



Chattooga Quarterly

Summer/Fall ♦♦♦ 2007



The Chattooga River displays its ancient bedrock during this year's record low water

DICKS CREEK LEDGE

photo by Peter McIntosh www.mcintoshmountains.com

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Director's Page

Buzz Williams

Back in the late 1990s, some bored Forest Service bureaucrat in a small cubicle located deep in the bowels of Washington, D.C., decided the agency needed to come up with another mascot to keep Smokey company, kind of a sidekick. The result was Woodsy the Owl, a goofy looking little critter with a silly little Robin Hood style hat. In those days, someone on the ranger district level was the designated person to don the 10,000-pound Smokey the Bear costume, and wear it to local parades and such to promote the Forest Service and its "Only You Can Prevent Forest Fires Campaign." But back during the time of great enlightenment, when the public was getting pretty fed up with the Forest Service's pillage-and-plunder clearcut style of management, they were looking for anything to make people believe they were changing with the times. Smokey, with his "put out all fires" message, was being challenged by scientists who pointed out that some fire was natural and important to healthy ecosystems. So, the unknown genius in Washington came up with "Woodsy the Owl" to spread the word that Smokey would now have the benefit of "wise" counsel.

The only problem was that Woodsy looked just enough like the Northern Spotted Owl to remind the mad-as-hell loggers in the Pacific Northwest that their free ride to cut all the old growth timber they wanted had been ground to a halt, because

logging had seriously degraded habitat for the owls. As a result, the guy who got elected to wear the Woodsy the Owl costume sometimes ran into a little trouble, to the point that finally, after a Forest Service employee wearing the ill-fated costume got the stuffing kicked out of him by loggers, Woodsy was given a furlough in the Pacific Northwest.

The trauma that the unfortunate Forest Service employee in the Woodsy suit experienced was minor, compared to what has been happening to plants and animals that have been pushed to the brink of existence by the exploitation of mankind. Even "charismatic megafauna" like wolves and eagles have had a rough go of it trying to survive the destruction of critical habitat, but woe unto the creature that has no readily apparent charm such as a Snail Darter, or (heaven forbid) the endangered Fat Three Ridge Mussel of the Florida Apalachicola Bay, that's in trouble today because of water shortages in the drought stricken Southeastern United States.



The Forest Service's "Woodsy the Owl" mascot ran into trouble due to its likeness to the Northern Spotted Owl.

In fact the problem has been greatly amplified by a very successful industry campaign to paint the problem as tree huggers putting some insignificant slug before the rights of people. The situation concerning the "water wars" between Georgia (principally Atlanta), Alabama and Florida is particularly troubling. Georgia claims that if the Army Corps of Engineers doesn't stop sending water downstream to protect the endangered mussels and sturgeon populations in Florida, then the lives of 4 million people in Atlanta are at stake. If you don't believe that's the way it is perceived by the public, go to the local bar and yell "save the mussel!" Don't be surprised if you find yourself sharing a hospital room with Woodsy.

Even more unfortunately, this time, if the helpless, besieged, and maligned mussels of Apalachicola Bay do go extinct because people in the southern states refuse to look at the real causes of natural resource depletion and continue to buy the line of an over-consumptive society, the hapless mussel will be among the first casualties of a problem that is now of global significance. Before, it was mostly about a darter threatened by a dam, or an old growth forest threatened by logging in a particular region such as the Pacific Northwest. In the case of the water wars caused by drought, the real culprit is global warming that is disrupting weather patterns worldwide.

Take a look at the facts beneath the rhetoric of some governors and congress people pointing fingers at the bad old Corps of Engineers for putting a fat, ugly little mussel before the thirsting people in Atlanta to see the truth. First and foremost, global warming is real. Thousands of scientists are coming down from ivory towers to proclaim that the problem with global warming is real, and warning that we better address the problem or face mass extinctions of species, increased drought, flood events, and the rise of sea levels that will eventually and collectively cause famine, mass migration, and yes, something bigger than a regional war.

If the whole situation weren't so critical, it would be comical to think of a U.S. Fish and Wildlife Service employee dressed as a superhero called "Mussel Man" being hotly pursued by Governor Sonny Purdue with a pot yelling "I like my mussels steamed!" Unfortunately, this time it's really hard to laugh.

Eastern Wild Turkeys

Buzz Williams

Ask anyone what November brings to mind, and likely as not it conjures up memories of Thanksgiving and other well established seasonal icons. One of these is the wild turkey that supposedly graced the table of the first Thanksgiving. *Meleagris gallopavo silvestris*, the Eastern Wild Turkey, our largest and most important game fowl, has played an important role in the developing human history of America. Now is the time to get out in the abundant national forest in the Chattooga River watershed to find and learn about these amazing birds.

If you are going to see wild turkeys this fall, look for deep, mature hardwood forests where turkeys are feeding on acorns during the day. At night, they will roost in big white pine trees near feeding areas and usually near water. Turkeys also need open areas for bugging and dusting areas. Turkeys look for cover in the spring for nesting areas, and will often take advantage of a brushy old clear-cut or hedgerow. In the fall it is not uncommon to encounter a small group of yearling turkeys called poults, crossing forest roads en route along wildlife corridors between feeding and roosting sites. Wild turkeys are habitat generalists. True to their scientific name, *silvestris*, meaning “of the forest,” wild turkeys prefer mature hardwoods, but will also utilize varying habitats from agricultural lands to meadows to find soft mast such as fruits and berries.

Turkeys are very wary and have keen hearing and eyesight. Be forewarned: turkeys will see you long before you see them unless you are very inconspicuous, so be still. Just remember, this is also hunting season within game management areas on public lands. So if you are out there during hunting season, wear an orange vest. Nobody said this would be easy. Just ask a turkey hunter.

Wild turkeys are large birds, with gobblers (adult males) reaching as much as 18 pounds. They are strong flyers reaching speeds up to 55 m.p.h., and can also run as fast as 15 m.p.h. The Eastern Wild Turkey ranges from southern Canada to Florida, and west to the Great Plains. An individual flock of turkeys will usually range from 1 to 4 square miles. Turkeys are polygamous, and travel in gender groups until spring when they get together to mate, with males strutting and fanning their colorful tails to attract a mate.

Turkeys are gorgeous birds. Males are larger than females, and more colorful with iridescent copper breast feathers. Their tail feathers are long and bronze-colored with a dark brown band at the tip. Their heads are featherless, and white with a bluish hue around the face and eyes, transitioning to crimson red “waddles” down the neck and especially prominent in males. They have a long “snood” drooping from above the beak, and males have hair-like bristles called a beard extending from their chest (that is also found in about 30% of female turkeys).

Wild turkeys were very important to Native Americans both as game animals and as a symbol of cunning and fierceness. Indians artificially increased turkey and white tail deer habitat by annual burning in the fall and winter, which stimulated the growth of forbs and grasses and exposed acorns and chestnuts as forage. It has been estimated that there were as many as 600,000 wild turkeys in the state of Georgia during the aboriginal period.



Eastern Wild Turkey gobblers in full display, strutting and fanning their tails to attract a mate.

Wild turkeys were revered by the Cherokee as a symbol of the warrior. The turkey gobbler was famously used by Cherokee warriors as a war whoop to frighten enemies. Shamans performed a ceremony to increase the stamina of ball players by scratching them with a sharp comb made of seven turkey bones, called a “kanuga.”

Turkey feathers were also used for weaving a net matrix of mulberry bark to fashion match coats that were light and warm, and often worn by a chief as a ceremonial robe. Wild turkeys were also important to European immigrants to America. But due to habitat destruction, wild turkey populations were decimated almost to extinction by the early 20th century.

Fortunately, the establishment of our national forests in the 1930s allowed the recovery of habitat essential for wild turkeys. Then, thanks to state natural resource agencies in the tri-state Chattooga watershed area, wild turkeys were reintroduced and they are now thriving on our public lands.

This savvy and majestic bird that Benjamin Franklin favored as our national symbol is indeed a beautiful creature, and the recovery of the wild turkey in the Chattooga River watershed has been truly remarkable. November is a great time to get out and stalk this elusive creature, so don your orange gear and wait no longer to take to the woods!

Lighten Your Tax Burden: *Pension Protection Act of 2006*

Melinda Fischer

Wondering what to do to lighten your tax burden before January 1st? We can help you, and you can help us at the same time! Following many years of debates in congress, charities have finally seen some progress in the tax code arena. On August 17, 2006, President George W. Bush enacted the "Pension Protection Act of 2006." This legislation includes many provisions addressing charitable giving and tax exempt entities. Under section 1201 of the Pension Protection Act (PPA), a qualifying individual can make certain types of gifts from most kinds of IRAs and have that distribution excluded from his/her gross income. Since the individual IRA owner is responsible for choosing a charity that meets all the guidelines set out by the IRS tax code section 501 (c)(3) and section 170 (b)(1)(A), we thought we could make it easier for you by pointing out that the Chattooga Conservancy is a 501 (c)(3) organization, and therefore a qualifying charity. Look no further!

The PPA '06 section 1201 states that any individual 70½ or older can make direct gifts from an IRA of up to \$100,000 per year for 2006 and 2007 to qualifying public charities, and have that distribution excluded from their gross income. If an individual holds more than one IRA, they are still only able to exclude up to \$100,000 total from their gross income. You may donate to several different qualifying charities from several different IRAs, but the total you exclude from your income cannot exceed \$100,000. The PPA '06 section 1201 allowing these charitable donations expires December 31, 2007, so don't wait until next year!

Married couples filing jointly can donate up to \$100,000 per individual IRA owner. So, if you and your husband/wife are both age 70½ or more and you both hold separate IRAs and wish to donate to qualifying charities, your maximum allowable donation that is excludable would be \$200,000. This is true even in "community property" states. Also, someone who is maintaining an IRA for an individual who has reached age 70 ½ can contribute up to \$100,000 to a qualifying charity in that person's name.

A qualifying charity is defined as an organization that is exempt from federal income taxation under section 501 (c)(3) or section 170 (b)(1)(A) of the Internal Revenue Code. That organization must promote and/or employ practices that further charitable, religious, educational, or scientific actions; testing for public safety, foster national or international amateur sports competition, or prevent cruelty to children and/or animals. Obviously, the Chattooga Conservancy is engaged in many of these areas. We work with the Rabun Chapter of Trout

Unlimited taking water samples in Stekoa Creek in Clayton, Georgia. We have those samples tested for coliform bacteria, which is harmful to humans and animals. As we locate the sources of the contamination, we are actively engaging the citizens of Clayton to assist us in repairing the problems. With that one project alone, we have encompassed ¾'s of the requirements for maintaining our charitable status. There are many other qualifying projects that we work with on a weekly basis.

For someone wanting to make a direct gift from their IRA to the Chattooga Conservancy, they would need to contact their IRA custodian either by phone, internet, or written letter, alerting them to the amount of money they wanted to rollover from their IRA and the date they want this transaction to occur. A "direct" gift must be made from the IRA owner to the Chattooga Conservancy. This means that the IRA custodian would, upon



receipt of your letter or form instructing the donation, issue a check or perform an electronic transfer directly to the charity from your IRA. Do not make a donation from your personal checking account to us and then request a reimbursement from your IRA; this would not qualify as a "direct gift." Your IRA custodian can, however, issue a check to the charity from your IRA and send it to you to be forwarded to us. That transaction would still qualify under section 408 (d)(8) as a rollover from your IRA if the check were written to the Chattooga Conservancy and were delivered to us before December 31, 2007. Once we have received your donation, and your notice that it is an IRA rollover gift, we will then issue you a receipt stating that we have received the

gift, that your gift was made to a qualifying charity, the date, the amount, the IRA custodian's name, and that no services or goods were provided to you in exchange for your gift, and that we will use your donation for general purposes.

Once you have made a "direct gift" to the Chattooga Conservancy from your IRA, you cannot count that money as a charitable deduction. Since the money is donated without being taxed, it is considered non-deductible. However, you should relish the fact that you will not pay withholding tax on the money you rollover from your IRA to the Conservancy.

As we approach Christmas time and you wonder how to make sure that your gifts positively affect the most people, please consider us. By donating to the Chattooga Conservancy from your IRA before December 31st, 2007, not only will you be saving yourself extra tax burden, but you will assist us in enriching many communities with our outreach programs and enable us to continue our efforts to keep our land and waters clean and safe for our generation and many more to come.

A Champion of Big Trees Has Fallen in the Forest

Dr. Robert Zahner, who passed away on September 1st of this year, was a founding leader of the Chattooga Conservancy. It all started back in 1991, when Bob drafted a document that called for managing the Chattooga River watershed as one ecological unit across state lines, along with preserving and restoring this magnificent ecosystem. This proposal led to the birth of Chattooga Conservancy, and remains at the core of our work today.

Bob served for years on the Conservancy's board of directors, as a team with Glenda, his soul mate and co-founder of the Chattooga Conservancy. Throughout his tenure on the board, which ended with his passing, Bob was a great mentor and friend to the organization.

Bob was also a great friend and mentor for me. My relationship with him was one of master and disciple. And although Bob had a great sense of humor, he was sometimes frustrated with my "hard head," take-no-prisoners approach. Yet he supported me throughout our friendship, while letting me learn the hard way.

If the measure of a person's life is by what they leave, then Bob is a giant in the field of conservation. The land ethic that he worked to instill—in students, colleagues, friends and foes alike—is a living legacy that we intend to pass on.

We offer here a tribute to Bob Zahner by Ran Shaffner, whose eloquent words about how we all feel about Bob couldn't be said any better. --Buzz Williams, Director, Chattooga Conservancy

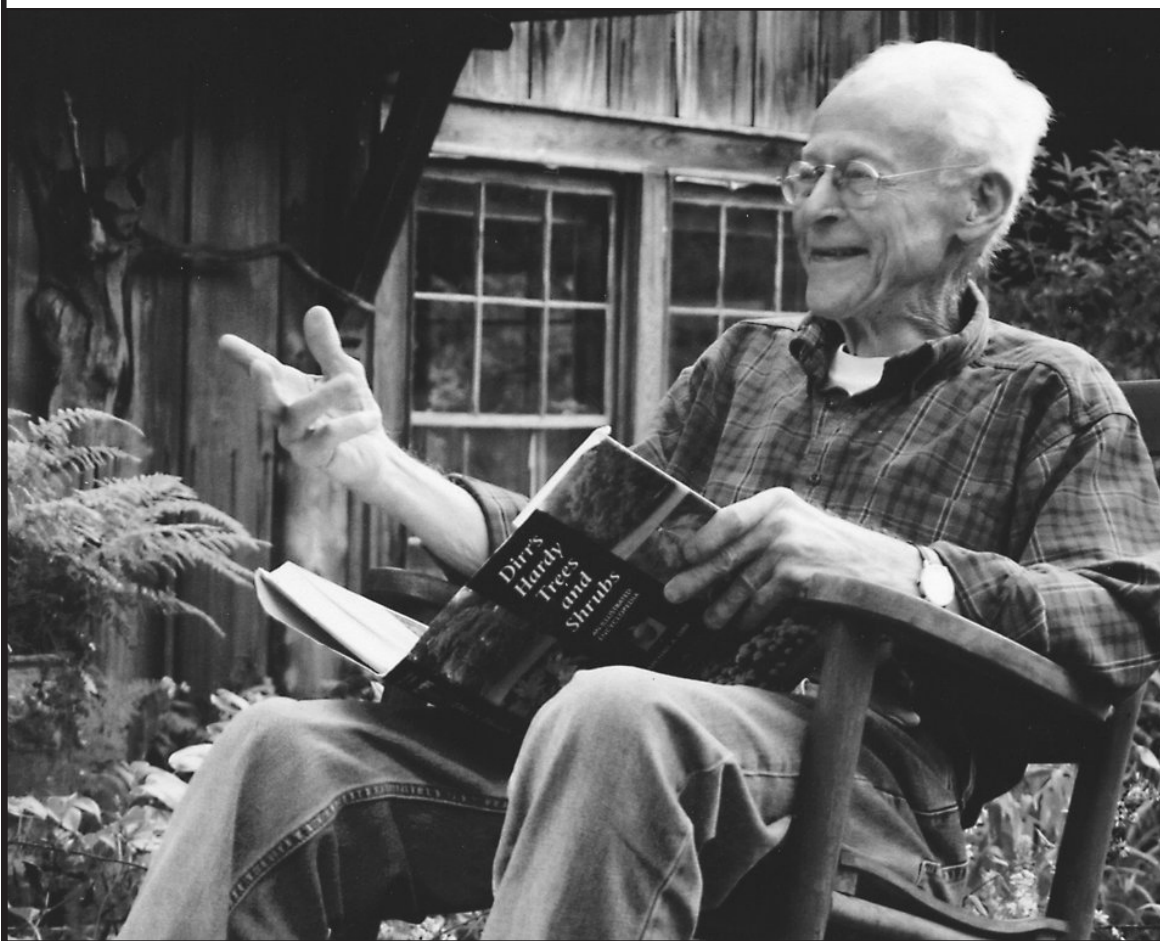
A CHAMPION OF BIG TREES HAS FALLEN IN THE FOREST

Ran Shaffner

American forestry was born the same year as Highlands: 1875. It sprang from the notion that a short-sighted nation was in danger of squandering its natural heritage. The great question that it struggled to answer, in the words of George Perkins Marsh, our first great conservationist, was "whether man is of nature or above her." And its underlying assumption was that the welfare of future generations mattered more than any immediate considerations, particularly economic.

Our next great conservationist, Aldo Leopold, was still arguing—75 years later—that the basic weakness of conservation based on economics is that wildflowers and songbirds have no economic value: "Birds and wildflowers should continue as a matter of biotic right, regardless of the presence or absence of economic advantage to us."

Our own great conservationist, who passed away quietly on September 1st here in Highlands, ranks with George Perkins Marsh and Aldo Leopold as the "father of old-growth management of the forests." In his own words, "growth and development have come to be



Bob Zahner, 1923-2007, at his home in Highlands, North Carolina

photo by Duncan Greenlee

A Champion of Big Trees Has Fallen in the Forest

synonymous with urban sprawl, in particular, the undesirable transformation of scenic rural country sides into commercial and residential landscapes.” What Robert “Bob” Zahner shared with Marsh and Leopold, almost a century and a half after Marsh and a half century after Leopold, was “an intense consciousness of land.” It was inconceivable to any of these icons of environmentalism that man, the biotic citizen of land, should seek to conquer what had cradled and continued to nurture him.

I only knew Bob for the thirty years that I’ve lived in Highlands, which was long enough to know that he’d have laughed out loud at my calling him an icon! But in the same way that all three of these conservationists were icons, they were also iconoclasts! The Bob that I knew when I first arrived in Highlands was a revolutionary, an insurgent, an agitator, a thorn in the sides of officials carrying out public policy. As paradoxical as it may sound, he was a conservative liberal! In a weird kind of way he was much like the Buck Creek Road thorough Shookville, which he viewed at the time it was being built as appropriately named, because it “shook up” anyone driving it!

Bob is still very much respected by the Forest Service, despite his having been one of its staunchest critics, an unabashed advocate of protecting every last acre of Eastern old-growth. During the late 1970s and on into the 90s, he and Bob Padgett led a crusade to replace decades of timber exploitation under the aegis of the Forest Service by more ecologically conscious selective and shelter-wood methods of responsible forest management. Zahner compared the timber industry’s claim that “clearcutting is necessary for a healthy forest” to the tobacco industry’s claim that “smoking is not addictive.” Joined by the Western North Carolina Alliance, he and Padgett took their “Cut the Clearcutting” campaign all the way to Washington and won. Partly for this, Bob later received the Southern Appalachian Forest Coalition Lifetime Achievement Award.

Bob fought the battles that mattered. In his history of Whiteside Mountain, *The Mountain at the End of the Trail*—a monument to Whiteside almost as beautiful as the mountain itself—he penned a heartrending lament over the loss during World War II of “one of the most magnificent forest preserves in all of eastern North America,” including the Kelsey Trail. Having grown up in this primeval forest, he protested the grisly tractor skid trails, logging haul roads, silt-clogged rivers and lakes, and huge felled hemlock, yellow birch, black cherry, and red maple trees, where hundreds and thousands of interior forest birds and animals, suddenly homeless, once lived their invaluable lives. Mature after a thousand years, an ancient hemlock forest was almost totally destroyed in what Bob depicted as “five miserable years,” necessitating another millennium before its flora and fauna could be restored to their original diversity, integrity, and beauty.

In 1949, when an attempt to commercialize Whiteside Mountain

meant charging a toll to travel the Cowee Gap wagon road to a parking lot at the top, Bob protested the toll by leaving his car behind and carrying his infant son up the mountain on foot.

Bob protested during the 1960s and 70s when Congress and the National Park Service sought to extend the Blue Ridge Parkway through Highlands, a proposal which would have devastated the unspoiled peace and relative solitude of Nantahala National Forest but which died instead an ignominious death.

During the early 1980s he was fighting the proposed construction of 326 condo units in Highlands just off the Walhalla Road, which had won zoning board approval but which an anxious public, expressing alarm over the ballooning trend toward high-density development in residential zones, effectively killed on appeal.

In 1995 he received the Western NC Alliance’s Esther C. Cunningham Award for his role in protecting the Big Creek and Chattooga River watersheds around Highlands.

Even as late as the turn of the millenium he was opposing a new golf-course project in the area as an example of blatant sprawl hiding behind the façade of what the construction industry called “smart growth,” with its unabashed violations of North Carolina erosion and sedimentation laws.

With his background in biology, ecology, and forestry as Professor Emeritus from the universities of Michigan and Clemson and years of service as consultant to the Forest Service, as well as to such Southern Appalachian groups as the Western North Carolina Alliance, Southern Appalachian Biodiversity Project, Chattooga Conservancy, etc., this fearless iconoclast was an icon to be feared, if not highly regarded. When he wasn’t seeking to educate and advocate during the summers and falls at his home in North Carolina, this omniscient scholar was crusading during the winters and springs at his home in Arizona.

It’s entirely appropriate that the Zahner Conservation Lecture Series, which the Highlands Biological Foundation and the Highlands-Cashiers Land Trust sponsor each year, should honor this biotic citizen of the land, who sought in his own unique way to devote his whole life to promoting public awareness of the rich but threatened natural heritage of the region. He once described Highlands as “like a tiny little island sitting up on the Blue Ridge Mountains, the only rain forest in eastern North America.” This tiny little island has now lost one of its most eloquently effective and steadfastly committed guardians. Bob will certainly be missed by his wife and companion-in-arms—Glenda—and family as well as by all of those—I being one—who loved him for his clear vision, wisdom, wit, charm, and courage as a friend and champion of all that is beautiful in life and worth fighting to sustain.

Trail of Tears

Buzz Williams

During the War of 1812, a Cherokee headman called Junaluska was among 500 Cherokee warriors fighting with the Americans against about 1,000 Creek Indians known as “Red Sticks” that had taken the side of the British. The Battle of Horseshoe Bend took place on the Tallapoosa River in eastern Alabama on March 24, 1814. The Creeks had gathered their forces in a sharp bend in the river on the inside of the “horseshoe” behind heavy breastworks of logs thrown up at the neck of the peninsula as a defensive position against the inevitable attack of the Americans led by Andrew Jackson, also known as “Old Hickory”. Jackson laid siege to the encampment, pounding it with cannon fire with little effect until the Cherokees swam the river and brought back enough canoes to eventually transport warriors to engage the enemy in heavy hand-to-hand combat, while Jackson and his troops broke over the fortifications and routed the Creek warriors.

Many Creeks—men, women and children—were killed in the attack. Those who tried to retreat across the Tallapoosa waded into a hail of gunfire and knife attacks by the Cherokee. Jackson was later to say that the tide of battle was turned that day by the brave actions of the Cherokees led by Chief Major Ridge. Jackson is reported to have personally thanked Junaluska for saving his life during the battle in saying, “As long as the sun shines and the grass grows, there shall be friendship between us, and the feet of the Cherokee shall be toward the east.”

The Battle of Horseshoe Bend set the stage and cast many of the actors for one of the darkest periods in American history. For not 24 years after the Cherokee warriors turned the tide in favor of their American allies at the famous battle on the Tallapoosa, Jackson betrayed them and ordered the removal of the Cherokee Nation from their homeland along the “Trail of Tears,” thus inflicting one of the most horrible campaigns of genocide in world history.

The tale of cruelty actually began decades earlier on the Carolina frontier with the encroachment of an endless wave of settlers invading ancient Cherokee hunting grounds. The ensuing struggle boiled over during the Cherokee War of the 1760s that played out in the piedmont between the Waxhaw near present day Charlotte, North Carolina, and the “Long Canes”

on the Carolina side of the Savannah River near Abbeville, South Carolina. Atrocities were committed on both sides, but the savage attacks on settlers by Cherokee warriors left a fatal impression on a young Andrew Jackson, who lived with his family near the Waxhaw. This prejudice against the Cherokee manifested itself when Jackson was elected president in 1829, as the hero of the Battle of New Orleans chose to implement a policy of Cherokee removal to the west as outlined by Thomas Jefferson in 1802.

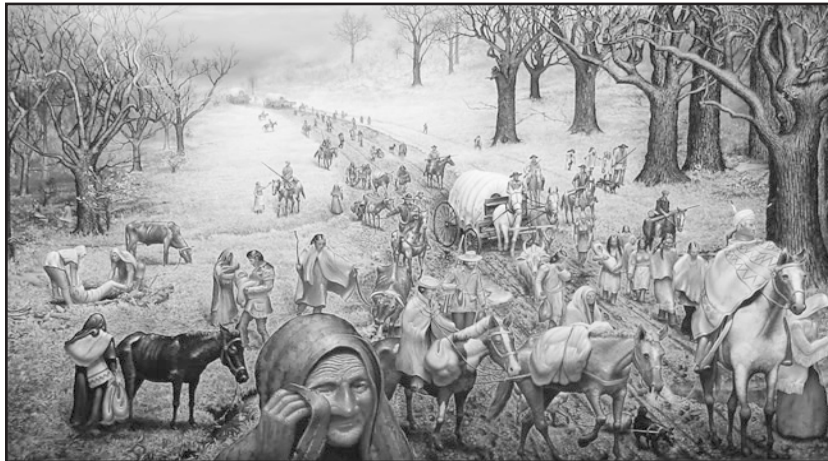
Jefferson and other Americans of the colonial period made no bones about what they thought of the Cherokee, who sided with the British during the Revolutionary War. Jefferson wrote, “I hope the Cherokees will now be driven beyond the Mississippi and that this in the future will be declared to the Indians as the

invariable consequences of their beginning a war.” South Carolina’s prominent Whig leader William Henry Drayton said to his commanders in 1776, “For my part I shall never give my voice for a peace with the Cherokee Nation upon any other terms than their removal beyond the mountains.” Jackson, an adherent to this policy, wasted no time after the Battle of Horse Shoe Bend to begin a campaign of Cherokee removal

in direct contrast to his momentarily expedient promise to Junaluska.

Many of the Cherokee that returned home after the Battle of Horseshoe Bend were already very acculturated in the colonial period. Some even saw “the hand writing on the wall” and advocated voluntary removal in order to save property. Those include Major Ridge, who had already adopted a European, colonial lifestyle including farming and slave ownership. By 1829, the Cherokee even adopted their own constitution based on the American Constitution. The invention of the Cherokee syllabus by Sequoyah contributed further to converting traditionalists to the ways of the whites. At this time, many Cherokee were also converted to Christianity, which brought them even further into the predominant social sphere. Nonetheless, most Cherokees followed Chief John Ross, who held out against removal.

While the Cherokee pondered their fate, powerful forces mustered by President Jackson in Washington and by locals who coveted the Cherokee lands began a steady push on all fronts



*Nearly 4,000 Cherokees died during their forced removal on the “Trail of Tears.”
painting by Max Standley www.maxstandley.com*

Trail of Tears

to initiate removal. In 1828 the State of Georgia passed laws rendering all Cherokee laws over their own land null and void, and forbade the Cherokee from holding meetings except for the purpose of ceding land. Then, at a turning point in Cherokee history, gold was discovered near Dahlonega, Georgia in 1828 that gave supporters of removal the incentive to step up their rhetoric.

On December 8, 1829, Jackson addressed the United States Congress advocating the removal of the Cherokee to the western territories. He had based his actions on Jefferson's agreement with Georgia in 1802 to try and remove the Cherokee in order to settle Georgia's claim on their lands. All other states by this time had already ceded their western territorial lands except Georgia. Jefferson's Louisiana Purchase gave him a place to remove the Cherokee. Nonetheless, the Cherokee held fast to the terms of treaties signed with America at Hopewell and Holston that sold land to the Americans but held sovereignty over all traditional homelands they retained. The plot had thickened after the war of 1812 and John C. Calhoun from South Carolina, whose family had been massacred at Long Canes in 1760, became Secretary of War under President Monroe. Some Cherokee actually relocated to the west voluntarily under pressure from Calhoun's faction around 1818-19. Then in 1828, when Georgia passed more laws restricting the Cherokee on their own land, the question became one of states rights. Calhoun, who was the undisputed champion of states rights, supported Georgia in the Cherokee lands dispute. The stage was set for the final act when Jackson, the old Indian fighter, took the presidency in 1829. On May 28, 1830, Jackson signed the Indian Removal Act that sealed the fate of the Cherokee Nation.

During the ensuing debate that followed, the Cherokee also sought relief from the U.S. Supreme Court in the case of *Worcester v. George*. The case involved two missionaries among the Cherokee in 1831 who had been arrested by Georgia authorities under the Georgia laws that governed white settlers on Cherokee land. When the missionaries refused to sign an oath to Georgia before returning to the Cherokee, they were thrown in prison. When the Cherokee challenged Georgia's authority in the matter, in 1832 the Supreme Court ruled in favor of the Cherokee, finding that the Cherokee Nation was indeed a sovereign nation and therefore not subject to Georgia's restrictive laws. The celebration of the favorable ruling was short-lived since Jackson had no intention of honoring the court's decision, underscored by his now fabled statement after hearing the decision stating, "John Marshal has made his decision; now let him enforce it."

In 1835, a group of Cherokee urged by Major Ridge signed the Treaty of Removal of New Echota without the consent of the Ross faction. The treaty was quickly ratified by congress with much protest from friends of the Cherokee such as Sam Houston, and Davy Crockett from Tennessee. The debate raged

in the United States Congress with such notable statesmen as Henry Clay and Daniel Webster taking the side of the Cherokee. Davy Crockett was so disgusted with the treatment of the Cherokee that he resigned his office with the parting words, "You may all go to hell, and I will go to Texas." Sam Houston, who was at Horseshoe Bend and was himself the adopted son of a Cherokee, advocated voluntary removal and actively worked for a humane solution.

In the end, congress ratified the bogus treaty and on May 10th, 1838, Jackson ordered General Winfield Scott to forcibly remove the Cherokee to the Arkansas territories. The horror that followed can only be told by the words of the Cherokee who made the 1,200-mile trek on the "Trail of Tears." One interviewed by ethnographer James Mooney said, "Under Scott's orders the troops were disposed at various points throughout the Cherokee country, where stockade forts were erected for gathering in and holding the Indians preparatory for removal... families at dinner were startled by the sudden gleam of bayonets in the doorway and rose up to be driven with blows and oaths along the weary miles of trail that led to the stockade. Men were seized in their fields or going along the road, women were taken from their wheels and children from their play. In many cases, on turning for one last look as they crossed the ridge, they saw their homes in flames, fired by the lawless rabble that followed on the heels of the soldiers to loot and pillage. So keen were these outlaws on the scent that in some instances they were driving off the cattle and other stock of the Indians almost before the soldiers had fairly started the owners in the opposite direction. Systematic hunts were made by the same men for the Indian graves, to rob them of the silver pendants and other valuables deposited with the dead..."

In the two years that it took to remove a total of 16,000 Cherokee Indians, nearly 4,000 died on the Trail of Tears either from disease, exposure, or from a broken heart. Around 2,000 Cherokees had been transported by flat boat down the Tennessee, Mississippi, and Arkansas Rivers to Fort Smith in Indian Territory; about 14,000 led by Chief John Ross went overland to the north. All suffered horrible conditions. It is said that when Junaluska arrived in Indian Territory he turned and walked back to the North Carolina mountains with the following words: "If I had known that Jackson would drive us from our homes, I would have killed him that day at Horseshoe."

The horrible scars on the ancient lands of the Cherokee, and on the souls of the people who descend from a period of time in our nation's history when tyranny and genocide once gained the upper hand, are evident today. So many of the issues that drove the mistreatment of the Cherokee including states rights, mistreatment of prisoners, genocide, and greed, are still in the forefront of the world stage today. Hope lies in the fact that we can look our history straight in the face, and make every effort to see that it never happens again.

Watershed Update

STEKOA CREEK POLLUTION UPDATE

In partnership with the Rabun Chapter of Trout Unlimited (TU), weekly water sampling in Stekoa Creek resumed in March to test numerous sites in the creek for high levels of fecal coliform and turbidity. Our partners at Rabun TU joined in this year's campaign to clean up Stekoa through the organization's Embrace-A-Stream Program, which provided a grant to help pay the lab fees for the water sample tests as well as a team of volunteers to transport the samples to the lab within 6 hours of collection (the maximum "hold time" for EPA's enforcement guidelines).

What have the water sampling tests revealed? On a consistent basis, the results have documented alarming levels of fecal coliform in Stekoa Creek and several of its tributaries. The water tests have also been directly responsible for identifying 3 major sewage leaks in the Stekoa watershed since March, and ongoing trouble spots caused by the City of Clayton's leaking sewage collection infrastructure. A comprehensive spreadsheet of this year's water test results may be viewed on our website at www.chattoogariver.org

The encouraging news is that the outright sewage leaks were fixed, on a case-by-case basis, by the city. In addition, a number of city employees have been spurred by the water test results to actively support tasks related to cleaning up Stekoa Creek. For instance: the city marshal has started to post large signs at sewage spill locations to raise public awareness about the health risks associated with polluted water. The city manager has proposed the formation of a task force to address engineering strategies and funding mechanisms for improving Stekoa's water quality. With approval from the city council, the city marshal and city manager also worked in cooperation with the Chattooga Conservancy in submitting a Georgia Environmental Protection Division (EPD) 319h grant request to fund numerous actions focused solely on improving water quality in Stekoa Creek; this grant request was approved and funding is expected in the spring of 2008. In addition, the Conservancy is working in cooperation with Chattahoochee National Forest and Sumter National Forest hydrologists to begin water sampling in the Chattooga River at the confluence of the Chattooga and Stekoa as well as several points upstream and downstream of the confluence, to get contemporary baseline information on fecal coliform levels in the Chattooga River caused by Stekoa Creek. The Conservancy is also working in cooperation with the Environmental Protection Agency (EPA) on hosting a meeting in November to address the filling of Stekoa Creek's floodplain,

which is occurring up and down the state highway 441 corridor. This meeting will also address more issues and action steps in restoring impaired streams in the Chattooga River watershed, and participants will include the EPA, EPD, Clayton and Rabun County officials, and other principals. If these partnerships continue to grow and strengthen, it should be entirely possible and attainable to improve Stekoa Creek's water quality through consistent, multi-year efforts.

WALHALLA WATERSHED VICTORY

Persistent grassroots activism combined with a focused spirit of cooperation has produced one of the most significant conservation achievements of late for the citizens of upstate South Carolina. The proposed subdivision and development scheme for the Stumphouse Mountain/Walhalla watershed area that came to light this past February (see spring '07 *Chattooga Quarterly*) has been abandoned in favor of protecting the land. Protection will be achieved on just over half of the 950-acre tract through the specific terms of a conservation easement agreement granted by the City of Walhalla, while the rest of the area will be conveyed in December to the South Carolina Department of Natural Resources for management under the agency's Heritage Trust Program. The Chattooga Conservancy worked hard alongside all partners in this effort to turn aside the specter of commercial development in this area, and to advance conservation options for the property.

Countless hours and immeasurable efforts on behalf of citizen activists and conservation organizations were invested in reversing the Walhalla City Council's nearly-done-deal with the development brokers, who were on a fast track to purchase the city's 450-acre property on Stumphouse Mountain. As a result of numerous public meetings and accountability sessions, as well as a petition drive, extensive media coverage, and the fact that the developer had a criminal record of fraud, Walhalla's mayor and city council finally acquiesced to public pressure and changed course by signing a conservation easement agreement for the city's land on August 12th. The city received a \$1.2 million payment from the South Carolina Conservation Bank in return for signing the conservation easement document. More efforts and a \$3.1 million incentive brought about the sale of adjoining land from private landowners, totaling 511 acres, to be conveyed at year's end to South Carolina's Heritage Trust program. Note, however, that recent negotiations have now redirected 66 of these 511 acres into the ownership of the City of Walhalla. The 66-acre area includes Issaqueena Falls, and



Large signs now alert the public to major sewage spills in the Stekoa Creek watershed.

Watershed Update



J. Harold Thomas, Frank Holleman, and Buzz Williams at the podium during the “Stumphouse Saved” press conference.

photo courtesy of Anderson Independent-Mail

the old railroad bed that is used as a walking trail. This tract will be managed under the terms of a separate conservation easement that will allow for maintaining trails and the option of constructing an unobtrusive replacement waterline (from the Walhalla watershed reservoir to the city), but otherwise mandate no development at all.

As for the original 450-acre tract owned by the City of Walhalla, the conservation easement guidelines are less restrictive. For example, city managers will be allowed to cut timber, and could potentially clearcut large areas and apply herbicides. All that’s required under the conservation easement agreement is for timber harvesting methods to adhere to a plan that complies with the SC Forestry Commission’s “best management practices” (which allow for clearcutting and herbicide application, such as has occurred on this property in the past at the advice of the forestry commission). The city will also be allowed to construct and operate a “public historic center” and up to “3 passive nature parks,” which could include a park manager residence, parking and restroom areas, primitive camping areas and overnight retreat areas, concession and souvenir stores, exhibits, benches, shelters and similar facilities, provided that these developments do not significantly impair the historic and conservation values of the property. In addition, the conservation easement requires any forthcoming development plan from the city to be conveyed in writing, which should allow for public disclosure and oversight opportunities.

What about the other 445 acres of the Stumphouse Mountain area that will be DNR-managed land? The tract is slated for the state’s Heritage Trust Program, which was created in 1976 as the first such program in the nation, and whose enabling legislation directs the DNR to set aside a portion of the state’s rich natural and cultural heritage for the benefit of present and future generations. After being conveyed to the DNR, the tract will be subject to a management plan devised specifically for that area. It’s expected that traditional uses will continue to be allowed.

TUCKALUGE / WARWOMAN TIMBER SALE NEWS

The Chattooga Conservancy is working for a favorable compromise on timber harvesting project put forth last year by the Tallulah Ranger District (Georgia side of the Chattooga watershed). Called the Dan Gap/Buck Branch project, this timber sale plans tree harvesting on both sides of Warwoman Road, in the Tuckaluge Creek/Rabun Bald and Buck Branch/Warwoman Creek areas. The immediate concern here is the intended use of the Tuckaluge Creek Road for hauling timber, which is problematic because this road is a continual source of sediment into the creek due to its poor location and design, proximity to Tuckaluge Creek, and consistent failure of erosion control measures. Tuckaluge Creek also empties into Warwoman Creek, which is a major tributary to the Chattooga that is already listed by the EPA as a 303(d) impaired stream not providing its designated use for fishing due to too much sediment. Another problem with the project is that timber harvesting is planned for some old growth hardwood stands, 110-174 years old, that merit protection due to their scarcity.

The Chattahoochee National Forest is now interested in restarting the Dan Gap/Buck Branch timber sale as a “stewardship” project, where the money generated by selling timber is directed back to the project area to be used for other natural resource concerns in that region. Our overriding concern in the Warwoman watershed is water quality, which is clearly appropriate because in addition to Warwoman Creek, Roach Mill Creek is also listed as being impaired from excessive sediment, and Tuckaluge, Finney and Martin Creeks are on the EPA “watch” list as verging on impairment.

The Dan Gap/Buck Branch project was originally billed as an “oak restoration project” that included thinning stands of white pine in order to allow regeneration of more oak trees. The Chattooga Conservancy will support restoring a greater hardwood component in the project area, as long as no old growth hardwood stands in the area are harvested, and the overarching goal of the project is to improve water quality by reducing sediment sources in the Warwoman Creek watershed.

Based on the large Forest Service ownership in the Warwoman Creek watershed and the condition of the agency’s roads, it’s evident that Forest Service roads are responsible for the majority of road-related sediment in the Warwoman watershed. Therefore, reducing road-related sedimentation on Forest Service roads is arguably the most effective action the agency can take to significantly reduce its sediment contribution and substantially improve water quality. This could be achieved, for instance, by decommissioning the Tuckaluge Creek Road.

Wouldn’t it be great if additional sediment deposits into Tuckaluge and Warwoman Creeks could be avoided, and the streams were restored to support reproducing populations of

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trout, including our native Brook trout? We hope that the Forest Service will continue to pursue options for addressing water quality issues in the Warwoman Creek watershed, and that we can move forward collaboratively to improve water quality and to act upon other restoration needs for public land in the upper Warwoman Creek watershed. Look for future updates on this project in the next editions of the *Chattooga Quarterly*!

HELP NEEDED WITH NATIVE PLANT RESTORATION IN THE ANDREW PICKENS RANGER DISTRICT

The Chattooga Conservancy has lobbied the Forest Service for several years to prioritize devising a plan for the eradication of invasive non-native species at numerous sites within the Chattooga River Wild & Scenic Corridor where these infestations are particularly severe, and native species are being replaced by non-native invasives including Chinese privet, autumn olive, English ivy, kudzu, paulownia, and Japanese honeysuckle. Typically, these invasive species are fast growing with extensive and persistent root systems, and are capable of massive coverings that choke out competing native vegetation that provides food and habitat for our native animals.

Now, we're pleased that the Andrew Pickens Ranger District of the Sumter National Forest is beginning to address the needed eradication work, and is coupling this effort with restoring native species in the project areas. The district's native plant restoration project targets three sites totaling 15 acres within the Chattooga Wild & Scenic River Corridor; these sites are known locally as: 1) Ridley fields, 6.67 acres adjacent to Chattooga River and the Cherokee Old Town archaeological site; 2) the state highway 28 boat ramp, 2.49 acres at the river's bank and around the popular "Section II" put-in; and, 3) low water fields, 6.19 acres at and around a designated camping area along section II of the Chattooga.

Interested in helping the native plant restoration effort? This is great activity to use for a service project, or if you just want to get in a few hours of work for a worthy cause out on our public lands. During the upcoming dormant season, and in cooperation with the Forest Service, we are looking for groups of volunteers to help with replanting the project areas with native species of trees, shrubs, and wildflowers including Fraser magnolia, persimmon, joe-pye weed, snowy hydrangea, black-eyed Susan, smooth sumac, and witch hazel. Please contact the Chattooga Conservancy at 706-782-6097 or info@chattoogariver.org if you would like to join in helping the native plant restoration effort.

SUSTAINABLE AGRICULTURE SEED BANK PROJECT

Despite a desperately dry summer, the Chattooga Conservancy's sustainable agriculture project is well on its way to yielding a bumper crop of heirloom corn. Building on lessons learned with last year's sustainable agriculture initiative, at the start of

the 2007 growing season we began canvassing the Chattooga watershed to find distinctly local varieties of open-pollinated corn. We looked for seed stocks cultivated and handed down for generations, and fortunately, several generous farmers donated seeds that fit the bill. We also looked for prime bottomland for growing a large field of corn. Literally, "pay dirt" was found courtesy of Louis Kilby, who volunteered the use of 2 acres of some of Rabun County's richest bottomland along Warwoman Creek for planting a local variety of heirloom field corn.

The smattering of spring and summer thunderstorms was just enough to germinate and keep the crop growing. By September, there was one of the healthiest stands of corn around, towering upwards of 7 feet tall with ears in excess of 14 inches long. A few ears were sampled at the "roastin' ear" stage, revealing a pleasingly rich flavor distinctive of this strain of heirloom corn. Most of the corn is now drying on the stalk to be harvested for grinding into corn meal, and for livestock feed. Another distinctive characteristic of this corn is that when baked, the cornmeal produces a remarkable bread that is unique to its origins, and of gourmet quality. Meanwhile, to demonstrate the value of utilizing the whole corn plant, the leaves have been stripped off the plant, then bundled and piled up in the field, producing a fodder-stack of grand proportions for use as livestock feed during the winter months. Seeds will be set aside for next year's crop, and we hope to grow and share the benefits of this local sustainable agriculture project again.

MORE ON THE UPPER CHATTOOGA BOATING ISSUE

On September 13th, the Chattooga Conservancy filed comments in response to the Forest Service's official scoping notice concerning use of the upper Chattooga River. For over a year, this issue has been at the forefront of heated controversies about the possibilities of permitting boating on the upper Chattooga River north of the highway 28 bridge. The central issue at the heart of this intense controversy is: Will there be negative impacts to the "Outstandingly Remarkable Values" of the upper Chattooga River if boating is allowed?

Throughout this time period, the Conservancy's objective has been to promote use—but not overuse—in order to protect a resource that is becoming especially rare in the eastern United States, based on the underlying position that the dramatic increase in pressure on the Chattooga River to provide compatible and balanced uses will require some restrictions on these competing uses. The Chattooga Conservancy's comments to the scoping notice are summarized as follows:

The question of allowing boating on the upper Chattooga River spills over into many other issues concerning other rivers and streams where boating is either not allowed or restricted, from nearby Overflow Creek to Yellowstone National Park. It also raises questions of whether or not we need restrictions

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on existing uses of the upper Chattooga River. Consequently, the Forest Service's decision about the possibility of allowing boating on the upper Chattooga River north of the highway 28 bridge will undoubtedly set a new milestone for wildlands management, not only for the Chattooga River but for the whole wilderness preservation system in the United States.

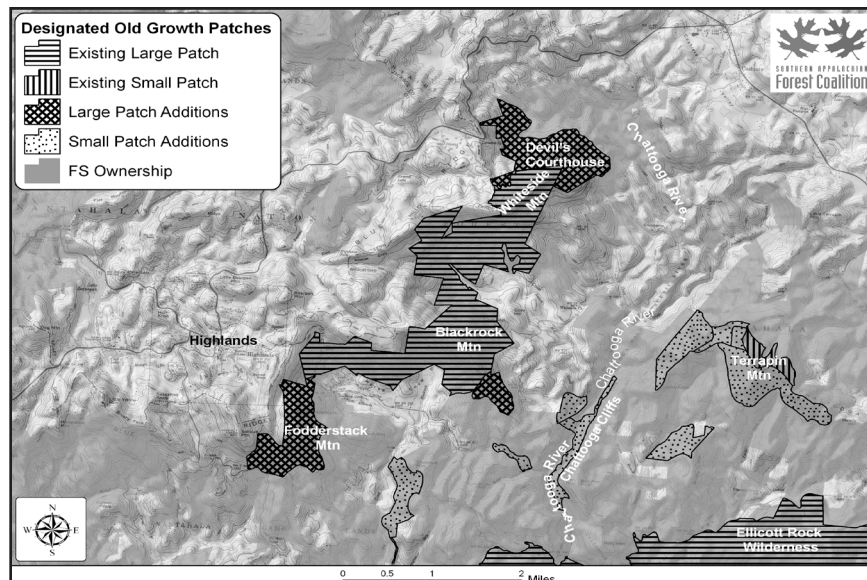
The upper Chattooga River has outstanding scenery, unique and abundant biological diversity, monumental geologic features and an outstanding opportunity for a wilderness experience in remote backcountry. Allowing unrestricted floating use on the upper Chattooga River would cause irreparable damage to the opportunity for a wilderness experience in the last place left in the whole Chattooga Wild and Scenic River Corridor where that possibility still exists. This opportunity still exists because the upper Chattooga is relatively inaccessible.

Boating should not be allowed on the Grimshaws Bridge to Bull Pen Bridge section of the Chattooga, because currently there is not feasible access here. The property at and below Grimshaws Bridge to just below Corkscrew Falls is private property on both sides of the river. If floating use on this section of river were allowed, it would surely result in damage to private property due to navigability issues and unavoidable encroachment on private land caused by portaging rapids, and accessing the river.

Floating use below Bull Pen bridge to highway 28 could be accommodated if use numbers and group sizes were restricted to protect the opportunity for solitude, and if these restrictions were enforced. There are no navigability issues on this section and no new access would be required. This section could probably accommodate up to 4 groups of 4 to 6 paddlers per day, with reasonable spacing between groups. Floating use should be restricted to above 2.8 feet on the highway 76 gauge or, better yet, on a comparable level on a gauge at Bull Pen and or at Burrells Ford bridge. A 2.8 cutoff for these sections would not only ensure a quality run, but would also set a limit that would not overlap with trout fishing on these sections, which does not normally occur above this level.

The issue of dealing with down woody debris in the river is paramount to the question of allowing boating above highway 28. There is nothing more dangerous than a "strainer" in a rapid. Hemlock die off in the headwaters, due to the Hemlock Woolly Adelgid, is now occurring at an alarming rate. Once these trees begin to fall into the Chattooga River, strainers will be common in the headwaters. It would not be consistent with wildlands management to permit removal of down woody debris in wild sections of the Chattooga River or in the Ellicott Rock Wilderness Area. The sections where floating is permitted must be contingent on an understanding by paddlers that down woody debris cannot be removed and that floating will be permitted at the user's own risk.

FINAL SETTLEMENT FOR WHITE BULL TIMBER SALE



This map shows the additional large patch and small patch old growth stands in the Chattooga headwaters gained as a result of the White Bull settlement agreement.

GIS map created by Hugh Irwin, Southern Appalachian Forest Coalition

The details of the settlement agreement for the White Bull timber sale project finally were agreed upon this past July. The Highlands Ranger District initially proposed this project back in the summer of 2005, and it was immediately of concern because the western portion of the project area was located around sensitive areas in the Chattooga River's North Carolina headwaters. Our primary contention was the project's disregard for protecting old growth trees and overall

lack of compliance with the Nantahala Forest Plan's "old growth guidance," which requires that small, medium, and large patches of old growth be designated and preserved. After filing an appeal of the proposed project, we reached a settlement compromise with the Forest Service that included an agreement that at least 706 acres in the project area would be designated as old growth. The "lines in the dirt" were finally drawn a couple months ago, with District Ranger Michael Wilkins designating 893 acres contiguous with the Whiteside Mountain and Blackrock Mountain areas that would be managed for old growth trees. These additions are located north of Whiteside Mountain at Devil's Courthouse, and at the Fodderstack Mountains and Granite City areas, that are west and south of Blackrock Mountain, respectively. The final settlement agreement also designated an additional 938 acres of small patch old growth at Chattooga Cliffs, Bearpen Mountain, and several other nearby areas.

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Many thanks to everyone who recently renewed their membership, joined, or donated goods or time to the Chattooga Conservancy. Your generous contributions will help us continue to work on all of the important conservation issues facing the watershed.

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- Monitor the U.S. Forest Service's management of public forest lands in the watershed, and work cooperatively to develop a sound ecosystem initiative for the watershed
- Educate the public
- Promote public choice based on credible scientific information
- Promote public land acquisition by the Forest Service within the watershed
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