

# Upstate Update

NUMBER 63

MARCH  
2005

Upstate Forever's Monthly Bulletin on  
Important Issues and Events in the Upstate

## In this Upstate Update:

1. Legislative Update
2. Upstate's Dennis Bauknight Retires with State Award
3. Upcoming Events
4. Lots O' Links
5. Quote of the Month

April 26, "Trees: The Care and Protection of a Valuable Upstate Resource," Palmetto Expo Center, Greenville, S.C. This one-day conference will address the proper care of trees in general and on construction sites, the many benefits of trees in our communities - from economic to environmental to aesthetic, and the challenges of protecting trees through public policy. Among the highlights of this conference will be a panel discussion about the regulatory challenges of tree protection and a review of tree ordinances in South Carolina. The event's outstanding speakers include Dr. Michael Durr of the University of Georgia, Ed Macie of the U.S. Forest Service, Dr. Don Ham of The Laurus Group, and Donna London of Clemson's Strom Thurmond Institute. Please plan to attend this important conference. For more information or to reserve a place, download the agenda and registration form at [http://www.upstateforever.org/Tree\\_Conf\\_04\\_05.pdf](http://www.upstateforever.org/Tree_Conf_04_05.pdf)

## Legislative Update

We are continuing to keep you informed about important conservation and land use related legislation at the state and national levels by including a legislative update in each issue of *Upstate Update* and by regular emails throughout the legislative session. ***Please let your voice be heard on these bills by contacting your elected leaders and expressing your support or opposition.*** Contact information is included for each bill.

When referring to a specific bill, address comments about House bills (e.g., H.3141) to members of the House of Representatives, or Senate bills (e.g., S.304) to members of the Senate. You can find contact information for all state legislators representing Upstate counties by referring to the chart provided on page 7 of [Upstate Update 62](#). When bills are being considered in Committee, it is equally important to contact members of those Committees with your concerns. We will include links to the appropriate Committee listings with each position below. You can also find a complete listing of both your state and U.S. House and Senate members at <http://www.scstatehouse.net/cgi-bin/zipcodesearch.exe> by entering your 9-digit zip code. (A link is provided on this site to help you find your 9-digit zip code.)

## STATE LEGISLATION

### Conservation Bank Funding

Governor Mark Sanford included full funding for the Conservation Bank in his proposed budget for this year. Funded by a small portion of the deed recording fee, the Conservation Bank successfully protected more than 25,000 acres of significant natural and historic lands in South Carolina in 2004, including three important tracts in the Upstate. (See [Upstate Update 61](#) for more information.)

✓ ***Upstate Forever's position: We support full funding of the Conservation Bank.***

**Status:** *Despite an attempt to reduce funding, the House voted 81-28 to maintain the full \$15 million. The Senate Finance Committee will now consider the budget. Please contact [Committee members](#) and voice your support for full funding of the Conservation Bank.*

## Promoting sensible growth and protecting special places in the Upstate

## Attack on Home Rule, S.304

This bill would strip local governments of the right to enact local ordinances that are more restrictive than state regulations on any business or industry. This bill is a brutal and totally unjustified assault on the Home Rule doctrine, which has been firmly established in South Carolina for over 30 years and gives local governments the right to enact the ordinances and regulations that they believe are necessary to protect and improve the quality of life in their communities.

× **Upstate Forever's position: We do not support S.304.**

**Status:** *The Senate Agriculture Subcommittee approved S.304 on March 17 after only 45 minutes were allowed to hear from opponents. The bill is now in the hands of the Senate Agriculture and Natural Resources Committee. Contact members of the Committee and ask them to send S.304 back to the subcommittee so the opposition will have a chance to be heard.*

## Billboard Protection, H.3381

This bill is a specific example of the attack on Home Rule. It would seriously undermine the ability of a county or municipality to manage and control billboards. The legislation would prohibit the use of amortization, which gives an industry a reasonable amount of time to remove a billboard. Rather, communities would have to relocate the billboard to a comparable location, and if such a location is not available, to compensate the billboard company for the cost of the structure, relocation costs, and the revenues lost as a result of the removal of the sign. Further, it would require payment to the property owner where the billboard was located for revenues lost due to the removal of the sign.

This legislation would create a special exemption for one industry and set a dangerous precedent for other local issues. It would also have a substantial financial impact on cities and counties.

× **Upstate Forever's position: We do not support H.3381.**

**Status:** *This bill was overwhelmingly approved by the House and has been referred to the Senate Judiciary Committee. Please contact Committee members and voice your opposition to the "Landowner and Advertising Protection and Property Act."*

## State Agency Regulations, H.3141

This bill changes the Administrative Procedures Act as it relates to the passage of regulations. As initially introduced, the bill reflected compromise language that was agreed upon last year by many interested parties, including representatives of the state's conservation community. However, it has since been amended and is now a very harmful piece of legislation. See page 2 of Upstate Update 62 to read more about the amendments.

× **Upstate Forever's position: We do not support H.3141 as amended.**

**Status:** *This bill did not receive the support of a majority of the House Judiciary Committee and was recommitted for further study. It will be considered by the House Special Laws Committee. Please contact members and ask them to support H.3141 in its original version, without the two harmful amendments.*

Phillip K. "Phil" Sinclair

Alan D. Clemmons

Catherine C. Ceips

Karl B. Allen

Walton J. McLeod

## Administrative Procedures, H.3184, H.3285

These bills completely remove the DHEC Board's oversight of administrative appeals, instead placing it in the hands of Administrative Law Judges. This citizen Board has the authority to consider and approve environmental and public health regulations for the state. It should also have the authority to review, through the appeals process, the application and enforcement of these regulations.

The conservation community supports changes to increase public participation and notification in the appeals process, but not the usurpation of the Board's authority.

× **Upstate Forever's position:** *We do not support H.3184 and H.3285 as they are currently drafted. Status: These bills were approved by the House Judiciary Constitutional Laws Subcommittee and are now in the hands of the House Judiciary Committee . Please contact members of this committee to oppose these bills.*

## Environmental Grand Jury, H.3189, S.22

These bills would give the State Grand Jury the authority to investigate and prosecute environmental crimes.

✓ **Upstate Forever's position:** *We support H.3189 and S.22. Contact your legislators and especially members of the House and Senate Judiciary Committees to voice your support. Status: The Senate amended S.22 back to its original version and it now mirrors H.3189. However, unfavorable amendments have been introduced for S.22. Please contact members of House and Senate and ask them to support H.3189 as it is and S.22 without the pending amendments.*

*Thanks to Christie Renken of the South Carolina Coastal Conservation League's Columbia office for her weekly updates on current state legislation relating to land use and conservation.*

## FEDERAL LEGISLATION

### ***Tax Incentives For Conservation Must Be Maintained!***

A shocking report by Congress' Joint Committee on Taxation recommends dismantling the tax deductions for landowners who volunteer to conserve their property—a program that has been essential to private and public conservation efforts for more than 25 years.

These incentives have led to the voluntary conservation of more than 34 million acres of natural areas, historic sites, working farms and forests, and wildlife habitats throughout the United States. In South Carolina, the incentives played a key role in the preservation of landscapes and resources of incalculable value, such as the Mountain Bridge Wilderness Area and the ACE Basin.

For more information, please read the guest editorial by *Upstate Forever* Executive Director Brad Wyche and Land Trust Director Dana Leavitt in The Greenville News on March 7: <http://greenvilleonline.com/news/opinion/2>

× **Upstate Forever's position:** *We do not support reduced tax incentives for conservation.*

*We need your help! Please contact United States Senators Lindsey Graham, Jim DeMint and Congressman Bob Inglis and urge them to oppose all efforts to reduce the current tax incentives for conservation. Also please visit the LTA website for updates and other ways you can assist.*

## U.S. Senate Approves Drilling in the Arctic National Wildlife Refuge

By only a very slim margin, the United States Senate has voted to unlock the doors to the Arctic National Wildlife Refuge (ANWR) to oil riggers and the construction of many miles of new roads and pipelines that will be required to support each drilling site. In so doing, the Senate has not only attempted to seal the fate of one of the nation's most pristine and ecologically significant treasures, they have also set a dangerous precedent for all other U.S. wilderness areas.

ANWR is a 19-million-acre refuge - roughly the size of South Carolina - that was set aside in 1960 during the Eisenhower administration to protect the region's "unique wildlife, wilderness and recreation values." It has been described by the US Fish and Wildlife Service a place where all species of plants and animals that should be there are present, and where there have been no invasions by outside species.<sup>1</sup>

<sup>1</sup> MSNBC.com, "Confused about Arctic refuge?" <http://msnbc.msn.com/id/7159486/>

# Upstate update

NUMBER 63  
MARCH  
2005

After years of political wrangling and previous failed attempts, the US Senate voted 51-49 on March 17 to open up 1.5 million acres known as the 1002 Area on Prudhoe Bay for oil exploration in an attempt to reduce the nation's dependence on foreign oil - deemed especially critical in the current "national oil crisis."<sup>2</sup> The drilling provision was included in the budget to avoid the filibuster that had blocked it when it was part of an energy bill, since extended debate is not allowed on budget votes.

What's wrong with this picture?

First, oil from the refuge is not expected to reach domestic pumps for 10-12 years - hardly a reasonable response to a crisis. Second, drilling in ANWR is expected to produce a total of approximately 6 billion barrels of oil. The U.S. consumes about 20 million barrels every day.<sup>3</sup> Thus, the entire ANWR reserves will meet U.S. oil needs for only 300 days. Third, drilling in ANWR is a temporary fix, at best. Fourth, opening ANWR to drilling is a dangerous precedent that could ultimately lead to severe impacts of other nationally protected areas.

In a country that prides itself in being technologically advanced, industrious and creative, why are we being so short-sighted about this particular problem? What we need are long-term solutions and not quick-fixes. If this country truly wants to reduce our dependency on foreign oil, then we should be finding ways to *use less* oil. The government should mandate higher fuel-efficiency standards for trucks and automobiles and consumers should reduce their own demand by reducing the number of miles they drive and by purchasing highly efficient automobiles.

× **Upstate Forever's position: We do not support opening ANWR for oil exploration.**

**Status:** *There's still time to save ANWR. Congress is currently in a two-week recess and will reconvene on April 4. The next step is for a conference committee to reconcile the House and Senate versions of the budget - the House version did not have a provision to open ANWR. Please call your U.S. Senate and House members and urge them to remove the ANWR legislation from the 2006 budget before it goes to a final vote.*

Member Name	DC Phone Number	Email Address
<a href="#">Senator Lindsey Graham (R- SC)</a>	202-224-5972	<a href="http://lgraham.senate.gov/index.cfm?mode=contactform">http://lgraham.senate.gov/index.cfm?mode=contactform</a>
<a href="#">Senator James DeMint (R- SC)</a>	202-224-6121	<a href="http://demint.senate.gov/index.cfm?FuseAction=Contact.Home">http://demint.senate.gov/index.cfm?FuseAction=Contact.Home</a>
<a href="#">Representative Henry E. Brown, Jr. (R - 01)</a>	202-225-3176	<a href="http://www.house.gov/henrybrown/content.aspx?catID=4650">http://www.house.gov/henrybrown/content.aspx?catID=4650</a>
<a href="#">Representative Joe Wilson (R - 02)</a>	202-225-2452	<a href="mailto:Joe.Wilson@mail.house.gov">Joe.Wilson@mail.house.gov</a>
<a href="#">Representative Gresham Barrett (R - 03)</a>	202-225-5301	<a href="http://www.house.gov/writerep/">http://www.house.gov/writerep/</a>
<a href="#">Representative Bob Inglis (R - 04)</a>	202-225-6030	None available
<a href="#">Representative John M. Spratt, Jr. (D - 05)</a>	202-225-5501	<a href="http://www.house.gov/spratt/contact/email_john.htm">http://www.house.gov/spratt/contact/email_john.htm</a>
<a href="#">Representative James E. Clyburn (D - 06)</a>	202-225-3315	<a href="mailto:jclyburn@mail.house.gov">jclyburn@mail.house.gov</a>

Be sure to urge your legislators to pursue other, less harmful and more sustainable ways to reduce oil demand in this country. Conservation is one such way. Drilling in the Arctic National Wildlife Refuge is a drastic measure that should be avoided.

Thank you for your support on all of this important legislation!

<sup>2</sup> Energy Committee Chairman Sen. Pete Domenici said the message to the American people was, "It's time to wake up. The United States is in a terrible crisis. I don't know how we can make the point that we are so vulnerable...To be almost 70 per cent dependent on oil from overseas is a crisis, a crisis waiting to befall America."

<sup>3</sup> National Energy Office, U.S. Department of Energy, International Petroleum Information, data sheet [http://www.eia.doe.gov/mer/pdf/pages/sec11\\_7.pdf](http://www.eia.doe.gov/mer/pdf/pages/sec11_7.pdf)

## ***Upstate's Dennis Bauknight Retires with State Award.***

Dennis Bauknight, one of the greatest conservationists in the Upstate's history, has retired after 34 years of public service with the Natural Resources Conservation Service (NRCS). And he left with a well deserved award as South Carolina's Outstanding 2004 NRCS Employee.

In recommending him for the award, the Greenville District Board of Commissioners praised Dennis's past and recent contributions: "Natural resource conservation is a fiber that is woven very tightly into the fabric of Dennis Bauknight's life. It is as much a part of his existence as eating, breathing, and sleeping." Throughout his distinguished career, Dennis has worked closely with countless farmers and other landowners in restoring and conserving the important natural resources of their properties. No one knows the land of our region and its owners as well as Dennis.

Dennis's contributions to natural resource protection go beyond his work at NRCS. He and his wife Amanda, a former *Upstate Forever* Board member, are always hosting school and other groups on their beautiful farm in Pickens County. They have also entertained crowds - including *Upstate Forever's* membership - with their bluegrass music, often with a conservation-based theme. In addition, Dennis has been a frequent speaker at *Upstate Forever* conferences.

We know that despite his retirement, Dennis will not diminish his active and passionate involvement on behalf of conservation in our region. We look forward to continuing working with him.

## ***Upcoming Events***

### ***Upstate Forever Events***

**April 19, Conservation Lobby Day, Columbia, SC.** Join the *Upstate Forever* contingent in Columbia as we show support for conservation-related policies and legislation. During the day, members of South Carolina's conservation community will meet with Senators and House members, attend committee meetings, and observe the legislature in action. That evening, all state Senators and House members are invited to attend an oyster roast to enjoy some low-country cuisine and socialize with conservation-minded citizens. For more information, please contact our office by email at [youngblood@upstateforever.org](mailto:youngblood@upstateforever.org) or by phone at (864) 250-500, or download information by clicking [here](#).

**April 23, Photography Outing with Bill Robertson.** Have you ever wanted to test your skills with a renowned photographer? Our third annual photography outing will give you a chance to polish your skills with celebrated, award winning photographer, Bill Robertson. We will hike through the wonderfully diverse DuPont State Forest where Bill will share his techniques and thoughts on perspective, composition, and light. Wear appropriate hiking shoes. Bring a 35mm camera, tripod, cable release, film, water, and a bag lunch. Approximate Time: 9:00 a.m.-3:00 p.m. Maximum:20 people Cost:\$20.00

**April 26, "Trees: The Care and Protection of a Valuable Upstate Resource," Palmetto Expo Center, Greenville, SC.** See page 1 of this Upstate Update or visit [http://www.upstateforever.org/Tree\\_Conf\\_04\\_05.pdf](http://www.upstateforever.org/Tree_Conf_04_05.pdf).

### ***Other Events***

**Ongoing Through April 22, Ink Cartridge Recycling Program.** The Johnston Design Group, an environmentally sensitive architectural firm, is sponsoring an ink cartridge recycling program to benefit Fund for Animals Rabbit Sanctuary and to celebrate Earth Day. The collection point is Johnston Design's office on the ground floor of the West End Market, Greenville, SC. For more information, contact [lisa@johnstondesigngroup.com](mailto:lisa@johnstondesigngroup.com).

**April 6, Andres Duany and the SmartCode, Georgia Tech, Ferst Center for the Arts, Atlanta, GA, 7:00 p.m.** Noted architect and principal of Duany Plater-Zyberk & Company (DPZ) will share his unique and thought-provoking perspective on how we can work together to build better and more cohesive communities. This event is free and open to the public, and is being presented in conjunction with the SmartCode Workshop (April 6-9). For more information, visit <http://www.placemakers.com/info/workshop.html>.

**April 12, Steelcase Wood Furniture Event, Corner of Main and Broad Streets, Greenville, SC.** Learn about Steelcase's Environmental Partnership Program, the industry's most comprehensive program designed to connect customers with environmentally responsible after-use strategies for their Steelcase furniture. Steelcase wood furniture is manufactured in the world's first LEED-certified manufacturing facility. For more information about the event, call Young Office (864) 265-7556. To learn about Steelcase's LEED-certified facility, visit <http://www.steelcase.com/Files/d1d01b42cd1140a990c387f095bd8666.pdf>.

**April 13-15, Southeastern Lakes Management Conference, Asheville, N.C.** Organized by the North American Lake Management Association (NALMS), this event will address ways to restore, enhance and preserve watersheds while supporting economic development. *Upstate Forever's* Jason Van Dreische will be among the conference's presenters and will discuss the work of the Saluda-Reedy Watershed Consortium. To register or to learn more visit <http://www.nalms.org/nclms/>

**April 20 - June 26, RiverRun: Art of the Reedy, Greenville County Museum of Art, Greenville, SC.** This event will feature the work of photographers and ceramic artists who were challenged to use the Reedy River for the art they have submitted. Ceramic artists were supplied with clay dug from the riverbed, but their themes were entirely flexible. The photography exhibit includes photojournalism, abstract and realistic photos, and images that embody the historical relationship between the river and community. For more information, contact Mary McCarthy at the museum by calling (864) 271-7570, extension 28.

**April 22-24, "The River in the City: Plant, animal, and human interactions in the Midlands of South Carolina," Riverbanks Zoo and Botanical Garden, Columbia, SC.** Presented by the South Carolina Native Plant Society. Speakers, workshops, and field trips will address the biology of native plant species, natural areas, and the vegetation of the Midlands. For more information or to register, email [symposium\\_2005@scnps.org](mailto:symposium_2005@scnps.org) or visit [www.scnps.org/symposium.html](http://www.scnps.org/symposium.html).

**April 23, Trail Cleanup, Clemson Experimental Forest, Oconee County, SC.** Join other volunteers for a cleanup in the North Forest and for a picnic afterwards. Contact Tim Rowell at (864) 654-4564 or [tim@friendsofthecef.org](mailto:tim@friendsofthecef.org).

**April 24-29, Volunteer Vacation, Table Rock State Park.** Vacation with other volunteers and help clean up trails in Table Rock State Park. Sponsored by Discover South Carolina and co-sponsored by the American Hiking Society, the Palmetto Conservation Foundation, and the Foothills Trail Conference. To find out more, visit this website and click on the highlighted word "vacation" in the text: <http://www.americanhiking.org/alliance/2005conf.html>.

**April 28-May 1, 3rd Southeastern Foot Trails Conference, Pickens, SC.** Be a part of the third Southeastern foot trails conference at beautiful Table Rock State Park in Pickens, South Carolina. This conference will gather the leadership of the hiking community in the southeast, along with representatives from a variety of government agencies for a weekend of learning, networking, and fun! *Upstate Forever* Executive Director Brad Wyche will speak at the dinner on April 28. <http://www.americanhiking.org/alliance/2005conf.html>.

**April 30, Reedy River PaddleFest, Greenville Technical College Brashier Campus, Simpsonville, SC.** This Race and Float is being held on a three-mile stretch of the Reedy River between Log Shoals Road and West Georgia Road in Greenville County that has several class II-III rapids separated by stretches of flat water. Race participants should be capable of comfortably paddling this level of whitewater. Co-sponsored by Friends of Reedy River, Greenville County Recreation District, and SC Water Resources Center. Proceeds will benefit Friends of Reedy River. For more information visit <http://www.gcrd.org/main/homepage/reedyriver.aspx>.

**May 14-21, "Bike Town," Spartanburg, S.C.** Celebrate cycling in Spartanburg, SC with a week's worth of events that will include the Lollapalooza Loop at the Spartanburg County Libraries, Cycle Cinema (a bicycling film festival), and a cycling advocacy summit. A highlight of the festival will be the exciting Assault on Mount Mitchell, a 110-mile ride from Spartanburg to the 6,684 summit of North Carolina's Mount Mitchell. Sponsored by the Palmetto Conservation Foundation. For more information, visit <http://www.palmettoconservation.org/index.php>.

**May 15, Greater Greenville Master Gardener Annual Plant Sale, 9:00 a.m. - 1:00 p.m.** - Proceeds benefit Master Gardener projects. Firestone Tire Store, 1104 Woodruff Road, Greenville, SC.

## Lots o' Links

**"Source Protection Handbook: Using Land Conservation to Protect Drinking Water Supplies."** This publication from the Trust for Public Land brings together lessons learned during years of field work and presents some of the best practices for protecting drinking water sources. [http://www.tpl.org/content\\_documents/source\\_protect\\_hbook.pdf](http://www.tpl.org/content_documents/source_protect_hbook.pdf).

**Big-Box Stores Find Ways to Dodge Local Controls.** Officials in Calvert County, Maryland passed size restrictions that limit buildings to 75,000 square feet in quaint town centers like Dunkirk. Now, Wal-Mart has found a way around the restrictions by constructing two buildings - one 74,998 square foot structure and an adjacent-but-separate 22,869 square foot structure. <http://www.washingtonpost.com/ac2/wp-dyn/A12175-2005Mar6?language=printer>.

**New Housing Development Heralds Benefits of Narrow Streets.** With one-way streets only 9½ feet and two-lane streets only 19 feet in width, this Atlanta neighborhood slows down traffic and encourages walking. <http://www.newsobserver.com/news/growth/downtown/series/story/2168858p-8550038c.html>.

**Green Cemetery in Oconee County Offers Environmentally Friendly Burial.** Ramsey Creek Preserve in Westminster has walking trails, mixed woodlands, open fields, and burial sites. <http://www.motherearthnews.com/article/2052/toparticles>.

**Greenville's Downtown Revival Heralded in Raleigh Newspaper.** The March 1 edition of the News & Observer features Greenville's revitalized downtown and traces its remarkable efforts to bring people back to the city. <http://www.newsobserver.com/news/growth/downtown/series/story/2168858p-8550038c.html>.

**"An Urban Age in a Suburban Nation?"** This speech by Bruce Katz of the Brookings Institution claims that broad changes across America—demographic, economic, and social—are remaking not just the nation's cities but also its older suburbs. <http://www.brookings.edu/dybdocroot/views/speeches/katz/20050225urbanage.pdf>.

# Upstate Update

NUMBER 63  
MARCH  
2005

## Quote of the Month

"We can't drill our way to energy independence in the Arctic. Most Americans agree that drilling in a wildlife refuge to secure a six-month supply of oil a decade from now just isn't worth it. There are far better options on the table that rely on American ingenuity, strategic investment, and revitalizing existing sources of oil supply."

Sen. Maria Cantwell, WA  
Seattle Post Intelligencer, March 17, 2005



NONPROFIT ORG  
U.S. POSTAGE  
PAID  
GREENVILLE, SC  
PERMIT NO. 18

EDUCATION • ADVOCACY • LAND TRUST