



The Warbler

Newsletter of the Pineywoods Sierra Group

Vol. VI: Issue 6 September/October 2006

Pineywoods Sierra Group will meet on Tuesday, October 3rd at 7 p.m. at Austin Height Baptist Church, 2806 Appleby Sand Road, Nacogdoches.

Program to be announced.

September Outing

Join us for a paddle on the Upper Neches River on Sept. 23rd. It will be approximately a four mile trip through the new wildlife refuge. The trip is short but the river is low and there will be numerous logs to get over or around - not the easiest trip but definitely worth it - lots of wildlife and unspoiled scenery on a remote stretch of the Upper Neches. If you don't have a canoe or kayak, call and I will try to pair you up with someone who has space in theirs. Please rsvp by Thursday, Sept. 21. For more details or to reserve your space, call or email me: Dian Avriett, cdavriett@aol.com, (903) 822-3344. Hope to see you there. Call 903-822-3344 for more information.

Need Turnout at Hearing on State Water Plan

The Texas Water Development Board (TWDB) will hold meetings on the State Water Plan throughout the state – **AND WE NEED TO TURN OUT A CROWD OF PEOPLE TO MAKE OUR VOICES HEARD.**

The hearing in Region I (East Texas) will be in Nacogdoches September 27, 6:00 p.m., Wednesday, Stephen F. Austin State University, Regent's Suite A, 222 Vista Drive

Written comments may be sent by October 6 to

Bill Roberts
Texas Water Development Board
P. O. Box 13231
Austin, Texas 78711-3231
bill.roberts@twdb.state.tx.us

The State Water Plan continues to include Fastrill Reservoir, even though Fastrill will be precluded by the Neches River National Wildlife Refuge, which was approved June 12. While it is unlikely that TWDB will make substantial changes in the Plan as a result of testimony at his hearing,

there are important reasons to attend and speak. (1) All oral and written comments will be included in the State Water Plan. (2) The hearings will likely get widespread media coverage. If no one comes to speak at the hearings, newspapers will use the pro-reservoir press release sent out by the Texas Water Development Board. If people come and oppose Fastrill and other new reservoirs, the media will cover the controversy and the reasons for using water from *existing* reservoirs before building new ones!

TALKING POINTS:

The BIG point of course is that Fastrill Reservoir should be removed from the State Water Plan! This site is slated for the Neches River National Wildlife Refuge and we need to make it clear that that is what we want it used for.

Another major point is that DFW's water use projections are inflated and that DFW could get all the water they need from existing reservoirs.

It is wrong for water providers to build a new reservoir, flooding tens of thousands of acres of valuable bottomland and displacing hundreds of ranchers and timber growers, when water can be obtained from existing reservoirs.

In addition to including Fastrill Reservoir in the State Water Plan, the Plan recommends construction of three reservoirs in northeast Texas – Marvin Nichols (72,000 acres), Bois d'Arc Reservoir (16,000 acres), Ralph Hall Lake (7,500 acres) – and lists the 125,000-acre Rockland Dam as an alternate site.

There will be two other hearings in East Texas, a statewide one in Austin, and others in other parts of the state:

Gilmer: September 21, 6:00 p.m., Thursday, Gilmer Civic Center, 1925 North Wood Street

Conroe: September 26, 6:00 p.m., Tuesday, San Jacinto River Authority, 1577 Damsite Road

Austin: October 2, 6:00 p.m., Monday, Stephen F. Austin Building, Room 170, 1700 North Congress Avenue

Full list at <http://www.twdb.state.tx.us/RWPG/main-docs/2007SWPMeetings&Hearing.doc>

The State Water Plan is on the agenda for adoption by TWDB in Austin, November 14, 11:00 a.m., in the SFA Bldg, Room 170.

WE HOPE TO SEE YOU AT THE HEARING ON THE STATE WATER PLAN!

For more information, contact:
Janice Bezanson, Executive Director
Texas Committee on Natural Resources (TCONR)
512-327-4119
bezanson@texas.net
tconr.org

Declining Turtle Populations
Dian Avriett

If you have spent much time around the rivers and lakes in East Texas during the summer, you are familiar with the sight of rows of turtles sunning on logs or the sound of them hitting the water as you approach. These sights and sounds may soon be nothing but a memory if something isn't done quickly to change the current Texas nongame law.

The current state nongame wildlife commercial collection law in Texas is inadequate to protect or sustain a healthy population of box turtles or native freshwater turtle species. In fact, allowing unlimited take of these species in Texas has encouraged trappers from other southern states to come here. The majority of other states now have some laws in place to protect our turtles. Almost all Asian and European turtles are protected from harvest. They are near extinction in southern Asia due to human consumption and now that part of the world is targeting our turtles. With a nongame wildlife permit, residents and non residents can legally take and sell every turtle that he catches in any Texas stream. The rarer turtles are trapped and sold to the pet trade while the larger species are shipped alive to Asia and sold for food. Texas, Louisiana, and Arkansas are the main states being exploited by trappers. It is time to get laws in place to protect what we have left before the wild populations are depleted beyond recovery.

Wildlife biologists with Texas Parks and Wildlife, US Forest Service, Texas A&M University, International Union for the Conservation of Nature and Natural Resources, Turtle Survival Alliance, and the Savannah River Ecology Laboratory all agree that box turtles and freshwater turtles can not sustain unlimited harvest and collection from the wild. Biologists also agree that numerous species have experienced rapid population declines in recent years. Various other factors have caused some of the decline – habitat loss, road kill, feral hogs, fire ants, and raccoons – but the majority of the decline is due to commercial trappers. Texas Parks and Wildlife has not sponsored any major field study to determine the current number in the wild. The only method currently being used to determine the number of turtles commercially harvested is a voluntary reporting requirement. The non game collection law requires licensed collectors to annually report the number of turtles taken from the wild and note each species with the date and location of

where they were taken. This reporting requirement is probably not very reliable. Turtle trappers may not record actual numbers due to fear of having future limits put on them. Also, there are numerous people who do not get a license but sell small quantities of turtles to local buyers. There is probably a lot of poaching happening with turtles being trapped in Texas and then taken to Louisiana and sold where the laws are even more lax. Even the Alligator Snapping turtle is not protected there.

A rapid decline in the Texas turtle population has been observed by numerous biologists and concerned citizens yet nothing is being done by this department to stop the downward trend. An emergency moratorium needs to be put in place immediately to stop the commercial take of all turtle species until biologists can do scientific field studies and determine how large the adult breeding population is. These studies may take several years and if the commercial harvest is not stopped immediately, several species could be so depleted that it would take generations for it to come back. Many of the larger freshwater species live to sixty or seventy years and are several decades old before they are old enough to reproduce. I have seen estimates of mortality rates in young turtle hatchlings in the wild and most agree that only one in twenty five live to one year of age. Continuing to allow unlimited take of these older adult breeders could easily cause the irreparable decline of several species. Texas Parks and Wildlife has a duty to protect any species from decline. This emergency moratorium needs to be put immediately on the commercial take of all Texas turtles until scientific field studies can be done and the data assessed. I am asking for your help today. Please send a letter to the Executive Director of Texas Parks and Wildlife and one to your state representative asking them to stop the unlimited turtle harvest immediately. The letter can be very short and simple – just let them know that our turtles are not for sale to other parts of the world. They belong here in our Texas waters and lakes. Please send a letter to :

Robert Cook, Executive Director
Texas Parks and Wildlife
4200 Smith School Road
Austin, Texas, 78744

For additional information or to get on our email list, contact me. Email is the best way to reach me. Thank you for your help. Please forward this to anyone else that you know.

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Talent Search! We are now booking programs for 2007--if you have a special topic that you would like addressed, if you know a good speaker, or if you would like to present a program, please contact Vicki at baggett@awesomenet.net or 936/564-0179. This is YOUR Sierra Group!

Coal Burning Power Plants

Buckley MacInerney

As you have probably heard, Governor Perry is trying to fast track the building of 13 new coal burning power plants. Texas is already the nation's largest carbon dioxide polluter and TXU's plans will make this dramatically worse. While many fight to clean the air we breathe, these plants will sacrifice public health, the economy, and the environment to make record profits. Individuals who pay the cost of health care for asthma and other health care are in effect subsidizing the power plants. The Rusk County plant in Tatum emits more mercury than any power plant in the country. A recent study by the University of Texas Health Science Center at San Antonio found a 17 percent increase in autism for every 1,000 pounds of mercury pollution. What is the long term health care cost and lost income of a person who is born with autism, not to mention the suffering? How long will it be until TXU is forced to pay these costs? What will happen when coal caps are put in place? Some states and many utilities include the cost of carbon offsets in their planning. Estimates range from \$6 to \$64 per ton. For more information, check out stopthecoalplant.org

Poor air quality costs us. Respiratory care totaled \$825 million in one recent year at just one local hospital. Asthma is now the No. 1 reason kids land in the emergency room. We've lost Toyota and Boeing plants to San Antonio and Chicago because of poor air quality in North Texas.

| * Health Statistics | |
|---------------------|-----------------|
| Deaths | 1,160 per year |
| Heart Attacks | 1,791 per year |
| Lung Cancer Deaths | 144 per year |
| Asthma Attacks | 33,987 per year |
| Hospital Admissions | 1,105 per year |
| Asthma ER Visits | 1,796 per year |

Power plant mercury pollution puts our babies at risk for permanent brain damage. We need 90 percent mercury reductions from all sources in order to protect health. TCEQ's weak mercury proposals would allow mercury to increase over the next four years. Eleven Texas fishing lakes and the Gulf of Mexico now have mercury fish consumption warnings.. TXU's proposed Oak Grove coal plant – 125 miles from Dallas – would become the new "worst mercury-emitting power plant in the nation." Is that the best TXU can do?

TXU could provide power for the future without breathtaking risks. Saving energy is cheaper than building polluting new power plants. Instead of spending billions on coal, why not invest in efficiency and renewable wind, solar and geothermal energy that are carbon free? If TXU must

use coal, it should at least use gasification (IGCC) technology, the so-called "clean coal," to capture mercury, carbon and smog-forming pollutants.

Contact officials regarding the coal plants:

Governor Rick Perry, Office of the Governor, P.O. Box 12428 Austin, Texas 78711-2428

SENATOR TODD STAPLES 504 E. Hodges St.
Palestine, TX 75801 District Phone: (903) 729-7717

REPRESENTATIVE ROY BLAKE 201 E. Pilar, Room 209 Nacogdoches, TX 75961 District Phone: (936) 560-3982

TCEQ, P.O. Box 13087, Austin, TX 78711-3087

Draft 2007 State Water Plan wastes water, money

Water plan "a wildly expensive wish list that the legislature and the people of Texas should view with great skepticism."

(AUSTIN, TX) The state water development board recently released a draft version of the 2007 state water plan. A coalition of conservation groups has criticized the plan, calling it "a 31-billion dollar boondoggle that, if implemented as written, could leave the state with dry rivers and empty pockets."

The plan calls for the creation of 14 major new reservoirs and relies on unsustainable pumping of groundwater in many areas of the state. The water development board estimates that Texas' population will double by 2060 and that total water demand will increase by twenty-seven percent.

Myron Hess of the National Wildlife Federation said of the plan, "While some regions did a good job, on the whole the draft 2007 State Water Plan is a squandered opportunity. Instead of focusing on cost-effective solutions with the least impact on our rivers and bays, we've ended up with a wildly expensive wish list that the legislature and the people of Texas should view with great skepticism."

Hess said that while some regions did recommend strong water conservation, many of the regions did not adequately focus on using water more efficiently as a way to meet needs. None of the groups looked at how drought management could reduce non-essential water demands as a way to avoid expensive new water supply projects that would only be needed during drought periods. Each of the 16 regional water-planning groups was responsible for developing their regional plan which was incorporated into the draft state plan.

If fully implemented, the plan could have serious environmental impacts across the state. Excessive

groundwater pumping could dry up springs and leave some communities high and dry, without options for the future. During dry periods, many rivers could be left without enough water in them to support fish and wildlife.

Texas' seven major coastal bays could also be impacted. Bays, or estuaries, are where the state's rivers flow into the Gulf of Mexico. These areas support amazing abundance of wildlife—fish, oysters, shrimp, blue crabs, and birds such as the endangered whooping crane. All of this abundance is reliant on an adequate amount of fresh water making it downstream from the rivers into the bay.

“If all the projects in the plan were built,” said Hess, “many of Texas’ estuary systems could face a serious decline in productivity.”

The conservation groups believe the state should create a plan that meets increased water needs with minimal damage to the environment—and to ratepayer’s wallets. And whether it is through increased water rates or fees on bottled water or new tap fees, there is only one ultimate source of cash for these proposed big water projects: Texas residents.

Mary Kelly of Environmental Defense explains, “We have to prepare ourselves for droughts like the one we are in today and that means being innovative about how we use water. Letting water sit out in a lake to evaporate during a hot Texas summer isn’t a smart approach, especially as climate change could increase statewide temperatures. Using water efficiently is not just cheaper; it is also more reliable. This draft plan, unfortunately, is a 1950s-style solution to a 21st-century problem.”

The groups point to the Dallas-Fort Worth area portion of the plan as particularly problematic.

“The Dallas Fort-Worth section of the plan is a perfect storm of bad planning,” said Hess. “It fails to include serious water conservation measures and proposes four massive new reservoir projects at a cost of almost \$3.5 billion—even though enough water to meet all projected needs would be available without them.”

One of these projects, the proposed Marvin Nichols reservoir in North East Texas, is particularly contentious. It would flood 72,000 acres of farmland and bottomland hardwood forests. The regional water plan for North East Texas, where the dam would be located, recommends against building the reservoir, but the Texas Water Development Board chose to include the project in the statewide plan.

Jennifer Walker of the Lone Star chapter of the Sierra Club concluded, “We recognize that as Texas grows, some new supplies will be needed. The Water Development Board, water suppliers and the legislature should focus on a balanced set of water management strategies with an increased emphasis on water conservation—the most affordable and secure strategy for the future.”

A copy of the 2007 draft state water plan is available at <http://www.twdb.state.tx.us/home/index.asp>.

Recycling Notes

Debbie Stevens of Keep Nacogdoches Beautiful presented lots of good ideas and inspiration to recycle! Here are my notes from her presentation:

Remember the 4 R’s:

Reduce---use products with less packaging

Reuse---both products and packaging. Buy used when possible.

Recycle

Rebuy---buy products made from recycled material

And REMEMBER to RECYCLE!

In Nacogdoches, you can recycle the following items in your blue bag: Aluminum, cardboard, grocery bags, plastic #1 and #2, steel and tin cans, paper—newspaper, computer paper, magazines and phone books, pasteboard cereal boxes. It is best to separate paper into a separate bag.

The Nacogdoches Humane Society accepts newspaper---no shiny ads—and aluminum cans at the shelter on the loop.

Nacogdoches H.O.P.E. food pantry takes donations of grocery bags. They are located at 2100 E. Main Street and are open from 9-11:30 a.m. on Mon. and Thurs.

More specific information about recycling can be found at www.keepnacheautiful.org

Incinerating 10,000 tons of waste creates 1 job

Landfilling creates 6 jobs

Recycling creates 36 jobs

Recycling is in our future---we are facing a waste crisis. In 1990 Texas had 790 active landfills, while in 2002, only 190 were active. The sooner that we learn how to recycle and to do with less, the better off we will be.

Pineywoods Group Recycling Fundraiser!

Pineywoods group is collecting old cell phones and inkjet cartridges to send to Ecophones, who will recycle the items and send us a small amount of money in return. Bring your items for recycling to a meeting, or contact Vicki at 936-564-0179 or Baggett@awesomenet.net to arrange pickup. Money will help to fund our mailings.

The Root of the Problem

- Greatest threat to environment & democracy coming from same source

*By Andrew Christie
Responsible Trade Committee*

For many years, environmentalists have noticed that even when we win, we seem to lose. Whether fighting for cleaner air or in defense of forests or against bad development projects, what we win is somewhat less dirty air, a few groves surrounded by miles of stumps, or a development that consumes irreplaceable open space or agricultural land, but

not as much as it might have. If graphed on a chart over the last thirty years or so, our victories would depict an unmistakably downward slide with the only consolation being the likelihood that if we did not engage in such battles, the slope would be much steeper.

There's a reason.

As the Church was to the Middle Ages, and European monarchies were to the colonial era, the corporation is to us. Ultimate power -- over our political system and the fates of Third World economies; over what we see, hear, eat, drink, breathe, and, ultimately, the way we think -- has come to be concentrated within corporate boardrooms. Of the world's 100 largest economies, 48 are countries. 52 are global corporations.

The Sierra Club is moving to take on the stacked deck of corporate rule. Over the weekend of August 11, just outside the small Sonoma County, California, town of Occidental, the Club's Confronting Corporate Power Task Force and Corporate Accountability Committee convened a meeting of Club leaders from across the country. We came from around the state, the midwest, the south and the east coast, in a group that included advocates from our Environmental Justice campaign and Responsible Trade Committee, a member of the Sierra Club's board of directors and a former Club president.

Over the three days of "Community Organizing for Environmental Protection and Democracy -- A New Paradigm," we reviewed 150 years of U.S. history, the rules of global trade as written by and for multinational corporations, and compared notes on our own experiences running Sierra Club campaigns in our communities -- where, more often than not, we have come out on the short end of a heavily rigged regulatory process.

The participants concluded that the problem is not bad apples but a bad barrel: Corporations have amassed far more power than was envisioned by the inventors of the corporate charter, federal and state governments have gradually ceded more and more of their authority over them, and the legal system has skewed heavily toward the Constitutional "rights" of corporate entities -- which, as artificial entities consisting of amassed property should have no such rights -- at the expense of the rights of real human beings and the rights of nature.

The "greening" of corporations, all agreed, is more of a distraction than a solution. It's not a matter of some corporations behaving better or worse than others, but the fundamental nature of the entity. By law, a corporation must place its bottom line above all other considerations. If paving over a wetland or cutting down an old growth redwood forest will increase its profits, a corporation must make every effort to do so. If not polluting a river will cost more than polluting it or paying the fine for doing so, it must fight regulators and the courts tooth and nail to be allowed to continue to pollute. If it does otherwise, it is betraying its promise to its principals and

shareholders and its sole purpose: To make money. They must maximize their profits while exploiting workers, nations, and the planet.

"This is not a question of left or right," said Jim Price, staff committee liaison with the Club's Southeast Office, "It's up or down."

The conference participants agreed that the solution to the problem is to wrest from corporations the rights that were once vested solely in citizens but which corporations have been acquiring for themselves for over a century. That means educating and organizing in our communities and mounting legal challenges to corporate rights.

The American Revolution was a revolt against corporate rule (the thirteen colonies were literally corporations created to carry out the business of the Crown; the Boston Tea Party was specifically a disagreement over "free trade" issues), and the agrarian Populist revolt of the late 19th century was a mass national re-imagining of the political landscape as a democratic system that would serve the needs of common people rather than the robber barons who ruled that era.

"The political and legal culture has been diverting activists from political arenas where people can define issues and make the rules," wrote Richard Grossman of the Community Environmental Legal Defense Fund and Ward Morehouse of the Program on Corporations, Law and Democracy (POCLAD). In those arenas, "whether we win or lose, it is clear that the struggle is about who is in charge -- corporations or people."

By the end of the weekend, meeting participants agreed that while the Sierra Club must continue to do the work of traditional activism -- challenging corporate destruction through the regulatory process and in the courts to protect the natural world from immediate harms in the short term -- we would all take what we'd learned back to our communities and work to help the Corporate Accountability Committee make the abolition of corporate Constitutional rights and the restoration of citizen-based democracy a long-term Sierra Club priority.

"Do not burn yourselves out. Be as I am -- A reluctant enthusiast, a part-time crusader, a half-hearted fanatic. Save the other half of yourselves for pleasure and adventure. Is it not enough to fight for the West; it is even more important to enjoy it. While you can. While it's still there. So get out there and hunt and fish and mess around with your friends, ramble out yonder and explore the forest, encounter the Griz, climb the mountains, bag the peaks, run the rivers, breathe deep of that yet sweet and lucid air, sit quietly for a while and contemplate the precious stillness, that lovely mysterious and awesome space....."

Edward Abbey

Pineywoods group Calendar

September 23 Neches river outing

October 3rd—**Pineywoods group meeting** Austin Heights Baptist Church, 2086 Appleby Sand Rd., Nacogdoches. 7 p.m.

October 7th—TCONR annual meeting www.TOCNR.org

October 8th—guided hikes at Ivy Payne's

www.napa-texas.org

October 7th—SFA Arboretum Fall Garden Gala

October 14th—Make a Difference Day—Keep Nacogdoches Beautiful tree & bulb plantings.

November 7th—**Pineywoods group meeting** Creating a Cooperative Farmer's Market in Nacogdoches, facilitated by Buckley MacInerney. Meeting location TBA.

Election Day--Don't forget to vote!!

SAVE RESOURCES! If you prefer to receive your Warbler via email, email Vicki at Baggett@awesomenet.net

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