



The Chattooga Quarterly

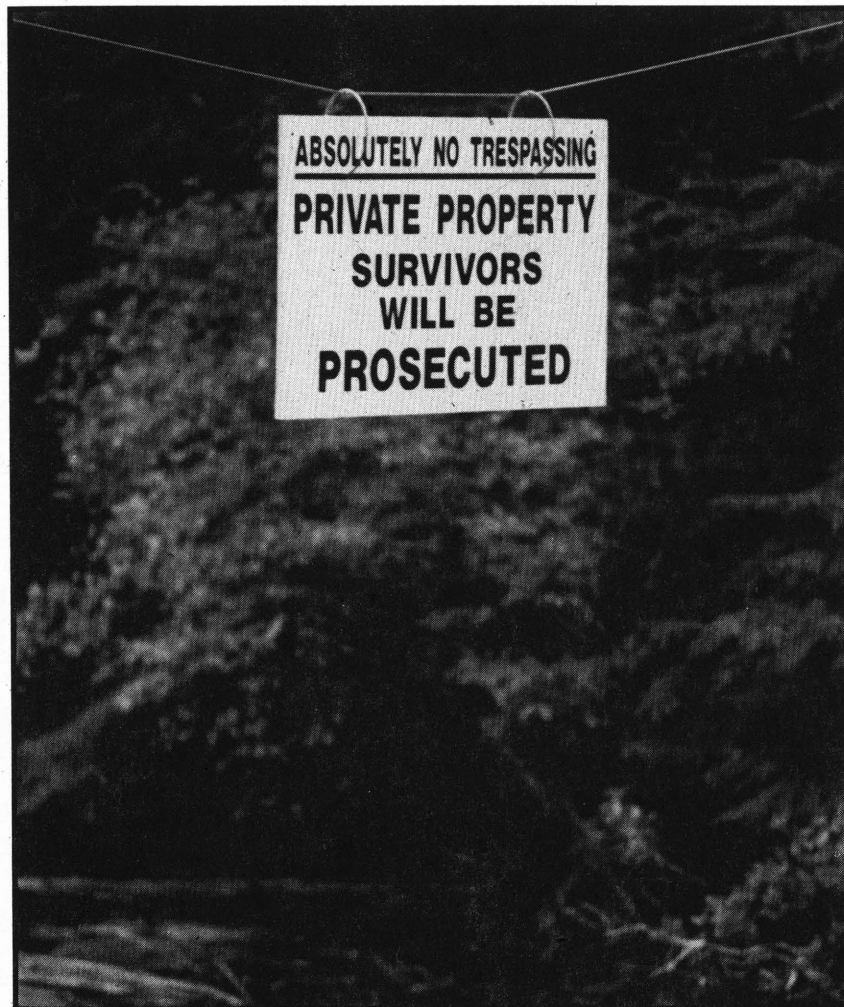
Fall



1997

\$1.00

Public Land Acquisition: The Stakes Get Higher



This sign aimed to stop citizens from floating down the National Wild & Scenic West Fork of the Chattooga River

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Director's Page

Buzz Williams, CRWC Executive Director

A friend who shares my disdain for top-heavy, consultant-dependent organizations sent me a great news clip poking fun at these self-serving groups. The article was about a popular political cartoonist who elicited the aid of a top executive with Logitech International, the world's largest manufacturer of computer mice, to see if he could pull off a ruse posing as a high-powered consultant. At the end of the day, the trickster had succeeded in leading a bunch of kowtowing executives in writing a totally meaningless mission statement. The group mindlessly followed their boss in concluding that their mission was to "...scout profitable growth opportunities in relationships, both internally and externally, in emerging, mission inclusive markets, and explore new paradigms and then filter and communicate and evangelize the findings."

This anecdote is particularly interesting to me now, as we look back on the past year to gain insight to plan for the future. I am truly thankful to be with an organization with leaders who have given us a clear mission, with well defined goals. And I am exceedingly grateful that they have given us the latitude to forgo the standard model, and to make our council with you, our membership.

In 1997, I participated in several initiatives aimed at a particular cause or coalition, and which also involved the standard model of highly paid consultants and slick executives operating behind the facade of a wishy-washy, meaningless mission statements in order to perpetuate their own agendas. To that end, the *modus operandi* of the conservation movement has become somewhat like much of the business world where product quality has taken a back seat to selling the product. In the business world subterfuge and hyperbole have become accepted practice; never mind the fact that it is simply impossible that *every* company's razor gives the closest shave. In this arena of nebulous claims the thing that really sells razors is appearance, sound-bite and packaging.

Another encumbrance of the current organizational norm is the expense. One method often employed to amass the large sums necessary for running a big bureaucratic organization is direct mail. Typically, a group will spend thousands of dollars for purchase mailing lists and thousands more to hire more consultants to write a letter that looks something like a sweepstakes promo, then thousands more to print and mail. While it is true that direct mail does

bring in the bucks, it is equally true that it takes a great amount of the staff's time away from implementing their program. It reminds me of the way our political system requires a candidate to spend most of their time raising money to run a campaign, rather than spending time with people and issues.

If indeed organizations are suffering from spending too little time on the real people and issues, you would never know it from reading their funding appeals to supporting foundations. This is largely the work of

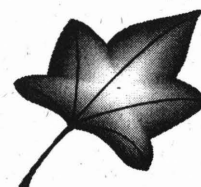
consultant spin doctors, who are experts at telling funders what they want to hear. This scenario often degenerates into more money from foundations earmarked for more money to go to hiring more consultants to tell everyone what they want to hear. Unfortunately, the way the game is being played the group with the best spin doctors are channeling too much of money into these systems and away from the grassroots groups actually

fighting the battles on the ground.

The upshot: Your organization, the Chattooga River Watershed Coalition, is lean and focused. There are no media consultants to spin news. Last year our program of work was covered by multiple news media including the *Atlanta Constitution*, *Canoe Magazine*, *The Journal of Forestry*, *Wild Earth*, and CNN as well as numerous local and regional newspapers and publications. Next year we are scheduled for a PBS special report. We received this coverage because we tell it like it is. To us, a consultant is a person who charges you money to borrow your watch to tell you what time it is. We often give the *Chattooga Quarterly* away from hand to hand and we don't solicit money through massive direct mail appeals. We came in under budget this year and are proud of our accomplishments, yet we make sure you understand that we have only begun to affect the changes for accomplishing our goals. Above all, I personally want you to know that our real strength comes from you, the community of people who share our mission. This issue of the *Chattooga Quarterly* concentrates on one of our specific goals: Public land acquisition. We hope you enjoy it.

Your organization,
the Chattooga River
Watershed Coalition,
is lean and focused.

Happy Holidays!



Joyce Kilmer's Birds: *New Thoughts on an Ancient Forest*

Text and photographs reprinted with permission from the October issue of *Wildlife in North Carolina*, Vol. 61, No. 61, 1997.

By David Lee

Photographs by Steve Maslowski

I thought I knew exactly what sort of bird life I'd encounter at Joyce Kilmer Memorial Forest until I went there. What I found argues against some long-held beliefs. -David Lee

I had heard several singing water thrushes, but only after crossing the bridge and climbing the trail far enough to escape the sound of the creek did I begin to hear the voices of other birds. The loud call notes of an Acadian flycatcher, two Blackburnian warblers singing their high-pitched, buzzy songs, one titmouse, four black-throated green warblers, two-hooded warblers—one calling from each side of the trail, another black-throated green warbler—and so it went. I slowly walked the 2-mile length of trail in the Joyce Kilmer Memorial Forest recording in my field notebook every individual bird encountered within 75 yards on either side of me. It took over two hours to finish a walk most people complete in half that time. I tallied 165 individual birds representing 34 species. At the time I thought that both numbers seemed quite high when compared to similar bird surveys I had done in other forests. The results of my first day's fieldwork for a planned systematic study looked interesting, but before get too far along, let me explain all this from the beginning.

On occasion, usually just during weak moments, I think that somehow I should in some way try to put my academic training to use. This education taught not just specifics, examples that we are led to believe have underlying purpose, but also concepts and theories. As

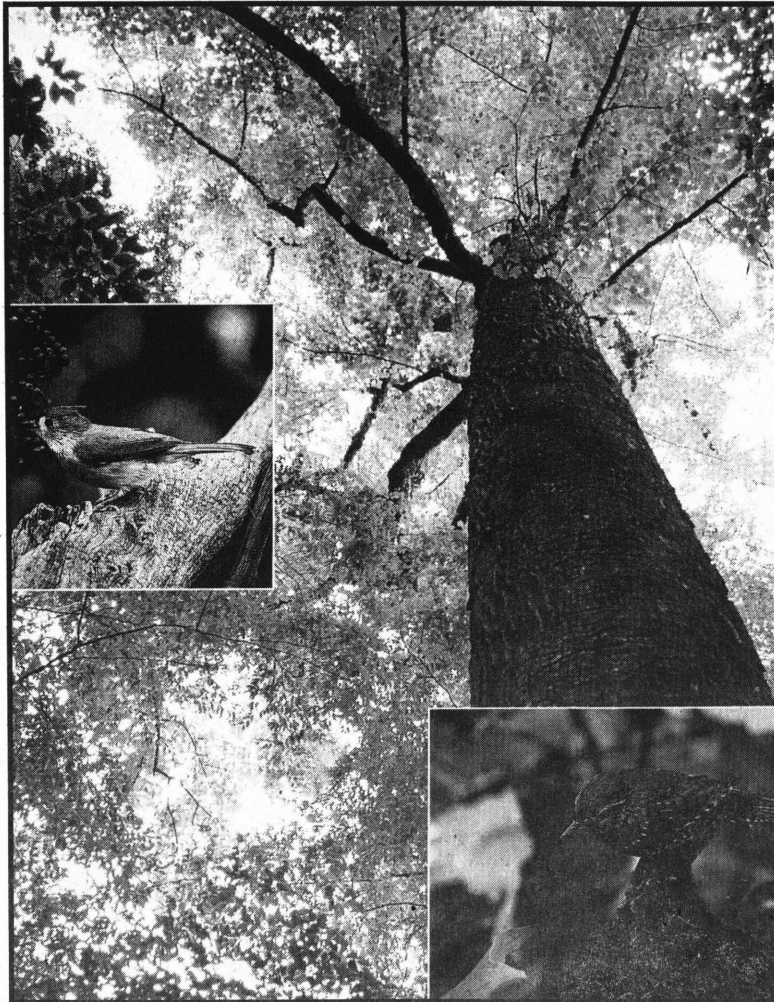
biologists, we have a duty to test and fine-tune these basics.

So it came to pass that while investigating the bird life of Joyce Kilmer Memorial Forest, I was not simply making a bird list of the forest. I was starting a research project that would test basic concepts against my findings. With new computer graphics packages, I could demonstrate a few astute thoughts and publish my results in one of any number of respected, peer-reviewed journals. My former professors would be proud.

The drive from Raleigh to the Joyce Kilmer Memorial Forest is a long one, and I had over five hours to think about testing the particular biological concepts I had in mind—a neat deal, testing a test. The concepts were relatively simple and interrelated. When temperate plant and animal communities mature, they become stable and rather simplistic. The dominant species do very well, so well, in fact, that competitive species become crowded out, while the few that remain become abundant. In a mature forest such as Joyce Kilmer, the community, in theory, stabilizes for perpetuity. Ecologists call this a climax forest, the last forest type in a sequence of woodlands.

At any given site it takes hundreds of years to achieve the final product—forest equilibrium.

In changing forest systems, by contrast, where any number of species are competing for resources, the plant and animal community is quite diversified. There are colonizing species, species that characterize intermediate conditions and any number of plants and animals that flourished at the site years or decades before, but for which the conditions are no longer quite right. Yet a few of these from times past manage to hang on. In such places there is a large variety of species, but the actual numbers of any



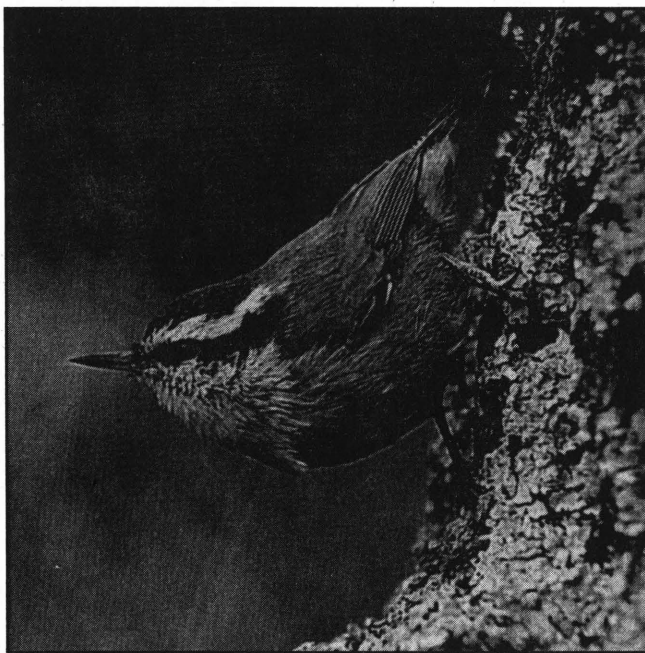
From the ground high into the upper canopies of the forest, birds find and inhabit their special niches. Diverse species found here include the tufted titmouse (left) and the brown winter wren (right).

Kilmer's Birds *continued*

particular kind are quite small. So, though I had never been there, I believed the bird life of Joyce Kilmer would be entirely predictable. I knew I would be documenting only a few kinds of birds, only species that prosper in mature, old-growth forest. The few types found here, however, would do very well for themselves. Without other competitive species, the few that could make a living would flourish in extremely high numbers. As diversity decreases, the density of the remaining species increase. That was the concept, and to underline my points, I could study adjacent forests that had been logged more recently. This was going to be great. We need more cheerleaders for the scientific method.

Except for the distance from Raleigh, the Joyce Kilmer Memorial Forest is the perfect place to focus my study. It is a virgin forest. Not only is it the only virgin forest in North Carolina, it is one of the few—and the largest—untouched stands in eastern North America. It exceeds 3,800 acres and sits within an old-growth wilderness area of over 14,000 acres. The trail system would be perfect for my bird transects; there is nothing more counter-productive than hacking through rhododendron thickets while trying to listen for birds that you are scaring away. In fact, I was surprised that the birds of this forest had not already been studied.

In case you missed it, the forest was named for Joyce Kilmer. He is regarded as a poet but was actually a widely read New York journalist. He was killed in World War I at the age of 32, and he actually wrote only a few poems. You can read his most famous poem on the brass plaque at the beginning of the loop trail that winds through the forest. The poem is one you all know, "Trees". It's the one that starts, "I think that I shall never see..." Remember standing around in second grade with arms stretched out pretending to be a tree? While Miss Escorn read the poem (several times over; it was short, and a dull second grader might not get the full message on one reading), you had to be careful that your branches did not touch those of Linda Jane. And you could not show any emotion (something I personally have never had—a problem with when people are reading poetry). Miss Escorn could make you stand like a tree for a long time if she thought you were cutting up in class. I have never liked that poem and I would not choose it as the prime public relations agent for woody vegetation.



A red-breasted nuthatch occupies one of the many micro-habitats found in this ancient forest.

Even so, anyone who takes the time to walk the trail in the Joyce Kilmer Memorial Forest will be enchanted by the trees. The larger ones are hundreds of years old, and many of the big tulip poplars measure over 20 feet around the base. The older trees tower 100 feet or more, and a few exceed 150 feet. Yet, it is the forest in its totality that gets

to you. This is unlike any other woodland you will ever encounter. On one visit last summer I found a comfortable place beside the trail and sat and watched people. There were retired couples, families with children, families with lots of children, big, strong blue-collar guys with tattoos, and any number of people for whom I could tell by their dress, or because of their huffing and puffing, that a walk in the woods was not something they did on a regular basis. All were captivated by the cathedral-like atmosphere. Midsize children, who had been acting like hellions minutes before in the parking lot, were gawking in silence. People whispered; most said nothing. There are no signs restricting voice levels or outlining proper woodland behavior, but still the people

whispered and walked quietly. And no one was in a hurry. Silent children pointed. And the most amazing thing is all the little unplanned side paths made over time to and around each of the giant trees. People are compelled to visit with the trees. Maybe we capture something from other living beings that have stood in exactly the same place since at least the early 1700's.

The only thing vocal in the forest was the birds—buzzy warblers and calling tanagers. Did their songs and calls take on a richer quality in this forest? Hearing the song of a winter wren was surprising, and it reminded me of my mission. To me this was a bird that, in the South, was characteristic of, and restricted to, the spruce-fir forests of high elevations. This wren was entirely out of context here. Its song is an extended, complex musical score that, when reproduced on a sonogram, is longer than the bird itself. You are much more likely to hear a winter wren than to see one. They live in dense stands of ferns and other thick cover, where they run about like mice. I know they can fly, but I have never caught one in the act. In fact, if you are going to inventory the birds of Joyce Kilmer you'd better know their songs. On a one or two-hour walk through the forest it is unlikely that you will actually see more than three to five birds. Most of the ones I found were identified by song alone. In places the vegetation is thick, and even

Kilmer's Birds *continued*

the species that live in the midcanopy are often 70 feet or more above you. And which vireo was that? It was too high up to see, and I am forever getting their songs confused.

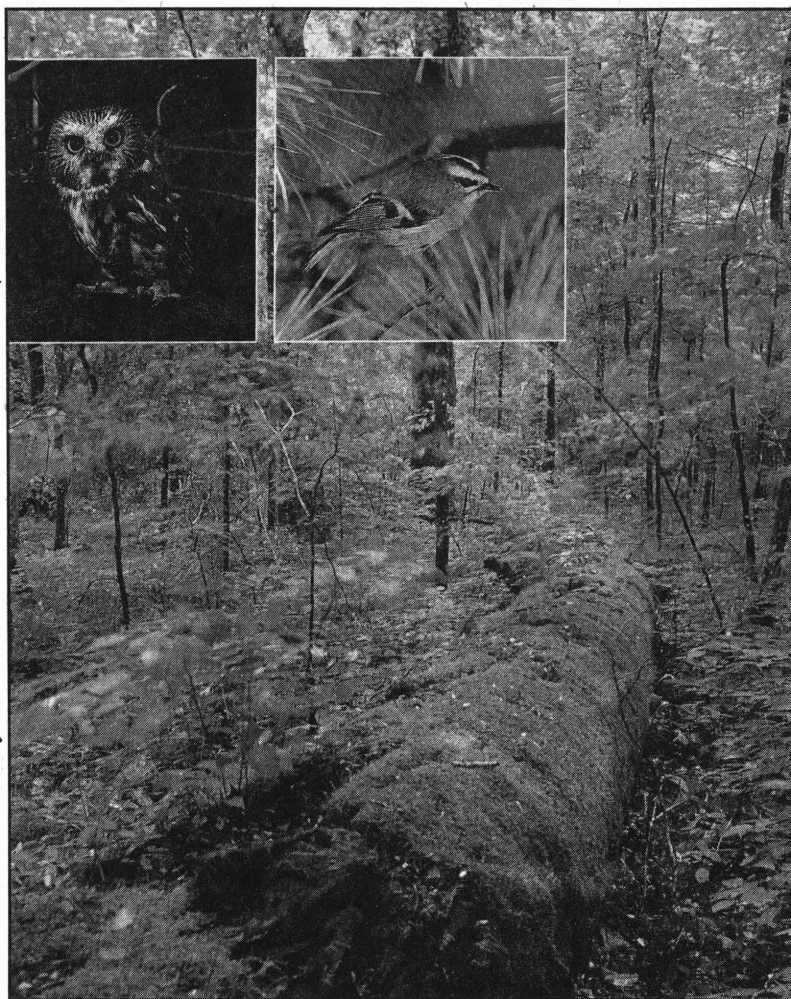
I actually started this study in 1987 and for a number of reasons never completed it. The distance often prevented me from visiting the forest as frequently as I wanted, but mostly I think I simply needed time to digest the information I was getting. On other trips the results were always similar to the first, and they never came out the way they should. I kept finding both a high diversity and a number of species with high densities. In fact, I continued to add additional species that I had previously overlooked. The common species, of course, were encountered on every trip, but the ones that were less prevalent were often overlooked.

On my last visit I added a courting male turkey and several drumming ruffed grouse. As hunters will attest, these birds are secretive, and I found them well away from the loop trail. I would have missed them this last time, too, if it had not been for their elevated hormones. My total list now stands at 43 breeding species; 30 of these were common enough that I encountered them on almost every visit. This is high. The total bird list for the Unicois, a modest-sized mountain range shared by North Carolina and Tennessee that backs up to this forest, is 45 species. In Joyce Kilmer, warblers alone accounted for 12 species and about 70 percent of the total number of individual birds. The rarest bird I found was an olive-sided flycatcher. I saw him only once, singing from a dead snag next to a large canopy gap. This flycatcher formerly bred in the Southern Appalachians, but in recent years it has not been heard or seen. The one I saw was the only one found in the state during the breeding season in the last several decades.

One of my real surprises was finding a number of breeding birds that, like the winter wren, are confined to middle and high elevations elsewhere in the Southern Appalachians. Not only were there a number of species in this category, but several of them had relatively high densities here. The elevation in Joyce Kilmer at the start of the trail is just about 2,240 feet, yet some of the birds I was finding are typically at 4,000 to 6,000 feet elsewhere in the Southeast, and while some occur lower, they do so only rarely. Even then, seldom do you see them in numbers at sites that are lower than 3,500 feet. These birds collectively used a number of microhabitats in the forest. Juncos,

golden-crowned kinglets, brown creepers, saw-whet owls, and Canada, black-throated blue and Blackburnian warblers each represented low-elevation records. I conclude from this that, prior to logging, these species were not restricted to the tops of sky islands as they are today. In the Southern Appalachians they were probably found in any number of forest types, and by occurring as low as 2,000 feet they tell us that they were not always restricted to isolated relict populations but formerly occurred throughout the entire mountain chain. Another reason I never completed my study was that this forest was so different that I had nothing from my experience, or from text, for comparison. To my total surprise, a longtime friend who had previously worked with me on various aspects of my seabird research had become interested

in old growth forests. Chris Haney, now a wildlife ecologist for The Wilderness Society, was investigating the attributes of old growth in a forest in Pennsylvania. During the course of several phone conversations it became clear that not only were his observations similar to mine, the list of birds he had for his forest was nearly identical to what I had found in Joyce Kilmer. Direct analysis, however, was not possible because he had censused the actual density, while I had



Quite different birds are common in Joyce Kilmer, such as the saw-whet owl (left), and the golden-crowned kinglet (middle).

Kilmer's Birds *continued*

concentrated on ranking the relative abundance of species. However, much of the information we independently collected could be compared.

During a weeklong visit Chris and I, along with two hardworking students, mapped out the territories of 208 individual birds in Joyce Kilmer to obtain figures that we could use to statistically interpret our results. For the most part, what we independently found was so similar that the information could have been obtained in either forest.



Maybe someday people will view forests not in terms of board feet, but in the densities of Blackburnian warblers (above) per acre.

The birds obviously take advantage of the diversity of microhabitats in these woodlands and consequently display themselves in both numbers and variety. Not only did we find the number of species to be high (twice as many as would be expected in younger, yet mature, forests), but the number of individuals of some species was much higher than what is found in younger forests. The overall number of birds per unit of space—the total density of all species—was high, too. There were around 300 territorial pairs for every 100 acres of forest. This is 35 to 50 percent higher than what is found in similar, but younger, stands.

In the end, I ask myself what all this means. One point is clear: Ancient forests support very complex bird communities. A number of species that we currently consider to be uncommon, or at least to have very restricted local distributions in North Carolina, do quite well in these forests. On the other hand, many of the species we regard as abundant in North Carolina don't use ancient-growth forest at all. This has made me readjust my thinking on the current order and organization of the "natural" world. We tend to think of what was around when we were growing up as normal—subsequent change is what we fight to prevent. I had to face the fact that even before I was a teenager, the forests of the Southeastern United States had been fragmented, cut, and had partly regrown at least two to three times. Most importantly, these ancient forests are extremely important for birds, or at least would be if we had more of them. If land planners agree that they are important, too, we can have more ancient growth but the wait will be considerable. Maybe someday people will view forests not

in terms of board feet but in the densities of Blackburnian warblers, or golden-crowned kinglets per acre. Not today, not next year, but someday.

What does it mean in terms of academics? I am not sure that we have it all sorted out yet. I was involved in another research project in which I was looking at the historical and current distributions of birds in North Carolina. The results will surprise some. Of the over 220 breeding species known from the state, about 90 of them had significantly increased their distributions during the last 100 years. Of these, at least 35 species that nest in the state today did not do so 100 years ago. Only 10 species actually exhibited declining distributions during the same time period, while several had increased and subsequently decreased. Only about 88 had stable distributions for which I could document no overall change in the last hundred years.

This does not directly relate to overall concerns for local conservation issues, since this study addressed only geographic distribution. The birds that showed the most dramatic increases in the amount of real estate they occupied were birds that benefit from our modification of the land. Birds of fields and the hedgerows, species fixated with early-growth forests and swallows that have learned to stick nests on concrete bridge abutments are all increasing. What was amazing was that this list of expanding species made up such a large percentage of our state's fauna. However, when I compared this study to the list of the birds of the Joyce Kilmer forest, two facts stood out. First, none of the species on the expanding distribution list even lived in this forest. Second, the birds of this forest were all ones

that, as best we could tell, had not significantly altered their geographic distributions in the Southeast in the last hundred years. We were looking at not just a primeval forest; this was intact, stable fauna. It was a glimpse of what the



Found in the Joyce Kilmer forest, the black-throated blue warbler here represents a low elevation record.

midland low-elevation faunal composition of the Southern Appalachians must have been prior to European contact.

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Public Land Acquisition *in the Chattooga Watershed*

Buzz Williams

When the Chattooga River Watershed Coalition (CRWC) was founded in 1991, we decided that one of our goals would be to "promote public land acquisition by the Forest Service within the watershed". As one component of our overall mission, we believe it is our obligation to protect for posterity those areas which have unique biological, cultural, geological or recreational values. Public ownership is one of the best ways to provide permanent protection for these properties, since management guidelines for public lands contain stringent legal requirements for protecting areas with outstanding natural resources. In our case, the US Forest Service is the largest public land management agency in the Chattooga watershed. By directing new land acquisitions to the Forest Service, there is a much greater opportunity for consistent management across the entire forest ecosystem of the Chattooga River watershed. Public ownership also provides public access to these properties for the use and enjoyment of all citizens, as well as shelter against future development which often causes irreversible damage to critical wildlife habitat. As increasing development takes its toll, protection for these properties has become more of a priority.

Originally, our land acquisition program consisted of working with key Members of Congress (especially those on the Appropriations Committees) and with various land trusts to acquire from willing sellers those properties prioritized and targeted by the Forest Service for permanent protection. That was when, at least in theory, the process was relatively simple. In recent years many factors, including increased demand for new and second home building sites, skyrocketing land prices, diversion of

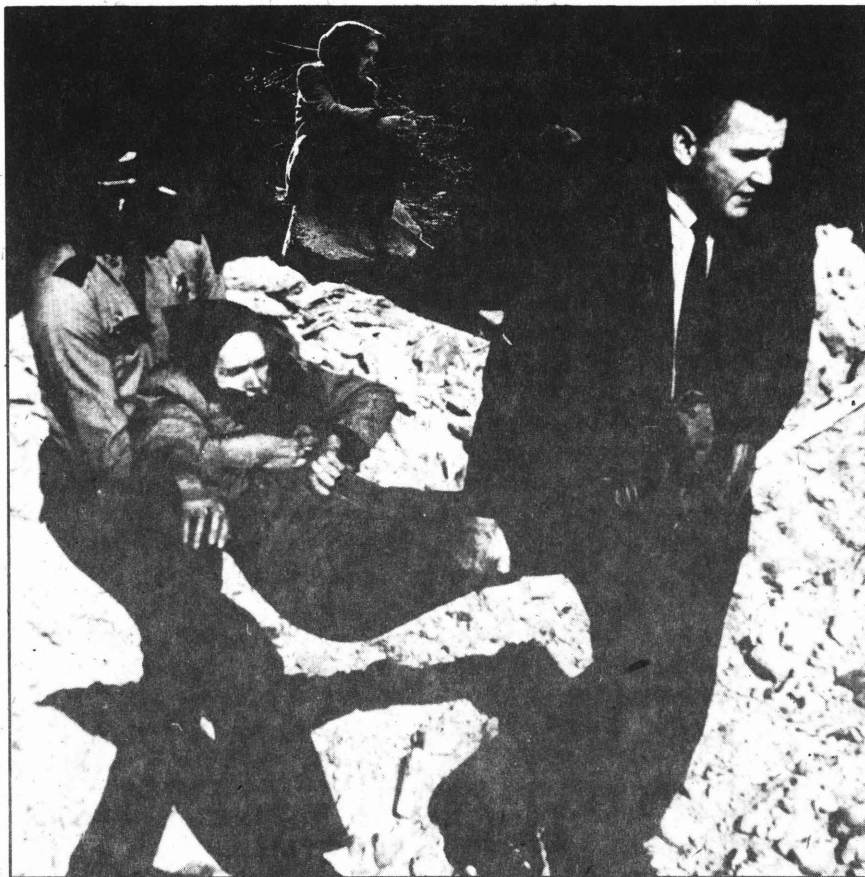
congressional funding sources and changing political priorities have greatly intensified the process of acquiring important tracts for conservation. In this issue of the *Chattooga Quarterly* we tell the story of how our goal of acquiring lands for conservation has evolved, by recounting a series of specific examples as well as an up-to-date account of where we are now and what you can do to help.

In the early 1990's when our efforts to promote public land acquisition were just beginning, the public's

perception of the concept of land acquisition was our greatest obstacle. Herein was the real hobgoblin that obscured an otherwise irrefutably noble goal. Acquisition for public ownership conjures up notions of violated private property rights and the unspeakable idea of condemnation. And oftentimes, county commissioners argue that public land acquisition takes land out of the tax base. Then, of course, people always point to the fact that we have stated that the Forest Service, the recipient of these lands, is an agency driven by timber targets and which often exploits the land to meet these timber harvesting quotas. There are

those who would argue that these lands would be better off in the hands of an entrepreneur with a good land ethic, or a land trust with a stated and legally binding mission of exemplary land stewardship.

Concerning the argument that federal ownership reduces the county's tax base, this simply is not true. In fact, the Forest Service makes a payment to the counties every year for roads and schools, in lieu of taxes (see also *Chattooga Quarterly*, Winter 1997, "PILT and the 25% Fund"). Also, property values go up in areas surrounded by national forest lands, thus generating more taxes. Evidence of this is found in any real estate brochure



Land acquisition conjures up notions of violated private property rights and the unspeakable idea of condemnation. In the 1960's, many small landowners in Kentucky were forcibly removed from their farms to make way for the strip-mining industry.

Land Acquisition *continued*

which contains advertisements for lands adjacent to the national forests.

One of the biggest misconceptions relates to the motives for land acquisition. By nature we in the mountains are suspicious of the Federal Government, and with good reason. One only needs to look as far as Kentucky, where in the 1960's Federal Courts ruled that coal companies had the right to strip mine family farms, or to Tennessee where the Tennessee Valley Authority forcibly removed people from their land, which was flooded in the process of building extended systems of hydroelectric dams, or to the Great Smokey Mountains where land was condemned to create a National Park. As a result when someone mentions land acquisition to many local folks, it conjures up an image of a larger conspiracy to take away their private land. The result is instant opposition.

From these hard lessons we have learned that "big brother" can use its power for good or bad, but must always consider stewardship of land for the good of both local and national interests. The Forest Service land acquisition program has always done a good job balancing these considerations. As a result, the Forest Service has never used the power of condemnation to acquire land in the Chattooga River watershed. In fact, they do not even have this authority. The only thing that even comes close is a clause in the Wild and Scenic Rivers Act which does give the agency the power of condemnation for a *scenic easement* in the one-quarter mile river corridor where a few small tracts of property are still in private ownership. This simply means that within a distance of one-quarter mile from the river's banks, if a developer proposed to do something that would harm the intrinsic values which qualified the river for inclusion in the National Wild and Scenic Rivers System, the Forest Service could seek an easement to prohibit this action. Even so, the Forest Service has never used this authority but rather, has attempted to acquire these lands through trade or fee simple title. This process involves an appraisal of fair market value aimed at ultimately protecting the tax payer's investment.

(More on this later.)

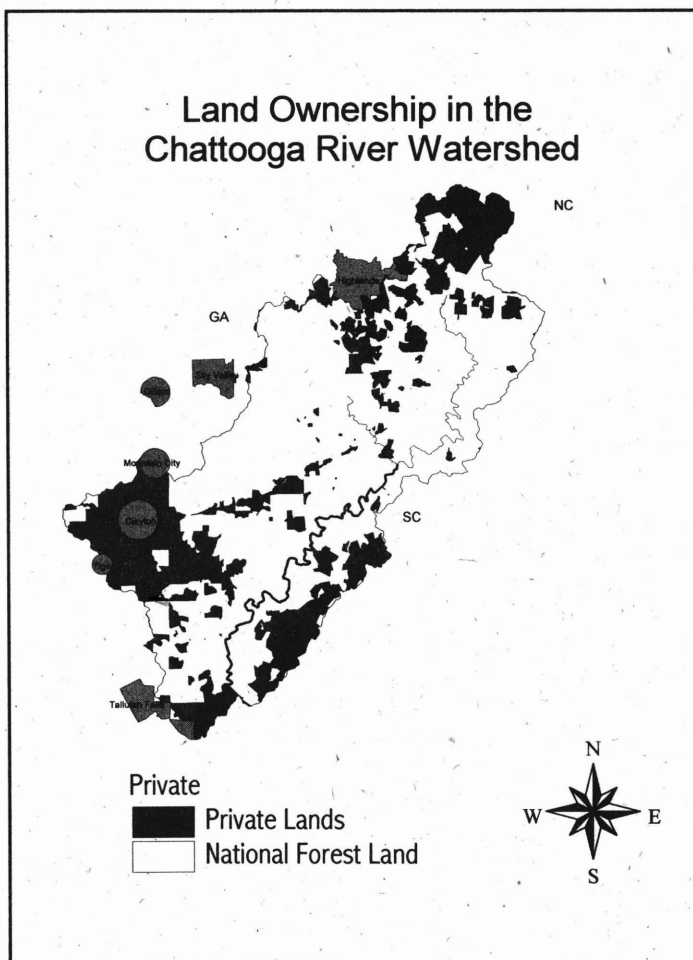
As for the fear of a larger, more sinister motive to take private land for some yet unknown Federal program, the facts again are otherwise. The Forest Service works with experts to identify those lands which are classified as biological "hotspots" containing sensitive plants and animals, or lands such as private properties that are embedded within the National Wild and Scenic River Corridor, which provide outstanding recreational values. Sometimes the agency wants to acquire land simply to straighten out its boundaries, or to gain access to adjacent public land. The list of these lands is no secret, it is a matter

of public record and consists of a few key tracts. It is of interest to those of us in the Chattooga watershed that every year the Forest Service recommends to the President a prioritized list of important land acquisition projects in the United States, to be used in formulating his annual budget request to Congress. The Chattooga River watershed is usually ranked on this list somewhere between 2nd and 5th in the entire nation. We are ranked with other natural resources of the caliber of the Yellowstone and the Everglades National Parks. Again, these tracts of land are most often those which have been documented as having incredible natural resource values and are sought only from **willing sellers**.

Identifying key tracts for acquisition is the easy part of the process; paying for it is more difficult. Monies appropriated by congress come from the Land and Conservation Fund (see also

Chattooga Quarterly, Summer 1996, "Land and Water Conservation Fund"). This is a trust fund established in 1965, from royalties obtained from off-shore drilling for oil and gas. This fund accrues approximately \$900,000,000 per year. Unfortunately, the Reagan Administration began raiding this fund to reduce the Federal deficit, and others have followed suit. For example, in 1996 only \$134 million of this fund was released for land acquisition for the entire nation.

Since the Forest Service has to rely on a very unpredictable funding source, *i.e.* Congress, we work with



Land Acquisition *continued*

other organizations, such as the Conservation Fund or The Nature Conservancy, to acquire property from a willing seller and hold it in trust until Congress appropriates the money to the Forest Service for acquisition. When one of the land trusts makes a breakthrough with a property owner for the sale of one of these important parcels, we work to make the public aware of the value of the tract and solicit their help in calling the Members of Congress who work to get the money appropriated.

This process has worked fairly well in the Chattooga River watershed but even from the beginning, land acquisition here has not been without controversy. Prior to working for the CRWC I worked for the Forest Service, where I was privy to several key land deals in the river's headwaters and within the Wild and Scenic River Corridor, which protected at least 1,000 acres of pristine land. One of these was the Crouch Tract, which contained the "Devil's Courthouse" on Whiteside Mountain. The story of this tract has an interesting history as told by Dr. Robert Zahner in his book The Mountain at the End of the Trail. The ownership of this tract of land goes back to a land grant to one of the original settlers (of European origins) of

the Chattooga's headwaters. After several transactions it wound up in the hands of Dr. George E. Crouch IV from Louisville, Georgia. In 1973, just after the Chattooga was designated as one of the first Wild and Scenic Rivers in the nation, the Forest Service—with a clear mandate to protect the headwaters—obtained an option to purchase the Crouch Tract for \$500 dollars per acre. But after his new, young wife expressed an interest in building a house on Devil's Courthouse, the deal evaporated. The reason for the withdrawal of the option was based on the Forest Service's inability to fulfill an earlier request to erect a monument to Dr. Crouch's father on the nearby highway, where the Forest Service had no authority to do so. There was speculation that the botched deal had more to do with future land development options than with the monument. Then in 1984 after the death of Dr. Crouch, his wife brokered a deal with the Forest Service for 2.5 million dollars, or roughly six times the original option price.

Acquisition of the Crouch Tract fueled questions as

to whether big land deals engineered to protect the Chattooga River watershed were a factor in driving up land prices in the watershed. Since the Crouch Tract acquisition, several other big tracts have been acquired; always with the hint of shady albeit legal land speculation, all wrapped up in the name of conservation. Many locals, who are more interested in living on the land than selling it for profit, resent "outsiders" driving land prices so high. Oftentimes, the result is subdivision for affluent clients for summer homes. In a recent report by the North Carolina Division of Water Quality entitled Draft Savannah River Basinwide Water Quality Management Plan, which identified trends in land cover, population and growth, the most dramatic changes identified between 1982 and 1992 in adjacent watersheds were the conversions of rural green spaces to "urban buildup".

This trend, though not documented for the entire Chattooga basin in the report, has certainly spread from the Highlands and Cashiers areas in the Chattooga's North Carolina headwaters, to the rest of Chattooga drainage in South Carolina and Georgia. This conversion fragments the landscape by destroying wildlife habitat, and alters traditional rural culture.

Acquisition of the Crouch Tract fueled questions as to whether big land deals engineered to protect the Chattooga River watershed were a factor in driving up land prices in the watershed

One of the other land deals that precipitated the current trend in land speculation in the Chattooga watershed was the purchase of the Burson Tract. An affluent developer from Atlanta bought a prime, 270 acre parcel of land near the river on highway 76 in South Carolina. At the head of the property is a beautiful 50 foot waterfall and below, a long stretch of bottom land along Reedy Branch, which flows into the Chattooga. The land had been abandoned years before this purchase, and locals hunted and recreated on the property. The developer, Mr. Burson, built a big lake in the bottom land and installed underground power lines. Local concerns about the pending development of the property helped convince Senator Hollings from South Carolina to push for funds to purchase the property. The Trust for Public Lands bought the property and held it for about six months, until the money was eventually appropriated for its purchase. The Forest Service then bought the property for \$954,250. Generally, people were relieved that this property which was situated so close to the river was saved from intensive development,

Land Acquisition *continued*

yet still there are questions about the price of the land. Previously, tracts such as this one in the lower end of the watershed had sold for at least \$1,000 per acre less. Undoubtedly, news of this land deal began stimulating other developers to look at the opportunity to garner significant capital gains on Federal land transactions. In South Carolina, many established apple orchards were going belly-up, unable to compete with the Pacific Northwest's high-tech apple industry, added to these opportunities. Shortly thereafter, it was rumored that the old Horseshoe Lake Orchard (renown for its original owner, Mr. Groucho Marx) had been

purchased. Calls to our office in Clayton warned that the new owners of what then became known as the Garland Tract had informed locals that they planned to build large chicken houses all along the ridges of the old orchards. I personally telephoned the owner, Mr. Garland, who confirmed that indeed this was an option being considered. The idea that this developer might be employing scare tactics, in order to

stir up public sentiment for the Forest Service to step in and save the day, occurred to me. I asked a long time resident of Long Creek about the prospect of chicken houses along the Chattooga Ridge, which offers a spectacular view of Rabun Bald and its surrounding mountains. "Those chickens will have the best view in the state," was his reply. Clearly, the most lucrative development of this property would be for resort homes. But what if there was a way to make a profit without spending a cent for development? Shortly thereafter the property, which totaled 368 acres was purchased for \$881,280 by the US Forest Service.

If old orchard land was bringing these prices, what about the really high dollar properties in the Chattooga watershed's higher elevations. In the Spring of last year, the answer came like a bombshell. A friend was browsing the Wall Street Journal and was shocked to see an advertisement for the sale of the Fodderstack Mountains in North Carolina. Located next to the resort town of Highlands and surrounded by the rugged headwaters of the

West Fork of the Chattooga, the Fodderstacks historically have been revered for their majestic vistas by both the Native Americans and the Europeans who followed. The renown Dupont family had owned the property for years, while promising the Highlands Land Trust that the sacred mountains would always be protected. Even more puzzling, the seller, Elise Dupont, was at the time a member of this land trust. The Nature Conservancy had inventoried the Fodderstacks and found them to have incredible biological significance, including one of the southern-most occurring mountain bogs in the Southern Appalachian Mountains,

which provided habitat for a host of rare plants and animals. Growing on the slopes of the Fodderstacks is one of the last remaining patches of old growth pitch pine and hemlock in the watershed, estimate to be up to 400 years old.

Within days, we located the Atlanta developer who held the option on the Fodderstacks tract and arranged a meeting with him, Forest Service land acquisition

officers and other prominent members of the Highlands community. The asking price was \$2

million for 212 of the 300 acres. Though he claims otherwise, the developer seemed moved by those who sought to protect the "sacred mountains". Other meetings took place between the Nature Conservancy, this developer and the Forest Service. The Fodderstacks were subsequently purchased for \$1.55 million by the Nature Conservancy, who eventually will sell the land to the Forest Service. In next year's congressional Interior Appropriations Bill, there has been enough money earmarked for the Chattooga watershed to complete the Fodderstacks deal. Undoubtedly, these mountains will be classified as a "botanical area" and therefore will be off limits to logging and heavy recreational use. The other 100 acres which lie closer to the city of Highlands have been retained by the developer.

As mentioned earlier, these monies available for land acquisition have been drastically reduced. Out west, different groups are fighting for most of this money to go to two high priority projects. The first is called the



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Land Acquisition *continued*

"Headwaters Tract" in California, which contains one of the last stands of old growth redwood groves on the planet. The other project's goal is to engineer a buyout of the "New World Mine" next to Yellowstone National Park. So even with powerful advocates like Senator Hollings from South Carolina going to bat for the Chattooga, we only received \$1.2 million for land acquisition for fiscal year 1998. Also, it is interesting to note that \$3.4 million was appropriated for the acquisition of the Jocassee Gorges, a 32,000 acre tract being sold by Duke Energy Corporation that is contiguous with the Chattooga watershed. Though this is an acquisition which we fully support, it has spread out scarce Land and Water Conservation Fund money ever thinner. So with land speculation in the Chattooga now proceeding at a land rush pace, and with powerful competition for acquisition dollars for high profile projects nearby and out west, the prospects of finding money for future land acquisition projects are looking pretty dim.

As Federal funds dry up, land prices continue to escalate. This dilemma is best illustrated by the current controversy over the Brushy Mountain Tract in North Carolina.

Not long ago we learned that an affluent developer from Hilton Head, South Carolina, had applied for a right of way easement across national forest land to access two tracts of property that he owns on Brushy Mountain in North Carolina, which is located just above the Ellicott Rock Wilderness Area. These properties are completely surrounded by national forest. The developer cited the Alaska National Inland Claim Act in his application to build a road into his proposed housing subdivision. This law states the government must grant access to private property that is landlocked within public lands "for the reasonable use of the landowner", and in this case the "use" must be consistent with the uses of the surrounding public land—which includes a Federally recognized Wilderness Area. The application for the right of way was not in the name of a landowner, rather, an entity named the Chattooga-Ellicott Community Association. Ironically, none of the local people in the area are members of or know of this "community" association. The Chattooga-Ellicott Community Association's intent for the properties at the terminus of the right of way, as stated in the application, is to build one spec house per every 5 acres. The *real* Ellicott Rock community was incensed, and felt that this was hardly "reasonable use" by the landowner. The Forest Service was about to cave in to pressure from the developer and grant

the right of way while totally excluding the public from the decision. We petitioned for the standard agency decision-making process, which includes a mechanism for considering public input. This was granted by the Forest Service. After the scoping process of gathering public input, public opinion registered overwhelming opposition to the right of way for a number of reasons. However, the Forest Service's Decision Notice granted the right of way. Several parties filed written appeals to the Decision Notice, and a final decision is due at anytime.

In the meantime, at the urging of the community that lives around the Brushy Mountain Tract, we

have tried on numerous occasions to negotiate with the developer to sell the property at fair market value. Though he is a willing seller, each time his answer has been that the cost of the delay in his development plans would be added to the price of the land. The current price: \$15,000 per acre. This price, if paid would represent a three-fold increase in appraised property value.

Within the last year the most dire predictions of ever-escalating land speculation schemes became reality.

In this situation the Forest Service holds the key to its resolution, by strict adherence to the letter of the law. The Southern Environmental Law Center has issued an opinion that a housing subdivision in the middle of a wild area is not compatible with the "reasonable use" clause, especially since a future "community association" that is presently undetermined does not constitute a valid applicant for the right of way request. As we wait for the agency's final decision it becomes even more apparent that a housing subdivision, in the core of this traditional rural community that is embedded in a relatively wild area and critical wildlife corridor, would destroy this area as it exists today.

Within the last year the most dire predictions of ever-escalating land speculation schemes became reality. One day this past summer, a trout fisherman came in the CRWC office and reported that the Chattooga's West Fork was running uncharacteristically muddy. We learned that what is known locally in Georgia as the Nicholson Tract on the West Fork had been sold to developers. This 128 acre parcel of land was one of the last privately owned properties remaining inside of the Wild and Scenic River Corridor. A friend and I paddled down the West Fork and found one of its tributaries heavily clouded with silt and red mud. The stream was one that we had sampled in an earlier Brook

Land Acquisition *continued*

Trout study, and which was shown to contain a population of native Brook Trout. We made photographs of the water quality, and took the pictures to the local authorities in charge of development permitting. The county official investigated the site and found them to be in compliance with the state of Georgia's Erosion and Sedimentation Laws—a testimony to the general weakness of these erosion and sedimentation laws.

Then matters got worse. Paddlers called our office as well as the Forest Service, reporting that the developers had closed the West Fork to all floating traffic. They said that the new landowners had stretched a steel cable across the river that served to suspend a large sign which read "Absolutely No Trespassing, Survivors Will Be Prosecuted". Also, they reported that the landowner was stationed on the river bank aggressively demanding that paddlers stop and leave the area. News spread quickly that a section of a Federally designated Wild and Scenic River with at least twenty-five years of prescriptive use had been closed to the public by an irate landowner. This news sent shock waves through the conservation, recreation and local communities, and all the way up to the national level. The Chattooga River Watershed Coalition took the lead in organizing efforts to precipitate a ruling from legal experts at the Office of General Counsel on citizen's rights to float navigable waters. The Forest Service was in the cumbersome position of being the representing agency in potential litigation to re-open the river to the public, while also working on negotiations for acquisition of this property.

Meanwhile, the highly offensive sign hung menacingly above the West Fork, and each day was precipitating a real threat of vigilante violence. One of the new owners of the Nicholson tract possessed a reputation for holding his ground. By the same token, many locals who fished that section of the river and even more recently, had taken up the sport of paddling there, were threatening to take matters into their own hands. Both the CRWC and the Forest Service patrolled the area to warn people to stay away from the area until the legal system had time to work.

Signs were placed at river's access point above the tract of private property, warning of the possibility of a confrontation downstream. After nearly two weeks of this stalemate, and with growing legal presence from the private sector, the Forest Service finally informed the landowner of the pending legal battle. The government's position was that there was a strong legal precedent for public use of the river.

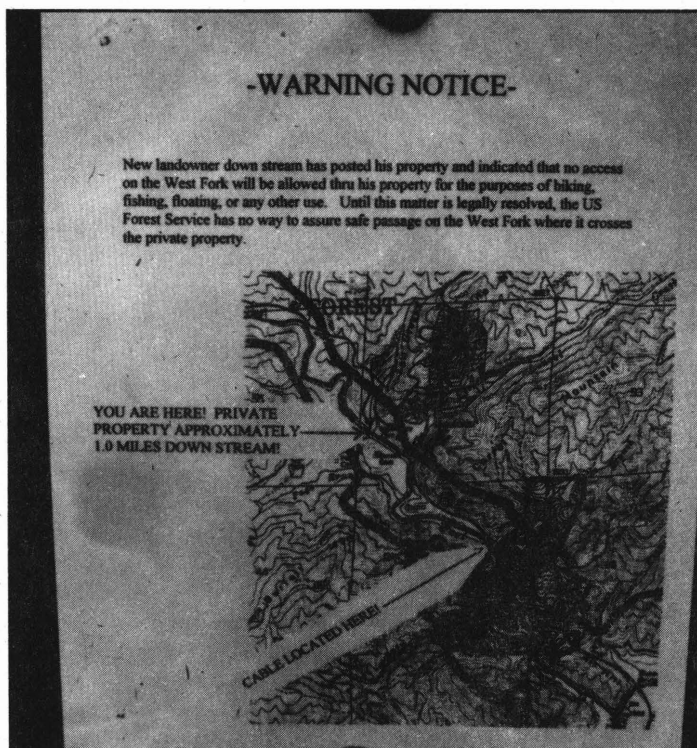
When a CNN crew showed up to cover the story, they found the sign hanging above the West Fork had been altered to read "For Sale". Shrewdly, the telephone number to call for further information was clearly visible on the new sign. To most people following this story, the real issue was exposed. Now the developers apparently were attempting to parlay the media attention into national TV exposure to advertise the sale of the property. Would the Forest Service step in and save the day with the money to buy the property?

The sticking point that derailed this scenario was the new asking price, which was rumored to be \$3.8 million. Fortunately, the Forest Service follows an appraisal procedure which will only allow them to purchase property for "fair market value". Obviously, in the past this had been stretched to the limit for key tracts, but this time the price was

prohibitive, as it had doubled between the former and current landowner.

Negotiations continue for this West Fork Tract, and the outcome is totally unresolved. One factor which may be important in this case is that condemnation proceedings for a scenic easement to prevent development in sight of the river is well within the Forest Service's range of options. With these potential restrictions on maximum development, we can only hope that the current landowners will bring reasonable expectations to the table in negotiations for public acquisition.

In the few months since the Nicholson Tract on the



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Knutsen-Vandenberg Act of 1930: Reforestation?

Cindy Berrier

In 1930 the Knutsen-Vandenberg Act (16 U.S.C. 576-576b) was created with good intentions; however, it has become one of the many driving forces of the mismanaged and fiscally unaccountable Forest Service budget.

The original purpose of the Knutsen-Vandenberg Act (KV Act) was to sustain the nation's forests by establishing a Trust Fund to cover the costs of reforestation and timber stand improvement on areas of national forest lands that are harvested for timber. The Act allows for a share of the timber sale's receipts to be directed into this Trust Fund for implementing these various projects, but the Act specifically prohibits spending more funds on these projects than is collected from the harvest area. This section of the law was intended to assure a balanced fund; however, the Forest Service's current accounting system does not track the income and expenses of individual timber sales. Therefore, there is no way to assure compliance or prevent abuse of this portion of the law. Currently, the Forest Service records individual timber sales collections; however, expenditures are managed and recorded in a lump sum for all timber sales on the entire ranger district. This makes it impossible to determine if the ranger district is under or over budget for individual KV projects.

The KV Act was amended in 1976, when Congress enacted the National Forest Management Act (16 U.S.C. 1600 *et. seq.*). This act expanded the use of KV funds to include money for protection and improvement of non-timber resources in the timber sale area, such as wildlife habitat and outdoor recreation. Unfortunately, the addition of these activities created a perverse incentive for all programs to rely on timber sale receipts to fund their projects. The law is written in such a way that it actually encourages resource managers to promote greater volumes of timber extraction, in order to fund their other projects.

KV Fund collections are determined by a document called the Sale Area Improvement Plan (SAI Plan). This plan is developed by the ranger district staff and describes the projects needed in each timber sale area and the project's estimated costs, including the cost of supporting the reforestation program at all organizational levels. "All organizational levels" means from the Forest Service's Washington Office right down to the individual ranger district office. Every office gets a piece of the pie for "support" costs. Because of the lack of accurate financial tracking of support costs, one cannot be certain of the origin of this figure. Indeed, it could even be fabricated, depending on the level of funds wanted, not needed. Each project in the SAI Plan is outlined in an Environmental Analysis, and is approved by the District Ranger. The initial SAI Plan guidance states the plans should be revised annually in order to adjust the amount of collections to reflect any additional costs of the projects. This process continues until the timber sale contract is closed, and reforestation and other projects in the area are completed,

which can be anywhere from one to fifteen years. However, in a 1994 Government Accounting Office report, it was discovered that less than half of the Forest Service's ranger districts were reviewing or revising their SAI plans as required.

When developing their annual budget requests, individual ranger districts, and sometimes entire national forests (such as the Chattahoochee National Forest), each year determine their overall reforestation funding needs by adding up all of the SAI Plan costs. These figures are submitted to the Secretary of Agriculture who in turn submits them to the Office of Management and Budget for approval, as the KV budget. Even though approval is always granted, it has been discovered that the current Fund balance is insufficient to cover all KV projects, which total \$922 million. This deficit is a combination of inaccurate financial tracking data, and the transfer of \$420 million from the KV Fund (in the years of 1990 through 1992, that have not been reimbursed) to the Emergency Fire Fighting Fund. The current Fund balance is about \$500 million short. One might ask: How does the Forest Service adjust their individual KV projects to reflect this shortfall? The answer is they don't, the Forest Service continues planning and implementing projects as if the money was never transferred.

Furthermore, the law requires that needed KV Funds are to be charged to the timber purchaser in addition to the payment for the timber itself. Yet the Forest Service actually treats these costs as deductions, that is, they deduct the cost of these projects from the timber sale receipts. Secondly, large shares of the KV Funds are used for administrative overhead, instead of being spent on the sale area as the law specifies. In 1994, our local Chattahoochee-Oconee National Forest used 72% of their KV Funds for overhead--the highest in the nation.

There are additional inequities associated with the KV program. For example, in 1930 the average timber sale costs (e.g., administration and implementation costs) were about 50 cents per thousand board feet of timber. US Department of Agriculture regulations written at that time required forest managers to return at least this amount to the US Treasury. Today that same cost is about \$50 per thousand board feet, yet managers are still only required to return 50 cents per thousand board feet to the US Treasury. As was mentioned earlier, the Forest Service lacks a system of accurate cost-accounting. Therefore, the true costs of timber harvesting and reforestation per thousand board feet may be more on some sale areas, and less on others. Yet by paying into the US Treasury the required \$.50 per thousand board feet, it could appear as if the US Treasury and the Forest Service was always making money on timber sales on our national forests. Yet according to a recent report that used the Forest Service's own figures, their timber program operated at a net loss of \$791 million in 1996 and did not return one dime to the US Treasury. Also, in 1990 national forest managers were allowed to keep—in addition to Federal appropriations—\$475 million in timber receipts in their own in house agency budget. This figure is more than

KV Act *continued*

Congress appropriated out of our tax dollars for timber sales and timber-related roads. What a deal for the forest manager's budgets, at the expense of our US Treasury and the taxpayers!

The KV Act is a classic example of good intentions gone astray because of poorly designed incentives. Congress passed the Knutsen-Vandenberg Act with the intentions of providing funding for reforestation. Instead, the result has been to provide incentives for forest managers to schedule timber harvests in many areas possessing more valuable resources than timber, and oftentimes losing money on these timber sales due to steep terrain, difficulty in regenerating trees, excessive road construction costs, etc. Here, forest managers aim to use the associated KV Funds to raise money for wildlife, watershed and other forest management projects, while the timber sales that generate those funds often do more damage to these other resources than can be offset by the KV project's funds. "Catch 22" isn't it?

Figure 1: A Sale Area Improvement Plan (SAI Plan)

Every Forest Service timber sale has a K-V Plan like the one shown here. This is the K-V Plan for the Buckeye Branch Sale in the Tallulah District of the Chattahoochee National Forest. K-V Plans must be prepared before a sale is completed and are called "original" plans, but they may be amended any number of times before a sale is closed, and then they are called "revised plans".

- A. "Type of Plan" identifies whether the plan is an original or a revised K-V Plan; in this case, the above plan has been revised one time. The plan with the latest date is the operative plan.
- B. "Treatment (by Priority)" identifies the on-the-ground activities to be done within the sale area. In this particular area, they plan to chainsaw site-prepare it for regeneration of native hardwoods, and to "prescribe-burn" it for regeneration of native pine and non-native pine, then site-prepare it for native and non-native pine, then plant pine seedlings; finally, re-check those areas for proper regeneration of pine.
- C. The total cost of each of the activities including overhead.
- D. The portion of the total cost that will be covered by K-V Funds; in the plan above, the activities are 100% K-V financed.
- E. Sum of the direct and overhead costs for all the "improvement" K-V projects in this sale area.
- F. Total amount received from the actual timber sale.
- G. This figure comes from the 1930's KV Act that requires each timber sale to return \$.50 per thousand board feet to the US Treasury, which is deducted from the total stumpage revenues.
- H. This is the total figure available for the KV projects.

USDA-Forest Service				FS-2400-50 (12/89)	
SALE AREA IMPROVEMENT AND K-V COLLECTION PLAN (reference FSH 2409.19)				(1) Forest / CHATTAHOOCHEE	(2) District / Unit TALLULAH
				(3) Sale Name Buckeye Branch	(4) Contract Date 07/12/91
(5) COMPARTMENTS	(6) Type of Plan	(7) Purchaser	(8) Contract Number		
48 & 50	A Original X Revision	Triple L Logging, Inc.	014257		
B Treatment (by Priority)	Work Activity	Units of Work	Cost Per Unit	Total Sale Area Improvement Needs	K-V Financed
(9)	(10)	(11)	(12)	No. of Units (13a) Cost (13b) C	No. of Units (14a) Cost (14b) D
Chainsaw site prep for nat. hardwood regen. C-48, stds. 13, 15 C-50, std. 19	ET24	ACRE	412.83	35 14449.05	35 14449.05
P. Burn for nat. pine regen. C-48, Stds. 23, 24, C-50, Stds. 17, 31	ET24	ACRE	34.80	112 3897.60	112 3897.60
P. Burn for art. pine regen. C-50, Std. 18	ET24	ACRE	76.81	14 1075.34	14 1075.34
Site prep (hand) for nat. pine regen. (C-48, Std. 24)	ET24	ACRE	312.02	25 7800.50	25 7800.50
Site prep (hand) for nat. pine regen. C-50, std. 17	ET24	ACRE	172.81	31 5357.11	31 5357.11
Site prep (hand) for art. pine regen. C-50, std. 18	ET24	ACRE	172.81	14 2419.34	14 2419.34
Plant pine seedlings (8x10 spac.) C-50, Std. 18 C-48, Std. 7 Ac.)	ET24	ACRE	266.42	21 5594.82	21 5594.82
Regen. checks, C-48, Stds. 23, 24, C-50, Stds. 17, 18, 31	ET24	ACRE	7.20	133 957.60	133 957.60
(15) Total amount needed & K-V to be collected E				41551.36	41551.36
(16) Stumpage Available for K-V financing				73560.50	
(17) Remarks:					
				Total Stumpage - F	\$ 74,520.00
				Less NFF -	959.50
				Available for KV - H	\$ 73,560.50
(18) PREPARED BY (Signature) J. R. [Signature]				Title JMA	Date 7/7/97
(19) RECOMMENDED BY (Signature) David W. [Signature]				Title District Ranger	Date 7/8/97
(20) APPROVED BY (Signature) [Signature]				Title DFS	Date 7/17/97

**Note that the total cost of the K-V projects and the total available for the Forest Service's in house KV Fund are different; in fact, the difference is \$32,009.

Events and Opportunities in the Chattooga River Watershed

Timber Sale Bought by the Coalition

Yes, the CRWC has purchased a timber sale on national forest lands in the Chattooga River watershed's Blue Valley Experimental Forest, which lies in North Carolina's Highlands Ranger District. This won't be your "typical" timber harvest. The trees will be removed from the woods by draft horses, and are marked for harvest according to a single-tree-selection prescription. The trees will be cut down using directional felling techniques to minimize damage to the residual trees, and skidded through the forest using light touch methods less disturbing to the forest floor ecosystem than mechanized equipment. This is a first for a conservation organization! Look for further details in the Winter issue of the *Chattooga Quarterly*. Also, in the meantime check out CNN's story on the world wide web, which features the CRWC's February 1996 Horse-logging Workshop, at: cnn.com/EARTH9604/08/horse_logging/index.html.

Attack of the Gypsy Moth!

The gypsy moth has been found in the Chattooga River's headwaters. In 1996, the US Forest Service (USFS) and the North Carolina Department of Agriculture (NCDA) caught several gypsy moths near the city of Highlands, NC, in pheromone traps placed in national forest recreation areas (by the USFS) and 1 trap per four square miles detection trapping (by the NCDA). This indicated the possibility of a reproducing population of gypsy moths in the area. In 1997, four intensive trapping grids (16 traps per square mile) covered 18 square miles north, northwest and southeast of Highlands. More detection trapping also was done surrounding these grids, on about 54 square miles centered on Highlands. A surprising 799 moths were caught in 158 of the 412 traps placed in the Highlands area. Moths were caught in traps on the very edge of the intensively trapped area. This means that the infestation may extend beyond the area trapped in 1997, making treatment decisions very difficult to make.

The gypsy moth, native to Europe and Asia, was introduced near Boston in 1869 and has spread throughout the northeastern United States. In the Appalachians, it is currently found as far south as central Virginia. Populations beyond the primary infestation, like the one at Highlands, have been accidentally transported to the area. Gypsy moth larva feed on a wide variety of deciduous trees and shrubs. Oak species are a favored food, but river birch, basswood, willow, sweet gum, ironwood and apple are palatable. In very high populations they will eat almost any plant. High populations can defoliate trees in the springtime. While trees can survive defoliation, it causes considerable stress and increased vulnerability to other diseases and pests. Several years of defoliation can kill the trees.

In the Chattooga river headwaters, the forest composition includes many of the species favored by gypsy moths. The impacts of an uncontrolled infestation of gypsy

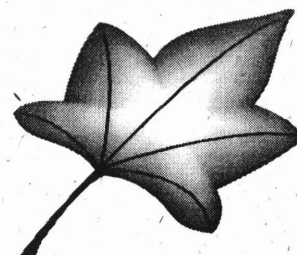
moths would be obvious to the forest visitor. Oak species dominate many of the forest types in the watershed, and are the most important producers of hard mast—acorns that are critical to wildlife. Even if trees survive defoliation, mast production ceases. The widely acclaimed high visual quality of the landscape in the Chattooga's headwaters would be noticeably diminished during seasons of defoliation. The Forest Service in North Carolina's Highlands Ranger District recently has presented several methods of treatment for eradication of this infestation. The most widely used treatment for isolated infestations is *Bacillus thuringiensis* (Bt). This bacterium is specific to moth and butterfly larva. Bt has been used very effectively in several eradication efforts in North Carolina and Georgia in the last decade. A chemical agent, Dimilin, is toxic to many aquatic systems and cannot be used if water surfaces, including streams and rivers, are to be included in the treatment area. Dimilin is not a treatment option in the headwaters of the Chattooga River. We will bring you more information on the gypsy moth problem in the Winter issue of the *Chattooga Quarterly*.

Thanks to James Sullivan for writing this summary of the status of the gypsy moth.

Great Offer for Our Readers

The Orion Society and CRWC have joined together to bring our members a unique opportunity to enrich their knowledge of people and places, worldwide, involved in grassroots efforts that explore, protect, and honor the land. For fifteen years the Orion Society has published *Orion* magazine, which is widely respected for its aesthetic beauty, fine writing and penetrating insight through publishing the work of nature writers, environmental educators and artists. Just recently they widened their vision to include a new publication called *Orion Afield* that celebrates the activists, scientists and concerned individuals who are working to protect or improve the places where they live. The opportunity to subscribe to *Orion* and *Orion Afield* is provided by the CRWC & The Orion Society, in a mutual agreement to enhance readership and donations. This information is located inside the last page of this *Chattooga Quarterly*, and for every paid subscription they receive, The Orion Society will donate \$10 to the CRWC.

SEASONS
GREETINGS
TO ALL !



Upcoming Educational Workshops for 1998

The Chattooga River Watershed Coalition will be sponsoring a number of educational workshops during the upcoming year of 1998. Each workshop session will be taught by a highly qualified instructor, and shall encompass one to two days. A modest tuition will be charged to compensate our teachers; scholarships also will be available. Space is limited, so mark your calendars and plan to join us! Below are descriptions of the first three courses, as well as a registration form.

April 18th & 19th: Nature Photography Instructor: John Womack, Dancing Trail Studios

John Womack of nearby Franklin, North Carolina, will teach this two-day workshop designed to speak to students of all ages and skill levels on the subject of nature photography. In addition to "the basics", John's workshop will emphasize the many subjective elements of artistic interpretation in photography, as well as how to make images that portray the photographer's feelings when exploring the natural world. John operates *The Dancing Trail Photographic Art Gallery and Studio*, and has written hiking guides as well as a manual entitled *Methods and Procedures of Outdoor Photography*. The following outline covers much the subject matter that John intends to present in this workshop.



- | | |
|-------------------------------------|------------------------------|
| 1. Introduction to Photographic Art | 7. Equipment and Accessories |
| 2. Emotion | 8. Color |
| 3. View, Scene, Site | 9. Environment |
| 4. Elements of Compositional Design | 10. Presentation |
| 5. Distractions | 11. Record Keeping |
| 6. Light | |

*Limited: to 20 participants

*Tuition: \$40. per person

* Course No. 0498

May 16th & 17th: Songbird Identification Instructor: J. Drew Lanham, Assistant Professor of Forestry at Clemson University

"Songbird Ecology, Conservation and Identification Workshop" will present a survey of the birds of the South Carolina mountains and piedmont, with an emphasis on Neotropical migratory songbirds. This workshop will consist of two days of instruction. During the first day, participants will learn about the factors associated with population declines of Neotropical migrants and discuss steps that can be taken to conserve various species. The second part of this lecture will present a survey of the birds one would expect to encounter in the region. Bird habitat relationships in the Southern Appalachians will also be discussed. The lecture will include slides and/or recordings of 75-100 species. Emphasis will be placed on the identification of the 50 or so "easiest" birds.

(continued on next page)



Workshops *continued*

On day two, students will spend the entire time in the field learning how to identify birds by using point count methodology. By the end of the workshop, participants should be able to identify 25-30 species by sight and sound.

J. Drew Lanham is an Assistant Professor of Forestry at Clemson University. Drew teaches courses on Woodland Ecology and Conservation Biology. His research interests include bird-habitat relationships, and the effects of forest management on bird communities.

*Limited: to 15 participants

*Tuition: \$40 per person

* Course No. 0598

June 5th- 7th : Experiential Outdoor Education: "Reconnecting with Nature"

Instructor: Teresa Wilson, Fisheries Biologist, Clemson University

Do you notice how you always feel better when you're out in the woods? Do you want to explore why? Do you want to learn to focus on Nature's wisdom in understanding yourself and coping with everyday problems? Join us for a two-day camping and community building experience in the Southern Appalachians (in or near the Chattooga River watershed), where you will learn to use your natural senses and the wisdom of Nature to support your personal wisdom, growth and balance. The Opening Circle will begin at 8 p.m. on Friday night, and the Closing Circle will be at 3 p.m. on Sunday.

Teresa Wilson is a fisheries biologist in the Aquatic, Fisheries, and Wildlife Department at Clemson University. She has facilitated/co-facilitated several of these courses, and is currently considering pursuing advanced studies in the field of Applied Ecological Psychology.

*Limited: to 20 participants

* Tuition: \$100 to 150 per person (depending on final group size). Tuition includes camping fees, meals, and Michael Cohen's book, *Reconnecting with Nature*.

* Course No. 0698



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Your Representatives at Work: 105th Congress

Cindy Berrier

As the Federal appropriations process is hammered out in the 105th Congress, the anti-environmental rhetoric and legislation is somewhat veiled, as compared to the 104th Congress. According to numerous recent public opinion polls, protecting the environment is number one in the minds of the American people. Slowly, many of our representatives may be forced to listen; however, there is still a great need to educate them on conservation issues. There has been some motion in the direction of protecting our natural resources, although a significant number of representatives who are serving in key committee seats are still bent on passing legislation damaging to our environment. Below are a few highlights of conservation legislation either introduced or passed. Please contact your representatives and let them know where you stand on environmental issues.

Small Victory:

Bad Rider Scrapped on Emergency Flood Bill

Senator Ted Stevens (R-AK) tried to pull the backdoor legislative tactic of attaching unrelated riders on the Flood Relief Supplemental Appropriations Bill. The riders would have promoted the building of highways through National Parks, Wildlife Refuges and Wilderness Areas, and was commonly referred to as the "pave the parks" rider. **Thanks to a flood of calls and letters from the public**, Senator Stevens withdrew the rider and the President signed the Emergency Flood Bill.

Porter/Kennedy Amendment: Ending Logging Road Subsidies Gets Watered Down

Representatives John Porter (R-IL) and Joe Kennedy (D-MA) authored an amendment to end logging road subsidies on public lands, which was endorsed by 113 members of the House. This amendment would have saved taxpayers \$40 million a year. However, an amendment offered by Mr. Dicks (D-WA) to amend the Porter/Kennedy amendment was introduced, and passed. The Dicks amendment would reduce the logging road appropriation to \$5.6 million but restore Purchaser Credit programs, which the Porter/Kennedy amendment would have eliminated altogether. This amendment is on the Interior Appropriations Bill for 1998.

Beware of "Chainsaw Charlie" and his Bogus Forest Health Report

Congressman Charles Taylor (R-NC) recently convened a Forest Health Science panel in order to prepare a report on the nation's "forest health". The hand-picked panel not surprisingly reports on individual tree mortality and tree health, rather than the well-being of whole ecosystems. In addition, the report is the driving force of some very bad, pending legislation dedicated to the "improvement" of the "health of the national forests" through increased salvage logging and road building.

Land & Water Conservation Fund (LWCF) & Political Jockeying of the House and the Senate

In the bipartisan budget agreement released last June, \$700 million from the LWCF would be included in the Interior Appropriations Bill, for the purchase of significant properties. However, the Chairman of the House Appropriations Committee, Mr. Ralph Regula, managed to remove that item for the final house bill. This was seen as a political move against the President for the Grande Staircase Escalante Monument, which has not sat well with many Republicans. The Interior Appropriations Bill went on to the Senate, where their version includes the \$700 million for land acquisitions. However, here certain Western Republican Senators attached amendments having to do with their "forest health" problems and other such fictitious items that have been created to bolster timber harvesting on public land. Unfortunately, the President signed the bill into law in spite of much protesting from the public, with most of the amendments intact including the timber purchaser's road credit program.

Green Wire Bulletin:

Nov. 26th, 1997 Fact of the Day

Between the 1993-1994 and 1995-1996 election cycles, the share of campaign contributions from energy and natural resources related sources to Republican candidates jumped from 57% to 77%, according to the DC-based Center for Responsive Politics.

H.R. 1534 Takings Legislation:

Private Property Rights Implementation Act of 1997

This legislation was introduced by Elton Gallegly (R-CA), but was written by the National Association of Home Builders to allow developers, polluters and others with a "takings" claim to bypass the state courts and local elected officials. Thus, this legislation weakens the ability of state and local governments to protect the environment and consequently, public health and public safety. This bill cripples meaningful implementation of local land use planning initiatives, which usually work to try to balance everyone's rights on a local, community level. The bill was opposed by the environmental community, the National Governors Association, the National League of Cities, the US Conference of Mayors, and a bipartisan group of 37 State's Attorneys General, yet it still passed the House on Oct. 22 with a vote of 248 to 178. The Senate is expected to vote on a similar bill, S.1204, sponsored by Senator Paul Coverdell (R-GA). All our Representatives in the Watershed voted for this legislation.

***Let your voices be heard
in the Halls of Congress
Call, Fax, or Email your Representatives!***

Kilmer's Birds *continued from page six*

Well, that's exciting, but this study was designed as science. So why were my original predictions so far off? The problems were not with the biological concepts—well, not entirely; they were with use of the word "old". In an old, mature forest the bird life and its density/diversity ratios would have been predictable. This was not an old forest, it was a very old forest. It was ancient. Going into Joyce Kilmer and learning the age of individual trees does little to tell us the age of the forest. The trees were old, but as a forest system Joyce Kilmer Memorial Forest is ancient. The life and death of individual trees no more marks the actual age of the forest than does a turtle tell us the age of a lake. And when we look at the system as a unit, the story takes shape. The definition of "old growth" in terms of current forestry terminology is about 150 years between cutting. Yet the forest does not actually begin to achieve its climax, primeval state until about 275 years. By this time some of the older trees have lived out their lives, while others, perhaps even from the same age class, are still prospering and even growing. If viewed from afar, the canopy of the forest is uneven, with an occasional giant 30 to 50 feet above the surrounding trees.

What should be an equilibrium distribution of tree diameters is theoretical, and probably exists only in books. Detailed studies of this forest show that in at last 250 years there have been at least eight natural disturbances, each removing about 10 percent of the overstory. The canopy openings that freed struggling saplings from their suppression occurred at random times clustered around these natural disturbances. The earliest disturbances were in 1770, with the other major clusters being in the early 1800s and 1920's, but there were a number of lesser ones as well.

The significant disturbances were most likely the result of tornadoes or other violent windstorms. We learned, for example, from hurricanes Hugo and Fran that cyclones are quite capable of carrying a good punch well inland. The trees have survived fire, winds, ice storms, major damage from lightning, and the crashing blows of fallen neighbors. The survivors are scarred, missing major limbs, and riddled with pockets of rotted wood, hollows and extensive cavities. Numbers of long-dead trees tower into the canopy, and their hollow remains standing sometimes for decades. The uneven canopy, missing limbs and scattered dead trees allow filtered light to reach the forest floor. This, in

turn, supports a well-developed herb and shrub layer yet still keeps tree seedlings suppressed. In forests that are simply old this does not happen, and the forest floor remains dark, usually barren and gloomy. The primeval forest is really a mosaic of tree age classes, but it is dominated by the big, really old trees.

Clearly, while there were a number of important biological concepts explained in this forest, they didn't exactly match my predictions, or what other biologists would expect from studying ecology textbooks. What Chris and I found was a whole order of magnitude more exciting than what I originally had been trying to demonstrate. The entire precolonial Eastern deciduous forest biome took on a new look.

Yet, if I set aside all of the textbook terms, statistical explanations of bird densities and my attempts to explain the complex bird community, I am left with one thought. Here in this 3,800 acre forest is a fragment of time, preserved, not in the static, traditional museum sense, but in its entirety. Captured alive! As peculiar as it sounds, the single key element in keeping it the same is change. A fallen tree here or there results in the creation of temporary, different microhabitats, while the birds redistribute themselves accordingly. It is the change itself that allows the forest to remain in a perpetual state of equilibrium, and it is the little, unplanned changes that allow such a surprising variety of birds to make a living simultaneously in this forest.



Land Acquisition *continued from page twelve*

West Fork became a hot land acquisition issue, the CRWC office has been flooded by calls from concerned citizens who relate other stories about key parcels of property now being developed. Last week, citizens alerted us that a piece of heavy mechanized equipment was being used directly in the waters of Big Creek, a tributary to the West Fork. This stream is located in the Chattooga's headwaters in North Carolina, and is classified by the state as Outstanding Resource Waters in addition to being identified as one of the most threatened trout streams in the Chattooga watershed. We forwarded this information to the Army Corps of Engineers, who visited the site and found "multiple violations" due to existing wetlands on the property, and that the activities also were in violation of the Clean Water Act. A stop work order was issued. We now expect that the pending outcome will be a "variance" on the required permit, which much to the dismay of the adjoining property owners will allow the landowners to proceed with their earth-moving and development plans. Unfortunately, Erosion and Sedimentation Laws in the Southeast are so weak in both content and enforcement that even when people are caught red handed with blatant violations, it rarely has much effect.



Last week, citizens alerted us that a piece of heavy mechanized equipment was being used directly in the waters of Big Creek, a tributary to the West Fork.

The solution to this dilemma will not be easily found. However, several actions clearly are warranted. First, people must be made aware of the value of core wild areas for maintaining biological diversity, as well as associated quality of life attributes. There seems to be some lack of understanding that though these lands may be far from urban areas, they are the source of clean air and clean water. Natural ecosystems are also our storehouses for the genetic material for future medicine and food sources. Wild lands are an irreplaceable legacy that we must protect for future generations. We are learning more and more every day about protecting these unique resources. Scientist now know that we must protect more than just the biological hotspots. Wildlife corridors and unfragmented, roadless core areas are essential for ecosystems to function in a natural way. This is critical for protecting the fragile tapestry of life on our planet. Acquiring key tracts from willing sellers for ecosystems management is an essential part of this process.

The Chattooga River Watershed Coalition is committed to educating the public about exemplary stewardship of the land. Within the bounds of two years, our goal to assist in acquiring key tracts of wildlife habitat for the public domain has become one of the most critical issues we face. Whereas before, land deals were fairly straightforward, now it is like battling the Medusa, the mythical serpent with a thousand heads. But with your help and support it will be possible to pass to future generations a better world than we were given. Below are a few things you can do to help.

- ***Contact your congressional delegation and demand that Congress stop raiding the Land and Water Conservation Fund.****
- ***Contribute to your local land trusts.***
- ***Help inform others about the critical role of wild lands.***
- ***Support strengthening erosion and sedimentation laws.***
- ***Join the Chattooga River Watershed Coalition. There is power in numbers!***

Jocassee Gorges Update

Last month, South Carolina's Governor Beasley made a special announcement at a scenic overlook above Lake Jocassee. It was big news that the deal had been closed for the state of South Carolina to acquire 32,000 acres of land spanning across the Southern Blue Ridge Escarpment, including the spectacular Jocassee Gorges area. State, Federal, and private citizens have been working with the owner, Duke Energy Corporation, to obtain this land for the public domain. Already, Congress has earmarked a total of \$4.5 million for North Carolina and South Carolina to buy adjacent tracts in the gorges area. We celebrate this land acquisition.

Now the task of drawing up a land management plan lies ahead. The scientific concepts of Conservation Biology on a landscape scale must be a part of this plan. This is critical for the Chattooga River watershed, since it adjoins this land and is also an integral part of the Blue Ridge Escarpment ecosystem. Please write to the South Carolina Department of Natural Resources (DNR) in support of the following recommendations contained in our letter to the Director, Dr. Sandifer. This letter is re-printed below.

November 6, 1997

Dr. Paul A Sandifer, Director
South Carolina Department of Natural Resources
POB 167
Columbia, SC 29202

Dear Dr. Sandifer,

Congratulations on the acquisition of the Jocassee Gorges. This is a proud day for all South Carolinians and indeed, for the Nation. We now have an opportunity to protect and preserve for posterity a natural legacy of unparalleled beauty and ecological significance.

I am writing to introduce our organization, the Chattooga River Watershed Coalition, and to offer our support in your efforts to guide the processes through which your agency will determine the effective management of the area. Your responsibility and opportunity to lead this effort is, I am sure, exciting yet daunting. The Chattooga River Watershed Coalition's mission is: "To protect, promote and restore the natural ecological integrity of the Chattooga River watershed ecosystem; to ensure the viability of native species in harmony with the need for a healthy human environment; and, to educate and empower communities to practice good stewardship on public and private lands." Protecting the viability of the Chattooga River watershed also involves recognizing that effective protection of the biological integrity of other adjacent watersheds is equally important. All of these spectacular river gorges located across the Blue Ridge Escarpment are an integral part of an ecosystem that exists, relatively intact, across the landscape.

To that end, I feel it is incumbent on me to inform the public of the awesome obstacles that you face. I feel that recent appointments to your Heritage Trust Advisory Board and indeed, members of your Board at large, clearly indicates a bias toward heavy-handed management. This could place undue pressure on those charged with drawing up management plans for the Jocassee Gorges to favor industrial-strength timber harvesting, excessive road building, ATV trails, and other practices which could seriously impact the primary value of the Gorges. That value being the protection of the rich variety of natural wonders that exist there. We are particularly concerned about the replacement of several leading scientists with individuals having strong ties to special interests. Let me be perfectly clear: We recognize that the Board of DNR does contain individuals of great integrity; however, it is clearly lacking in scientific expertise, and is unbalanced with those who could weigh in for management

Jocassee *continued*

which could serve only their special interest at the expense of the primary objective—to protect the biological integrity of the Gorges.

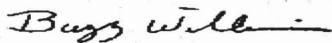
These Gorges harbor a diversity of plants which could, for example, lead to the development of cancer curing drugs, as well as provide genetic material for future agricultural crops. The opportunity to develop and experiment with implementation of a more natural forest management system, as well as using progressive timber-harvesting techniques designed for restoring native forests, is certainly of greater importance than procuring volumes of timber for multinational forest products industries. Hunting and fishing should be uses that are provided for and maintained, but not by the method of destroying native fishes with over-stocking of non-native, exotic species.

To this end, we respectfully offer the following suggestions:

- Designate the Jocassee Gorges area as a Heritage Trust Preserve.
- Establish an advisory committee including those with expertise in Conservation Biology.
- Coordinate with all landowners, including the Forest Service, to establish a collaborative landscape plan.

Creating a management plan to effectively protect the Jocassee Gorges will take both skill and courage. We stand ready to be of assistance in this monumental task.

Sincerely,



Buzz Williams, Executive Director
Chattooga River Watershed Coalition



Upper Whitewater Falls, Jocassee Gorges

Photograph by Tommy Wyche Reprinted with permission from Westcliffe Publishers

Chattooga River Watershed Coalition

We are a 501C3 non-profit organization incorporated in Georgia

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Membership

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Join the Coalition and help protect the Chattooga Watershed!

Your contribution is greatly appreciated. It will be used to support the Coalition's work, and guarantee you delivery of our quarterly newsletter. We're a non-profit organization, and all contributions are tax-deductible.

Individual: \$14.00 ☐ Group: \$27.00 ☐

Donation: ☐ Sustaining: \$49.00 ☐

Send to:
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Clayton, Georgia 30525

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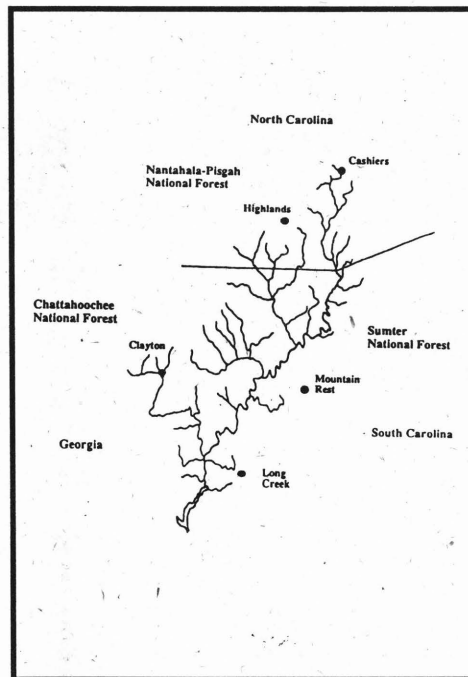
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Our Purpose:

"To protect, promote and restore the natural ecological integrity of the Chattooga River watershed ecosystem; to ensure the viability of native species in harmony with the need for a healthy human environment; and to educate and empower communities to practice good stewardship on public and private lands."

Our Work Made Possible By:

CRWC Members and Volunteers
Turner Foundation, Inc.
The Moriah Fund*
Lyndhurst Foundation
Patagonia, Inc.
Town Creek Foundation
Merck Family Fund
Norcross Wildlife Foundation
JST Foundation
The Barstow Foundation
Conservation Technology Support Program



Our Goals:

Monitor the U.S. Forest Service's management of public forest lands in the watershed

Educate the public

Promote public choice based on credible scientific information

Promote public land acquisition by the Forest Service within the watershed

Protect remaining old growth and roadless areas

Work cooperatively with the Forest Service to develop a sound ecosystem initiative for the watershed

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