

# Upstate Advocate

2018 | FALL



**UPSTATE FOREVER CELEBRATES TWO DECADES**



Our Clean Water team bids a bittersweet goodbye on director Heather Nix's last day at UF after 11.5 years. Best of luck, Heather!



Shelley Robbins takes to the sky on a recent pipeline monitoring trip with SouthWings.



Our stewardship staff is never too busy to snap a pic of native wildflowers like this ironweed.



Had a blast in Greenwood for Staff Fun Day!



Protecting Land & Water | Advocacy | Balanced Growth

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[www.upstateforever.org](http://www.upstateforever.org)



### Mission

Upstate Forever is a conservation organization that protects critical lands, waters, and the unique character of the Upstate of South Carolina.

### Vision

To conserve our land and water resources, resulting in an environmentally healthy and economically prosperous region, with a high quality of life now and for future generations.

### Board of Directors

- |                                  |                |             |                 |
|----------------------------------|----------------|-------------|-----------------|
| Mark Taylor, <i>Chair</i>        | Michael Allen  | Mary Haque  | Erwin Maddrey   |
| Mike Baur, <i>Vice Chair</i>     | Charles Dalton | Joe James   | Hank McCullough |
| Ken Deon, <i>Treasurer</i>       | Marianna Black | Tom Kester  | Charles Mickel  |
| Glenn Hilliard, <i>Secretary</i> | Habisreutinger | Joe Lesesne | Pamela Vaughn   |

### Advisory Council

- |               |                  |                  |              |
|---------------|------------------|------------------|--------------|
| Bob Becker    | George Dean      | Scott Montgomery | Dick Riley   |
| Juan Brown    | Johnson, Jr.     | Nell Newman      | David Shi    |
| Dan Burden    | John Knott       | Mike Nicklas     | Gus Speth    |
| John Frampton | John Lane        | Carlton Owen     | Bill Workman |
| Vince Graham  | Drew Lanham      | Leon Patterson   | Neal Workman |
| Johnny Hagins | Patrick McMillan | Sue Priester     |              |

### Staff

- |  |  |  |
|--|--|--|
| Pam Barber<br><i>Land Stewardship Manager</i>        | Lisa Hallo<br><i>Land Policy Director</i>                                | Peg O'Donoghue<br><i>Financial Director</i>                  |
| Sherry Barrett<br><i>Land Policy Manager</i>         | Erika Hollis<br><i>Interim Clean Water Director</i>                      | Scott Park<br><i>Land Conservation Director</i>              |
| Sally Boman<br><i>Communications Director</i>        | Katie Hottel<br><i>GIS Coordinator</i>                                   | Shelley Robbins<br><i>Energy &amp; State Policy Director</i> |
| Andrea Cooper<br><i>Executive Director</i>           | Aldon Knight<br><i>Director of Development &amp; Community Relations</i> | Chris Starker<br><i>Land Conservation Manager</i>            |
| Joy Dickerson<br><i>Assistant Financial Director</i> | May Leinhart<br><i>Land Protection Specialist</i>                        | Ava Thacker<br><i>Development Associate</i>                  |
| Ginger Goldsmith<br><i>Development Associate</i>     | Laura McGrady<br><i>Executive Assistant &amp; Office Manager</i>         | Brad Wyche<br><i>Founder &amp; Senior Advisor</i>            |

COVER GRAPHIC FEATURES PHOTOS BY: MAC STONE, JACK ROBERT PHOTOGRAPHY, JON HOLLOWAY, TOMMY WYCHE, ED LAND, BROOKS PATTERSON, & DICK CARR

## FROM THE DIRECTOR

# What we do today forges tomorrow's legacy

When you look back over the past few decades, it's clear that the Upstate has dodged a bullet. Several bullets, in fact.

Spartanburg could be home to a mega-landfill. Pickens County citizens could still be plagued by toxic coal ash dumping. A 45-mile transmission line could slice through the Blue Ridge escarpment and foothills. Lake Greenwood could still be clogged with algal blooms thick enough for turtles to walk on.

Instead of driving commerce and winning awards, downtown Greenville and the Reedy River could have decayed, and the GHS Swamp Rabbit Trail might not exist. Spartanburg County could be home to a mega landfill. The Blue Wall, which contributes so much to our region's special character, could have been developed, parcel by parcel, like the hills of Los Angeles. **[Read about Tommy Wyche's quest to protect the Blue Wall on page 6]**

The alarming events above were just a hair's breadth away from irrevocably changing the face of the Upstate. In each case, disaster was prevented — and progress was made — by individuals, organizations, and officials with vision. They had the foresight and courage to choose the bigger picture over short-term gain.

But vision alone can't create a legacy. Legacy isn't forged through vague plans for the future, but actions taken today. And tomorrow. And the day after that. Legacy is created when vision meets action and the will to persevere.

We owe so much to visionary, committed leaders like Tommy Wyche, who dedicated his life to protecting the Blue Wall, and his son Brad, who founded Upstate Forever to protect special places and promote responsible growth in our region. To Marjorie E. Schmidt, whose humble, unceasing generosity was an inspiration to everyone who knew her.

That's why, to celebrate Upstate Forever's 20th anniversary, this issue of the *Upstate Advocate* celebrates legacy. Not just the legacies of Brad, Tommy, and Marjorie, but also the hard work and successes achieved by Upstate Forever's staff, board, partners, and volunteers over the past two decades.

And we celebrate you, our supporters. Thank you for your part in building a legacy of conservation and responsible growth in the Upstate. Here's to another 20 years!



Andrea Cooper, Executive Director



## FROM THE FOUNDER

# Let's keep up the good work

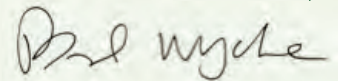
It's hard to believe that 20 years have passed since I left the law business to start Upstate Forever. At the time my father gave me this advice: "Make sure you surround yourself with good people." If I did one thing well as Executive Director, it was that. We have had—and continue to have—an exceptional staff of dedicated professionals and a terrific Board of community and business leaders from across the Upstate. And now Andrea is doing a wonderful job as Executive Director, and it's been a pleasure serving as her advisor over the last three years. Other invaluable members of the team are our awesome volunteers and generous donors. We couldn't do our work—in fact, we wouldn't exist—without them.

I'm very proud of what our team has accomplished: protecting over 21,500 acres of special places across the Upstate (with more to come) and playing key roles in starting and expanding the GHS Swamp Rabbit Trail, removing the dams on Twelve Mile River, stopping harmful projects, reauthorizing the South Carolina Conservation Bank, and enacting local land use ordinances, just to name a few. **[See more Upstate Forever success stories on page 10]**

But the work of Upstate Forever is more important now than ever. Our region faces a huge challenge: Over 300,000 more people will be living in the Upstate in the next 25 years. How and where do we accommodate this growth? In the same way that regions like Atlanta or Houston have done? Or in a better, more sustainable and more fiscally responsible way that keeps the Upstate beautiful and thriving and ensures a high quality of life for everyone?

Upstate Forever is directly focusing on these questions through our new five-year strategic plan. I'll remain actively involved in helping Upstate Forever achieve the goals of this plan. I hope you'll join me.

Best wishes,



Brad Wyche, Founder & Senior Advisor



The first UF Board of Directors in 1999, left to right: Dave Hargett, Mark Taylor, Carlton Owen, Joan Peters, and Brad Wyche

# WYCHE SOCIETY EVENT

Upstate Forever hosted a reception to honor members of the Wyche Society at the studio of Greenville artist Yuri Tsuzuki. More than 50 guests attended the event, which was catered by Chef Janet Poleski and featured remarks from Tsuzuki and Upstate Forever executive director Andrea Cooper. The Wyche Society was created to recognize and continue the Wyche family's legacy of conservation in the Upstate.



PHOTOS BY JACK ROBERT PHOTOGRAPHY FOR TOWN MAGAZINE



To learn more about the Wyche Society, visit [upstateforever.org/wyche-society](http://upstateforever.org/wyche-society)

# In memory of Marjorie



**By Aldon Knight**

DIRECTOR OF DEVELOPMENT  
& COMMUNITY RELATIONS  
[aknight@upstateforever.org](mailto:aknight@upstateforever.org)

This May, Upstate Forever received a \$1 million gift in honor of Marjorie E. Schmidt, a longtime Greenville resident with a heart for nature and a humble, giving spirit. We are delighted by this gift, which will be used to honor Marjorie's love of nature by protecting our region's special places.

Marjorie, who passed away in 2004, was born in New Bedford, MA and worked as a nurse before moving to Greenville in 1952 with her family. A deeply kind person, Marjorie donated regularly to her church and many other charitable causes throughout her life. Even when she could only afford a small amount, she gave generously and privately, without expectation of recognition.

Marjorie was drawn to nature and donated faithfully to many animal welfare and environmental organizations. Several people who knew her told the story of how Marjorie always kept pet food in her car to feed stray dogs and cats. If the stray was willing to get into her car, it often found a home with Marjorie as a beloved pet.

Although much of her time was spent caring for others, Marjorie enjoyed trips to Jones Gap and Caesars Head State Parks, and autumn excursions to view the fall foliage.

Marjorie's gift will enable Upstate Forever to focus on protecting the parts of our region that are most critical to the preservation of iconic green areas and critical habitat. It will also allow for increased access to recreation.

In addition to land protection efforts, a portion of the gift will be used to promote plans and practices that balance growth with green space and natural resource protection, helping to retain the high quality of life that makes the Upstate so special. The gift was made anonymously.

Marjorie was a true example of quiet, unwavering generosity. To celebrate her legacy, we have created a new award to be given at our ForeverGreen Awards Luncheon each year: the Marjorie E. Schmidt Stewardship Award.

In honor of Marjorie, we salute all those in our world who give quietly, serve selflessly, and love faithfully. 🌿



Marjorie E. Schmidt  
1920-2004



A scenic view of a lake at sunset, with mountains in the background and a rocky foreground. The sky is a mix of orange, pink, and blue, reflecting on the water. The foreground is a dark, rocky slope with some snow patches.

# Tommy & The Blue Wall

The Blue Ridge Escarpment — called "The Blue Wall" by the Cherokee— is an extraordinary asset for the Upstate region and beyond. But it could have easily been lost to development had it not been for the vision and foresight of Tommy Wyche.



C. Thomas “Tommy” Wyche led a full and accomplished life. A brilliant attorney and talented photographer, he helped revitalize downtown Greenville alongside Max Heller, Buck Mickel, and other innovators. However, his most enduring legacy may be his key role in permanently protecting significant portions of the Blue Ridge Escarpment, also known as the Blue Wall.

An area of extraordinary beauty, the Blue Wall spans almost 290,000 acres in northwest South Carolina. It provides lush habitat for black bear, wild turkey, ruffed grouse, ravens, and peregrine falcons. More species of trees grow in the Blue Wall area than in all of Europe, and it is home to more than 300 species of rare plants. Tourists and locals alike flock to marvel at the scenic views, hike the trails, and fish in the cold mountain rivers.

The Blue Wall is an extraordinary asset for the Upstate region and beyond, but much of it probably would have been lost to development had it not been for the vision and foresight of Tommy Wyche.

## **An urgent need to protect iconic mountain lands**

Tommy’s decision to devote much of his life to the protection of the Blue Wall began the day he returned home from a business trip to Los Angeles in 1972, where he saw first-hand how development had destroyed their mountains.

At that time, the only protected lands in the Blue Wall were the Sumter National Forest in Oconee County, Table Rock State Park, and a couple of small parks. Determined to spare the region from the fate of the LA mountains, Tommy established Naturaland Trust, the state’s second oldest land trust, to serve as the vehicle for his conservation campaign.

**CONTINUED >>**



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## Greenville Watershed & Jocassee Gorges

The major tracts in the area at that time were the Jocassee Gorges, a tract owned by Duke Power Company (now Duke Energy), and two watershed properties around the Poinsett Reservoir and the Table Rock Reservoir, owned by the Greenville Water System. Tommy began a relentless advocacy campaign aimed at trying to convince Duke Power and Greenville Water to preserve their properties. It was slow going for many years, but he never gave up.

In 1993, Greenville Water granted to The Nature Conservancy a conservation easement permanently protecting all 29,000 acres of the watershed lands. At the time it was the fourth largest conservation easement in the nation held by The Nature Conservancy.

Tommy then turned his attention to Duke Power and the spectacular 50,000-acre Jocassee Gorges property, which was acquired by the States of South and North Carolina in 1998.

Tommy would always thank and recognize the many others who worked hard on these projects, but without question he was the catalyst and the leader.



Tommy published six books of his nature photography and used them in his conservation advocacy work.

TOMMY WYCHE

## The Mountain Bridge: Jones Gap & Caesar’s Head

In the early 70s, Tommy identified about 15,000 acres of land in private ownership between the Table Rock and Poinsett Reservoirs, which he described as “the Mountain Bridge,” that would be irrevocably damaged if developed.

Over a period of 20 years, he met frequently with almost every owner of these lands, and ultimately convinced most of these owners to make a “bargain sale” of their tracts to the State of South Carolina. These properties later became the hugely popular Caesars Head State Park and Jones Gap State Park. [**See related story on facing page**]

It is no exaggeration to say that these parks owe their existence to Tommy Wyche. He personally designed most of the trails in the parks and then wrote a popular guidebook to the trails—now in its fourth edition.



Tommy leads a hike in Jocassee Gorges in 2002.

## An incredible legacy

Tommy continued to work on protecting other important missing pieces of the Blue Wall throughout his life, including the spectacular Asbury Hills Camp property in Greenville County.

He passed on his tenacity, legal acumen, and heart for conservation to his son Brad, who founded Upstate Forever in 1998 after a successful law career. Upstate Forever continues to work closely with Naturaland Trust to protect other important properties within the Blue Wall.

When he died in 2015, Tommy Wyche had been directly involved with the protection of over 100,000 acres of some of the most beautiful and ecologically significant lands on our planet—an extraordinary achievement by an extraordinary man. 🌿



# Jones Gap to Expand by 1,400 Acres



**By Scott Park**

LAND CONSERVATION  
DIRECTOR

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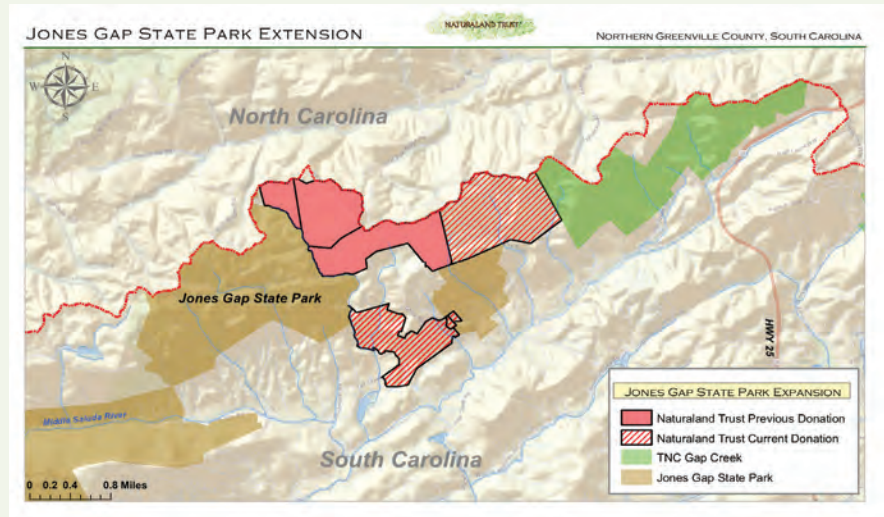
Jones Gap State Park is one of the state's most visited parks, thanks to its beautiful rivers, waterfalls, tall canopy, scenic views, and wildflower displays. Over the past few years, access to the park has become increasingly challenging as more visitors discover its natural beauty.

Soon, thanks to a colossal effort by many conservation partners, Jones Gap is scheduled to add 1,400 acres of permanently protected, public access land to the park. This expansion, which is planned to eventually include an additional parking area, should alleviate some of the long lines and parking woes that can plague visitors on weekends and holidays throughout the year.

For former director of the SC State Parks Service Phil Gaines, this project is a dream come true in terms of both conservation and outdoor recreation access. Jones Gap has historically been limited by topography — a mountain on one side, the Middle Saluda River on the other — which has made it difficult to add more parking.

"The topography of the new property lends itself to additional access points. Our plan is to put in some new sustainable parking areas, trails, trailheads, and bathroom facilities," said Phil. "It should relieve some of the crowding from Jones Gap and Caesars Head, and increase overall access to the Mountain Bridge Wilderness. It's extremely exciting."

The additional acreage will come from two tracts currently owned by The Nature Conservancy (955 acres and Naturaland Trust (445 acres), respectively (see map). Both organizations plan to transfer their



COURTESY OF NATURALAND TRUST

lands to the SC State Parks Service by early 2019.

The Nature Conservancy, Naturaland Trust and Upstate Forever were all able to attract a myriad of funding sources to accomplish the various steps to protect this land forever. For Upstate Forever, those gracious donors are the Wyche Family Foundation, Judy Cromwell, and Michelin through its



TOM BLAGDEN

*Middle Saluda River, Jones Gap State Park*

Environmental Stewardship grant program.

These new lands encompass the Mountain Bridge Wilderness Area between Gap Creek Road and the NC/SC border in Greenville County, which is the green wall you may notice driving from Asheville on Highway 25.

"This expansion of the Mountain Bridge Wilderness was a long-held dream of our founder and visionary, Tommy Wyche," said Mac Stone, Executive Director of Naturaland Trust. "We are thrilled to help provide such a vital piece to this puzzle and place it in the capable hands of the State Park and the public, forever."

Upstate Forever will hold a conservation easement that permanently protects Naturaland Trust's tract, a process that is slated for completion by the time State Parks receives ownership. The conservation easement will ensure this area, along with its scenic vistas and natural resources, will be preserved forever.

We are proud to support this project that will expand outdoor recreation access and improve quality of life for Upstate residents, and visitors. Stay tuned for more information as the expansion progresses. 🌿

# 20 years of hard work

Restoring nearly 3,000 feet of **trout habitat** in the South Saluda River

Since 1998, Upstate Forever has worked to protect some of our region's most important assets – our wild and working farmlands, rivers and clean air, and rural character – and to ensure that our Upstate communities are vibrant and retain their unique identities in the face of rapid development and significant sprawl. Here are a few of our proudest achievements.

Find more success stories at [upstateforever.org/successes](http://upstateforever.org/successes)

Protected **Stumphouse Mountain** and **Nine Times Forest** from development.



Helped permanently protect critical property near **Glassy Mountain** in Pickens County



Forming the all-volunteer grassroots outreach group **Oconee Forever**



Successfully advocating to remove PCB-contaminated sediment and two dams on the **Twelve Mile River**



First land trust in SC to receive **national accreditation**, has protected 21,500+ acres



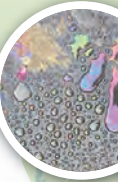
Released an eye-opening study about more **responsible growth** options in the 10-county region

Worked to combat PCB contamination and reduce the amount of water being released from **Lake Hartwell**



Advocating for initiatives to **fund parks and greenways**; manage **stormwater**; and enact progressive local ordinances **reducing the rate of land consumption** (sprawl), **encouraging more walkable communities, tree protection, stream buffers**, and more.

Working with partners on a Clean Water Act lawsuit to ensure proper **cleanup of the Kinder Morgan gasoline spill**.



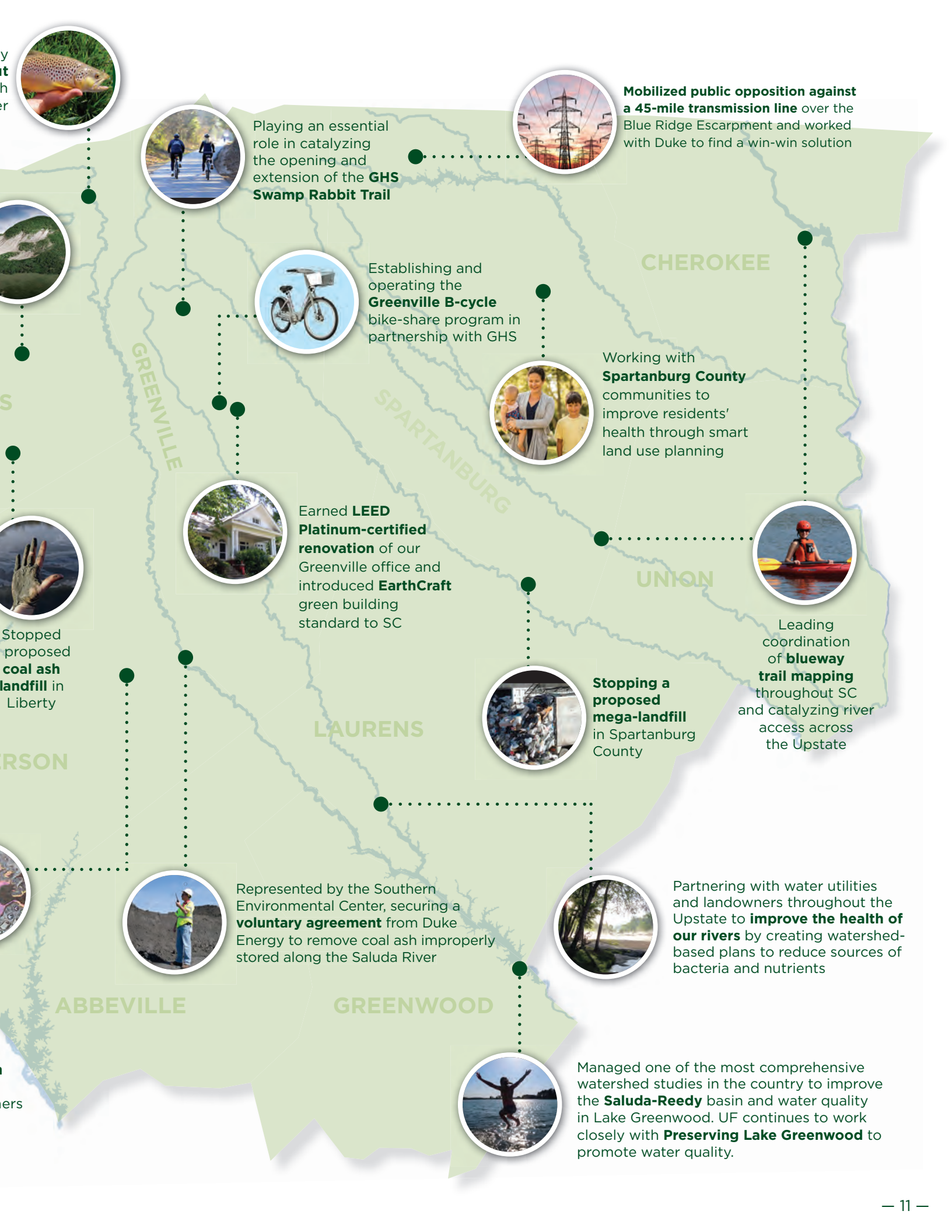
Working to protect the remaining critical lands in the **Blue Ridge Escarpment** and improve access to **outdoor recreation**



Working with many dedicated partners to reauthorize the **South Carolina Conservation Bank**



Helped create the **SC Adopt A Stream** program along with many Upstate partners and SC DHEC



Playing an essential role in catalyzing the opening and extension of the **GHS Swamp Rabbit Trail**



**Mobilized public opposition against a 45-mile transmission line** over the Blue Ridge Escarpment and worked with Duke to find a win-win solution



Establishing and operating the **Greenville B-cycle** bike-share program in partnership with GHS

**CHEROKEE**



Working with **Spartanburg County** communities to improve residents' health through smart land use planning



Earned **LEED Platinum-certified renovation** of our Greenville office and introduced **EarthCraft** green building standard to SC

**UNION**



Leading coordination of **blueway trail mapping** throughout SC and catalyzing river access across the Upstate



Stopped proposed **coal ash landfill** in Liberty



Stopping a proposed **mega-landfill** in Spartanburg County

**LAURENS**



Represented by the Southern Environmental Center, securing a **voluntary agreement** from Duke Energy to remove coal ash improperly stored along the Saluda River



Partnering with water utilities and landowners throughout the Upstate to **improve the health of our rivers** by creating watershed-based plans to reduce sources of bacteria and nutrients

**ABBEVILLE**

**GREENWOOD**



Managed one of the most comprehensive watershed studies in the country to improve the **Saluda-Reedy** basin and water quality in Lake Greenwood. UF continues to work closely with **Preserving Lake Greenwood** to promote water quality.



# The unlikely story of the GHS Swamp Rabbit Trail

How Upstate Forever, Greenville County, GHS, and other partners fought tooth and nail to bring a game-changing greenway to life



**By Lisa Scott Hallo**

LAND POLICY DIRECTOR  
[lhalla@upstateforever.org](mailto:lhalla@upstateforever.org)

It's not an exaggeration to say that the Greenville Health System Swamp Rabbit Trail has been revolutionary for the greater Greenville community since its opening in 2009.

In its fourth year, the trail pumped \$6.7 million of tourism revenue into the county, according to a Furman University study. That study was only for the first 9.7 miles of trail; the network is now more than 22 miles long. The cumulative economic benefit to the community is easily in the tens of millions.

Not too shabby for something that cost the county \$2.7 million to build.

But few people realize just how close the project came to fizzling out. If not for the heroic efforts and visionary leadership from Upstate Forever's Founder Brad Wyche and former Board Chair Carlton Owen and many other Greenville County stakeholders, the GHS Swamp Rabbit Trail would never have happened.

## The abandoned rail line

For several decades, a railroad popularly known as "the Swamp Rabbit" operated from downtown Greenville to River Falls.

In 1998, Railtex, which had previously acquired the line from Greenville & Northern Railroad, ceased its operations and was preparing to put the entire line on the market. Public acquisition of the line became Upstate

Forever's very first project, and likely could not have happened without the quick actions of Brad Wyche. Brad saw it as a breathtaking, once-in-a-lifetime opportunity for the Greenville community and the Upstate — a chance to acquire the entire line and turn it into a trail connecting downtown to Furman and Travelers Rest.

## Vision and action

Brad and the Upstate Forever board worked with the national Rails to Trails Conservancy to place the line in the "Rail Trail Bank" to give Greenville County time to acquire it. "We were lining up private funding to acquire it ourselves if the County failed to do so," says Brad. But the County [through the Greenville County Economic Development Corporation (GCEDC)] came through and purchased it in 1999.

Acquisition was essential, but it was only the first step. The Surface Transportation Board (STB) in Washington, D.C. had to officially approve the abandonment of rail service on the line in order to convert it to a trail. The GCEDC was initially reluctant to initiate the proceedings for abandonment.

In order to help people clearly see the enormous potential of the project, Carlton Owen stepped up and organized a group of volunteers to work every Saturday throughout the summer of 2005 to clear away the kudzu, briars and bushes from almost the entire length of the line. The effort was key to building strong public support for the establishment of a trail, and soon GCEDC filed a petition for abandonment with the STB.

*Former Upstate Forever Board Chair Carlton Owen organized a group of volunteers to work on Saturdays throughout the summer of 2005 to clear away brush from almost the entire length of the abandoned Swamp Rabbit rail line.*



Lake Conestee Nature Park contains several miles of the GHS Swamp Rabbit Trail.

JACK ROBERT PHOTOGRAPHY

## A hitch in the plan

Under federal law, before a rail line can be abandoned, an opportunity must be given to any interested company or person to acquire the line at fair market value and resume rail service. Sure enough, to the project leaders' dismay, a private railroad firm in Greenville sought to buy the entire line at a nominal price and resume commercial freight service.

GCEDC and Upstate Forever strongly opposed the request and submitted appraisals showing that the line had substantial value. The STB basically agreed and established the value at over \$700,000, which had to be paid by April 2006.

## Down to the wire

Brad, Carlton, and others held their breath as time passed, waiting to see if the railroad firm would purchase the line. The suspense escalated the day before the deadline, when the private firm asked the STB for an extension to respond.

The STB quickly denied this extension, but the firm still had 24 hours to purchase the line and overthrow plans for a trail. All Brad, Carlton, and others could do was wait. "We were literally counting down to midnight," says Brad.

Fortunately (for Brad, the County, and the community), the private rail firm was never heard from again. In April, 2006, the STB signed an order approving the abandonment.

## Construction at last

Upstate Forever then agreed to serve as the "interim trail operator" to give GCEDC and the Greenville County


Recreation District time to work out a final agreement for removing the rail lines and building the trail.

In 2007, the Greenville Health System made a magnificent gift of \$1 million for the project, and the project was officially named the Greenville Health System Swamp Rabbit Trail. The trail officially opened in 2009 and the rest, as they say, is history.

## "A true source of pride"

As it nears the anniversary of its first decade, the GHS Swamp Rabbit Trail has proved to be hugely popular for both recreational users and commuters, with more than half a million users each year.

Plus, the Upstate has seen significant economic development and aesthetic improvements along almost all parts of the trail, including areas previously neglected. Travelers Rest, in particular, has been transformed into a thriving community principally because of the trail. There are now countless references to the trail in the marketing materials for various development projects.

"The trail has been a success on many levels and a true source of pride," says Ty Houck, Greenville County Director of Greenways, Natural and Historic Resources. "Communities throughout the county have noticed the economic development associated with the trail, and now they want to connect to it to become partners with this iconic community asset." 

*To learn more about how the GHS Swamp Rabbit Trail is expanding transit options for the community, visit [upstateforever.org/trail-transit](http://upstateforever.org/trail-transit)*

## A temporary fix for solar net metering



**By Shelley Robbins**

ENERGY & STATE  
POLICY DIRECTOR

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After the Legislature failed to pass legislation dealing with the impending cap on 1:1 net metering, Duke Energy Carolinas reached the limit prescribed in Act 236, passed in 2014. On August 1, DEC ceased offering the program and put in place a “buy all, sell all” tariff that essentially shut down residential rooftop solar in the Upstate.

Upstate Forever is part of a diverse stakeholder group that includes the investor-owned utilities, our conservation partners, the Southern Environmental Law Center, solar developers, AARP, and others being convened by the Office of Regulatory Staff to work on both short-term and long-term solutions.

On September 5, a negotiated compromise between many of the parties, including Upstate Forever, enabled DEC to file for an extension of the net metering program through March 15, 2019.

Parties requested expedited treatment and on September 19, the Public Service Commission unanimously approved the program. This will be a very temporary band-aid that hopefully will save some of the Upstate solar jobs that were created by a robust residential rooftop solar industry.

We continue to work with this stakeholder group on a long-term solution that allows for additional growth in customer-sited distributed energy (DER), and without question, the Legislature will need to take action on this issue in 2019. Customer-sited DER employs thousands across the state and contributes increasingly to our resilience while reducing peak loads on our power plants, with one of the goals being to reduce the need for additional large infrastructure investments. This is not only good for ratepayers but for our natural resources as well.

Please join our Legislative Update email list to receive updates and ways to take action on this issue in the coming months. To sign up, visit [upstateforever.org/legislative](http://upstateforever.org/legislative)

## Update: Anderson County gasoline spill case heads to the Supreme Court



*The left photo shows the exact site of the leak in Belton in early 2014 - the Plantation Pipeline runs underground beside the road. It was a beautiful field of hay bales and wildflowers. Now it is a contaminated site covered with monitoring wells that measure the petroleum that still remains in the groundwater, constantly leaking into Brown's Creek (right photo).*

In December of 2014, a passer-by on Lewis Rd. near Belton noted the strong smell of petroleum along with pooling of a liquid and dead vegetation. This marked the first detection of a massive 369,000 gallon diesel and jet fuel leak on Kinder Morgan's interstate Plantation Pipeline that likely had been ongoing for months.

After monitoring Kinder Morgan's response to the spill for two years, Upstate Forever and Savannah Riverkeeper, represented by the Southern Environmental Law Center (SELC), filed a Clean Water Act lawsuit against the company.

The suit was dismissed in Anderson County District Court in April 2017 for erroneous reasons, but our appeal was upheld by the U.S. 4th Circuit District Court. This ruling reinstated Upstate Forever's case and in so doing, established clarification about how hydrological connections through groundwater will be treated. Kinder Morgan appealed this decision to the U.S. Supreme Court in late August.

Throughout the process, SELC has retained Aqualogic to analyze Kinder Morgan's ongoing work at the site. Deficiencies continue to be noted (failure to recover product, evidence of contamination creep that isn't being addressed, deficiencies in testing procedures, etc.).

Benzene continues to be detected in high levels in Brown's Creek at a seep. The parties will continue to work with DHEC to press for proper testing and clean-up that protects Anderson County water and citizens while the court case proceeds. For more information, visit [upstateforever.org/pipeline-spill](http://upstateforever.org/pipeline-spill)

—Shelley Robbins

**To learn more about how our work protects the Upstate's special character, visit our website at [upstateforever.org](http://upstateforever.org) and follow us on social media.**



## Have you heard of 'Missing Middle' Housing?

Demand for walkable, affordable urban living is increasing as millennials begin entering the marketplace and down-sizing baby boomers leave their half-acre lots for homes closer to downtown areas. How well are Greenville County and its municipalities poised to respond to that changing and growing demand?

Join Karen Parolek from Opticos Design, a nationally recognized architecture and urban design firm, on October 19 at the Kroc Center for a forum about "missing middle housing": what it is, where it works best, why it is virtually no longer built in our community, and how to reduce barriers to its construction. The event will also feature John Hunt from MarketNsight who will highlight changing demographic trends in the Southeast and a panel of local developers and government officials who will discuss the challenges and opportunities for creating more walkable, affordable living options in Greenville County.

The forum is free, but advance registration is required. For more information, visit [upstateforever.org/missing-middle](http://upstateforever.org/missing-middle)



## Welcome, May Leinhart!

This spring, May Leinhart joined the Upstate Forever team as a Land Protection Specialist. May has worked with land conservation programs in Nashville and New Mexico. May grew up on a cotton farm in Mississippi and worked with her family to protect the farm with a conservation easement. In her role at UF, she loves assisting Upstate landowners with the same process.



LEINHART

## Highlight: Recent Grants

### DHEC grants \$300K to enhance water quality

UF is partnering with drinking water utilities and other stakeholders to reduce bacteria and sediment pollution in the South, Middle, and North Tyger River watersheds. UF will work with homeowners to install agricultural improvement projects on their properties, repair or replace failing septic systems, and work with partners to protect priority lands from development.

### \$75K from Hollingsworth to promote land use solutions

Hollingsworth Funds has awarded Upstate Forever a grant for \$75,000 to empower and equip Greenville's community leaders, citizens, and quality-of-life stakeholders with land use solutions to help address the most urgent issues facing our community.

### Michelin gives \$20K to expand recreation access

Michelin has awarded Upstate Forever a \$20,000 Environmental Stewardship Grant to complete the conservation easement process on four properties that will add 1,600 acres to two State Parks — Jones Gap and Paris Mountain **[see story on page 9].**

## Protected forever

*Thanks to your support, Upstate Forever now permanently protects over 21,500 acres on 118 easements across the Upstate, including these two new properties.*



### Gilkey Creek

The 135-acre Gilkey Creek tract in Cherokee County is part of the historic Faulkner Farm, which includes Martin's Branch Creek, additional headwater streams, and several acres of temporary or seasonally flooded forested wetlands in the Thicketty Creek subwatershed. Protection of this property will offset impacts to streams and wetlands from the I-85 widening in the Broad River Basin.



### Grassy Knob

This 353-acre tract in Pickens County helps protect the Oolenoy River, one of the main headwaters of the Saluda River, and supports valuable habitat near Table Rock State Park, Caesars Head State Park, numerous Heritage Preserves, and many other conservation easements along the Cherokee Foothills Scenic Highway.

# Sustainable Funding for the Future



**By Aldon Knight**


DIRECTOR OF DEVELOPMENT & COMMUNITY RELATIONS

[aknight@upstateforever.org](mailto:aknight@upstateforever.org)

Tommy Wyche is known in South Carolina for his vision: ensuring that as the Upstate grows, it grows responsibly and in a way that will preserve its natural heritage and character. **[Read about Tommy's quest to protect the Blue Wall on page 6]**

But Tommy was a visionary in another important way. He knew that if these efforts were to be successful long term, they needed funding. That's why he created the beginnings of an endowment as part of his estate to provide a level of perpetual funding for Upstate Forever.

Unrestricted Endowments like the one Tommy started provide flexibility, so that Upstate Forever can do the work that is important, and not be restricted to only work that is specifically grant-funded. Often funded through donors' estates, endowments are invested wisely so that they provide income, while continuing to grow. As such, endowments play a major role in ensuring that Upstate Forever will remain our community champion for smart, balanced growth for generations to come.

Below are some ways to make a legacy gift to Upstate Forever's endowment, ensuring we are able to continue our work for generations of future Upstate residents. 

For more information, please contact me at [aknight@upstateforever.org](mailto:aknight@upstateforever.org) or (864) 250-0500

What to give	Your goal	Your benefits
<b>Bequest</b>	Maintain control of your assets during life Make a gift to charity when you pass away	<ul style="list-style-type: none"> <li>» Estate tax charitable deduction</li> <li>» Life use and ownership of your property</li> </ul>
<b>Gifts of Retirement Assets</b>	By making a testamentary gift of your retirement assets such as a gift from your IRA, 401k, 403b, pension or other tax deferred plan, you will help further our work	<ul style="list-style-type: none"> <li>» Avoid leaving family a taxable gift</li> <li>» Estate tax charitable deduction</li> </ul>
<b>Gifts of Insurance</b>	If your life insurance policy is no longer needed or will no longer benefit your survivors consider making a current or future gift to help further our mission	<ul style="list-style-type: none"> <li>» Income or estate tax deduction</li> <li>» Income tax deductions for annual contributions to help us maintain the policy</li> </ul>
<b>Charitable Lead Trust (CLT)</b>	Pass on cash or property to your family/ make annual gifts to charity in the future Avoid substantial gift or estate tax	<ul style="list-style-type: none"> <li>» Gift or estate tax deduction</li> <li>» Trust assets plus appreciation pass to family at a reduced cost</li> </ul>
<b>Gifts of Real Estate</b>	If you own appreciated real property (such as your home, vacation property, vacant land, farmland or ranch or commercial property), you can avoid paying capital gains tax by making a gift to us	<ul style="list-style-type: none"> <li>» Avoid paying capital gains tax</li> <li>» Charitable income tax deduction</li> <li>» Leave a lasting legacy</li> </ul>



## Does the new tax code impact your giving?



By **Cary H. Hall**

ATTORNEY AT  
WYCHE LAW FIRM

The Tax Cuts and Jobs Act of 2017 was signed into law on December 22, 2017. This Act made major changes to the federal income tax system, including reduced tax rates, eliminating some itemized deductions and limiting others, elimination of dependency exemptions, higher standard deductions for individuals and others.

Some of the changes implemented by the Act may impact persons donating to conservation organizations. First, cash contributions to public charities (almost all land trusts are public charities) have a 60% AGI limitation, increased from 50%. The AGI limitation caps the percentage of adjusted gross income that can be sheltered with a charitable gift deduction.

The increased standard deduction (\$12,000 for single filers and \$24,000 for married filing jointly) and the cap on state and local tax deductions (cap is \$10,000) and elimination of other itemized deductions, may reduce the tax benefit of small charitable deductions, since total itemized deductions must exceed the standard deduction before it makes sense to claim them.

The changes make it even more beneficial for donors who are over the age of 70-1/2 to make charitable gifts out of their Individual Retirement Accounts. A gift made from the IRA of a donor over the age of 70-1/2 is not taxable to the donor, as regular IRA distributions are, so the charity receives the full, before tax distribution. All such distributions count towards the Required Minimum Distributions that the donor must take each year from the IRA. These tax-free distributions from IRAs to charity are capped at \$100,000/year.

*Cary's practice is evenly divided between general corporate and transactional matters and tax law. He has been recognized as one of the "Best Lawyers in America" for nearly 20 years.*

ANNOUNCING THE 2019

## ForeverGreen Award Recipients

Please save the date for the ForeverGreen Annual Awards Luncheon on February 17, 2019 from 11am - 1pm at the Embassy Suites on Verdae Boulevard. Our keynote speaker is Paul Hilton with Trillium Asset Management, a socially responsible investment company. Stay tuned for more information!

### Congratulations to the 2019 award recipients:

#### THE MARJORIE E. SCHMIDT STEWARDSHIP AWARD

**Dick Carr**, for his tireless dedication to UF for more than a decade

#### THE TOMMY WYCHE LAND CONSERVATION CHAMPION

**Doug Harper**, for his role in reauthorizing the SC Conservation Bank

#### CLEAN WATER CHAMPION

**Nikki Grumbine**, for her leadership with the Friends of the Reedy River

#### LAND PLANNING & POLICY CHAMPION

**The Northside Initiative**, for their collaborative efforts to transform and revitalize Spartanburg's Northside community

#### PUBLIC SERVANT OF THE YEAR

**Phil Gaines**, for his years of service to the SC State Parks Service

#### EXTRAORDINARY ACHIEVEMENT AWARD

**Dennis Chastain**, for his 40+ years of work as a writer, historian, botanist, guide, and conservation advocate

## After 17 Years, Kris Yon Steps Down from UF Board

*I was so excited when I first saw the Upstate Forever brochure that talked about sprawl, saving our streams, promoting sensible growth, and having a voice about the quality of life in the Upstate.*

*I immediately joined and have worked on many projects for Upstate Forever since then.*

***It is our responsibility to insist on quality growth and identify and preserve the special places in our corner of SC for ourselves, our children, and their children.*** — Kris Yon



"Many projects" is quite an understatement! An Anderson native, Kris has been a member of Upstate Forever's board since 2001, during which time she has served on the Marketing/Public Relations, Nominating, Development, and the Land Trust Committees. We will miss having her on the UF board, but we know she will continue to advocate for quality growth and the protection of special places in the Upstate. **Thank you, Kris, for your many years of loyal support and service!**



Lake Jocassee Field Trip with Dennis Chastain (2001)



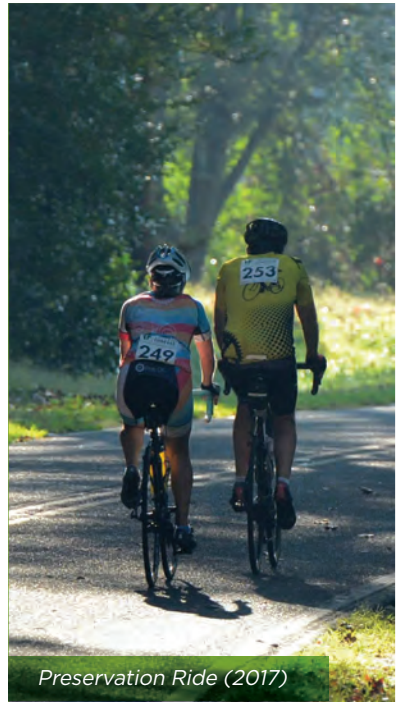
Hike Group Shot (2008)



(L to R): Brad Wyche, Leon Patterson, Andrea Cooper, and Dick Carr at UF Annual Meeting at Greenbrier Farms (2015)



Glenn Hilliard & Dr. Patrick McMillan (2017)



Preservation Ride (2017)



Angela Viney (2011)



National Hunting & Fishing Day (2014)



Saving Lake Greenwood (2012)



Brice Hipp & Dr. Drew Lanham (2016)



Field Trip to Lake Conestee Nature Park (2006)



Staff Retreat at Swamp Rabbit Cafe & Grocery (2017)



*Inaugural staff at the Spartanburg office  
(L to R): Stephanie Monroe, Emily Neely, &  
Molly Parnes (2004)*



*Lake Jocassee Field Trip (2003)*



To all our members, staff, volunteers, landowners, board members, champions, partners, advocates, and friends...

**Thank you for supporting Upstate Forever for 20 years.  
We could not have done this without you!**



*UF Easement holder Dianne Culbertson  
at Timber Creek Farm (2015)*



*On the SC State House steps for Lobby Day (2007)*



*Duke Transmission Line  
Victory Celebration (2015)*



*Shelley Robbins presents at Innomobility  
Conference (2012)*



*SC Adopt A Stream Training (2015)*



*Brad Wyche & his loyal assistant  
prepare to move into the Upstate Forever office (1999)*



Protecting Land & Water | Advocacy | Balanced Growth

507 Pettigru Street, Greenville, SC 29601  
201 E. Broad Street, Suite 1C, Spartanburg, SC 29306

[www.upstateforever.org](http://www.upstateforever.org)



Please recycle when finished

Thank you for helping us ensure future generations of Upstate residents enjoy a high quality of life.

## HOW TO GET INVOLVED

- » Make a gift at [upstateforever.org/donate](http://upstateforever.org/donate) or mail a check to our Greenville office
- » Join the Wyche Society, which is open to all who give \$2,500 or more annually. To learn more, contact Aldon Knight, Director of Development, at [aknight@upstateforever.org](mailto:aknight@upstateforever.org) or (864) 250-0500 x31 or visit [upstateforever.org/wyche-society](http://upstateforever.org/wyche-society)
- » Make a planned gift through property, life insurance, a bequest, or a trust. Learn more at [upstateforever.org/legacy](http://upstateforever.org/legacy) or contact Aldon (*info above*)
- » Sign up for email updates, volunteer opportunities, and find more ways to help at [upstateforever.org/get-involved](http://upstateforever.org/get-involved)



JACK ROBERT PHOTOGRAPHY

*Upstate Forever Development Associate Ava Thacker plays with her grandson King at Lake Conestee Nature Park.*



*Pacolet Milliken is pleased to support Upstate Forever in improving the quality of life for all Upstate residents.*