

TCWP Newsletter



Join us to celebrate a wonderful year at the Holiday and New Member Party

Date / Time: December 12, 2024, from 7:00 to 9:00 pm

Location: Room 102 at First Presbyterian Church, 1051 Oak Ridge Turnpike in Oak Ridge

To bring: Please bring an hors d'oeuvre or dessert to share. Have a favorite eggnog recipe? Bring it along.

This is a great time for new members to meet long time members. All TCWP members and friends are invited. We look forward to an evening of fun and fellowship to kick off the holiday season!

INSIDE TCWP

Exciting Changes at TCWP: Logos, Teams, Unique Gifts, and More

TCWP has never been one to rest on its laurels. This year has been a whirlwind of activity in our mission to protect, advocate, steward, and educate about the preservation of wild lands and waters. While we've achieved significant progress in our external work, we're also making internal changes that, while occasionally daunting, are ultimately driving us toward a more sustainable and vibrant future. Here's a snapshot of some of the exciting developments happening within TCWP:

1. The Story Behind Our Logo Competition

You have likely noticed that we are engaging students and the community in a logo competition. Our current logo represents the leaf of an Ironwood Tree, which has symbolized the strength and endurance of TCWP for over 25 years, qualities that remain central to the organization's identity.

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Support TCWP

by donating, joining, or
renewing your membership at

[TCWP.org](https://www.tcwpor.org)



TCWP Board Meeting

The Officers and Directors of
Tennessee Citizens for
Wilderness Planning Meet the
third Thursday of each month.

Members are welcome to call,
email, or attend a board
meeting to raise issues that
TCWP needs to address. We
welcome your input.

However, as TCWP evolves and seeks to engage a broader and more diverse audience, it's essential that the logo visually reflect the full scope of what the organization does preserving and advocating for wild places, fostering environmental stewardship and inspiring all ages to become active participants in protecting our natural treasures. A new logo can more effectively communicate these goals at a single glance, helping people instantly connect with our mission in today's visually driven world.

By updating the logo, we are not abandoning the values and history symbolized by the ironwood tree, but rather building upon them to better represent TCWP's work in protecting the environment. The new design will honor our legacy while ensuring we remain relevant and accessible to new supporters who may not yet be familiar with our work. This change is an opportunity to bring more people into our community, uniting them in the effort to safeguard Tennessee's natural landscapes.

But fret not because we have some fun ideas of how to preserve the Ironwood Tree logo. For instance, we are slowly working on projects that will highlight the rich history of TCWP. When you see the familiar Ironwood Tree leaf in one of our publications or on social media you know that we have something brewing. Stay tuned for a "history party" in early 2025.

2. The Power of Committees (Or Should We Say Teams?)

Did you know that in 1976, TCWP had 14 active committees addressing everything from state scenic rivers to land use, with some dedicated to simple things like letter writing? Back then, we had as many as 651 members driving these efforts. While much has changed, the threats to our wild lands and waters have only grown. Our members are the lifeblood of TCWP, donating both time and money to support our work, but the numbers have lagged in recent years.

That's why we're reviving the committee concept, but with a modern twist: Teams! We've recently formed three new Teams (and we may stick with "teams" to keep things upbeat). They are:

- **Rails to Trails Team** with 11 members
- **Gas Pipeline Team:** William Chandler, Ram Uppuluri, Susan Havens, Nancy Manning
- **Communications Team:** Eva Robbins, Hans Christen, Mark Bevelhimer, Peyton Sellers, Imre Barna, Nancy Manning

Special shoutout to Bill Chandler, our first Executive Director, who has rejoined TCWP's efforts. Stay tuned for his insights in this newsletter. As we expand our initiatives, there are plenty of ways you can help, so keep an eye out!

3. TCWP Launches Instagram

To reach younger audiences, we are excited to announce our new Instagram page, thanks to high school senior Imre Barna! Imre not only runs the page but also captures many of the stunning images you'll see at our stewardship events with her trusty Single Lens Nikon D3300 camera. Be sure to engage with our content on Instagram [@tcwpor](https://www.instagram.com/tcwpor).

4. Unique Ways to Support TCWP

- **What is Giving Tuesday?**

Giving Tuesday, held on December 5th this year, is a global movement encouraging generosity. TCWP is joining this effort to spread the word about our mission, and we need your help! Share our posts on your own social media and explain why TCWP matters to you—your voice can inspire new supporters to join us.

In celebration of Giving Tuesday, we're launching the Take Care of Wild Places photo competition on November 4th. If you want to enter this competition, for the rules go to our Giving Tuesday page: <https://tcwp.org/giving-tuesday>. Winner gets a 2-night camping experience at the Lilly Pad Hopyard Brewery!

- **Create Your Own Charitable Foundation**

Our Board President recently discovered how simple it is to set up a charitable foundation through your financial advisor. This is a great way to provide long-term support for TCWP while benefiting from potential tax advantages. You can even set up monthly donations through this foundation—just ask your advisor to use TCWP's tax ID: 23-7031644.

- **Partners in Protection. Taking Care of Wild Places is a year-round pursuit. Your monthly giving makes you a year-round partner in protection.**

"The consistency and predictability of monthly revenue ensures that TCWP can focus on our mission in the most effective and efficient way possible." - Jimmy Groton

We are so very grateful for those of you who have become a Partner in Protection. If you haven't joined this special group of supporters, you can join here: [Monthly Giving](#) OR <https://tcwp.org/monthly-giving/>

- **Join the Giving Circle**

Our Giving Circle, launched last year, recognizes donors who make an annual gift of \$1,000 or more. Members receive all the benefits of lower membership levels plus exclusive access to special events. We were thrilled to welcome two new Giving Circle members at our September Supporter Appreciation Event. Join us in making an impactful difference!

OUR WORK

In April 2023, the TCWP Board of Directors engaged in strategic planning. As a result, the board refined TCWP's mission, which now fully encapsulates the work we've done over the past 58 years. Our mission is to preserve wild places and waters through Protection, Advocacy, Stewardship, and Education. These four areas of focus, or programs, were more specifically defined last fall as follows:

Protection: We support the legal and long-term protection of wild places and waters by preventing or mitigating harmful activities and safeguarding these environments for their ecological, recreational, and cultural value.

Advocacy: We seek to effect positive change in policy, public opinion and community action through developing partnerships, strategies and programs to ensure the enduring protection and sustainable management of wild places and waters.

Stewardship: We actively care for and protect natural environments and water resources by conducting and supporting activities that ensure the long-term health, sustainability, and conservation of these ecosystems.

Education: By fostering a sense of understanding, responsibility, and passion for the protection of wild places and waters, our education programs aim to inform, inspire, and empower individuals and communities to become active participants in the preservation of natural environments and water resources.

As we streamline our communications, including the likely development of a new website in 2025, you'll notice a stronger focus on these four specific programs.

Rails to Trails: Protecting the Recreational Value

1. Oneida Mayor and the Tennessee Office of Outdoor Recreation jump on board

Lori Phillips-Jones was elected mayor of Oneida in November 2023. She has a long history of public service in Oneida, having served on the Town of Oneida's Board of Aldermen and the Oneida Special School District Board of Education.

As an attorney, she served as an assistant district attorney and as the 8th Judicial District Attorney General. Additionally, Lori has been involved in numerous community initiatives, including the Scott County Imagination Library and the Appalachian Life Quality Initiative (ALQI), and she is a dedicated supporter of the arts and downtown revitalization efforts.

Lori's enthusiasm for TCWP's Rails to Trails project is clear. In September, she arranged a workshop to develop a roadmap for boosting tourism in Scott County. The workshop, facilitated by Jenni Veal and Silas Stoddart of the TN Department of Tourist Development, Rural Programs, was attended by TCWP, Scott County Mayor Jeffers, Stacey Swann of the Scott County Industrial Development Board, NPS rock star Niki Nicholas and various local business owners. The entire second half of the workshop was dedicated to the TCWP Rails to Trails project.

A notable highlight was the attendance of Tom Lamb, Recreation Consultant for the East Tennessee Office of Outdoor Recreation. This office's mission statement is:

"Tennessee is blessed with amazing natural resources and world-class outdoor recreation opportunities. The purpose of this Office is to help unify stakeholders, multiply efforts to improve conservation and access to Tennessee's great outdoors, and leverage Tennessee's unique outdoor industry and economy for the benefit of all Tennesseans."

Tom has offered invaluable support by proposing to facilitate discussions with mayors along the 41-mile Rails to Trails route, a critical step toward the project's success.

2. Gas Pipeline: Advocating for the enduring protection of the Obed

TCWP Opposes Ridgeline Expansion Gas Pipeline

TCWP is actively involved in opposing the Ridgeline Expansion Project, a gas pipeline slated to cross numerous tributaries of the Obed Wild and Scenic River. Understanding the legal process for approving such a project can be confusing, even for those with a legal background. Since this process can be complicated and frustrating, we thought it would be helpful to provide a road map of how pipeline approvals work. At the end, we'll explain where approval of the Enbridge gas pipeline currently stands.

Road Map

To proceed with the pipeline, the company must navigate major regulatory roads:

1. **Federal Energy Regulatory Commission (FERC):** The company must obtain a Certificate of Public Convenience and Necessity.
2. **Army Corps of Engineers (Corps):** The company must receive a 404 Permit under the Clean Water Act.
3. **Tennessee Department of Environment and Conservation (TDEC):** The company must obtain an Aquatic Resource Alteration Permit (ARAP) or a §401 Water Quality Certificate.

This article will also address the role of the National Park Service (NPS) in the approval process through Section 7 of the Wild and Scenic Rivers Act. TCWP has filed a Motion to Intervene in the FERC process, relied on other organizations' comments for the 404-permit process, and joined a letter written by the Southern Environmental Law Center (SELC) to the NPS.

FERC Process

FERC reviews applications for interstate natural gas pipelines under the authority of Section 7 of the Natural Gas Act. Before any pipeline can be built, FERC must issue a Certificate of Public Convenience and Necessity, which confirms that the project serves the public's interest. This certificate is granted only if FERC finds that the applicant complies with its regulations and that the project is "required by the present or future public convenience and necessity."

The Federal Energy Regulatory Commission (FERC) historically relied on private contracts to demonstrate market demand for pipeline projects, as outlined in its 1999 Policy Statement. However, this reliance made it difficult to justify to landowners and communities why their property might be taken for these projects, creating the perception that pipelines primarily serve private interests. FERC's decision-making process included an economic balancing test to weigh the benefits of a project against its adverse effects, followed by an environmental review under the National Environmental Policy Act (NEPA). Concerns over the policy led to stakeholder inquiries in 2018 and 2021, generating over 38,000 comments and prompting FERC to consider revising its approach.

In response, FERC issued an Updated Policy Statement, maintaining the goals of the 1999 Policy Statement but expanding on how the Commission evaluates public interest factors. While precedent agreements remain important, the Updated Policy emphasizes that they may not always be sufficient to prove project necessity. Applicants are now encouraged to provide more detailed information about the project's use and its expected operational impact. The Updated Policy also broadens FERC's consideration to include the interests of existing customers, other pipelines, environmental factors, and the concerns of landowners and environmental justice communities, offering a more comprehensive framework for decision-making – ALLEDGEDLY!

404 Permit Process

Under Section §404 of the Clean Water Act, authorization from the Army Corps of Engineers is required for any discharge of dredged or fill material into U.S. waters, including wetlands. A gas pipeline project that affects waterways cannot proceed if there is a less damaging practicable alternative or if the project would significantly degrade the nation's waters.

The applicant must show efforts to avoid impacts to aquatic resources, minimize unavoidable impacts, and compensate for remaining damage.

TDEC Permit Process

Persons who wish to make an alteration to a stream, river, lake or wetland must first obtain a water quality permit from TDEC. In the case of a gas pipeline, if the company is required to obtain a §404 permit from the Corps, a §401 certification must first be obtained from the division. A §401 certification affirms that the discharge would not violate Tennessee's water quality standards.

This is called a 401 permit because Section 401 of the Clean Water Act requires states to provide a water quality certification before a federal license or permit can be issued for activities that may result in any discharge into intrastate navigable waters. Receipt of the certificate means the state has certified that the discharge won't violate the state's water quality standards.

National Park Service's Role Under Section 7 of the Wild and Scenic Rivers Act

Section 7 of the Wild and Scenic Rivers Act requires federal agencies to protect the free-flowing conditions and other values of designated rivers, including their tributaries. The NPS has "cooperating agency" status in the FERC pipeline process, meaning it has special expertise and plays a role in the environmental review process.

The NPS could potentially block the Ridgeline Expansion Project by submitting a negative determination under Section 7, arguing that the pipeline's construction would harm the tributaries of the Obed Wild and Scenic River.

TCWP has joined a letter drafted by SELC urging the NPS to consider the foreseeable impacts of the pipeline on the Obed's water quality and natural character. The letter calls on the NPS to fulfill its obligations to protect the river as it approaches its 50th anniversary of federal protection under the Wild and Scenic Rivers Act.

Acknowledgment

We would like to extend special thanks to SELC attorneys Delaney King, Amanda Garcia, and Spencer Gall for their hard work and dedication. Their expertise led to a powerful letter urging the NPS to fulfill its obligations and protect the river that TCWP fought so hard to have designated and protected for future generations.

Status of Approval:

SELC anticipates a final EIS to be issued between December 2024 and March of 2025. The next step will likely be the issuance of a Certificate Order for Public Convenience and Necessity which authorizes construction. However, the pipeline cannot be installed until they also have all other permits, such as the 404-permit pursuant to the Clean Water Act. They will also need a permit from TDEC and NPS. The 404-permit won't be issued until the FERC process is completed. FERC has a 99% approval rate but that doesn't mean Enbridge won't have issues with the other permits.

GUEST AUTHOR:

TVA Futures Threaten Wild Lands

By William Chandler, past Executive Director of TCWP

The Tennessee Valley Authority is requesting comments on its new “Integrated Resource Plan” (IRP), which will shape TVA power investments through year 2050. The 700+ page draft plan and environmental impact statement paints 30 scenarios and strategies with varying levels of costs, emissions, and land use impacts. Unfortunately, each of the wide-ranging power futures incorporates three features that threaten wild places:

1. Construction of the Ridgeline natural gas pipeline through the headwaters of the Obed National Wild and Scenic River.
2. Failure to maximize demand-side management.
3. Reliance on inefficient, outdated generating technology.

Some schemes envision TVA generating capacity (kilowatts) almost tripling and power generated (kilowatt-hours) more than doubling by 2050. While a small amount of gas might be needed to help shut down TVA's dirty coal plants, scenarios calling for 15,000 to 20,000 megawatts of gas-fired power are excessive and dangerous. We believe TVA's scenarios grossly overstate the land requirements of solar power, but more than doubling the size of TVA's system would nevertheless create unnecessary pressure on Tennessee's wild lands. While some plans incorporate EPA's greenhouse gas rule which would reduce TVA's greenhouse gas emissions, that rule is being challenged in the courts and TVA does not commit to zero emissions by 2050. Significantly, half or more of TVA's proposed new gas-fired capacity would use simple cycle turbines which can use 50 percent more fuel per kilowatt-hour than commercially available combined cycle systems. TVA states already rank among the worst in the nation for electric utility demand-side energy efficiency. (1) Yet, TVA says it plans to spend only 3 percent of its power budget on conservation over the coming years.

TCWP members have until December 11th to comment on TVA's IRP. To read the IRP and an accompanying environmental impact statement, visit [here](#) OR <https://www.tva.com/environment/integrated-resource-plan>. Send comments to TVA online [here](#) or at <https://tvaforms.wufoo.com/forms/mwq7snb13h23hk/>.

TCWP members are encouraged to urge TVA to develop at least one additional scenario before making any new investment proposals to the Board. Board members and top management should have an opportunity to consider a scenario that reflects the following goals:

1. Minimal impact on wild and agricultural lands.
2. Full deployment of cost-effective demand-side management technologies.
3. Adoption of best available technology for all power generation technology.



(1) Sagarika Subramanian *et al*, “2022 State Energy Efficiency Scorecard,” (Washington: American Council for an Energy Efficient Economy, December 2022).

GUEST AUTHOR:

FOOTHILLS PARKWAY EXPANSION

By Jerry Thornton, Sierra Club

***TCWP signed on to the thoughtful comments submitted by the Sierra Club

The Sierra Club Opposes NPS' use of an Environmental Assessment to Justify construction of new Foothills Parkway Section 8D

The National Park Service, on behalf of Great Smoky Mountain National Park, has proposed to extend the Foothills Parkway by completing Section 8D for nine miles from Wears Valley to the “Spur” between Pigeon Forge and Gatlinburg. GSMNP is short-cutting the National Environmental Policy Act (NEPA) with an Environmental Assessment (EA) for a project that clearly has major environmental and social impacts and should, therefore, be analyzed in a full Environmental Impact Statement (EIS).

Specifically, the road would cut through unstable rock formations that are prone to rockslides; karst (cave and sinkhole) systems where a roadway will endanger groundwater quality and most residents near the road corridor use well water; and acid-releasing rock formations. The NPS relies on a 1992 Draft Environmental Impact Statement (DEIS) that lacks all modern technological assessments of these risks and did not consider the effects of climate change at all. They also did not consider the alternative of keeping the right of way acquired decades ago by the United States as forest with hiking and biking trails. The Sierra Club, together with five other environmental groups, filed comments opposing the EA and demanding that a full EIS be written that fully evaluates the proposed roadway and its alternatives. We are now waiting to see how NPS responds to these comments. If NPS plows ahead without doing a full EIS, the environmental groups may file a lawsuit under the NEPA.

NEWS CAPSULES

Don Bargar tells a story of watching Liane Russell pull together all the newsletters and articles she found that she wanted to summarize and include in the TCWP newsletter. She spread them out all over the top of her piano. She would sort through these hard copy sources and take notes to summarize, type them up and format for a hard copy newsletter.

Today, we sign up for Google Alerts by topics that align with our work, review which we might include, copy and paste those and finally summarize those articles into “capsules,” as Liane would call them. No piano but less paper involved.

OAK RIDGE

1. OR Airport on Hold

The Oak Ridge airport project has been put on hold as city and state officials reassess its proposed location considering the recent announcement of Orano USA’s multi-billion-dollar uranium enrichment facility. The Orano project is situated on a 920-acre site that falls within the flight path of the current airport plans. Oak Ridge Mayor Warren Gooch emphasized that the state and city are committed to collaborating on a possible relocation of the airport to accommodate this significant economic investment. The airport, originally planned to support general aviation needs and enhance access to Oak Ridge’s innovation corridor, has already secured \$34 million in funding and completed an environmental assessment, but officials now seek to determine the best path forward for both projects.

Of course, a new location will mean a new EA will be necessary.

2. Who is Orano?

Orano, a state-owned French nuclear company, is one of the world’s largest producers of uranium fuel for commercial nuclear plants. With operations spanning the entire nuclear fuel cycle—from mining to recycling—Orano’s U.S. subsidiary recently announced plans to build a multibillion-dollar uranium enrichment facility in Oak Ridge, Tennessee. This project marks the largest investment in the state’s history and is part of broader efforts to reduce the U.S.’s reliance on foreign sources of enriched uranium, particularly from Russia and China. Orano’s Oak Ridge facility will enrich uranium for commercial reactors, not weapons, and is expected to produce fuel that could support the U.S. energy grid by the mid-2030s. Tennessee Valley Authority (TVA), a significant Orano customer, will supply electricity to power the plant’s centrifuges.

Although Oak Ridge was not initially considered for this project, the region’s history in nuclear research and development, its skilled workforce, and the presence of TVA eventually made it an ideal location. The project, known internally as “Project IKE,” takes its name from President Dwight Eisenhower’s 1953 “Atoms for Peace” speech, in which he envisioned harnessing nuclear power for peaceful purposes rather than warfare. This new facility aligns with that vision by contributing to clean energy production, as Orano’s uranium enrichment technology aims to support the next generation of nuclear reactors while reducing carbon emissions.

Did we mention Russia?

Apparently, President Biden signed a law prohibiting the purchase of nuclear reactor fuel from Russia. Understandable in the context of recent geopolitical issues. However, our prior agreement with Russia was likely a successful arms control measure since Russia was dismantling their weapons and reducing the radioactive uranium from 90% to 6-7% that is useable in reactors. Replacing this fuel will be the job of the centrifuge which uses a huge amount of electricity. The Kingston gas plant would supply the electricity. Could this be the reason for TVA's urgency in getting approval for the gas plant?

The Historical Significance of siting the uranium enrichment facility in Oak Ridge

The Orano project will create over 300 jobs in Roane County and cover 750,000 square feet. Supported by the state's Nuclear Energy Fund, the facility will focus on commercial uranium enrichment to bolster the U.S. nuclear fuel supply. This development is part of what some are calling a "nuclear renaissance," with Oak Ridge at the center of nuclear research and production. The site where Orano will build its facility symbolizes a new era for Oak Ridge, one where private companies, in collaboration with the U.S. government, lead efforts in nuclear energy. Unlike the original Manhattan Project, this initiative focuses on peaceful, commercial nuclear energy production, reflecting today's priorities of addressing global energy needs and climate change. Oak Ridge, with its legacy of nuclear innovation, continues to be a hub for the next generation of nuclear advancements.

3. Kairos and Hermes Reactors get FONSI Decision

The U.S. Nuclear Regulatory Commission (NRC) has completed its final environmental assessment and issued a Finding of No Significant Impact (FONSI) for Kairos Power's Hermes 2 test reactor project in Oak Ridge, Tennessee. This decision exempts the project from the need for a separate environmental impact statement, as the site had already undergone such a review for the earlier Hermes 1 test reactor. The Hermes 2 reactors will be fluoride salt-cooled, high-temperature reactors, similar in design to the Hermes reactor. Kairos Power submitted its construction permit application in July 2023 and is now awaiting final approval from the NRC commissioners. The reactors aim to demonstrate key technology elements for potential future commercial use.

4. Clean Up of Mercury in Oak Ridge

The U.S. Department of Energy (DOE) is managing the cleanup of mercury contamination at the Y-12 National Security Complex in Oak Ridge, Tennessee, where approximately 700,000 pounds of mercury were released during nuclear weapons production. The cleanup effort, overseen by the Oak Ridge Office of Environmental Management (OREM), includes constructing a mercury treatment facility, demolishing contaminated buildings, and remediating soil and water. The project is expected to cost at least \$3.2 billion and extend until 2043. However, uncertainties surrounding these estimates stem from delays and disagreements with state regulators on waste disposal methods. Additionally, OREM has identified significant risks, such as unexpected waste volumes, that could further escalate costs and extend the timeline.

OREM's risk management approach has been criticized for focusing on individual projects rather than addressing interdependent risks across the entire mercury cleanup program. For instance, delays in one project could affect the schedule and costs of other related projects, yet these interdependencies are not always factored into OREM's planning. The cleanup effort is further complicated by ongoing operations at the National Nuclear Security Administration's adjacent facilities, which require land currently occupied by contaminated buildings. OREM also allocates funding to technology development aimed at improving cleanup efficiency and worker safety, though the effectiveness of these technologies has not been fully assessed.

STATE of TENNESSEE

Southern Environmental Law Center (SELC) is on fire with lawsuits challenging the proposed gas pipelines and gas plants in Tennessee. Note that the Cumberland gas pipelines' TDEC and CORPS permits were challenged separately from the challenge of the FERC approval.

1. SELC files suit in D.C. challenging FERC approval of Cumberland gas pipeline

SELC filed suit on behalf of the Sierra Club and Appalachian Voices, in the D.C. Circuit, challenging the FERC's approval of the Cumberland pipeline project in Tennessee. This pipeline, set to supply a new TVA gas plant replacing a coal-fired plant, was approved by FERC in January. The SELC argued that FERC violated the National Environmental Policy Act (NEPA) by relying on a flawed climate change analysis and failing to properly assess the project's greenhouse gas emissions. They claim FERC did not establish a coherent baseline for evaluating the environmental impacts, leading to an "arbitrary" decision, and overlooked the project's significant contribution to climate change, with emissions expected to reach 2.53 million metric tons annually.

The groups further contend that FERC improperly separated the pipeline from the Cumberland Gas Plant in its environmental review, failing to consider them as connected projects under NEPA.

Additionally, FERC is accused of neglecting its duty under the Natural Gas Act to balance the project's environmental harms against its benefits. Despite their protests during the certification process, FERC approved the project, asserting that it would help reduce greenhouse gas emissions by replacing a coal plant with a gas facility. The environmental organizations, however, dispute this claim and are pushing for the D.C. Circuit to overturn the approval, pointing to the flawed process as a reason to deny the project's continuation. This legal challenge serves as a roadmap for opposing future pipeline projects, including those like the one that will cross the Obed Wild and Scenic River.

2. Cumberland gas pipeline construction halted by Sixth Circuit Court of Appeals - thanks again to SELC.

A divided Sixth Circuit panel has temporarily halted construction on a 32-mile pipeline that would serve the TVA's Cumberland City natural gas-fired power plant. The court's decision follows challenges by conservation groups, including the Sierra Club and Appalachian Voices, who argue that permits issued under the Clean Water Act by the Tennessee Department of Environment and Conservation and the U.S. Army Corps of Engineers were flawed. The groups claim the agencies failed to consider less harmful alternatives for crossing water bodies when granting Section 401 and Section 404 permits. The court found that the groups had met the necessary legal burden to justify a stay on the permits while the court reviews their case, noting that construction posed a risk of significant environmental harm.

The Sierra Club emphasized the importance of the court's decision, calling it an opportunity to reconsider the risks of further fossil fuel development. This ruling comes as the Sierra Club, Appalachian Voices, and the Center for Biological Diversity also challenge TVA's plans to replace its Kingston coal plant with another natural gas plant.

3. SELC files suit against TVA for moving forward with Kingston gas plant

SELC, representing the Sierra Club, Appalachian Voices and the Center for Biological Diversity, has filed a lawsuit against TVA for proceeding with plans to build a methane gas plant at the Kingston site without adequately assessing environmental impacts or cleaner alternatives.

The most shocking reveal from the lawsuit is that TVA violated federal law by committing millions of dollars to the project and signing a contract with pipeline company Enbridge well before completing the necessary environmental studies. This rushed decision-making, the lawsuit contends, favors gas over more sustainable and cost-effective clean energy solutions, ignoring recent incentives that have made renewables more affordable. The associated gas pipeline, which TVA agreed to fund before the legal review process concluded, crosses the Obed Wild and Scenic River numerous times—something our organization, TCWP, strongly opposes.

The lawsuit highlights that TVA's financial analysis relied on outdated data and neglected to consider recent federal policies aimed at lowering the cost of renewable energy. Studies suggest that replacing the aging Kingston coal plant with a gas facility could cost \$1 billion more than opting for renewable alternatives, expenses that would likely be passed on to TVA's customers through higher electricity bills. Local communities, environmental groups, and federal agencies, including the EPA, have voiced significant concerns about the pollution and health risks associated with the new gas plant.

They emphasize that TVA's planned fossil fuel expansion, estimated at nearly \$9 billion, undermines clean energy goals and exacerbates climate change, making the lawsuit a crucial challenge to TVA's current trajectory.

4. Impact of Drought on Duck River: Mussel Deaths like “Canaries in the Coal Mine.”

SELC is urging Tennessee to take action to conserve water as drought conditions threaten the Duck River, a critical water source and one of the most biodiverse rivers in North America. Freshwater mussel populations, which help filter the river and sustain its ecosystem, are dying in alarming numbers due to low water levels. Mussel expert Don Hubbs found 565 recently deceased mussels along the river, more than half of which were federally protected species. These losses highlight the urgency for protecting the river, with SELC Tennessee Director George Nolan stating that mussels act as “canaries in the coal mine,” signaling a “state of crisis” for the river’s health. Nolan emphasized that the Duck River is now listed among America's 10 most endangered rivers due to excessive water withdrawals, further exacerbating the drought’s impact.

Despite recent declarations of a Stage 1 River Drought and voluntary water conservation measures, SELC argues that Tennessee’s current drought management plans are insufficient. The state is considering increasing the water utility withdrawal cap to 73 million gallons per day, a move environmental advocates strongly oppose. SELC is calling for stricter water withdrawal limits and improved drought plans that account for downstream river health and wildlife protection. Hickman County Mayor Jim Bates and other officials have also voiced concerns, urging Governor Bill Lee to prioritize long-term solutions, including stricter regulations on water usage. Nolan pointed out that the current approach fails to adequately protect the river, saying, “when you have hundreds of endangered freshwater mussels that are dying... and no one is ratcheting down the water consumption, from our perspective, that’s a problem.”

5. \$20 Million Awarded by USDA for Duck River

The U.S. Department of Agriculture has awarded \$20 million to the Duck River Watershed Society for stream restoration in Tennessee’s Duck River, a vital freshwater ecosystem that supports numerous species, some federally protected, and provides water for over 250,000 residents. The funding, part of a larger \$66 million allocated to Tennessee projects, will focus on restoring river habitats, stabilizing banks, and improving water quality. In addition, other initiatives awarded funds include forest management plans, reducing greenhouse gas emissions, engaging small and underserved farmers, and addressing sediment and nutrient loss from farmland, all aimed at protecting wildlife and water quality in the region.

6. Wetlands Remain Threatened

You may remember that a bill from West Tennessee Rep. Kevin Vaughan, aiming to reduce oversight of nearly half a million acres of sensitive wetlands was defeated in the last legislative session- sort of - and sent to a summer study session. As a result, TDEC drafted its 2024 Wetlands Report which was presented a few weeks ago to a Senate subcommittee. You can find the full report here: [2024 Wetlands Report: Stakeholder Engagement & Commissioner Recommendations \(tn.gov\)](#).

The recommendations in TDEC’s report suggest doubling the size of wetlands that can be developed without mitigation, lowering the required wetland restoration ratio from 2:1 to 1:1, and streamlining permitting processes. This move has drawn criticism for prioritizing development interests at the expense of protecting Tennessee’s vulnerable ecosystems.

George Nolan, from the Southern Environmental Law Center, has pointed out that while TDEC’s recommendations are an improvement over the original bill, they still largely cater to developers. The proposed changes would allow significantly more wetland destruction without requiring compensation and reduce the fees developers must pay to restore damaged areas.

This shift threatens nearly half of Tennessee’s wetlands, which are critical for managing floods and maintaining water quality. The renewed debate on Vaughan’s proposal will be a crucial moment for the state’s environmental future. We must continue to push back against such short-sighted weakening of protections that benefit the broader public. TCWP will be watching this closely in the next legislative session.

NATIONAL NEWS CAPSULES

1. Supreme Court Declining to Issue Stays of EPA Regulations – for now.

The U.S. Supreme Court's recent pattern of denying requests to block Biden administration environmental rules suggests a reluctance to bypass lower court decisions on such matters. This trend was evident as the justices declined to issue emergency stays for three significant EPA regulations: one aimed at reducing greenhouse gas emissions from power plants, another on mercury standards, and a third targeting methane emissions in the oil and gas sector. These denials follow the Court's earlier decision to block the EPA's "Good Neighbor" smog reduction plan, but legal experts believe the justices are now signaling a more cautious approach, stepping back to let the appellate courts thoroughly evaluate the legal arguments before intervening.

Some observers interpret these actions as a response to the increased volume of politically charged requests for stays, a trend partially sparked by the Supreme Court's previous intervention in cases like the Clean Power Plan in 2016. Justices, including Brett Kavanaugh, expressed that challengers of the current greenhouse gas rule might have legitimate arguments, but they emphasized the importance of allowing the D.C. Circuit to complete its review. This suggests that while the Supreme Court is not ruling out future interventions, it is setting a higher bar for granting stays, favoring a more restrained approach that respects the decisions of lower courts – for now.

2. What? Water system in EPA headquarters building contaminated, agency says

The EPA said water fixtures in the Chicago building were "found to have water quality issues, including elevated levels of lead, copper, and Legionella."

[Water system in EPA headquarters building contaminated, agency says \(tn.gov\).](https://www.tn.gov/content/dam/tn/environment/water/wetlands/wr_ws_tdec-wetlands-report-09062024.pdf)

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TCWP EVENTS

TCWP's Guidelines for Activities

- We ask that you stay home when you are sick.
- We ask that you know what you're capable of, and that you communicate that to the group leader.
- We recommend that you bring plenty of water and snacks.
- We ask that you not bring pets.

[NOTE: Times listed for all events are Eastern time unless specified otherwise.]

1. Upcoming Events

North Ridge Trail Invasive Species Removal - Saturday, November 16

One of the best wildflower spots in Oak Ridge is starting to be consumed by invasive species. To combat this encroachment, TCWP will lead an effort on Saturday, November 16, to clear out the invasives starting to cover this amazing spot on the North Ridge Trail. In the spring this area is covered in trout lilies, trilliums, spring beauties, and much more.

We'll meet for the cleanup at 9 a.m. at the entrance to the Walker Access to the North Ridge Trail, which is down N. Walker Lane off W Outer Drive. Parking is limited on the street, but there is more parking at the Oak Ridge Children's Museum. To get to the main area, there is a steep slope, so wear sturdy shoes and bring hiking poles if needed. At the completion of our work (around noon), TCWP will provide a pizza lunch.

Participants should wear weather-appropriate clothes, and bring water, gloves, and clippers, loppers, or bow or pruning saws, if possible. Other tools and equipment will also be available at the worksite. A pizza lunch will be provided. For more information, contact Margaret Cumberland at 919-339-0072 or mcumberland@battelleecology.org, or Jimmy Groton at 865-805-9908 or groton87@comcast.net.

Social Field Safety with Field Inclusive – Thursday, November 19

Join TCWP and the UT Arboretum Society at 7 p.m. November 19 Zoom program to hear from Field Inclusive co-founder Lauren D. Pharr. Field Inclusive is a nonprofit dedicated to making outdoor fieldwork and outdoor experiences safer for all –particularly marginalized and historically excluded individuals who professionally work and/or conduct research in the outdoors. The program will cover the topic of “social field safety,” and why certain precautions and safety measures need to be taken in the field for ALL to enjoy the outdoors.

Lauren D. Pharr, the co-founder of Field Inclusive, is an avian ecologist and Ph.D. candidate at North Carolina State University, pursuing her degree in Fisheries, Wildlife, and Conservation Biology. Her current research focuses on studying the effects of climate change on nestling success in the federally endangered Red-cockaded Woodpecker. Aside from her research, Lauren is an advocate for Black and historically excluded minorities in STEM.

There is no charge for this program, but participants will need to register at www.utarboretumsociety.org for the Zoom link. Contact Michelle Campanis at mcampani@utk.edu regarding any questions or registration issues.

December 12 – Holiday Party/New Member Event - See page 1.

Whites Creek Workday – Saturday, January 11

TCWP will sponsor a day of trail maintenance work at Whites Creek Small Wild Area in Rhea County at 10 a.m. January 11 as part of our ongoing stewardship activities for this TVA Small Wild Area trail. The trail loops onto land that TCWP purchased from Bowater several years ago, thanks to the generous support of our members.

Participants should wear sturdy shoes or boots and bring work gloves, loppers, and small bow saws or folding saws. Some hand tools will be available at the event. Please be sure to bring clothing appropriate for weather conditions, as well as water, snacks, and/or a lunch.

Participants can meet for carpooling or caravanning in Oak Ridge at the Gold’s Gym/Books-A-Million parking lot in Oak Ridge (at the end close to S. Illinois Avenue, near Salsarita’s). We’ll leave Oak Ridge at 9 a.m., or volunteers can join the crew at the trailhead at 10 a.m.

We plan to spend three or four hours at the site, but volunteers may come and go as they wish. If the weather is uncooperative—excessive rain, or snow and ice—we will reschedule for the following Saturday. For additional information, contact Jimmy Groton at 865-805-9908 or at groton87@comcast.net.

Cumberland Trail Alley Ford Workday – Saturday, February 8

On February 8 a day of trail work and hiking will take place on the 2.5-mile section of the Cumberland Trail at the Obed Wild and Scenic River between Nemo Picnic Area and Alley Ford adopted by TCWP in 1998. Participants should dress appropriately for winter weather, wear sturdy shoes or boots, and bring work gloves, loppers, small bow saws or folding saws, shovels and grubbing tools, as well as a lunch and plenty of water. Cumberland Trail State Park personnel will provide some tools that will be available at the event.

Participants can meet for carpooling in Oak Ridge at the Gold’s Gym/Books-A-Million parking lot (meet at the end close to S. Illinois Avenue, near Salsarita’s) in time to leave Oak Ridge at 9 a.m. Eastern, or can join the crew at Nemo Picnic Area or Rock Creek Campground at 10 a.m. We expect to return to the trailhead by around 3 p.m. (NOTE: If the weather is uncooperative—excessive rain or snow and ice—we will reschedule for the following Saturday.)

Participants will need to sign a National Park Service volunteer form (parent's or guardian's signature required for minors). Forms can be requested in advance from TCWP, or NPS representatives will have forms available at the event. For additional information, contact Jimmy Groton at 865-805-9908 or at groton87@comcast.net

2. Recent Events

Crab Orchard Mountain Power Line Fall Flowers - Saturday, September 21

On September 21, a dozen people led by Margaret Cumberland hiked up a TVA power line clearing near Crab Orchard to see what was flowering this fall. The yellow goldenrods and purple blazing stars made a nice contrast, with some white thoroughwort thrown in. The highlight was finding a few areas flagged by a TVA native plant study that led us to seeding wood lilies. After the power line walk, a small, brave group adventured into a wetland to find a few blooming gentians. *Margaret Cumberland*

Hike in Norris Municipal Watershed - Saturday, October 5

After all the rain and storms, we had a beautiful day for a hike in the Norris Watershed on October 5. Seven of us set out on Forester's Trail and up to Belmont Trail. After a short way, we took off on an old unmaintained logging road that went up a small hollow and then climbed up to a small clearing that was reverting to shortleaf pine and hardwoods. The old road was a little weedy, but it was not far until we reached Boundary Trail. Just up the trail is a persimmon tree, but unfortunately, we didn't find any fruit. (I had found some a few days earlier).

It was a short walk up to Forester's Trail and then down to East Trail. Several trees had fallen in the storms on Forester's, but they had been cut out of the old road. We climbed up East Trail to the top of a low ridge. After a short breather, it was on down East Trail to Gooseneck Trail and on to Clear Creek Trail. This single track follows the creek for about 0.2 mile back to the starting point. The hike was 4.0 miles, and everyone seemed to really enjoy the beautiful forest. *Joe Feeman*

Calendar

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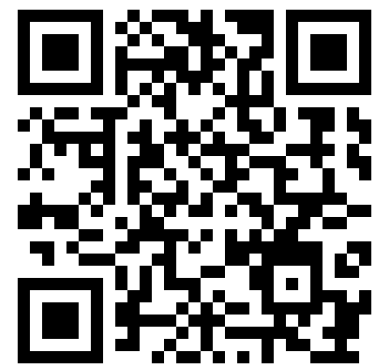
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UPCOMING EVENTS

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These events are subject to cancellation.
Call ahead to verify the event will occur.

Tennessee Citizens of Wilderness Planning (TCWP)

The mission of TCWP is to: Preserve wild places and waters through protection, advocacy, stewardship, and education.

TCWP: P.O. Box 6873., Oak Ridge, TN 37831

President: Mark Bevelhimer, mbevelhimer@gmail.com

Executive Director: Nancy Manning, nancymanning@tcwp.org

Outreach & Membership Coordinator: Peyton Sellers, tcwp.contact.org

TCWP website: <http://www.tcwp.org>