifically to counter SELC and

other conservation and community organizations seeking to reduce the road's harmful impacts. We and our partners have weighed in on the highway's proposed route and design to protect drinking water supplies and to prevent haphazard development. For now, lack of transportation funding has put the project on hold.

## GEORGIA

**3 Cumberland Harbour.** In our challenge of this massive marina and residential project, the Georgia Supreme Court has handed down a decision that undercuts the state's Coastal Marshlands Protection Act—one of the best tools available to protect the Georgia coast. We sought to preserve lower-court victories under this law that require state regulators to consider *all* of a development's impacts on marshlands before issuing a permit, including runoff from upland features such as parking lots and streets. Unfortunately, the high court adopted a narrower interpretation of the law. It affirmed, however, that the state must determine if runoff from a project will physically alter the marsh. In forthcoming proceedings, we intend to show that Cumberland Harbour will generate millions of gallons of sediment-laden runoff during heavy rainstorms, which will cause significant physical damage to the adjacent marsh.

**4 Polluted Runoff Controls.** One of the greatest threats to water quality in Georgia's rapidly growing metro areas is muddy runoff from construction sites. When the state updated its controls on these discharges, SELC joined forces with river groups to secure stronger regulations. As a result, there are now tougher requirements for keeping pollution



out of waters already impaired, such as limiting the amount of land developers disturb at one time or increasing the size of stream buffers.

## NORTH CAROLINA

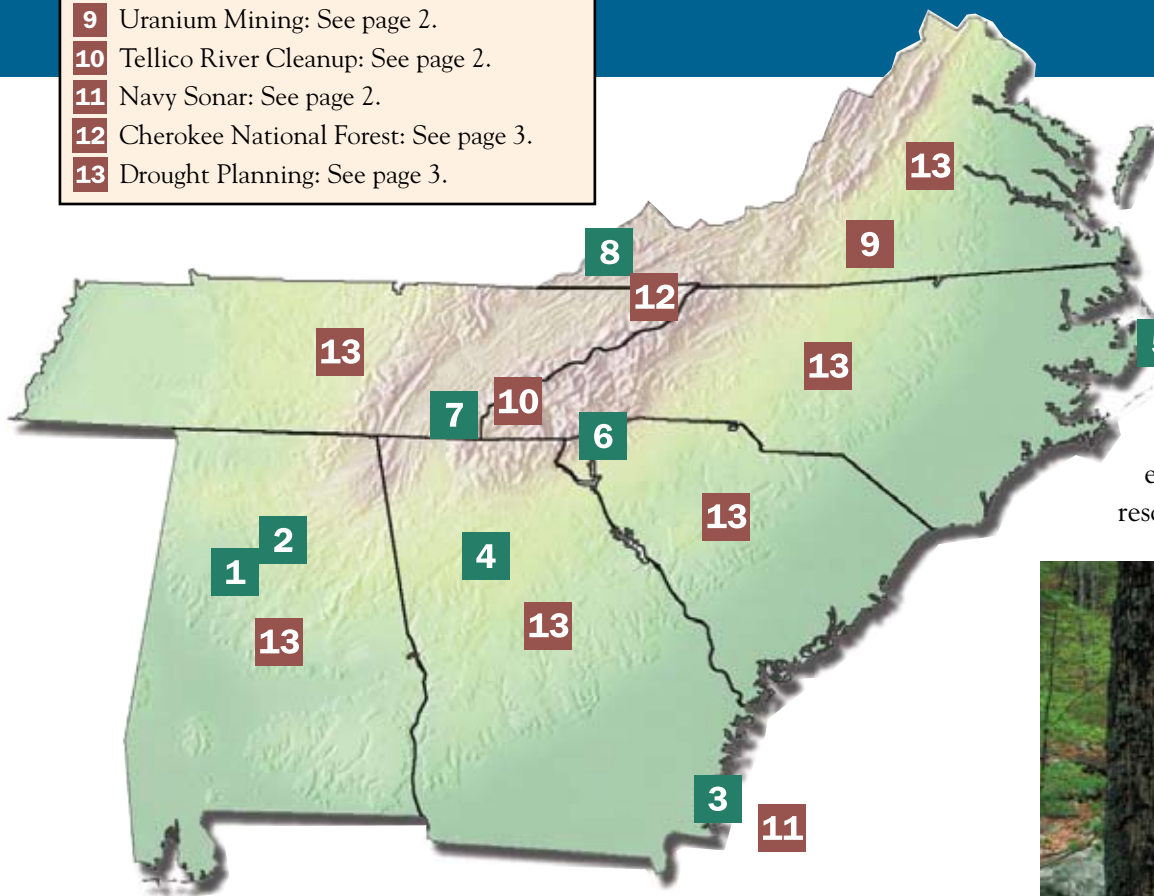
**5 Oregon Inlet Bridge.** The plan favored by state and federal officials for replacing the aging bridge to Hatteras Island would prove disastrous for migratory wildlife. The new span would parallel the current bridge and connect at the north end of the Pea Island National Wildlife Refuge. Due to natural shoreline migration, this route would necessitate the phased-in construction of more bridges and road segments, turning much of the refuge into a perpetual work zone. This would devastate habitat for birds and other wildlife that live and nest in the preserve. SELC will challenge the government's environmental analysis, which rejects a far less damaging alternative: a longer bridge through the Pamlico Sound that bypasses the refuge.

## SOUTH CAROLINA

**6 The Cliffs at Mountain Park.** For this 5,000-acre development, the



- 9** Uranium Mining: See page 2.
- 10** Tellico River Cleanup: See page 2.
- 11** Navy Sonar: See page 2.
- 12** Cherokee National Forest: See page 3.
- 13** Drought Planning: See page 3.



natural areas in the East. SELC and its partners have convinced the Forest Service to drop plans to cut new roads in the Big Frog periphery and to protect and enhance the setting for foot trails that take hikers into the wilderness area. For more about our efforts to defend Tennessee forest resources, see Regional Highlights.

BILL SUBLETTE

state's environmental agency has approved construction of a golf course that would straddle up to two miles of trout waters in the North Saluda River near Greenville. Requiring 16 bridges and the piping and impoundment of tributary streams, the project would not only cause severe disruption of trout habitat, but also would prove hazardous for paddlers who use the river. SELC is among a coalition

of conservation groups opposing the state's decision, which sets a dangerous precedent by failing to consider less-destructive sites for the golf course.

### TENNESSEE

**7 Big Frog Wilderness.** The Cherokee National Forest has rolled out a large-scale logging and road-building plan, known as the Hogback Project, focused on the area south of the Ocoee River. As originally proposed, the project threatened a largely undisturbed tract that borders the Big Frog Wilderness Area, one of the premier



JIM WAITE

### VIRGINIA

**8 Marshall Run Timber Sale.** As the George Washington National Forest revises its long-range management plan, SELC is calling for protection of irreplaceable resources such as old-growth forest and roadless areas that should be off-limits to commercial timbering and road building. At the same time, we are urging the Forest Service to take an immediate step in this direction by dropping a plan to log 187 acres west of the Shenandoah Valley. SELC's own survey has confirmed that old-growth trees up to 200 years old occupy nearly 30 percent of the logging sites. Moreover, the timber sale would take place within a 17,000-acre tract that the Forest Service recently acknowledged qualifies for protection as a roadless area, although it has not cancelled the project.



©APPALACHIAN AERIAL IMAGES



## Bringing the Longleaf Pine Forest Back from the Brink

**W**hen European settlers arrived, longleaf pine forests dominated the southern coastal plain, covering more than 90 million acres from Virginia to Texas. Today, these open, park-like forests occupy less than 3 percent of their original range, having been cleared for farming and development, or replaced by plantations of faster-growing pines.

What we've lost is an ecological treasure chest. More than two dozen federally protected plants and animals rely on the longleaf forest, and nearly 900 plant species are found in longleaf forests and nowhere else.

### Reviving Longleaf Pines Across Their Range

"Whenever an acre of longleaf disappears, a piece of the South's natural heritage goes with it," says Lark Hayes, leader of SELC's Private Forests Program. Since 2007, she has been coordinator of a regional working group comprising government agencies and nonprofit organizations engaged in longleaf conservation. This fall, the group launched America's Longleaf, a rangewide initiative to restore this imperiled ecosystem.

"To bring back longleaf, we need to maintain healthy longleaf forests, improve forests in poor condition, and restore forests where they've been lost," Lark explains. To reach these ambitious goals, longleaf advocates have tapped Lark's proven expertise in coalition building to achieve coopera-



CRAIG TANNER



JACKSON SMITH

tion among a diverse array of interests—from turkey hunters to the U.S. Department of Defense, which holds large stands of longleaf on southern military posts.

### Crafting a Conservation Plan

Much of the work this past year focused on developing a rangewide longleaf conservation plan, a process kicked off by a three-day charrette that brought together some 80 longleaf experts. They helped frame a draft plan that combines broad, cross-cutting strategies with locally led, place-based projects.

"The plan is built around finding specific places where conservation

and restoration will have the greatest impact," Lark says. "Most are anchored by a core of public land, such as a state game preserve or a national forest, but much of the restoration effort will be focused on privately owned forests, which constitute 90 percent of our region's forestlands. So far, 17 significant sites have been identified."

Comments on the draft conservation plan are welcome and may be posted through January 9 at [AmericasLongleaf.org](http://AmericasLongleaf.org).

### A Champion of Private Forest Conservation

One of the South's top experts on the conservation of privately owned forestlands, Lark Hayes was among the private forest advocates who helped secure substantial new support for stewardship of these resources in the Farm Bill reauthorized

by Congress this past year.

The bill sets national priorities such as conservation of working forests, restoration of native forests, and enhancement of public benefits from private forests, including watershed protection. The longleaf pine restoration efforts will help achieve all three of these goals.

"We want to make sure our longleaf initiative benefits from the new Farm Bill," Lark says. "It will give us the chance to demonstrate how Farm Bill programs can achieve broad, landscape-scale conservation advances, spanning the wide natural range of this ecosystem."

**SELC Presents Dockery Award to Jeanie Nelson**

Jean C. Nelson, president of the Nashville-based Land Trust for Tennessee, has received SELC's 2008 James S. Dockery, Jr., Southern Environmental Leadership Award. A longtime member of SELC's Board of Trustees and chair of the board since 2004, Jeanie has been instrumental in preserving more than 33,000 acres of open space and historic properties in Tennessee. Before launching the Land Trust, she served as chief deputy attorney general for the state and was later general counsel of the U.S. Environmental Protection Agency. Presented by SELC's executive director, Rick Middleton, the award honors Jim Dockery, the first chair of SELC's board.



WILLIAM MARTIN

**Air and Energy Specialist Frank Rambo Joins SELC**

We are pleased to announce that attorney Frank Rambo has joined SELC's Healthy Air and Clean Energy Program. A native of Charleston, Frank comes to us from the Washington, D.C., office of Baker Botts, where he specialized in Clean Air Act and global climate change issues. A graduate of the University of the South (Sewanee), he clerked for a federal judge in Birmingham after earning his law degree at New York University.

**North Carolina Salutes Fred and Alice Stanback**

Fred and Alice Stanback, two of SELC's most loyal friends and members of our President's Council, received the 2008 North Carolina Award for Public Service. The Stanbacks were recognized by their home state for "perpetuating a legacy of environmental stewardship" and for securing protection for some of North Carolina's most beloved recreational and natural areas. As they accepted the award, Fred and Alice paid tribute to the many organizations they have nurtured and partnered with over the years, reserving especially warm praise for SELC and its effective use of law and policy to safeguard our region's natural treasures. To Fred and Alice: Congratulations, and many thanks.



LARK HAYES

**New Website Offers Fresh Look, New Features**

Check out SELC's new website at [SouthernEnvironment.org](http://SouthernEnvironment.org). With improved navigation and interactive maps for locating projects in your state, the site makes it easier than ever to stay connected with us and our work. We've also introduced "Why You Care," an interactive feature that invites you to tell us about places you love in the South that deserve special protection.



*Conserving the South's wild places, clean air, clean water, and livable communities for future generations*

Frederick S. Middleton III  
*Executive Director*

Jeffrey M. Gleason  
*Deputy Director & Director of Regional Programs*

Derb S. Carter, Jr.  
*Director, NC/SC Office*

David H. Pope  
*Director, GA/AL Office*

Holly L. Hueston  
*Director of Finance & Administration*

E. Marie Hawthorne  
*Director of Development*

**For a complete staff list, see [SouthernEnvironment.org](http://SouthernEnvironment.org).**

**BOARD OF TRUSTEES**

Jeanie Nelson, *Chair*

- |                        |                            |
|------------------------|----------------------------|
| Joel B. Adams          | Allen L. McCallie          |
| Paul K. Brock, Jr.     | Frederick S. Middleton III |
| Dell S. Brooke         | Edward M. Miller           |
| Martin S. Brown        | Deaderick C. Montague      |
| Marion A. Cowell, Jr.  | Susan S. Mullin            |
| Dennis M. Crumpler     | Stephen E. O'Day           |
| J. Stephen Dockery III | Ginna McGee Richards       |
| James G. Hanes III     | William H. Schlesinger     |
| Matthew E. Hapgood     | J. Rutherford Seydel II    |
| Elizabeth H. Haskell   | Terence Y. Sieg            |
| Anna Kate Hipp         | Kathryn S. Smith           |
| Glynn D. Key           | Thomas F. Taft, Sr.        |
| Mark B. Logan          | William L. Want            |
| Nimrod W.E. Long III   | Nancy Hanes White          |
| Mary Lib Lupton        |                            |

**PRESIDENT'S COUNCIL**

- |                        |                        |
|------------------------|------------------------|
| Dennis W. Barnes       | Mark P. Pentecost, Jr. |
| Robert L.V. French     | Martha M. Pentecost    |
| Terry E. Grant         | John B. Scott, Jr.     |
| Pricey Taylor Harrison | Alice M. Stanback      |
| Douglas E. Jones       | Bradford G. Stanback   |
| Hugh C. Lane, Jr.      | Fred Stanback, Jr.     |
| Hunter Lewis           | Jennifer T. Stanley    |
| William Martin         | Cameron M. Vowell      |
| Michael Morency        | Bradford W. Wyche      |
| George L. Ohrstrom II  |                        |





Nonprofit  
Organization  
U.S. Postage  
**PAID**  
Charlottesville, VA  
Permit No. 449

**VA/TN Office (Headquarters)**

201 West Main St., Suite 14  
Charlottesville, VA 22902  
(434) 977-4090

**NC/SC Office**

200 West Franklin St.  
Suite 330  
Chapel Hill, NC 27516  
(919) 967-1450

**GA/AL Office**

127 Peachtree St.  
Candler Building, Suite 605  
Atlanta, GA 30303  
(404) 521-9900

**SouthernEnvironment.org**

*Printed on recycled paper using soy-based inks*

## **SELC Receives \$1 Million Kresge Foundation Grant for Global Warming Initiative**

**T**he Kresge Foundation of Troy, Michigan, has awarded SELC a \$1 million, three-year grant for a comprehensive initiative to reduce the South's contribution to global climate change. We are very proud to receive this funding from one of the nation's most prestigious philanthropic organizations, which is noted for making strategic grants that leverage substantial results.

This award from the foundation's new Environmental Program is a strong validation that the South must be central to any meaningful solution to the climate crisis, both because

it's one of the world's largest sources of heat-trapping emissions and because it offers many opportunities for progress. SELC is playing a leadership role in addressing global warming by tying together three of its primary areas of expertise: power plants, transportation, and coastal protection.

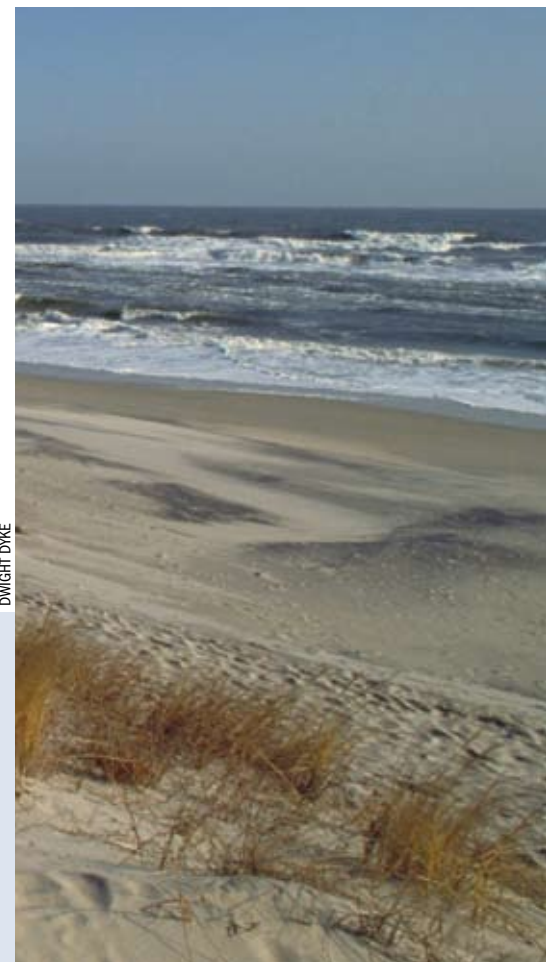
The Kresge Foundation's generous support allows us to build on our track record of success in each of these areas and to lead the South to a new energy future.

To learn more about our global warming initiative, visit [SouthernEnvironment.org](http://SouthernEnvironment.org).

### **Support SELC's Great Work with a Year-End Gift**

As you face what might be tougher-than-usual charitable giving decisions this year, we hope you will be motivated by our urgent conservation mission and impressive results to make SELC a year-end giving prior-

ity. Your partnership and generosity are essential to the great work we are doing across the Southeast. To learn more or to give online, please visit [SouthernEnvironment.org/donate](http://SouthernEnvironment.org/donate), or call us at 434-977-4090.



DWIGHT DYKE