

# Congaree Chronicle

July/August, 2006

Volume 29, Number 4

## Legislative Session Ends with Major Successes, Some Disappointments

by Cary Chamblee, Lobbyist

The 2006 legislative session will be remembered as an important year for legislation that effects our environment. There were some major successes and some disappointments as well, but Sierra Club's involvement and presence in the halls of the legislature made a huge difference as bills



Some Good News...

South Carolinians now get a state income tax break of 20% of the allowable federal tax credit for a new hybrid fuel vehicle.



...and Some Bad.

Both the House and Senate overrode Governor Sanford's veto of the billboard bill. The new law compensates billboard owners for a sign's speculative earnings, effectively preventing communities from adopting appearance standards that would remove signs.

Charleston, This new law provides a state income tax break of 20% of the allowable federal tax credit of a new hybrid fuel vehicle. This law is expected to provide cleaner air in the future by encouraging the purchase of Hybrid Vehicles.

**Heritage Trust Bonding Act** - Introduced by Sen. Greg Gregory of Lancaster, this law authorizes the SC Department of Natural Resources to issue \$30 million in revenue bonds to take advantage of the historic opportunity offered by the sale of 600,000 acres of private timberland owned by International Paper. The bonds will be retired with revenue from the Heritage Trust Fund. The purchase of two major tracts in Marion and Hampton Counties will be the largest land conservation deal in South Carolina's history and includes 46 miles of river front and significant coastal plain forests. In signing the bill, Governor Sanford said "This is about how you strengthen the quality of life in South Carolina."

**Conservation Bank Funding** - A serious attempt by House members to divert Conservation Bank funds, lead by Rep. Ceips and Chalk of Beaufort, was handily defeated in a 91-10 vote during the March

were debated, amended, voted into law or defeated. Thanks to all Sierra Club members who wrote letters, made calls or who made face-to-face contacts with legislators during the year. These contacts made a real difference. The following is a list of bills that were considered by the Legislature since January, and were influenced by the efforts of the Sierra Club.

**Hybrid Vehicles** - Introduced by Rep. Jim Merrill, of

budget debate. The Conservation Bank will again be fully funded at about \$15 million per year.

**Expansion of Mitigation Trust Fund** - Introduced by Sen. Greg Gregory of Lancaster this bill would have allowed eligible non-profits to receive Mitigation Trust Funds for the purpose of acquiring and/or managing mitigation projects. This bill died in the House Committee on Agriculture, Natural Resources, and Environmental Affairs.

**Bridges to Marsh Islands Regulations** - The Senate Fish, Game and Forestry Committee endorsed the consensus regulations recommended by a Task Force composed of conservationists, developers and representatives of the SC Realtors Association and the Tourism Council. A narrowly divided House Agriculture and Natural Resources Committee dropped safeguards for septic tanks, buffers, wetlands and lights but retained important provisions to prevent bridges in significant natural areas and to provide incentives for limiting development by using conservation easements.

**MTBE** - Introduced by Rep. Michael Thompson, this bill would require the removal of MTBE from motor fuels in SC by 2008. Methyl tertiary butyl ether is used as an additive to motor fuels and is a public health problem if fuel leaks from underground tanks into groundwater. The bill died in the House Agriculture Committee.

**Corps of Engineers Nationwide Permits** - Introduced by Rep. Dwight Loftis of Greenville, this bill would have banned any additional (Continues on page 8.)

## South Carolina Universities Go Green

By Kristen Holm-Hansen, Chapter Intern

South Carolina's universities are taking major steps towards conservation and responsible budgeting by integrating "green" buildings onto their campuses.

Built in 2004, University of South Carolina's West Quad dormitories save the college anywhere from \$60,000 to \$80,000 a year in water and energy bills. Business leaders in South Carolina, like Gene Dinkins, the president of Cox and Dinkins Inc., are also investing in green buildings to improve working conditions and save money.

Although green buildings are necessary for conservation, most people know little about them. A green design is defined by the USGBC (United States Green Building Council) as "design and construction practices that significantly reduce or eliminate the negative impact of buildings on the environment and occupants in five broad areas: sustainable site planning, safeguarding water and water efficiency, energy efficiency and renewable energy, conservation of materials and resources, and indoor environmental quality." USGBC is the leader in promoting and helping companies construct green buildings.

In 1993 the council developed a rating program for green buildings called Leadership in Energy and Environmental Design or LEED. In order to be certified by LEED a building must meet twenty-six of their sixty-nine criteria, and may be awarded Silver, Gold, or Platinum status.

LEED works to ensure that green buildings are truly "green" and the tiered rating system inspires competition in the marketplace. In order to yield a high-quality, energy-efficient building, all parts of the process must be integrated, an innovative step away from today's usual and fragmented method of construction. A project team must carefully plan and monitor (Continues on page 2.)

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The *Congaree Chronicle* (ISSN #O164-5676) is published bimonthly for the South Carolina Chapter of the Sierra Club, 1314 Lincoln St., Site 211, Columbia, SC 29201. One dollar of annual dues pays for a subscription to this newsletter. Periodicals postage is paid at Columbia, SC.

Send address changes to: Postmaster, P.O. Box 2388, Columbia, SC 29202. Include your membership number.

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## Grateful For Contributions

The Sierra Club is unique. Unlike many non-profit organizations, being a member of the Sierra Club requires putting in some volunteer time and volunteer donations. The club is definitely a volunteer-based organization, with just one-and-one-half employees to administer a chapter of over 5,000 members.

SC Sierra Club members know their time and donations are going to be used right here in South Carolina. The chapter leadership and staff are grateful for the assistance they receive from fellow members.

The following individuals made contributions between April 11 to June 15. Thank you.

### American Holly

(\$5000+)

Harry & Rebecca Dalton

### White Oak

(\$2500+)

Frances Allison Close

### Magnolia (\$1000-

2499)

Ed & Patricia Fitzgerald

### Long Leaf Pine

(\$500-999)

Eric Thompson

### Spruce

(\$250-499)

Blackwater, LLC

Jimmy, Rebecca & Leigh

Chandler

Susan Hilfer

Walter M. Hughes, Jr.

Carl & Sandra Lehner

Robert & Catherine Murphy

### Dogwood (\$100-

249)

Sam Booher

Janet Ciegler

Malcolm Clay

Scott & Dana Crater

Patricia Grant

William & Eleanor Hare

John and Susan Hartz

Dell Isham

Lisabeth Isom

William & Joanne Lehman

Kennerly McLendon

Michael and Ann Mithoefer

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Melbourne

Leon Boyd Newman

David & Emma Jane Riddle

Carl Ek and LaLa Steelman

Betty C. Wiggins

Bob Wislinski

June Yanick

### Red Clover (<\$25)

Ensor Bush

### Redbud

(\$50-99)

Robert & Sally

Bouknight

Robert & Sarah Davis

Margaret DeSousa

Ralph & Judith

Gustafson

Joan Kerrigan

Leslie Ann Miner

Milton & Patricia

Wolman

### Trillium

(\$25-49)

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Frithjof M. Lunde

Madge Major

Phoebe McLeod

Thomas & Patricia Merek

Jeanne Robinson

Nancy Thomas

Dean & Beverly Trytten

Mary Ann Williams

### Red Clover (<\$25)

Lori Castille

Albert Suggs

Lorene Yeargan

## Green buildings

(Continued from page 1.)

the construction of a green building.

The total construction cost of a green building is 2 to 5% higher than standard building projects, but the cost is offset by high energy savings. Besides encouraging energy efficiency, green buildings improve productivity with natural light and fresh air circulation. The materials in green buildings are also eco-friendly, and 80% of construction materials must be made from recycled raw materials. All water must be reused, which cuts down on potable water consumption by 50%.

As green buildings become mainstream the added construction costs will be driven down while environmental benefits increase. Green buildings are important investments for the health of our communities and future generations. Hopefully one day all new construction projects will be required to achieve LEED certification.



University of South Carolina West Quad Residence Hall in Columbia is one of nine certified energy efficient "green buildings" in the state. (Photo courtesy of USC.)

## SC Green Building Fact Sheet

**What is it?** With every new building constructed in South Carolina, we have a chance to reduce energy and water consumption, reduce greenhouse gas emissions, safeguard the health and improve the productivity of occupants. "Green," or high performance, buildings utilize technology and construction techniques that minimize waste, eliminate many allergens and health hazards such as volatile organic compounds emanating from paints, carpeting, adhesives and other materials, and reduce operating costs. The US Green Building Council certifies high performance design and construction through its Leadership in Energy and Environmental Design (LEED) program.

**What does it cost?** While some early green building ventures may have cost more to construct than conventional buildings, recent projects have cost the same or only a fraction more than comparable conventional

buildings. All green buildings, regardless of initial construction cost, are designed to reduce operating costs and conserve resources.

**Where can I see one?** As of April, 2006, South Carolina had 8 LEED certified buildings, 3 public and 5 privately owned. Forty-one other buildings are registered and expected to receive certification soon, including North Charleston Elementary, Riverside High School (Greenville) and USC's Arnold School of Public Health (Columbia). Those already certified include: Furman University's Hipp Hall, Greenville; Clemson's Advanced Materials Science Building, Clemson; USC's West Quad Residence Hall, Columbia; Edisto State Park Interpretive Center, Edisto Island; Cox and Dinkins (Civil Engineers and Surveyors), Columbia; QS1 Data Systems Corporate Headquarters (software), Spartanburg; Noisette/Urban Alliance (offices/assembly), North Charleston; Just Fresh (restaurant), Charleston.

# See how Your Legislator Voted on Important Issues in 2006

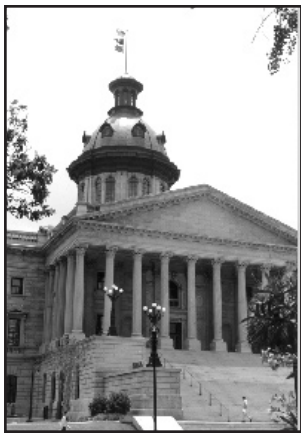
With the adjournment of the South Carolina Legislature, Sierra Club lobbyist Cary Chamblee and intern Kristen Holm-Hansen compiled legislative voting records so you can see how your legislators voted.

The House had many roll call votes on property rights, land conservation, billboards, and land-use planning. Chamblee identified those votes that were both crucial to the legislation and were reflective of a lawmaker's philosophy. The Senate was more difficult to track. Few controversial issues left committee, and when they did, they often used voice votes, which are not recorded. One big exception was the voting on the Billboard Protection Act. Chamblee identified three important votes on this issue, so the Senate scorecard is based solely on this one issue.

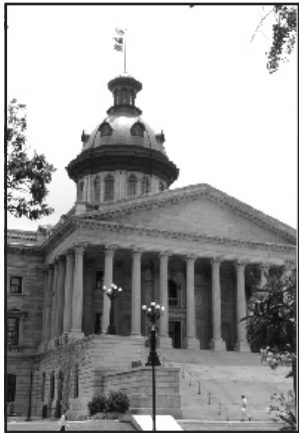
A plus indicates a conservation vote, a minus an anticonservation vote, and a 0 indicates not voting.

## The House...

House Vote #1- Motion to table an amendment on H. 1031 which added "regulatory takings" language onto the Eminent Domain Bill. Regulatory takings would require local governments to compensate a landowner any time a land regulation decreased the landowner's property value. The conservation vote is Yes. The motion to table the amendment failed 31-77.
House Vote #2- Motion to table an amendment that would remove regulatory takings language from H. 4503. The conservation vote is No. The motion to table the amendment passed 81-33.
House Vote #3- Motion to table an amendment added to H. 4810 that would take away money from the Conservation Bank. The conservation vote is Yes. The motion to table the amendment passed 91-10.
House Vote #4- Vote to override the governor's veto on H. 3381, a bill that requires local governments to provide compensation to billboard companies when a billboard is taken down or moved. The conservation vote is against overriding the veto. The veto was overridden 78-25.
House Vote #5- Vote to move to give second reading to H. 3881, the Priority Investment Areas Bill that would make local governments coordinate with school districts, Department of Transportation, and utility companies to decide where to put new schools, sewers, and roads. The conservation vote is Yes. The bill was given second reading by a vote of 62-41.



District #	Representative	County (Party)	House Vote #1	House Vote #2	House Vote #3	House Vote #4	House Vote #5	Score
1	Whitmire, William	Oconee (R)	+	-	+	0	+	75%
2	Sandifer III, Bill	Oconee (R)	-	-	+	-	-	20%
3	Skelton, B.R.	Pickens (R)	+	+	+	-	+	80%
4	Hiott, David	Pickens (R)	+	+	+	-	-	60%
5	Owens, Phil	Pickens (R)	-	-	+	0	-	25%
6	White, Brian	Anderson (R)	-	-	+	-	-	20%
7	Townsend, Ronald	Anderson (R)	-	-	+	-	-	20%
8	Martin, Becky R.	Anderson (R)	-	-	+	-	-	20%
9	Thompson, Michael	Anderson (R)	-	-	+	-	-	20%
10	Cooper, Daniel T.	Anderson (R)	-	-	+	-	-	20%
11	Agnew, Paul L.	Abbeville (D)	+	+	+	+	+	100%
12	Parks, Anne J.	Greenwood (D)	-	-	+	0	-	25%
13	Pinson, Lewis E.	Greenwood (R)	-	+	+	0	-	50%
14	Pitts, Michael A.	Laurens (R)	-	-	+	-	0	25%
15	Duncan, Jeffrey D.	Laurens (R)	-	-	+	-	+	40%
16	Taylor, J. Adam	Laurens (R)	-	-	+	-	+	40%
17	Cato, Harry F.	Greenville (R)	0	-	+	-	-	25%
18	Vaughn, Lewis R.	Greenville (R)	-	-	+	0	0	33%
19	Loftis, Dwight A.	Greenville (R)	-	-	0	0	-	0%
20	Hamilton, Glenn L.	Greenville (R)	-	-	+	-	-	20%
21	Leach Sr., Robert W.	Greenville (R)	-	-	+	-	+	40%
22	Haskins, Gloria A.	Greenville (R)	0	0	+	-	0	50%
23	Smith Jr., Fletcher N.	Greenville (D)	0	-	0	-	0	0%
24	Bannister, Bruce W.	Greenville (R)	-	+	+	+	-	60%
25	Allen, Karl B.	Greenville (D)	-	-	0	-	+	25%
26	Rice, Rex F.	Pickens (R)	-	-	+	-	-	20%
27	Smith, Garry R.	Greenville (R)	+	+	+	-	0	75%
28	Tripp, Daniel L.	Cherokee (D)	-	0	0	-	-	0%
29	McCraw, E. Dewitt	Spartanburg (D)	-	-	+	-	+	40%
30	Phillips, Olin R.	Spartanburg (R)	0	0	+	-	-	33%
31	Mitchell Jr., Harold	Spartanburg (R)	-	-	+	0	+	50%
32	Smith, W. Douglas	Spartanburg (R)	-	-	0	-	+	25%
33	Littlejohn, Lanny F.	Spartanburg (R)	-	0	+	-	+	50%
34	Talley, Scott F.	Spartanburg (R)	-	-	+	-	-	20%



35	Sinclair, Phillip K.	Spartanburg (R)	0	-	+	0	0	50%
36	Mahaffey, Joseph G.	Spartanburg (R)	+	-	+	-	+	60%
37	Davenport Jr., G. Ralph	Spartanburg (R)	-	-	+	-	0	25%
38	Walker, Robert E.	Spartanburg (R)	-	-	-	0	-	0%
39	Frye, Marion B.	Lexington (R)	-	-	+	-	0	25%
40	McLeod, Walton J.	Newberry (D)	+	+	0	+	+	100%
41	Coleman, Creighton B.	Fairfield (D)	+	+	+	-	0	75%
42	Anthony, Michael A.	Union (D)	-	0	+	-	-	25%
43	Delleney Jr., F. Gregory	Chester (R)	-	-	+	-	+	40%
44	Neal, James M.	Lancaster (D)	+	+	+	+	-	80%
45	Emory, Eldridge R.	Lancaster (D)	+	+	+	+	-	80%
46	Simrill, J. Gary	York (R)	-	-	0	-	-	0%
47	Kirsh, Herb	York (D)	+	+	+	+	+	100%
48	Norman, Ralph W.	York (R)	-	+	+	-	-	40%
49	Moody-Lawrence, Bessie A.	York (D)	+	-	+	-	-	40%
50	Brown, Grady A.	Lee (D)	+	+	+	-	+	80%
51	Weeks, J. David	Sumter (D)	+	+	0	+	+	100%
52	Funderburk, Laurie S.	Kershaw (D)	+	+	+	+	+	100%
53	Vick, Ted M.	Chesterfield (D)	-	+	+	-	+	60%
54	Jennings Jr., Douglas	Marlboro (D)	0	+	+	-	+	75%
55	Hayes, Jackie E.	Dillon (D)	-	-	+	-	+	40%
56	Neilson Denny W.	Darlington (D)	-	-	+	-	+	40%
57	Battle Jr., James A.	Marion (D)	-	-	+	+	+	60%
58	Barfield, Liston J.	Horry (R)	-	-	+	-	-	20%
59	Hines, Mack T.	Florence (D)	-	0	0	0	0	0%
60	Coates, Marty W.	Florence (R)	-	-	0	-	-	0%
61	Branham Jr., Lester P.	Florence (D)	-	+	+	-	-	40%
62	Hines, Jesse E.	Darlington (D)	-	-	-	-	+	20%
63	McGee III, James G.	Florence (R)	-	-	0	0	-	0%
64	Harvin, Cathy B.	Clarendon (D)	+	-	+	0	0	67%
65	Lucas, James H.	Darlington (R)	-	-	+	+	-	40%
66	Cobb-Hunter, Gilda	Orangeburg (D)	-	-	0	-	+	25%
67	Smith Jr., G. Murrell	Sumter (R)	-	-	+	-	+	40%
68	Viers, Thad T.	Horry (R)	-	0	-	0	+	33%
69	Pitts Jr., Edward H.	Lexington (R)	-	-	0	-	-	0%
70	Neal, Joseph H.	Richland (D)	-	-	+	-	+	40%
71	Ballentine, Nathan	Richland (R)	+	+	+	+	+	100%
72	Smith Jr., James E.	Richland (D)	0	+	+	+	+	100%
73	Brown, Joe E.	Richland (D)	-	-	0	-	+	25%
74	Rutherford, J. Todd	Richland (D)	-	+	+	-	0	50%
75	Harrison, James H.	Richland (R)	-	-	+	-	+	40%
76	Howard, Leon	Richland (D)	-	-	+	-	0	25%
77	Scott Jr., John L.	Richland (D)	-	-	+	0	+	50%
78	Brady, Joan B.	Richland (R)	+	+	+	+	+	100%
79	Cotty, William F.	Richland (R)	+	+	+	+	-	80%
80	Bales, Dr. Jimmy C.	Richland (D)	-	-	+	0	-	25%
81	Perry Jr., Robert S.	Aiken (R)	-	-	-	-	-	0%
82	Clyburn, William	Aiken (D)	-	-	+	-	+	40%
83	Smith, Donald C.	Aiken (R)	+	-	+	+	-	60%
84	Smith, J. Ronald	Aiken (R)	+	-	+	0	+	75%
85	Huggins, Chip	Lexington (R)	0	-	+	-	+	50%
86	Stewart Jr., James E.	Aiken (R)	-	-	+	0	-	25%
87	Haley, Nikki R.	Lexington (R)	+	-	0	-	+	50%
88	Toole, McLain R.	Lexington (R)	-	-	0	+	+	50%
89	Bingham, Kenneth A.	Lexington (R)	0	-	+	0	+	67%



90	Rhoad, Thomas N.	Bamberg (D)	0	-	+	-	0	33%
91	Hosey, Lonnie	Barnwell (D)	-	+	+	-	+	60%
92	Hinson, Shirley R.	Berkeley (R)	-	-	+	-	+	40%
93	Ott Jr., Harry L.	Calhoun (D)	0	-	+	-	+	50%
94	Chellis III, Converse A.	Dorchester (R)	-	-	0	-	+	25%
95	Govan Jr., Jerry N.	Orangeburg (D)	-	-	+	-	0	25%
96	Clark, Kenneth G.	Lexington (R)	0	-	+	-	-	25%
97	Bailey, George H.	Dorchester (R)	-	-	+	-	+	40%
98	Young, Annette D.	Dorchester (R)	-	-	0	-	-	0%
99	Merrill, James H.	Charleston (R)	0	-	+	-	+	50%
100	Umphlett Jr., C. David	Berkeley (R)	-	-	+	+	+	60%
101	Kennedy, Kenneth	Williamsburg (D)	0	0	+	-	+	67%
102	Jefferson Jr., Joseph H.	Berkeley (D)	-	-	0	-	+	25%
103	Anderson, Carl L.	Georgetown (D)	-	0	+	-	+	50%
104	Edge, Tracy R.	Horry (R)	-	-	+	-	-	20%
105	Witherspoon, William D.	Horry (R)	-	-	+	-	-	20%
106	Hardwick, Nelson L.	Horry (R)	-	-	+	-	-	20%
107	Clemmons, Alan D.	Horry (R)	+	-	-	-	+	40%
108	Miller, Vida O.	Georgetown (D)	+	+	+	+	+	100%
109	Mack III, David J.	Charleston (D)	-	-	+	-	0	25%
110	Limehouse III, Harry B.	Charleston (R)	+	+	0	+	+	100%
111	Breeland, Floyd	Charleston (D)	-	-	+	0	+	50%
112	Hagood Jr., Ben A.	Charleston (R)	+	+	0	+	+	100%
113	Whipper, J. Seth	Charleston (D)	0	+	0	+	+	100%
114	Harrell Jr., Robert W.	Charleston (R)	-	-	-	-	+	20%
115	Scarborough, Wallace B.	Charleston (R)	+	+	-	+	0	75%
116	Brown, Robert L.	Charleston (D)	+	+	+	+	+	100%
117	Dantzler, Thomas M.	Berkeley (R)	-	-	+	0	0	33%
118	Herbkersman, William G.	Beaufort (R)	+	+	+	0	+	100%
119	Altman III, Graham J.	Charleston (R)	-	0	0	-	+	33%
120	Bowers, William K.	Hampton (D)	+	+	+	+	+	100%
121	Hodges, Kenneth F.	Colleton (D)	-	-	-	-	0	0%
122	Rivers Jr., Thayer	Jasper (D)	+	+	+	+	+	100%
123	Chalk Jr., Richard E.	Beaufort (R)	-	-	-	-	0	0%
124	Ceips, Catherine C.	Beaufort (R)	0	-	-	-	0	0%

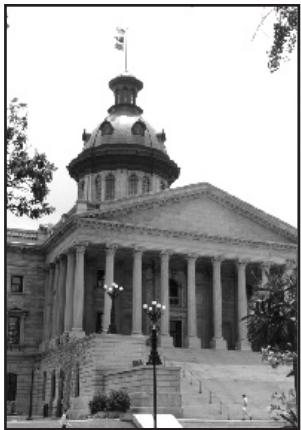
## The Senate...

Senate Vote #1: Vote to override the governor's veto of H. 3381 (Billboard Protection Act) a bill that requires local governments to provide billboard companies compensation when a billboard is taken down or moved. The conservation vote is against overriding the veto. The veto was overridden 28-13 with one abstention.

Senate Vote #2: Vote on an amendment to H. 3381 (Billboard Protection Act) that nullifies local ordinances to remove billboards passed after April 14, 2005. The conservation vote is No. The amendment passed 24-7.

Senate Vote #3: Final passage of H. 3381 (Billboard Protection Act). The conservation vote is No. The bill passed 27-12.

District #	Senator	County (Party)	Billboard Legislation			Score
			Senate Vote #1	Senate Vote #2	Senate Vote #3	
1	Alexander, Thomas	Oconee (R)	-	-	-	0%
2	Martin, Larry	Pickens (R)	-	-	-	0%
3	Bryant, Kevin	Anderson (R)	-	-	-	0%
4	O'Dell, William	Abbeville (R)	-	-	-	0%
5	Smith, Verne	Greenville (R)	0	0	0	--
6	Fair, Michael	Greenville (R)	-	-	-	0%
7	Anderson, Ralph	Greenville (D)	-	+	0	50%



8	Thomas, David	Greenville (R)	-	-	-	0%
9	Verdin, Daniel	Laurens (R)	-	-	-	0%
10	Drummond, John	Greenwood (D)	+	0	0	100%
11	Reese, Glenn	Spartanburg (D)	-	+	-	33%
12	Hawkins, John	Spartanburg (R)	-	-	-	0%
13	Ritchie, Jim	Greenville (R)	-	-	-	0%
14	Peeler, Harvey	Cherokee (R)	-	-	-	0%
15	Hayes, Robert	York (R)	+	-	+	67%
16	Gregory, Chauncey	Lancaster (R)	+	-	+	67%
17	Short, Linda	Chester (D)	+	0	+	100%
18	Cromer, Ronnie	Newberry (R)	-	-	-	0%
19	Patterson, Kay	Richland (D)	-	0	-	0%
20	Courson, John	Richland (R)	+	-	+	67%
21	Jackson, Darrell	Richland (D)	0	0	0	--
22	Lourie, Joel	Kershaw (D)	+	+	+	100%
23	Knotts, John	Lexington (R)	-	0	-	0%
24	Ryberg, Greg	Aiken (R)	-	-	-	0%
25	Moore, Tommy	Darlington (D)	-	0	-	0%
26	Setzler, Nikki	Aiken (D)	0	0	0	--
27	Sheheen, Vince	Lexington (D)	+	+	+	100%
28	Elliott, Dick	Horry (D)	-	-	-	0%
29	Malloy, Gerald	Darlington (D)	+	+	+	100%
30	Williams, Kent	Dillon (D)	-	+	-	33%
31	Leathermen, Hugh	Florence (R)	-	0	+	50%
32	McGill, Yancey	Florence (D)	+	-	-	33%
33	Rankin, Luke	Horry (R)	-	-	-	0%
34	Cleary, Ray	Charleston (R)	-	-	0	0%
35	Leventis, Phil	Sumter (R)	+	+	+	100%
36	Land, John	Clarendon (D)	-	0	-	0%
37	Grooms, Larry	Berkeley (R)	-	-	-	0%
38	Scott, Randy	Dorchester (R)	-	-	-	0%
39	Matthews, John	Orangeburg (D)	-	0	+	50%
40	Hutto, Bradley	Orangeburg (D)	+	0	+	100%
41	McConnell, Glen	Charleston (R)	-	-	-	0%
42	Ford, Robert	Charleston (D)	-	0	-	0%
43	Campsen, Chip	Berkeley (R)	+	-	-	33%
44	Mescher, William	Berkeley (R)	0	-	-	0%
45	Pinckney, Clementa	Beaufort (D)	0	0	0	--
46	Richardson, Scott	Beaufort (R)	+	0	+	100%

## U.S. Supreme Court Rules on Clean Water Cases

The Supreme Court has issued its ruling in the closely-watched Clean Water Act cases, *Rapanos v United States* and *Carabell v U.S. Army Corps of Engineers* which involved Michigan wetlands near tributaries of traditional navigable waters, and which threatened to cut over half the nation's river miles and countless acres of wetlands out of the Clean Water Act.

The Supreme Court's divided ruling came down 4-1-4. The good news is that five Supreme Court justices rejected polluters' arguments to radically roll back the Clean Water Act, but the bad news is that the decision will likely complicate efforts to protect individual water bodies.

The court voted to vacate previous judgments in the two cases and remand the cases back to the lower court. Justices Scalia, Alito, Roberts, and Thomas would have eviscerated the law by limiting the Clean Water Act to protect only "those relatively permanent, standing or continuously flowing bodies of water 'forming geographic features,'" and wetlands having "a continuous surface connection" to such waters. Justice Kennedy voted with Justice Scalia to invalidate the lower court decisions, but wrote a separate opinion which rejected Justice Scalia's reasoning. Justice Kennedy talked about the need to prove a "significant nexus" between the water body in question and relatively permanent ones. Justice Stevens

wrote an opinion for four justices that would have upheld the law as applied to these waters.

The justices however could not reach consensus on which wetlands and tributaries can be protected under the CWA. Justice Kennedy's opinion, which many commentators anticipate could be followed by lower courts in future cases, recognized that wetlands can be protected based on the functions they provide, including "pollutant trapping, flood control and runoff storage." But he also stated that such functions should be determined for now by federal agencies on a case-by-case basis. Such a requirement is impractical because agencies would be bogged down with thousands of determinations every year. More likely than not, this would lead to more legal and administrative challenges.

Sierra Club feels that now, more than ever, Congress should act to protect the Clean Water Act and pass the Clean Water Authority Restoration Act (HR1356 & S912), which would reaffirm Congress' intent and the historic broad scope of the law to protect our nation's waters.

You can find the Court's opinion at <http://www.supremecourt.us.gov/opinions/05slipopinion.html>.

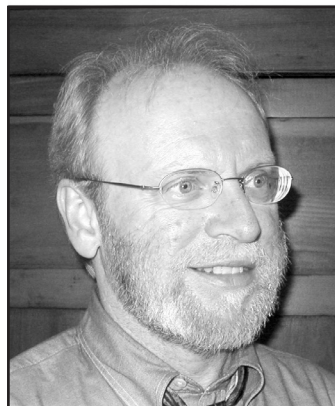
# Club Demonstrates Needed Leadership on Smart Energy Solutions

By Bob Guild, Chapter Chair

In the face of, perhaps, the greatest challenge of our times- the global climate crisis- I'm proud to report that our Sierra Club is leading the way toward a smart energy future.

The Club's 'Smart Energy Solutions' policy, in draft pending members' comments and review by our national Board through early September, tackles the truly daunting scale of the task while offering a cleaner, sustainable solution which puts the interests of people ahead of the energy-industrial complex. In the finest tradition of the Club's grassroots leadership for conservation embodied by our founder John Muir's vision for the protection of nature's special places, we are leading where our national government has only delayed, obfuscated and colluded with those who profit from the crisis they help perpetuate.

Researchers at Princeton University's Carbon Mitigation Initiative--in collaboration with partners BP and Ford Motor Company--make clear that the task of displacing projected rapid growth in CO2 emissions is essential to averting the most catastrophic consequences of global climate change such as extreme sea level rise, drought and famine, extreme weather and



massive habitat loss. As the Princeton study illustrates, displacing some 7 billion tons of carbon emissions per year is necessary to keep current carbon emissions levels flat and to avoid a tripling of atmospheric CO2 concentrations from pre-industrial levels with attendant climate crisis effects. The hopeful news for us is that such carbon mitigation levels are, indeed, achievable with the use of a menu of existing technologies scaled up aggressively to meet the 7 billion ton per year target. The choices among the 14 identified carbon mitigation "wedges"--each offering one billion tons per year savings--carries with it the weighty social, political and economic implications requiring the leadership of such trusted conservation authorities as our Sierra Club.

Our Club's leadership in advocating energy future choices which affirm democratic values and preserve the health of people and the natural world sets us apart from a national government which denies and distorts the science of the climate crisis while perpetuating a failed addiction to fossil fuels and the national security state needed to defend our oil supply lines. The Sierra Club's draft smart energy policy is grounded on the following principles:

--Conserve energy and resources  
--Invest in research and technology  
--Emphasize efficiency as our most powerful and plentiful energy source  
--Chose existing energy options that allow us to reduce and eventually eliminate the use of fossil fuels and other sources of greenhouse gases, while recognizing that all energy use has adverse environmental consequences.  
--Engage in a guided and steady transition

from a fossil-fuel dependent economy to a clean energy economy.

--Ensure the equitable availability and affordability of critical resources for all people, now and in the future.

--Reduce and repair environmental and human health damage.

The hard choices we face among the energy efficiency, transportation fuels and electricity production alternatives required to meet the climate challenge pose uniquely significant implications for South Carolina. As the nation's nuclear waste dumping ground and the target for the Bush Administration's proposed radical expansion of the commercial nuclear power industry, we stand to bear the brunt of the tripled volume of nuclear waste, nuclear weapons proliferation risk and accident hazard associated with the embrace of more nukes as a purported global warming fix.

Wisely the Sierra Club's draft smart energy policy stresses the aggressive embrace of energy efficiency and clean, safe alternative production sources such as solar and wind while rejecting expanded dependence on coal and nuclear power. At the same time the Club is leading from the strength of our grass roots membership base with its "Cool Cities" ("Solving global warming one city at a time") and "Clean Car" (promoting hybrid and biofuelled vehicle choices) campaigns.

In short, our Sierra Club is doing what we do best: combining visionary leadership on the toughest conservation issues of the day with the unbeatable commitment of our dedicated membership base. Let's roll up our sleeves and get to work!

## Climate Crisis Unites Diverse Groups

By Dell Isham, SC Chapter Director

What do the Sierra Club, the Pentagon, religious organizations, insurance companies, long-term investors, pension administrators, multi-national corporations, labor unions, the Small Business Chamber of Commerce, humanitarian organizations, and the Wildlife Federation have in common?

Give up? The answer: they are concerned about global warming. Or more correctly stated, "climate crisis."

All these organizations and many more now believe that human activity is rapidly changing weather patterns throughout the world. As we enter the hurricane season, an increasing number of scientists also believe that the greenhouse gasses we are spewing into the upper atmosphere are making storms more violent and numerous.

If we do nothing, future generations will experience a continually diminishing quality of life. We have an opportunity now to respond in a constructive manner, but time is running out.

Where are our so-called leaders on this issue? Most are burying their heads in the sand. They cannot imagine asking their constituents to sacrifice for the common good. My response to them is, "You were elected to lead, so lead. If you cannot lead, then get out of the way so some else can lead."

Our generation is being called upon to make important decisions--a responsibility that we dare not shirk. We are the children or grand-children of the "Greatest Generation" that was challenged by both the Great Depression in the 1930's and World War II in the 1940's. With unity of purpose they successfully met those challenges. We are benefiting from their success today. Our challenge of climate crisis is no less daunting; and if we succeed in reducing the use of fossil fuels, future generations will benefit.

The environmental movement in this country began over a hundred years ago. Back then it was mostly Republican and mostly conservative. What is more conservative (or conservation minded) than the belief that we should not recklessly spend all our resources today, so we will have some for the future?

I wish I could have been there when President Teddy Roosevelt and Sierra Club founder John Muir met in northwestern Wyoming. They left the press and their aides behind to go camping in the woods and to talk

about saving the environment. The next morning TR jumped into a cold mountain stream and undoubtedly yelled, "Bully!" John Muir, however, preferred to sit atop a high boulder and look down on the pure sparkling stream, identify the trees around him, and listen to the birds sing. As a result Yellowstone National Park was formed and many national parks followed. The U.S. Forest Service and wildlife refuges were established. Congress passed the Antiquities Act giving the president added powers over public lands.

We are still identifying special places for protection. Today we recognize that we also need to protect air and water quality, wetlands, ocean resources, environmental justice, and wildlife habitat.

Over the years, however, Roosevelt conservationist and Muir spiritual environmentalists drifted apart. Sportsmen derided environmentalists as "tree huggers" and some environmentalist call hunters "Bambi killers." Natural resource plunderers took advantage of this division to the detriment of both the conservationists and the environmentalists. But more importantly, it was to the detriment of a healthy planet.

Climate crisis is unifying us again. That is why we applaud the formation of a sportsmen's caucus in the legislature just as we applaud the environmental caucus lead by Senator John Courson (R-Richland) in the Senate.

Being stewards of the Creation, recognizing that all life is interdependent, providing citizens with the means to protect themselves from pollution, and leaving a better world for the next generation, is not conservative or liberal. It is not Republican or Democratic. It is not pro-growth or anti-growth. It is the emergence of an environmental majority.



# State Outings

## July

July 8-10: **Joyce Kilmer Wilderness hike.** Lunz. Three days of backpacking in the Nantahala National Forest. See Hangover Lead Overlook, camp on top of Bob Bald, walk the Joyce Kilmer Memorial Forest loop trail. Dave Schwartz (843)607-1108.

July 15: **Long Creek Falls hike.** Foothills. Long Creek plummets spectacularly from a cliff into the Chattooga River. There is a nice, sandy beach where we will picnic, wade, and swim. The trail is easy, except for the last quarter mile, which is very steep. 3.5 miles round trip, rated moderate. Dogs are welcome. Meet at Ingles at routes 124 and 130 at 9 a.m. Mark Williams, (864)882-6511.

July 21: **Black River canoe/kayak.** Lunz. Mostly lounging in the water to cool off. Starr Hazard, (843)881-8902.

July 22: **Chauga tube and four-person raft float.** Foothills. Although of lesser fame

than the Chattooga, the Chauga River is also a very scenic river to float on. This will be a pleasant float of about 4 hours down some of the lower stretches of the river. We will take out at or just above Chau-Ram Park. Bring lunch and water. March Williams, (864)882-6511.

July 22: **Eastatoe Narrows and Side of the Mountain Creek hike.** Foothills. We will hike down from Laurel Valley to the Hemlock Bottoms Camp on the Eastatoe. From there we will go downstream to the Eastatoe Narrows, a spectacular site where the river flows for over 150' through a 3' wide crack in the granite rock. We will then follow a switchback and the old rail bed of the Appalachian lumber railroad up Side of the Mountain Creek. We will loop back up on skidder roads to the starting pint. Meet at 10 a.m. at the Foothills Trail access at Laurel Valley off Hwy. 178 north of Hwy. 11. Bring water and lunch; well-behaved



dogs are welcome. Moderate 4 miles. Tom Benko, (864)898-0001.

## August

August 5-6: **Capers Island paddle/overnight.** Lunz. The moon will be nearing full, so the night sky will be spectacular and the beaches awash in silver. Starr Hazard, (843)881-8902.

## September

September 8-10: **Panthertown Valley, North Carolina hike.** Lunz. Lots of waterfalls. Maureen Blair, (843)568-7134.

## Legislative session

(Continued from page 1.)

terms and conditions imposed by the state Department of Health and Environmental Control (DHEC) on any permit issued under a Corps of Engineers Nationwide permit. This bill was opposed by us and other conservation organizations and died in the House Agriculture Committee.

**Stop the Bridge Bill** – Introduced by Representative Murrell Smith of Sumter, this bill would have stopped all state funding for the Briggs-Delaine-Pearson Connector crossing the upper Santee Swamp. The bill died in the House Ways and Means Committee.

**Retail Facilities Revitalization Act** - Introduced by Rep. Scott Talley of Spartanburg, this law provides property or income tax credits for reuse of existing "Big Box" buildings of at least 40,000 square feet. County governments have the option of lowering that threshold to 25,000 sq. feet. This measure is now law.

**Right to Farm Act** - Introduced by Sen. Larry Grooms, of Berkeley County, this new law voids county ordinances related to agricultural operations that are more protective than state law. Local governments retain the authority to regulate new hog operations. Key amendments that were supported by the Club and other groups were added to allow local protections for new slaughter houses and DHEC evaluation of setback distances for new poultry operations on a case by case basis. In addition, municipalities are exempted and counties may still use zoning to designate "rural residential" areas where factory animal operations are not allowed.

**Priority Investment Areas** - This reasonable growth management bill introduced by Rep. Ben Hagood of Charleston, would have required local governments to coordinate with nearby governing bodies to determine infrastructure needs such as roads, sewers and schools. This bill cleared the House and Senate, and on the last day of the session was blocked from consideration in the House by a single member, Rep. Dwight Loftis of Greenville. Representative Loftis killed the bill in the final moments of the House session by raising an objection to the bill's consideration.

**DHEC Appeals Process and Automatic Stay** - Allows the DHEC Board to retain its authority to enforce agency policy through oversight of staff permitting decisions. It ensures no environmental damage may occur while a permit is under appeal. Contested permits would be heard by the Administrative Law Court and appealed to the Court of Appeals. This bill, which is now law, was vigorously supported by the Conservation Community.

**Mercury Switch Removal** - Introduced by Rep. Billy Witherspoon of Conway, this bill provides for the removal of mercury in the environment by requiring the removal and collection of mercury switches in junked vehicles prior to recycling. This bill was supported by Sierra Club is now law.

**Green Buildings** - Introduced by Rep. Joan Brady of Columbia, this bill would require state funded buildings costing more than \$15 million dollars to meet various energy efficiency standards including attaining LEED certification. This bill died in the Senate Committee on Agriculture and Natural Resources.

**Solid Waste Management** - This bill, introduced by Rep. Phil Sinclair of Spartanburg, would prevent the creation of unnecessary regional

landfills for out-of-state garbage. The solid waste management plan was originally drawn by DHEC to permit only two privately owned landfills within a 75 mile radius. However, a variance clause was added in 1999 to the State's Solid Waste Plan that grandfathered companies already existing in the state, making these landfills exempt from the requirement to show a demonstration of need for the state's waste capacity needs. This bill would nullify the variance clause and prevent our state from being littered with tons of solid waste from other states. This bill died on the Senate's contested calendar.

**Electronic Waste Recovery and Recycling** - This bill introduced by Rep. Laurie Funderburk, of Camden, would have directed DHEC to establish an "Electronic Waste Recovery and Recycling Fund" to collect and work with recyclers to recycle and dispose of electronic waste. This bill died on the floor of the House

**Isolated Wetlands Protection** - This bill was sponsored by Sen. Larry Grooms (R-Berkeley), Chairman of the Senate Agriculture and Natural Resources Committee along with Sen. Chip Campsen (R-Charleston) and Sen. Phil Leventis (D-Sumter). A product of months of work by environmental interests and the SC Association of Realtors, the bill was introduced late in the session and passed the Senate Agriculture and Natural Resources Committee quickly. However, the bill was placed on the Contested Calendar by Sen. Dick Elliot of Horry County and others and remained there until session end. This will be a very high priority for passage next session.

**Regulatory Takings** - There are a number of bills affecting our state's resources that were considered by the legislature this year. Possibly the most troubling natural resource related measure proposed this year was Chapter 4 of H.4503. H.4503 is the eminent domain bill that was the legislature's response to the June, 2005 US Supreme Court decision in the now famous Kelo case, which was rendered in response to a law suit regarding a local eminent domain proceeding that occurred in New London, Connecticut. The Sierra Club did not oppose measures proposed to more strictly control eminent domain, but strongly opposed House language providing for a totally unrelated and far reaching component to this bill regarding "regulatory takings".

Under the regulatory takings portion of this bill, a city, county or other government entity must provide "just compensation" if the value of a particular parcel of property is diminished by the enforcement of a land use or zoning regulation no matter how much the regulation benefits the community as a whole.

Sierra Club and others also successfully opposed amendments to the Constitution that would have made "just compensation for regulatory takings" a permanent and overriding part of our state law.

**Billboards** - Governor Sanford vetoed the Billboard bill that compensates billboard owners for a sign's speculative earnings. Because of the costs to local governments it will essentially prevent communities from adopting appearance standards that would remove signs. Moreover, the effective date of the bill is retroactive to April 13, 2005, essentially making ordinances recently enacted in 12 cities unenforceable. The veto was overridden by both the houses and the legislation is now law.