

Congaree



Chronicle

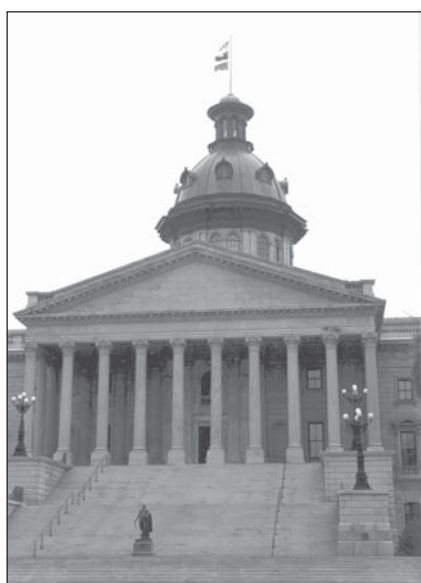
July/August, 2005

Volume 28, Number 4

Legislature Wraps for 2005

by Robert Barber, Chapter Legislative Representative

For the second consecutive year the South Carolina General Assembly fully funded the Conservation Bank at approximately \$15 million. The only significant challenge to full funding occurred on the House floor



during budget debate. Speaker of the House Bobby Harrell and Representative Thayer Rivers spoke on our behalf and highlighted the Bank's successes during fiscal year 2004-05. We prevailed in an 81-28 vote.

The Environmental Grand Jury Bill became law on May 25 (see accompanying article). After nearly passing a similar bill last year, Senator Jake Knotts and Representative Jim Merrill, with strong support from Attorney General Henry McMaster and the environmental community, pushed the legislation hard again this year. The new law permits the State to investigate and prosecute environmental crimes if an independent engineer certifies environmental damages of at least \$2 million and it is determined that the damage is a result of an act that is done "knowingly and willfully."

S.304, the "Hog Bill", which has evolved into broader legislation undermining local government autonomy, moved to the Senate calendar this year before being sent back to the Agriculture and Natural Resources Committee and subcommittee for further review. We characterize this bill as an attack on Home Rule, which it is. The bill in its present form pro-

hibits local governments from enacting any ordinance that is more stringent than state law or regulation applying to any business, agricultural interest, or industry. We have fought this bill, or versions of it, for years and will continue to do so.

A bill we have vigorously opposed for the last few years is H.3285. This legislation changes the state Department of Health and Environmental Control's appeals process by removing the Board from the appeals process and replacing the Board with administrative law judges (ALJs). It is our position that ALJs are not as well acquainted with environmental is-

ssues and the broader impact of DHEC decisions on citizens' health and environmental protection as the DHEC Board is. We were disappointed by the limited debate in the Senate Judiciary Committee on the bill and their approval of the bill over our opposition; however, Senators Darrell Jackson, Ray Cleary, Gerald Malloy, Joel Lourie, Robert Ford, and Kent Williams were strong supporters of our position and helped us in preventing final disposition of the bill this year. It is on the Senate calendar, and we will face it again in January. But for now, we dodged a big bullet. (Continued on page 5.)

State Has New Tool To Protect Environment

(Abridged press release from Trey Walker, Office of the Attorney General.)

Legislation granting the state grand jury authority to investigate white-collar environmental crimes became law on May 25.

Sponsored by Senator Jake Knotts and Representative Jim Merrill, the legislation was initially opposed by statehouse business interests. That opposition eventually turned into support after several months of meetings and dialogue resulted in modified language all parties could agree upon.

"Today a strong message has been sent that this state will not tolerate those who would knowingly and deliberately break the law, seek an improper competitive advantage, intentionally despoil our land and diminish our natural heritage for future generations," said Henry McMaster, Attorney General.

The new law requires that the perpetrator must commit a "knowing, willful and criminal" violation of the law, which results in over \$2 million in anticipated damages to be certified by an independent engineer hired by the Department of Health and Environmental Control. It prevents prosecution of innocent employees or employers due to the willful criminal actions or accusations of disgruntled employee(s). It prevents duplicate prosecution by the state if a federal conviction or acquittal has occurred for similar environmental crimes. It requires DHEC to be substantially and integrally involved in the investigation and requires the Commissioner of DHEC to consult with and, after investigation, provide a formal written recommendation to both the Attorney General and the Chief of SLED. The Commissioner's written recommendation must be provided to the Chief Administrative Judge along with the petition requesting state grand jury empanelment.

In making his case to the legislature McMaster pointed out that: State prosecutors are helpless to investigate and prosecute white-collar environmental (Continued on page 5.)

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Congaree Chronicle

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Views expressed in the *Chronicle* reflect the opinions of the individual authors and may not necessarily be official Sierra Club views and positions. The *Chronicle* welcomes articles, letters to the editor, photographs, and illustrations. The editors reserve the right to edit any material for clarity, style and length.

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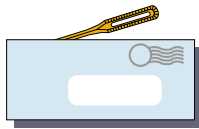
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Your Letters

To the Editor,
I believe that we are paying too little attention to Hubbert's Peak, the point at which oil reserves are 50% depleted. This theory "predicts that future world oil production will soon reach a peak and then rapidly decline. The actual peak year will only be known after it has passed." (http://en.wikipedia.org/wiki/Peak_oil)

Predictions place the peak by 2040, but some experts believe that we are already there. Even if the year is 2040, that would predict that the world's oil will, even in the most promising scenario, not last more than 100 years into the future. As annual consumption increases to far more than in the past 100 years, counting on available, reasonably priced oil for the next 100 years is unrealistic. We need to plan now.

There are many questions to be answered. Without oil, how do we fly airplanes? How do we grow crops without the pesticides and fertilizers made from petroleum? How do we commute to work? (Maybe we don't.) Why are we not planning ahead when we should be fully aware that we have so little time?

Eleanor Hare, Clemson

Dear Dell,
What about population growth? I was surprised to see that population growth wasn't mentioned even one time in your article about sprawl.

Considering the irresponsibly high population growth occurring in the US, far in excess of its carrying capacity, and far greater than any other developed country, it seems like we have missed yet another opportunity to educate our membership. Interested readers might want to look at the report "Weighing Sprawl Factors in Large US Cities" by Kolankiewicz and Beck [<http://www.sprawlcity.org/studyUSA/>]. It separates the effects of sprawl and population increase, and shows how half of sprawl isn't sprawl at all, but population increase. So we need to talk about both of them to our membership.

Why is the Sierra Club's policy on population growth ("think globally, locally do nothing") so different than that of every other environmental issue that we face? Can you imagine such a policy on water pollution? Roadless areas in our National Forests?

The ivory-billed woodpecker might disagree that population growth in the US is irrelevant. A South Carolina with a population increasing 15% every decade will have no room for the Ivory Bill to come back to the Congaree.

Solve the global reasons for mass migration first, you say? Sounds great in theory. But, by the time the US has become so poor that no one will want to immigrate here, there will be nothing left.
Mark Thies, Clemson

2005 Group Meetings

John Bachman: Columbia, 3rd Monday at the Unitarian Universalist Fellowship on the corner of Heyward and Woodrow Streets at 7:30 p.m.; Chair Steve Valder (803)939-0618 or svalder@aol.com.

William Bartram: Greenville, 3rd Wednesday (except July) at the Unitarian Universalist Fellowship, 1135 State Park Rd. at 7:30 p.m.; Chair Eric Thompson (864)297-6015 or ericarol66@yahoo.com.

Nancy Cathcart: Hilton Head, 4th Tuesday at the New River Palmetto Electric Building on route 278 in Hardeeville at 7:30 p.m. No meetings during months of June-August; Chair Allyn Schneider (843)837-2018 or ashneider@hargray.com.

Foothills: Clemson, 1st Tuesday (except July) at the Unitarian Universalist Fellowship, 226 Pendleton Rd. at 7:30 p.m.; Chair Linda Taft (864)647-7395 or greengirl5@bellsouth.net.

Henry's Knob: Rock Hill, 2nd Thursday at the Wesley Foundation, Stewart & Park;

7:00 p.m.; Chair: Joe Zdenek (803)366-9763(h), (803)366-9215 (fax) or zdenek@cetlink.net.

Robert Lunz: Charleston, 1st Thursday at the MUSC Baruch Auditorium at 284 Calhoun Street at 7:00 p.m.; Chair Christine von Kolnitz (843)216-8576 or vonkolnc@muscedu.

Pee Dee Group: Florence 1st Thursday (September-May) at the Cross and Crown Lutheran Church 3123 W. Palmetto St. at 7:00 p.m.; Chair Jim Canup (843)665-8773 or jimcanup@earthlink.net.

Swamp Fox: Sumter, 2nd Tuesday in Student Union Bldg. USC-Sumter Campus, 200 Miller Rd. at 7:00 p.m.; Chair Malcolm Kudra (803)499-1542 or mkudra@gmail.com.

Winyah: Myrtle Beach, 2nd Monday at Friendly's Restaurant, 48th Avenue North and Kings Highway at 11:30 a.m.; Chair Cynthia Powell (843)449-2960 or cythniasp@sc.rr.com.

ExCom Prepares for Summit, Opposes Off-Shore Oil Drilling

The Executive Committee (Excom) of the South Carolina Chapter met in Columbia on April 30 and began to make plans for the Sierra Club Summit and passed a resolution opposing off-shore drilling.

The Sierra Summit, the first national convention of the Sierra Club, will be held in San Francisco, September 8-11. South Carolina is eligible for 14 delegates, one from each group and five from the chapter. Representing the chapter will be Bob Guild (National Council Delegate), Al Graves (Outings Leader), Dennis Chamberlain (Senior Leader), Erika Hartwig (Under Aue 30), and Frank Crowder (At-Large).

The ExCm unanimously adopted a resolution to continue the offshore drilling moratorium. Congress has recently revitalized the issue of drilling for gas and oil off the Atlantic and Pacific coasts. The South Carolina Congressional Delegation was informed of the passage of the resolution.

Goals announced for the chapter include, identifying measurable objectives for the Conservation Program, refurbishing the chapter website, developing a speakers' bureau, establishing a record-keeping system for the outings

leader training program, appointing a summer student intern, increasing fundraising, and ending the year with a \$20,000 surplus.

Other excom business included the following:

* In the first quarter of the year the treasurer reported that income exceeded expenditures by nearly \$11,000

* The excom was informed that the chapter qualified for an \$8,000 fundraising enhancement grant from the national organization

* Crowder was appoint chair of both the Conservation Committee and the Political Committee and was added to the Personnel Committee; Anne Neely was appointed to head the Environmental Education Committee; Lila Lancaster was added to the Elections Committee; and Pam Greenlaw was added to the Strategic Planning Committee.

* A five-year strategic plan for the chapter was adopted

* The excom voted to re-affirm support to defend the Cherry Grove tidelands from development and to intervene legally.

* It was announced that membership in the chapter is now over 5,700 individuals.

Nominations are Open for Four Positions on Executive Committee

Nominations are now open for four at-large positions on the 16-member executive committee (ExCom).

It is the intent of the committee to nominate at-least six candidates for the four statewide positions. Incumbents whose terms are expiring on December 17 are Ed FitzGerald, William Adams, Susan Corbett, and Eric Thompson. The term of office is two years.

The Nominations Committee will make their candidate selections on September 22 and inform the ExCom at that time. Those members interested in being nominated by the committee should contact Nena Rice at nrice@sc.edu.

Candidates can also be placed on the statewide ballot by petition with 15 members signing until October 6th. Nominees have until October 10th to submit a ballot statement and portrait photograph of themselves to newsletter editor Barb Postles at bpostles@aol.com .

The ballot and candidate statements will be received by all members in the chapter newsletter the first week in November. Deadline for returning the ballots to the chapter office is December 12, 5:00 p.m. The ballots will then be counted by the Elections Committee and results announced on December 14.

Groups will elected their representatives to the chapter ExCom separately.

Duties of Chapter ExCom members include the following:

- * Attend five meetings in the year
- * Promote the mission of the Sierra Club
- * Lead and set policy on educational training and conservation
- * Promote the Outings Program
- * Participate in long range planning
- * Assist in fundraising activities and contribute financially
- * Ensure financial stability and solvency
- * Allocate chapter resources
- * Monitor, question, and evaluate club activities
- * Provide leadership and vision within the chapter
- * Contribute a sense of camaraderie and teamwork

National Club Elects North Carolina Leader to Serve at 51st President

The Board of Directors has elected Lisa Renstrom from Charlotte, North Carolina to serve as the Sierra Club's 51th president, a position first held by John Muir. Renstrom has held local, state and national posts with the Sierra Club for more than a decade.

"The Sierra Club is revered by Americans who enjoy and respect the bounty and beauty of our nation," stated Renstrom. "It's an honor to follow in the footsteps of John Muir and to build on his legacy to address the challenges of the 21st century."

Renstrom stated that her priority for the next year would be to reengage Americans in conservation. "I believe most Americans share the Sierra Club's goals of clean, safe energy, healthy communities and protecting our special wild places. We need to work together to invest in America's future and promote responsibility and fairness. We need to demand that our government--the people we elect--works for our common interests."

First elected by Sierra Club members to serve on the organization's national Board of Directors in 2001, Renstrom was re-elected in 2004, garnering the most votes in an election that drew the organization's highest turnout ever. Following her re-election, Renstrom was tapped to serve as Chairman of the Board. In her time as a Director, Renstrom has already made her mark on the organization. She is co-chair of the first-ever Sierra Club National Environmental Convention and Expo, taking place in San Francisco, September 8-11. She also spearheaded a highly innovative capacity-building project for Sierra Club Chapters and Groups, teaming up with Marshall Gantz of Harvard University's Kennedy School of Government.

"Lisa's strong organizational skills, long history of Sierra Club service and commitment to finding visionary solutions to critical environmental problems makes her ideally suited to lead the organization to a future of great influence and accomplishment," said outgoing President Larry Fahn.



First, Save the Pieces

by Bob Guild, Chapter Chair

As the forefather of conservation, Aldo Leopold, once observed in comparing natural systems to a complex machine whose design is not wholly understood, "(T)o keep every cog and wheel is the first precaution of intelligent tinkering." With the astounding rediscovery of the long-thought extinct Ivorybilled Woodpecker in a second-growth bottomland forest in Arkansas, I am reminded of our extraordinary foresight in saving what may be the very best remaining piece of that magnificent bird's ancestral habitat right here in South Carolina: the Congaree National Park. Because the Sierra Club and our conservation allies had the foresight some 30 years ago to fight for the protection of



this largest remaining tract of old-growth bottomland forest in the United States, creatures such as the Ivorybill and others yet unheralded may still have the chance not only to cling to life but even, perhaps, to be restored to some part of their former range and numbers. Such a dream, however, would be wholly unattainable if our fellow Sierrans had not 'saved the pieces' of the natural system on which the woodpecker and its neighbors depend.

The mystery of the Ivorybill is still unfolding with many questions still unanswered--How did the woodpecker survive unnoted among the hunters and fishers of the Arkansas bayous? How did Ivorybills adapt to the evident absence of the standing dead old-growth trees which harbored the large beetle grubs on which it fed and for which it is named? (*Campephilus Principalis* or 'biggest grub-lover') Doesn't the woodpecker's survival for some 60 years after its last authenticated record imply an adaptation to the altered landscape resulting from industrial forestry run amok? And, therefore, isn't there hope that such a bird might someday be reintroduced to the very habitat our Club helped preserve--right here in our own backyard?

The story of the Ivorybill's rediscovery is one I am following with the keenest interest. First and foremost the bird is truly spectacular--a genuine charismatic megafauna: large, bold, black and white and red-crowned. It is said to glide on powerful wings among the giant trees, unlike all other woodpeckers. And its home--the dark, primeval 'swamp' so long reviled by humans--is truly nature's domain. The rediscovery was the work first of dogged and passionate amateurs, since confirmed by multiple expert sightings and unmistakable though grainy video photography. Cornell's famed Lab of Ornithology is now leading the scientific efforts to census the remnant population and answer the many questions raised by the bird's survival and facing the bird's tenuous future. Not surprisingly the Cornell Lab has also been right here in our own Congaree gathering data which may prove critical to the species' ultimate fate.

I was reminded recently of the Congaree's unique connection to the lost and found Ivorybill. Park Naturalist Fran Rametta told the Bachman Group that the Ivorybill's principal investigator, the late Dr. James Tanner, was present in the Congaree Swamp as the fight to save the Congaree was just beginning. As depicted in the photograph now displayed in the Harry Hampton Visitors' Center, Dr. Tanner and his young companions John Cely and Jim Elder lean over the fresh stump of a felled giant. Their outrage at the loss of these ancient trees and the imminent threat to what remained of this old growth forest spurred John, Jim and many of our fellow Sierrans to begin the fight which lead to the Congaree's preservation. Dr. Tanner had declared the Ivorybill lost for all time. I am sure he would be overjoyed to learn that, against all odds, he had been wrong and the bird had clung to life. I am also sure, however, that he would be the first to insist that the future of the Ivorybilled Woodpecker and the other deni-

Time to Take the Offensive

By Dell Isham, SC Chapter Director

We can never win by just playing defense. We have to score points too.

Environmental politics is changing -- too gradually -- but changing nevertheless. And it is changing for the better. It is becoming more bipartisan. Elected officials are beginning to recognize we have some political clout. Coalitions are forming among outdoor sportsmen, neighborhood associations, faith organizations, and environmentalists. The conservation community has never been more unified.



It is time to take the initiative, offer solutions to problems, and lead South Carolina away from its self-destructive past. The Sierra Club is the voice of hope and reason and stewardship. We should be proud of what we stand for -- a better world now and in the

future by respecting and protecting the Creation of which we are a part.

Moral High Ground

We are the moral high ground -- not motivated by greed, or wealth, or political power. We should never be defensive of our beliefs.

At a recent political function, someone not affiliated with the environmental movement in anyway, came up to me and asked, "Why doesn't the Sierra Club introduce a bill to save the wetlands?" The honest answer to that question is an embarrassment. We were trying to work out a compromise with the homebuilders. So, we ended up doing nothing while thousands of isolated wetlands were destroyed.

Why should we expect the homebuilders to compromise? They have everything they want now: freedom to destroy the environment for short-term monetary gain. We need to propose solutions, even if it only serves the purpose of public education. Setting our agenda based on an opponent's cooperation is a losing strategy.

Bold Action Needed

In the legislative process timidity breeds disrespect. Bold action tends to shake things up. Government in South Carolina needs to be shaken up. We are the ones to do it. We can be assertive without being obnoxious.

My comments are not intended to diminish the difficult job of our professional and volunteer advocates. Every day they face legislators they did not help elect and speak to issues not supported by their campaign contributors. And they do it with a smile and respect for our governmental institutions.

We have held our own, but we must do better. By 2010 it should be the goal of the conservation community to be in a position to train prospective elected officials, recruit candidates for office, help them get elected, closely monitor their actions once they are in office, and if necessary assist in their reelection defeat if they ignore the public interest. By 2010 we should have a working majority in the legislature that cares about the health of the planet we share.

It is time to develop a winning team and to put some points of the board. It is a team where everyone is encouraged to play and sitting on the sidelines is discouraged

zens of the deep bottomland forest now depends on us more than ever to save all the pieces of the natural systems on which they depend.

For the story of the successful hunt for the Ivorybill read: "The Grail Bird: Hot on the Trail of the Ivorybilled Woodpecker," by Tim Gallagher, Houghton Mifflin Company (2005). For information on the ongoing work to study and protect the bird go to: <http://www.birds.cornell.edu/ivory/>

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Energize the Movement: Sierra Summit 2005

Registrations are coming in! The Sierra Summit will be the largest gathering held by the Sierra Club in its 113-year history, and will serve as an important milestone in the environmental movement. This four-day event taking place September 8-11 in San Francisco will be a huge opportunity for attendees to explore, enjoy, and protect the planet through a fun and rich learning experience.

This is also a unique opportunity to energize the environmental movement at a critical time, and a chance for all people who enjoy the planet and are concerned about its protection to support visioning the future. "This will be a rich experience for all of us," says Executive Director Carl Pope, "Good things happen when so many come together to shape the future. Through it, we will further build community and articulate hope and our values."

There will be a myriad of workshops on everything from "Backyard Organics" and "Eating Smart", to "Photography & Nature" and "Restoring the Wild."

There will also be an exhibit hall filled with the latest environmentally sensitive technologies and products, and Sierra Showcase will display the accomplishments of our chapters, groups and committees. Speakers will include one of the country's environmental champions and one of *Time* magazine's "Heroes for the Planet" for fighting to restore the Hudson River, Robert F. Kennedy, Jr. Other speakers include former Poet Laureate Robert Hass, chef Alice Waters, and professor George Lakoff.

The Summit will include the Sierra Club Strategic Direction Setting process which will be the most inclusive and extensive direction setting process the Club has ever had with 1,000 delegates from across the country. And as part of the pre-Summit preparation all members are invited to participate in online discussions at <http://www.sierraclub.org/summitforum> Click on the "register" link at the top to get your password emailed to you and join in!

And of course no Sierra Club event would be the same without outdoor activities, and there will be a number of hikes and other fun opportunities to get outdoors and socialize. It will be a great chance to network and learn with other Sierra members and leaders from around the country.

Everyone is welcome to attend, have fun and learn about the exciting ways to enjoy and protect the planet. To register, go to www.sierrasummit2005.org and either complete the form online or mail or fax it in. You can also call (301) 694-5243 or e-mail scs051.attendee@expoexchange.com.



Grand Jury

(Continued from page 1.)

crimes. These crimes are complex and are usually committed without an eyewitnesses or willing confession. Standard police methods of investigation are fruitless.

A county grand jury is useless for the investigation of white-collar environmental crimes. It has no subpoena power, no investigative power and cannot compel or record testimony. This forces the state to rely on federal authorities to investigate and prosecute; after 9/11, federal authorities have shifted their focus to homeland security and counter-terrorism.

The state grand jury operates like a federal grand jury. It has unique statutory safeguards; it operates in secret to protect the innocent. It can compel testimony and subpoena records, documents and evidence. Before our state grand jury can be used, the Attorney General and SLED chief must sign a petition stating the usage of the state grand jury is "necessary (and that) normal investigative or prosecutorial procedures are not adequate." The judge must agree and issue an order allowing the investigation.

The law may be viewed at: http://www.scstatehouse.net/sess116_2005-2006/bills/22.htm

Legislative Wrapup

(Continued from page 1.)

Another bill on the Senate calendar that we will face again in 2006 is H.3381. Representative Harry Cato's bill would require local governments to reimburse billboard companies for their signs and future lost profits if signs were deemed non-conforming uses by a local government. The fiscal impact on local governments, if this bill becomes law, could be staggering.

The Senate set H.3381 for Special Order on May 24. Debate on the bill began May 31. Senator Phil Leventis, an environmental stalwart, held the floor for two days and on June 1, the day before adjournment, supporters of the bill pushed for a vote to end Senator Leventis' filibuster. We turned them back on two consecutive votes, effectively killing the bill for the year. This is another bill we have to face next year and another big bullet we dodged.

We had a very good year which included some important, outright successes and some critical defensive "victories". The Sierra Club and other conservation organizations worked hard. Thank you, Sierra Club members, for your support and efforts.

Confining Chickens:

Bad Investment, Bad for Environment

by **Laura Marie Swingle, USC Law Student**

Small family farms with a few chickens in the chicken coop are no longer the primary source of chickens for the marketplace.

Today the United States poultry industry is vertically integrated. The large poultry companies, commonly called "integrators," contract with independent farmers, called "growers," to raise the chickens until they are ready for processing. The integrator typically has several responsibilities, including supplying the chickens, feed, medicines; dictating to the grower as to how the chickens will be raised; and directing the type of facilities and machinery to be used. The grower's responsibilities are to provide the facility and the labor, then care for the chickens until they are ready for processing. The grower's facility must meet the standards of the integrator or be forced to make improvements prior to receiving a new contract.

The grower is at the mercy of the integrator and has little bargaining power.

Environmental Implications

There are many environmental implications associated with poultry production. Concentrated animal feeding operations, including poultry production, produce a large amount of waste that can have a negative effect on the environment. Animal waste contributes to air, soil, and water pollution. When an environmental or nuisance action is brought, it is important to determine who is the responsible party, the grower, or the integrator.

A recent case brought in the district court of Kentucky, *Sierra Club v. Tyson*, considers who is responsible for air pollution, the grower, or the integrator. In *Sierra Club v. Tyson*, the court was asked to hold Tyson, the integrator, vicariously liable for the air pollution. In that case Tyson required the growers in the contract at issue to use tunnel ventilation (this is where the barn walls are solid, with cool cells at one end with water dripping down to cool the intake air and at the other end fans expel the air).

In poultry operations, the droppings from the birds produce a large amount of toxic ammonia gas. The top layer of droppings is removed between flocks, but the entire amount is only removed about ev-

ery two years. The concentration of ammonia is typically so high that it will actually kill the birds without proper ventilation. The Sierra Club sued on the basis that the amount of ammonia expelled is so significant it should be reported under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and the defendant's failure to report is in violation of CERCLA and the Emergency Planning and Community Right to Know Act.

Air Pollution Liability

The court found that the entire chicken farm was a "facility" under CERCLA. Therefore, the ammonia released from each chicken house will be aggregated and the entire amount will need to be reported. The court also found that "Tyson Chicken" is clearly a person in charge of the Tyson Facility and is directly responsible for the ammonia discharges from that chicken production facility. The court also found that as integrator to the contract, which involved dictating the equipment and processes, in such a way as the grower was in no position to resist, Tyson should be held responsible.

This case is encouraging for environmentalists. The environmental implication is that Tyson and other poultry integrators, instead of exclusively the growers, may be held liable for the environmental damage caused by poultry production if courts in other districts follow suit. The integrators have the capital to remedy the problems, unlike the growers who have fewer assets.

Water Pollution Concerns

Water pollution is another environmental concern caused by poultry production. Environmentalists believe that if integrators could be held liable for the degradation in water quality caused by the animal waste produced during the growing process, this could reduce the water cleanup costs to taxpayers. Poultry waste in particular may increase the growth of *Pfiesteria piscicida*; a microbe that contaminates groundwater and may help spread pathogens. *Pfiesteria* also kills fish and can be harmful to human health.

Agricultural runoff contributing to water pollution is often not well regulated under the Clean Water Act because it is often considered a non-point source (a non-point source is generally any form of water pollution that does not come from the end of a pipe).

Liability for the non-point source pollution caused by agricultural runoff is typically the responsibility of the grower, not the integrator. Legislation making the in-

tegrators jointly and severally liable would provide access to more money and resources to assist with the water cleanup.

Growers At Risk

Prior to entering into a poultry production contract a potential grower should carefully consider his or her options. Poultry production contracts dictate the rights and responsibilities between the integrator and the grower throughout the grow-out process. The grower should also consider the specifics of production contracts including debt, contract length, pay and performance, net income and upgrades to facilities and equipment. The average farmer typically must accumulate significant debt in order to enter into the poultry production business. This debt is often financed over ten years, while the average contract length is shorter. There is no other economically productive use for a poultry house. Therefore, the grower will need to renew the contract in order to continue to pay the mortgage and derive an income.

Due to the risks involved, it is important to thoroughly consider the opportunity before someone decides to become a grower. The decision to enter into the poultry production business involves a great deal of money and a significant time commitment. The grower should also consider the environmental impacts of poultry production including air, water, and soil pollution. The grower should consider that he or she may have to defend against environmental litigation or a tort action for nuisance.

(Sources for this article are available upon request.)

You can recycle and help your chapter

In the course of a year, 200,000,000 cell phones go out of service, tossed away and replaced by the latest and greatest technology. And every year, 30,000,000 empty ink cartridges find their way into our landfills. We can do something about it.

Usrecycling, which is located in Columbia, takes used cell phones and ink cartridges from organizations and gives cash in return. It costs the Sierra Club nothing to participate. All you have to do is bring your used items to your group meetings and drop them in the donation box. Then the chapter leader will take the box to the ExCom meetings and they will be shipped from there to Usrecycling.

For further information and to check out the buy-back price guide, please visit www.usrecycleink.com.

Conservation, briefly...

State beaches miss certification

The Sun News reports that the Clean Beaches list, recently released by the Clean Beaches Council, included only two Carolinas locales--the Isle of Palms and Carolina Beach, N.C. To be council-certified, beaches must meet standards for water quality, safety, services, habitat conservation, erosion management, and public information and education.



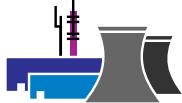
Conservation bank buys 1,600 acres near wildlife sanctuary

The S.C. Conservation Bank approved spending \$1.5 million to help the Francis Beidler Forest wildlife sanctuary. The money should help the National Audubon Society and a coalition of public and private wildlife agencies buy property along Four Holes Swamp, a 62-mile long wetland draining into the Edisto River. The sanctuary holds what might be the largest remaining virgin cypress-tupelo swamp forest in the world. Among its 1,000-year-old bald cypress trees are threatened animals and rare plants.

SRS named finalist for new nuclear plant

The Savannah River Site is among six finalists that could be home to one of the first two nuclear power plants built in the United States in nearly 30 years.

NuStart Energy, the consortium of energy companies that wants to build the plants, will announce its final choices in September, and the plants could begin operations in 2015. SRS, built in the 1950s to produce the key components of the United States' nuclear arsenal, is now a nuclear storage and research facility owned by the U.S. Department of Energy.



Disposables a poor choice

There is growing concern about the trend toward disposable cleaning helpers--cloths, towels, toilet brushes with disposable heads. The concern comes from the process of hauling and managing our waste, as well as the actual waste itself (which is mostly not readily degradable). In most parts of the country solid waste is transported long distances to disposal. Much better to reuse cloths or dry mops--microfiber is a very good choice. Microfiber dry mops will be in stores this month from Quickie Manufacturing; visit www.quickie.com for more information.

Good news when things look bad

The Club is offering a Daily Ray of Hope, which will bring good news and inspirational words from the Sierra Club to your email inbox every weekday morning. Subscribe today--and spread the word to anyone who

could use a lift! <http://www.sierraclub.org/dailyrayofhope/subscribe.asp>.

From the July 6 edition: "Freecycle.org is a website that links people who want to discard household belongings by donating them to people in their area who want or need them. The rule: everything offered must be free and legal. The desire to reduce waste at the grassroots has created this cyber flea market that now has 500,000 members in over 1,700 cities and towns around the globe."

"America's Great Outdoors"

This report from the Club features a place in every state which we are working hard to protect. Check it out on the website at www.sierraclub.org/greatoutdoors.

Now syndicated

Two features on the national website are now providing fresh content on a nearly daily basis for group and chapter websites. The first is feature is "Taking the Initiative," the blog written by Executive Director Carl Pope. The other is the Daily Scoop, a roundup of environmental news by Current Affairs Editor Pat Joseph. To find out more about our syndicated features, go to <http://sierraclub.org/syndication>.



What were they thinking?

The latest entry in the "What Were They Thinking" Hall of Fame is the Environmental Protection Agency's (EPA's) proposal in November 2003 to allow more inadequately treated human waste in our waters. For 50 years, sewage treatment meant performing two processes to remove viruses, parasites, and bacteria from our water. But the EPA's "blending" policy would have given sewage treatment facilities the green light to leave out the second part of the process whenever it rains or snows. The policy wouldn't even have required disinfection. That inadequately treated water would have ended up in our drinking water sources, in the shellfish we eat, and in the places where we fish and swim.

After pressure from the public (more than 98,000 comments were sent to EPA!), state agencies, public health officials, shellfish growers, religious organizations, and Congress, the EPA announced it was backing down from finalizing the bad blending policy. Every year, millions of Americans get sick after being exposed to drinking or recreational waters that are contaminated with inadequately treated sewage. The EPA plan would have made a bad situation worse.

New national trails named

Secretary of the Interior Gale Norton has announced the designation of 37 new National

Recreation Trails in 23 states, including five trails in the Carolinas. The five areas:

* Dark Mountain Trail near Wilkesboro, a 7-mile-long multiuse trail.

* Mountains to Sea Trail, a 193-mile segment along the Blue Ridge Parkway. The half-completed, 935-mile trail runs from the Great Smokies to Jockey's Ridge State Park.

* Scuppernon River Interpretive Boardwalk, a 3/4-mile loop trail through a cypress swamp in Pocosin Lakes National Wildlife Refuge in northeastern North Carolina.

* Mullet Hall Equestrian Trail System in Charleston, a 19-mile equestrian trail that passes through a former plantation.

* North Augusta, S.C., Greenway, named for Mayor Thomas Greene and runs for more than six miles.

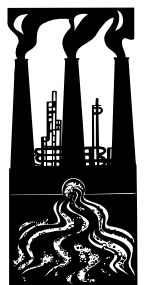


Pulling strings

The *New York Times* has reported that Philip A. Cooney, chief of staff for the White House Council on Environmental Quality, doctored several government reports on global warming to play down the links between greenhouse gas emissions and climate change.

With his masterful hand, "the earth is undergoing a period of rapid change" became "the earth may be undergoing rapid change." The causes of global warming went from being "difficult" to assess to "extremely difficult." Whole sections of reports addressing reduced snowpack and the melting of glaciers, for example, were deleted.

Cooney's *raison d'être* was obvious: to prevent these government climate change reports from suggesting that there is anything approaching scientific consensus on global warming. His playbook, of course, comes from the Bush administration's top pollster, Frank Luntz. "Should the public come to believe that the scientific issues are settled, their views about global warming will change accordingly." Luntz wrote in a now famous memo to Republican officials about the environment. "Therefore, you need to make lack of scientific certainty a primary issue in the debate."



Conservation, briefly is written by Barb Postles. She can be reached at bpostles@aol.com.





State Outings

July

July 9: **Little Pee Dee River paddle.** Winyah. We'll leave the Sandy Bluff landing and paddle down to the public boat landing on Hwy. 501. A half-day trip rated easy. Rick Rickenbaker, (843)626-5405(w) or (843)248-4201(h).

July 23-24: **Camporee against the North Shore Road. Bryson City, N.C.** In order to give its supporters an opportunity to hike in the heart of the Smokies threatened by the North Shore Road, the Great Smokies Coalition will hold a camporee on Saturday, 23 July and Sunday 24 July. Tent camping will be the order of the day, at Smoky Mountain Meadows Campground. Participants will arrive on Friday and depart on Sunday.

On Saturday we will operate a mix of hikes, from short to long, some supported by boat or ferry across Fontana Lake. Depending on demand, a series of shorter hikes will be held on Sunday. Note that a full moon falls on 21 July, a solace to hikers of long trails after sundown.

A Bar-B-Que supper, standard fare for camporees, will be held Saturday night. The campground fee is \$6 per person, per night. The Bar-B-Que will be on a break even basis, estimated around \$10 per person. For those taking hikes supported by boat or ferry service, that cost will be split among the users.

Directions to Smoky Mountain Meadows Campground. Take US 74 to exit 64, Alarka Road, (about three miles west of Bryson City). At foot of ramp, turn left on Alarka Road, and follow it 1.6 miles. Turn left on East Alarka Road and follow it 0.8 miles to entrance of campground, on left.

Registration is necessary because of the depth of planning required. To register, or for information, or for questions, contact Ted Snyder. 864-638-3686, or tedsnyder@nuvox.net

July 30: **Canoe/Kayak/Swim River.** Lunz. TBA. Call Starr Hazard, (843)881-8902 or hazardes@bellsouth.net.

July 30: **Tubing the Chauga.** Foothills. Although of lesser fame than the Chattooga, the Chauga River is also a very scenic river. A pleasant float of about four hours down some of the lower stretches of the river. Take out just above Chau-Ram Park. Portaging will be necessary around a few of the major rapids; lifeguards are required. Mark Williams, (864)882-6511.

August

August 6: **Black River canoe/kayak trip.** Lunz. 10 to 12 mile paddle on the stretch above Hwy. 41 just north of Andrews. With a few stops to allow the river to flow over you and wash the heat away. Call Bill Turner at (843)571-3503.

August 20: **Kayak from Cherry Point Landing to Deveaux Bank and back.** Lunz. This is a lovely paddle that begins and ends in the protected waters of the Intracoastal Waterway and heads out the Edisto River to a bird colony and barrier island. Dolphins, sea turtles, shrimp boats and terns will probably highlight this journey. Call Starr Hazard 881-8902 hazardes@bellsouth.net.

August 20: **Exploring Piedmont History and Rivers.** Bartram. We will travel to Musgrove Mill State Historic Site, Rose Hill Plantation, and the Tyger River, all located near Union, SC. At Musgrove Mill, near the Enoree River, the State Park Service will conduct a walking tour to commemorate the 225th anniversary of the battle of Musgrove Mill, an early turning point in the Revolutionary War. Then we will drive a short distance

to Rose Hill Plantation, the historic antebellum home of Governor William Gist. After a picnic lunch on the grounds, those who desire can tour the restored mansion, see the beautiful gardens and historic trees, and walk the nature trail to the Tyger River, a magnificent wild river where a proposed dam threatens to flood the very spot we'll walk to. Enjoy a day of history and nature. Who knows, we may even have time to see Horseshoe Falls near the Enoree River!

The admission fee for Musgrove Mill is \$3, and it is \$4 to tour the Gist Mansion (the grounds have free admission). The battlefield walking tour is 1 1/2 miles, while the nature trail is 1.25 miles total. Bring a lunch. Rated Easy. Leader: Norm Sharp (864-268-9409)

September

September 30–October 2: **Basic Outings Leadership Class 201.** To be taught by National Sierra Club. This class will be taught in Tennessee. Total cost including meals, snacks, and lodging is only \$45. This is a great chance for you to get your outing leadership course if you missed the one we offered last December. Registration and info at www.sierraclub.org/outings/training.

From the SC Tourism Newslines, 6/05

Visitors to South Carolina State Parks have a more comfortable place to stay, thanks, in part, to product donations by Springs Industries. The home furnishing leader donated over 400 comforter and sheet sets. The embellished comforter sets offer elegant fabrics with intricate designs, ribbons and embroidery. Parks received the Azure and Cerise style sets that come complete with shams, bed skirts and oversized, overfilled comforters. Each comforter set also comes with 180 thread count sheets. This donation is a retail value of \$42,000.

"We appreciate Springs Industries support of South Carolina Parks," said Chad Prosser, Director of South Carolina Department of Parks, Recreation and Tourism. "Their donation of quality, South Carolina products will enhance the experience of park visitors, as well as, allow us to redirect the savings into other programs that improve the parks."

Good tips!

(From The Backpacker magazine, May, 2005 issue)

Finding north without a compass: Point your watch's hour hand toward the sun. South will be halfway between the hour hand and 12; north is opposite that.

Fitting a backpack: Drape a soft tape measure down your spine, from the bony protrusion at the base of your neck to the point between the tops of your hipbones. Less than 18" = small; 18" to 20" is medium; more than 21" is large.

Lacing your boots: Halfway up the row of eyelets, twist the laces around each other a few times and tighten. Continue lacing. This leaves the toebox roomy without compromising ankle support.

Prevent a bear attack: Make noise so you don't surprise the bear. Back slowly away while talking to the bear in a calm voice. Don't make direct eye contact and don't run or make sudden movements.