



Chattooga Quarterly

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NATIVE CANE RESTORATION PROJECT - FIRST HARVEST

Eastern Band of the Cherokee Indians artisan Jim Long selects mature river cane for harvesting at the project site. The cane can be used to make baskets, blowguns and other items of importance in the Cherokee culture.

photo by Dana Cochran, courtesy Cherokee Preservation Foundation

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Director's Page

Nicole Hayler

At the start of this year on January 5, 2016, the Nantahala National Forest released its final decision on the "Chattooga River Boating Access Environmental Assessment" (Access EA). This was the final decision for the final EA in the arduous, 8-year conflict about officially permitting boating on the upper Chattooga River above the Highway 28 Bridge.

The Access EA proposed building 1 new boater access trail at Green Creek, County Line, Burrell's Ford, and Lick Log Creek, and 2 trails at Bull Pen Bridge—one above the bridge, and another below the bridge. Numerous groups and individuals including the Chattooga Conservancy presented various arguments against new trails in the sensitive Chattooga Cliffs reach of the river. **Only the Chattooga Conservancy prevailed, by stopping construction of a second, unnecessary boater access trail into the Ellicott Rock Wilderness area, below the Bull Pen Bridge.**

Extant during the extended upper Chattooga boating controversy has been a persistent degree of misunderstanding and/or misinformation about the Chattooga Conservancy's position on the issue. Our small but very significant victory concerning the lower Bull Pen trail was the last salvo in the lengthy upper Chattooga boating conflict, and for the preceding reasons, merits further explanation.

Originally, the Forest Service had proposed just one boater access trail at Bull Pen Bridge, which is an existing path to a put-in spot at the rapid above the bridge. At low-flow levels, this steep drop is even more dangerous because it's bony and full of exposed potholes. Readers may recall we argued that allowing boating down to a low-end water level threshold of 350 cubic feet per second in the headwaters was too low. However, American Whitewater pushed the Forest Service relentlessly throughout the upper Chattooga controversy for no restrictions at all on boating in the headwaters, for a variety of reasons including accommodating extremely low flow paddlers.

Back in 2012, when the Forest Service initially decided to allow boating in the headwaters, the agency produced the "Recreational Uses on the Upper Chattooga River" EA. All of the proposed new boater access trails in the upper Chattooga had been addressed by this EA, *except* for the plan to build a second trail below Bull Pen Bridge. The lower Bull Pen trail was non-existent in previous EAs, and was slipped into the final Access EA. The justification was that it would be "for boaters that do not wish to put-in and immediately experience a highly technical section of whitewater." The proposal to construct a new, lower trail was an afterthought, specifically for boaters who didn't want to start above the Bull Pen Bridge and run a hazardous and rocky rapid at low flows. However, this second trail was not properly analyzed in previous EAs

in accordance with the National Environmental Policy Act (NEPA), and therefore was illegal.

In addition to the NEPA violation, the lower Bull Pen access trail was problematic because the plan was to route it down a steep slope and through the Ellicott Rock Wilderness Area to the river. Readers familiar with this spot on the Chattooga know that it's an isolated and sensitive area that is used mainly in the summertime, primarily for swimming. There are several user-created trails directly below the bridge to access the most desirable swimming holes there. The Access EA proposed to block the user-created trails, and funnel the public downstream to the proposed boater put-in.

In challenging the lower trail, we cited the obvious. Constructing this trail would result in: 1) trampling the sensitive vegetation along the river bank, as people would want to walk upstream to the best swimming hole; 2) erosion problems along the steep slope of the new trail; 3) potential damage to the rare plants at the "spray zones" in the area; and, 4) degrading the recreation experience at that special area. Lastly, we pointed out that constructing the lower trail was unnecessary, because boater access below the Bull Pen Bridge could be provided by using one of the existing, user-created trails. Thus, the Chattooga Conservancy filed an "objection" to the Access EA.

During our "objection meeting" with the Forest Service in late 2015, the agency agreed to withdraw the lower Bull Pen trail construction project altogether, and to instead deal with user-created trails below the bridge. We suggested that one of these trails could be modified by installing steps and other measures to correct erosion issues, to provide both swimming and boater access below the difficult rapid. The Forest Service's final objection resolution decision stated: *The revised trail location will result in less biophysical impacts than those described in...the Boating Access EA.*

The reason the Chattooga Conservancy prevailed and caused the Forest Service to abandon the lower Bull Pen Trail is simple. We had caught them clearly violating federal law to appease a special interest group. NEPA requires that the Forest Service follow specific procedures in assessing the effects of a proposed action on the environment, and that the public must have this information in making comments on the proposed action. With respect to the lower Bull Pen Trail proposed in the Access EA, much of the legally required environmental analysis of the effects of the lower trail were "tiered" to a previous "Recreational Uses on the Upper Chattooga EA," which had been conducted before the lower Bull Pen Trail was ever proposed. **The Forest Service backed down only because the Chattooga Conservancy refused to stop working to protect the Outstandingly Remarkable Values of the Chattooga River and the Ellicott Rock Wilderness Area.**

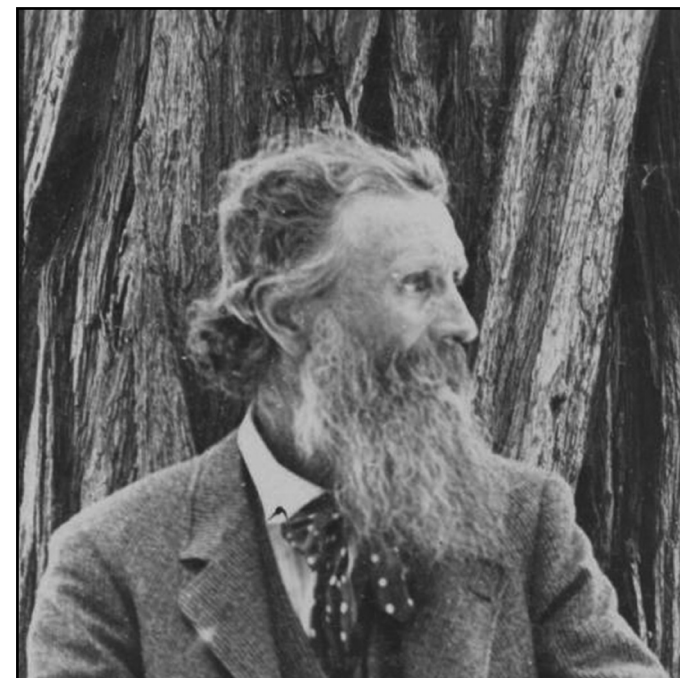
The Evolution of Wilderness Management

Buzz Williams

We tilt at windmills in behalf of conservation in convention halls and editorial offices, but on the back forty we disclaim even owning a lance. -- Aldo Leopold

When Europeans first strode ashore on the North American continent, they faced a vast and unfathomable 1.9 billion acre wilderness. They observed the native peoples of this wilderness who, for the most part, were living in balance with the forces of nature. However, things would soon change as Europeans conquered the natives and imposed a new cultural attitude that centered on exploiting the seemingly inexhaustible supply of natural resources. The wilderness was the enemy to be conquered and "trammed." Today, only remnants of the once ubiquitous wilderness remain, mostly on our public lands.

Conservation groups are working hard to protect remaining wilderness areas, which scientists tell us will be essential to restoration plans for sustainable ecosystems, migratory corridors for plant and animal species, carbon sinks to help address global warming, and also as a place to seek solace and recreation where humans are visitors and natural forces prevail. Yet, those who continue to push for exploiting these now rare wild places are hard at work to stop additional wilderness area designations. This article explores the origins of the idea of protecting wilderness in America, and the inextricable link to the fight to identify and protect "roadless areas" that would subsequently qualify for future wilderness designation.



Noted wilderness advocate John Muir traveled extensively through the nation's wild lands in the mid-1800's, and focused on the spiritual qualities of a wilderness experience.



During the early 1800's a lawyer-turned-artist named George Catlin painted portraits and landscapes depicting Native American culture, and advocated for protection of wild lands.

Forefathers of the Wilderness Idea

The swift destruction of the American wilderness has been astonishing. From the early 16th century, when Europeans first colonized the eastern shores, until the early 19th century, the original inhabitants that they called "Indians" were almost completely subjugated to the 100th meridian. Only the mounted Plains Indians, and the mountain and Pacific Coast dwelling native peoples, remained defiant. The culture of these native people had always depended on living with the forces of nature within the wilderness. As the culture of Native Americans was replaced by a new paradigm that was dependent on exploiting natural resources, populations of predominant game species such as deer, elk and bison dwindled greatly.

In the early 1800's, George Catlin, a lawyer turned painter, became fascinated with Native American culture and traveled through the frontier territory painting portraits and landscapes. He witnessed the increased slaughter of the American bison and the associated deterioration of Native American culture. Catlin was one of the first to conclude that wild lands needed protection, and proposed "A nation's park, containing man and beast, in all the wild and freshness of nature's beauty." Similarly, Henry David Thoreau recognized the value of protecting wilderness, and just before the Civil War wrote "... in wilderness is the preservation of the world."

The words of these wise men and others finally began to influence leaders in the American political establishment. Consequently, in 1864 the federal government designated Yellowstone National Reserve—the world's first national park—for public enjoyment, while barring most extractive uses. John Muir, the noted wilderness advocate who traveled extensively through the nation's wild lands during this period,

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from the Southern Appalachian Mountains to the Sierra Nevada Mountains, focused on the spiritual qualities of a wilderness experience. In 1892 he founded the Sierra Club, which would become one of our country's most strident wilderness advocacy organizations.

The turn of the century witnessed a timber boom, with rail lines penetrating deep into old growth forests to cut billions of board feet of timber for a growing America. The "robber barons" at the head of powerful corporations and possessing much political clout, were rapidly making their way through first the timberlands of the Northeast, the Midwest and then the Southern Appalachian forest, clear-cutting whole watersheds.

Fortunately, a new champion for forest protection emerged when Theodore Roosevelt was elected president in 1900. Roosevelt took on the robber barons, and launched a campaign to protect watersheds and forest lands managed by a fledgling federal agency called the U. S. Forest Service. Roosevelt installed his close friend, Gifford Pinchot, as the first head of the Forest Service. Pinchot, a blue blood from a wealthy New England family, was one of the first trained foresters in the United States. His policy for running the Forest Service was decidedly utilitarian, and was far to the right of the wilderness preservation ideas of John Muir. Nonetheless, the Forest Service would soon play a vital role in developing the National Wilderness Preservation System.

It was during this period when Americans began to support the idea of setting aside wild land for recreation. However, many Americans were happy with making these areas accessible with new access roads and hotels. The National Park Service Act that passed Congress in August of 1916 created an agency



The National Park Service used to allow contrived tourist attractions on agency lands, such as "the firefall" at Glacier Point, Yosemite National Park.

In 1919, Arthur Carhart was assigned the task of surveying a remote section of Colorado called Trapper Lake for a road to access the lake, to accommodate resort cabins and development leases. In his report to his supervisor, Carhart recommended the proposed road and development should be reconsidered, based on the premise that some undeveloped wild lands should be preserved, unroaded and undeveloped. He argued that recreation and scenic values should take precedent over extractive uses such as grazing and timber harvesting. Carhart's recommendation was accepted, and thus began a movement to protect unroaded wild lands across the western United States.



charged with managing parks not so much to protect their wilderness values but to make them accessible for people to enjoy scenery. When congress designated the nation's first national park at Yellowstone, it stated that the intent of the legislation was to create a "public park or pleasuring ground for the benefit and enjoyment of the people." Stephen T. Mather, the first Director of the National Park Service took this direction to heart. At Yellowstone National Park, roads, grand hotels and lodges were built. Rangers poured detergent into "Old Faithful," pushed bonfires off rock cliffs to create waterfalls of fire for a dramatic show, and even set out garbage to attract bears for tourists viewing. In Yosemite National Park a drive through Sequoia was the big tourist attraction. Even though the law did also say that the park should be managed so that the environment should be "unimpaired," the clear emphasis of management was for an easy "porthole" view of magnificent scenery.

The National Park Service was, and still is, administered by the Department of the Interior, where extractive utilitarian uses are minimized on wild lands managed by the park service. The Forest Service was, and still is, under the Department of Agriculture, with management for many uses including logging, mining and cattle grazing. In the early years, Forest Service managers feared that since demand for facilitated recreation opportunities as offered by the National Park Service were becoming more and more popular, scenic Forest Service lands might be transferred to the National Park System. As a result, the Forest Service began looking at an expanded

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In 1930, Bob Marshal penned an article entitled "The Problem of Wilderness," in which he urged forming an "organization of spirited people who will fight for the freedom of the wilderness." In 1935, largely because of the work of both Bob Marshal and Aldo Leopold, The Wilderness Society was founded.

program for preserving scenic wild lands for recreational purposes. This opened the door for wilderness advocates in the Forest Service to state their case for shifting to a greater emphasis on recreation management, to compete with the National Park Service.

One of the earliest wild land advocates was Arthur Hawthorn Carhart, who served as the first landscape architect hired by the Forest Service, and who is said to have laid the foundation for wilderness management. One of the greatest contributions to helping define the values of wilderness was Carhart's belief that the wilderness experience builds moral character. In his later years, Carhart wrote "Perhaps the rebuilding of the body and spirit is the greatest service from our forests, for of what worth are material things if we lose the character and the quality of people that are the soul of America."

One of Carhart's contemporaries, Aldo Leopold, also believed that a wilderness experience builds both individual and national character. Leopold expanded the debate over wilderness values by adding the idea "That land is a community is the basic concept of ecology, but that land is to be loved and respected is an extension of ethics." He espoused that conservation was in itself humanity living in harmony with the land.

Leopold carried the debate over the value of roadless areas further in a 1921 treatise where he advocated protection for "a continuous stretch of country preserved in its natural state, open to lawful hunting and fishing, big enough to absorb a 2-week pack trip, and kept void of roads, artificial trails, cottages or other works of man." At the National Conference on Outdoor Recreation in 1926, it was Leopold's call for "systematic planning to protect wilderness" that largely influenced the Forest Service hierarchy to conduct an inventory of wilderness areas on the national forests, which determined that there

were 74 areas at least 360 square miles each in the lower 48 states. His influence also resulted in the issuing of the Forest Service's L-Regulations, which outlined protection for wild lands and standardized the term "primitive area." Although the L-Regulations continued to allow extractive uses, at least it initiated a process of identifying and protecting wild places. Leopold also played a lead role in convincing the Forest Service to designate a remote, un-roaded 500,000 acres in the Gila National Forest of New Mexico as the nation's first Wilderness Reserve.

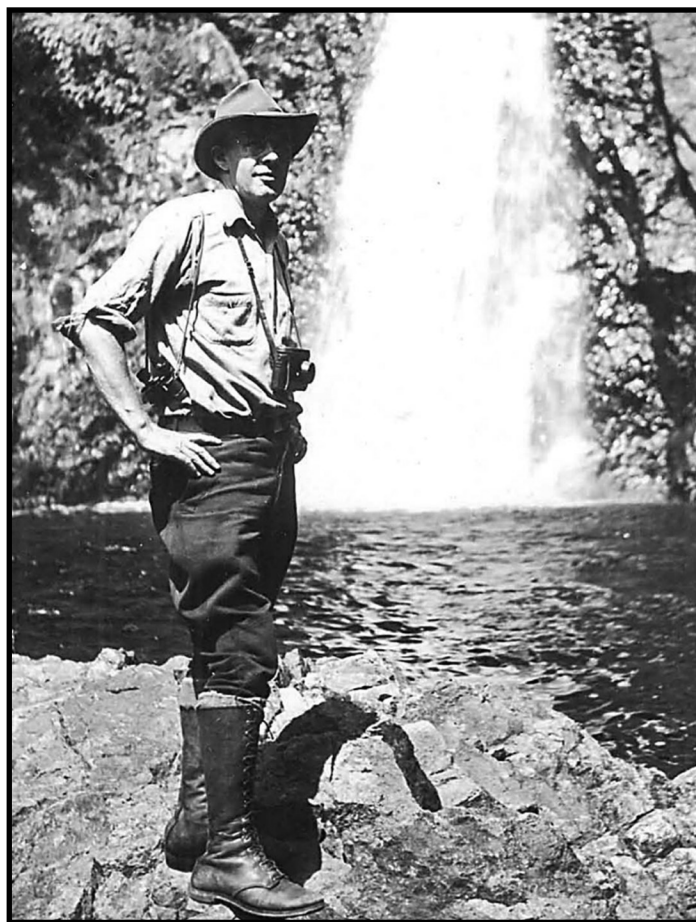
Bob Marshal was an early Forest Service employee who promoted wilderness protection in the agency. He was an unusual character who made numerous treks into remote wilderness areas, sometimes traveling 30-50 miles a day, and his critical thinking and writing on the subject of wilderness was epic for the time. Marshal articulated the idea of the "right of the minority," which embodies the concept that there are people who need wilderness in their pursuit of happiness, and that even though these people are in the minority, our government should preserve wilderness for them as a right guaranteed under the constitution.

In 1939, in his position as head of the Forest Service's Division of Recreation and Lands, Bob Marshal pushed through the promulgation of the U Regulations, that established a system to protect wilderness areas larger than 100,000 acres, wild areas of 5,000-100,000 acres, and primitive areas designated



"We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect." --Aldo Leopold

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Howard Zahniser became the primary leader in a movement to have congress designate wilderness areas, rather than the federal agencies. Often called the father of the Wilderness Act, he wrote 66 drafts and steered the Act through 18 congressional hearings.

for further study. All three areas were managed as wilderness. Commercial timber cutting, roads, hotels, motorboats (unless already established) and airplane landings were prohibited. However, grazing, mineral extraction and some forms of development were allowed. In all, 13 million acres were set aside by the U Regulations, with restricted commercial use. Importantly, these regulations were the foundation of the eventual Wilderness Preservation System.

In 1949, the environmental classic *A Sand County Almanac* by Aldo Leopold was published, in which he gives a beautiful account of the wonders of the natural world, and a painful account of the history of environmental damage caused by humans. An example of the power of his writing is in the preamble, "Wilderness is the raw material out of which man has hammered the artifact called civilization. No living man will see again the long grass prairie, where a sea of prairie flowers lapped at the stirrups of the pioneer.... No living man will see again the virgin pineries of the Lake States, or the flatwoods of the coastal plains, or the giant hardwoods...". He ends the book with a plea for wilderness protection.

Leopold's call for wilderness protection spurred action. In the wake of a fight to stop the Echo Park Dam on the Green River in Dinosaur National Monument in northern Utah and western Colorado—which was successful—Senator Hubert Humphrey introduced the first wilderness bill in 1956. The timber, mining, grazing and oil industries strongly opposed the bill, and it failed to pass. Meanwhile, the Forest Service was also against the bill initially, because of the restrictions that a wilderness bill would place on management options, so the agency worked closely with anti-wilderness industries to pass the Multiple Use-Sustained Yield Act in 1960, to place extractive goals on par with the anticipated "Wilderness Act," which did finally pass congress in 1964.

Nevertheless, the Forest Service perpetually feared that a wilderness bill would take away their authority to designate wilderness, so the agency continued to establish areas to be managed as wilderness. By the time that congress did pass the Wilderness Act and assume responsibility for wilderness designation, the Forest Service had established 54 wilderness and wild areas, and 34 primitive areas totaling 14,600,000 acres.

The Wilderness Act

On September 3, 1964, Congress finally passed Public Law 88-577, "The Wilderness Act," which "designated all previously existing Wild Areas, Canoe Areas, and Wilderness Areas as "wilderness." The legislation defined wilderness as "A wilderness, in contrast with those areas where man and his work dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man who does not remain." The law provided that congress have the exclusive power to designate roadless tracts in national forests, national parks and wildlife refuges for preservation in their natural state. The Act directed management agencies to study primitive areas, and to make recommendations to congress for future designation as wilderness within the next 10 years. Criteria to be used in studying these areas include: 1) lands must be in a natural state where the imprint of man is minimal; 2) there must be an outstanding opportunity for solitude and primitive recreation; 3) lands have at least 5,000 acres, or are of sufficient size as to make practicable its preservation and use in an unimpaired condition; and, 4) ecological, geological, or other features of scientific, educational, scenic or historic value".

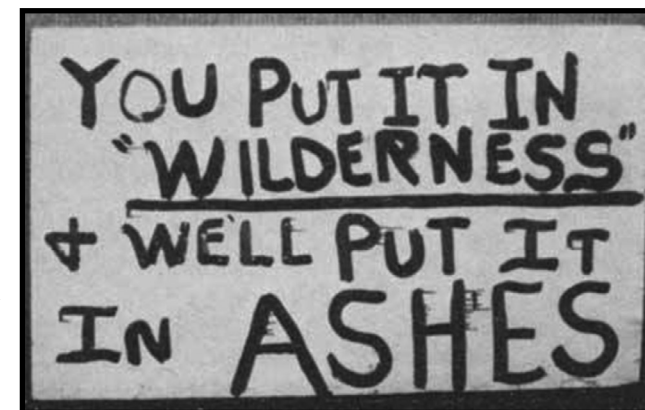
No one contributed more to the passage of the Wilderness Act in 1964 than Howard Zahniser, the director of The Wilderness Society, who wrote 66 drafts of The Wilderness Act between 1956 and 1964, and steered it through 18 hearings. He died only a few months before it passed. Zahniser's dedication and hard work were built on the work of visionary forerunners such as Catlin, Roosevelt, Carhart, Marshall, Thoreau, Leopold and many others who set the stage for the passage of the world's first wilderness protection legislation.

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Roadless Area Review and Evaluation

The Wilderness Act, as monumental as it was, was still a compromise with much work to be done in interpreting the intent of the law regarding the dichotomy of managing an area that was, by definition, "untrammeled" or unrestricted. Opponents would argue for years with those of the more anthropomorphic persuasion that wilderness was to be for the "use" of mankind, versus those with a biocentric motive arguing to protect the natural character of wilderness even at the expense of restricting use. There was also the question of the integrity of Forest Service's inventory of lands qualified for wilderness designation. The Roadless Area Review and Evaluation that the Forest Service completed in 1972 (known as RARE I) had been abandoned because of a court claim that alleged wrongful exclusion of 44 million acres of eligible wild lands. Another area of concern was that the Wilderness Act focused on large western roadless areas with little chance for eastern wilderness area designation, based on the Act's size and character requirements, which were unfavorable to the eastern landscape due to its scars caused by the hand of humanity. Many argued that even though eastern areas were recovering from this abuse, they needed to have their own criteria for wilderness area consideration in the context of "restored wildness."

The Wilderness Act had established only three areas as wilderness in the eastern U.S. by 1973, because of size requirements. These areas were the Great Gulf in the White Mountain National Forest in New Hampshire (5,658 acres), and Linville Gorge (7,655 acres) and Shining Rock (13,400 acres) in the Nantahala-Pisgah National Forests in North Carolina. These areas had formally been designated as "wild" areas by the Forest Service. However, use of these areas soon doubled because of the increased demand for primitive recreation areas in the east. Conservation groups pushed hard for more wilderness designation in the eastern U.S., resulting in the passage of the "Eastern Wilderness Act" in 1975. The Eastern Wilderness Act relaxed some size and character requirements for wilderness designation. In 1975, the Cohutta Wilderness Area in the Chattahoochee National Forest in Georgia and the Ellicott Rock Wilderness in the Sumter National Forest in South Carolina were designated as a part of the National Wilderness Preservation System.



RARE II was one of the most controversial undertakings in Forest Service history. This sign appeared in Rabun County, Georgia, during the RARE II inventory.

The period from the late 1970s to the mid-1980s produced a flurry of activity related to wilderness designation. In 1976, the Federal Land Policy and Management Act allowed wilderness designation on lands managed by the Bureau of Land Management. Then in 1977, the Forest Service conducted the second roadless area inventory known as RARE II. It allowed special standards for national forest wilderness designation in the east that respected its different human history, ecosystems and landforms.

RARE II was one of the most controversial undertakings in Forest Service history. Now that the wilderness debate had reached the east coast, and with intense industry pressure to keep public lands accessible pitted against a growing environmental concern over the loss of wild lands, public participation sky rocketed. The Forest Service's RARE II inventory identified 62 million acres of roadless areas, and recommended 1.5 million acres for wilderness designation by congress, releasing 36 million acres to "multiple use" and designating 10.8 million acres for further study. The balance was uncommitted. The State of California sued the Forest Service over the RARE II process, claiming that it did not meet the requirements of the National Forest Policy Act (NEPA). A 1980 ruling by the U. S. Court of Appeals supported the state, resulting in a stalemate over roadless area questions that tied up congress, courts and the Forest Service until 1984.

In the interim, political forces came into play. In 1982, the "Wilderness Protection Act," also known as the so-called Watt's Bill (named for James Watt, the notoriously conservative Secretary of the Interior under Ronald Reagan), passed congress. The bill was thinly veneered as a wilderness protection bill, but in reality it was decidedly anti-wilderness. The bill kept wilderness and wilderness study areas open to commercial exploitation until January 1, 2000, extending the 1983 deadline prescribed in the Wilderness Act.

In 1983, USDA Assistant Secretary of Agriculture Crowl announced a re-evaluation of 43.3 million acres of RARE II roadless areas. It was during this time that all national forests were in the middle of preparing environmental impact statements aimed at creating the first versions of "forest management plans" mandated under requirements of the National Forest Management Act, which had passed congress in 1976. Congress had bequeathed authority to the Forest

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Service, allowing the agency to evaluate lands suitable for wilderness during the “forest planning process,” and then to make recommendations to congress. Consequently, the RARE II re-evaluation would define the debate over which areas would qualify. However, nothing in the Wilderness Act prohibited congress from designating wilderness areas recommended by any citizen. Both sides of the wilderness debate hurried to cut deals with congress, rather than wait for the outcome of the Forest Service’s process to make recommendations for or against wilderness designation of the re-evaluated roadless areas.

In 1984—one year before the first National Forest Management Plans came online—the log jam over wilderness area designation broke wide open. Congress passed 21 wilderness bills for about 8.6 million acres of mostly national forest lands in 21 states. This was the largest increase in wilderness designation since the Wilderness Act of 1964. The factors leading to these designations underscored the obvious: in the fledgling process of wilderness protection it was clear that by nature, wilderness designation reserved for congress would be inherently political. It was also clear that no one on either side of the debate trusted the outcome of a Forest Service planning process to be the only voice in interpreting legal intent, when determining what would be qualified as wilderness. Yet, it was also abundantly clear that the Forest Service’s roadless area evaluation during the agency’s forest management planning process would be the defining point to start the argument over wilderness area qualification.

The Role of the Forest Service

The first round of forest plans created to meet National Forest Management Act requirements came online in 1985, with recommendations for RARE II areas. Roadless areas that had not been designated as wilderness during the wave of state wilderness bills were included in the forest plans, with recommendations for future wilderness area designation or wilderness study areas. Anything else was considered “released” for some other type of management. As a result, in these forest plans many roadless areas simply disappeared. On the other hand, many roadless areas recommended for wilderness or as wilderness study areas required that the Forest Service manage them to protect their wilderness attributes, and the right to decide their fate was totally reserved for congress.

By the late 1980s, the Forest Service had become an agency serving under the heavy pressure of a congress that was beholden to the resource extraction lobby for timber, grazing, mining and commercial recreation Industries. Senator Ted Stevens, chairman of the powerful Senate Appropriations Committee, repeatedly threatened to cut Forest Service budgets unless they met “allowable sales quantities” (ASQ), or what became to be known as “timber quotas.” “Getting the cut out” became part of a local district ranger’s performance evaluations. To meet these quotas, the Forest Service maximized timber harvesting by converting native forests to pine plantations in the already cut-over eastern forests, and continued to build logging roads into remote and roadless areas of national forest lands in the Pacific Northwest, to clear-cut the last remaining old growth forests. Increasing pressure from environmental groups became so intense that trees were spiked; protestors chained themselves



The fight in the Pacific Northwest to save roadless areas and old growth forests, which provided habitat for an endangered species called the Spotted Owl, resulted in the Northwest Forest Plan.

to Forest Service gates, and civil disobedient, non-violent protestors climbed up into huge old growth Douglas Firs to block timber harvesting. The fight in the Pacific Northwest over saving roadless areas and old growth forests, that provided habitat for an endangered species called the Spotted Owl, resulted in the Northwest Forest Plan. The Northwest Forest Plan curtailed road-building and clearcutting, thus preserving many of the remaining roadless areas that housed much of the existing old growth forests. It was at this point that the Forest Service was literally forced by public pressure to manage in a more ecologically sensitive manner, and consequently, the Forest Service coined the new term, “ecosystem management.”

This new way to manage national forests soon became a controversy in itself. The industry lobby and their powerful friends in congress did not go away, and many wondered if the Forest Service was not perverting ecosystem management to continue their old ways to “get the cut out.” During the timber boom on public lands during the 1970s and 80s, Forest Service managers who adhered to the strict interpretation of the directives in the original Organic Act, which emphasized timber harvesting, found fertile ground with an agency where timber was king.

The Organic Act, which created the Forest Service and had directed them “to improve and protect the forest and to [secure] favorable conditions of water flows and to furnish a continuous supply of timber for the use and necessities of the citizens of the U.S.,” gave beleaguered Forest Service managers an excuse to

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keep pushing for timber harvesting by mandate of the Organic Act. It was during this period that the Forest Service, caught between old school foresters adhering to an outdated mission and a public demanding true ecosystem management, came under heavy fire. One focus was on the agency’s neglect to give sufficient attention to other non-extractive multiple uses, such as protection for existing wilderness and roadless areas.

On March 15, 1989, Congressman Bruce Vento, Chairman of the House Subcommittee on National Parks and Public Lands, which has oversight responsibility for the National Wilderness Preservation System, wrote a letter to Chief of the Forest Service Dale Robertson in regards to certain findings revealed during hearings on Forest Service management of wilderness that were held by the subcommittee in July of the previous year. The findings outlined in the letter concluded that the Forest Service had been “weak and inadequate” in managing wilderness, had inadequate appreciation for the values of wilderness, and treated wilderness as a “second class resource.” The letter concluded that “The evidence is overwhelming that the [National Wilderness System] is deteriorating under Forest Service stewardship, and that poor management is the reason why.”

The fact that early Forest Service employees were considered “fathers of wilderness protection” notwithstanding, ever since the 1960s, the Forest Service has not embraced wilderness designation. The “modern” Forest Service during the terms of six presidents—from Kennedy to George Herbert Walker Bush—evolved in a political climate that favored high commodity production management on national forests to provide goods for an exploding economy fueled by the demands of baby boomers. The agency often hired managers who shared the same philosophy of favoring heavy-handed management, while striving to meet their ASQ targets. Forest Service culture was simply unfavorable to managers who espoused wilderness values as a high priority. The Forest Service legacy of wilderness protection, based on the work of Marshall and Leopold, was dormant.

The Roadless Rule

During the 1990s, a turn of political events resulted in the partial lifting of the dark cloud hanging over wilderness protection efforts. In 1990, Bill Clinton was elected as president, and Clinton was more favorable to environmental protection. The first chief of the Forest Service under Clinton was Jack Ward Thomas, who had been the primary author of the Northwest Forest Plan, and the first Forest Service chief that was a scientist. His successor, Michael Dombeck, proposed an 18 month moratorium on road-building on 130 national forests

until a new transportation policy was developed. The temporary moratorium went into effect in February 1999. In October, President Clinton announced that his staff would develop a policy to protect roadless areas.

In January 2001, as he was leaving office, Clinton issued the Roadless Area Conservation Policy directive. The policy had been developed with overwhelming public support. Six hundred public hearings were held, that generated 1.6 million comments. Predictably, the extraction industries fought back with multiple lawsuits that kept the Clinton Roadless Rule on ice for years.

George W. Bush was sworn in as president in January 2001. Bush, who favored the industry position, delayed the Roadless Rule beyond the required 60 day review period for the rule to take effect. Since the Bush administration caught the Roadless Rule in the 60 day window for review, the rule was further delayed until the courts could hear challenges from industry.

The fight to protect wilderness is far from over. Only those areas that have been previously designated as recommended for wilderness, or for further study, are protected from reallocation (to other uses) by the Forest Service, as forest plans are revised.

Bush proposed changes to the rule during the delay that would be more favorable to the industry. He also tried to exempt the huge Tongass National Forest in Alaska. Meanwhile, multiple legal battles wound their way through courts across the U. S. In October 2012, the U. S. Supreme Court ruled against the State of Wyoming and the Colorado Mining Association, which had challenged the Roadless Rule. The ruling marked the last legal challenge to the Clinton Roadless Rule, and it is now the law of the land.

The promulgation of the Roadless Rule was a great victory in the campaign to protect roadless areas eligible for future wilderness designation. On the down side, however, many roadless areas had been released by forest plans that had been revised during the delay to implement the Roadless Rule, so a lot of roadless areas were lost.

The fight to protect wilderness is far from over. Only those areas that have been previously designated as recommended for wilderness, or for further study, are protected from reallocation (to other uses) by the Forest Service, as forest plans are revised. This places a heavy burden on wilderness advocates to fight for wilderness area protection through the forest planning process. Even roadless areas that have been reserved for congress to decide their fate are not safe. Congress could fail to act on recommendations for designation, or they could be reclassified depending on which way political winds were blowing. One thing, however, is certain: if the incalculable ecological and aesthetic values of wilderness are to be protected, it will not be by politicians or bureaucrats. Wilderness protection will be brought about by active, passionate and caring citizens.

Watershed Update

Chattooga Conservancy Makes A Move

In January of this year, the Chattooga Conservancy moved—but not too far! We have relocated just across the street from our old office, and remain based in Rabun County, Georgia. ***Our new street address is 9 Sequoia Hills Lane, Clayton, Georgia 30525.*** Please make a note in your records.

Membership Campaign

The Chattooga Conservancy is launching our *very first ever* membership campaign, and we need your help! We have developed a plan for increasing membership in our organization, and part of the plan involves “peer to peer” networking. Known as “P2P,” it’s touted as one of the newer strategies for sustaining a non-profit organization. Since experience has proved that there will always be something that may threaten the extraordinary Chattooga River watershed and nearby special areas, we would like to have the Chattooga Conservancy be around for a long time, and support from members is critical for the long-term viability of a non-profit organization. We will be contacting each of our current members to ask for referrals for prospective new members. Expect a call from our office in the coming months!

Upper Warwoman Project Forest Service Releases Decision

After several years of planning, meetings, field trips and “scoping” for public comments, the Chattooga River Ranger District of the Chattahoochee National Forest announced its final decision on the Upper Warwoman Project. This project is located in the Warwoman Creek watershed, which is a 6th order watershed of about 14,000 acres in size bounded on the north by Rabun Bald and containing 237 combined miles of ephemeral, intermittent and perennial streams that flow into Section III of the Chattooga River near Earl’s Ford.

The project will involve 1,115 acres of timber harvesting, 10,494 acres of prescribed burning, 7.5 miles of fisheries habitat enhancements and various other actions. The Chattooga Conservancy played a key role in convincing the Forest Service to:

- Abandon new road construction into the Windy Gap Roadless Area
- Restore and protect 824 acres of old growth forests
- Decommission the Milk Sick Cove Road (for future management as a “linear wildlife corridor”)
- Reduce intensive timber harvesting prescriptions

One of our goals is to work cooperatively with the Forest Service whenever possible. Our successful negotiations to bring the Warwoman Project more in line with the principles of conservation biology have greatly improved working relationships with the Chattooga River Ranger District.

Nantahala National Forest Plan Revision Overflow Creek & Terrapin Mtn. Threatened

The headwaters of the Chattooga River are located in the Nantahala National Forest in North Carolina. The initial phase of the ongoing Nantahala National Forest Plan Revision is now focusing on lands that could be eligible for wilderness, or wild and scenic river designation. The Chattooga Conservancy is working hard to see that the Forest Service protects the wilderness values of the Overflow Wilderness Study Area and the Terrapin Mountain Roadless Area, and that they consider the headwaters of Overflow Creek as qualified to be designated as an extension of the Chattooga National Wild and Scenic River.



Overflow Creek is a tributary to the Chattooga River, and its headwaters in NC are eminently qualified for Wild & Scenic designation. photo by Reis Birdwhistell

The Forest Service recommended the Overflow Roadless Area as a Wilderness Study Area during the Roadless Area Review and Evaluation (RARE II) in 1979. Wilderness Study Areas must be managed by the Forest Service to protect their wilderness values until congress makes a decision to either designate it as wilderness or “releases” it back to the Forest Service for other considerations. In the last NC Forest Plan Revision in the 1990s, the Forest Service reversed its earlier designation

and recommended that the Overflow Wilderness Study Area should not be managed as wilderness but for backcountry recreation. During the current revision, the Forest Service failed to even acknowledge that the Overflow Wilderness Study Area should be considered for wilderness designation. The Chattooga Conservancy and other groups including the Southern Environmental Law Center pointed this out during the comment period, and reminded the Forest Service that even though they no longer consider the Overflow Wilderness Study Areas as qualified as wilderness they are bound by law to protect its wilderness values as a Wilderness Study Area until congress makes a decision on its fate.

The Terrapin Mountain Roadless Area was identified during RARE II, but was “released” back to the forest planning process and subsequently designated as a backcountry area. During the initial phase of the current NC Forest Plan revision process,

Watershed Update

the Forest Service again failed to recognize that a qualified wilderness and roadless area exists at Terrapin Mountain. This determination was based on a previous regional roadless assessment known as the Southern Appalachian Assessment, which concluded that the area was too small, but under direction from the Washington Office to apply the Eastern Wilderness Act’s more liberal criteria (that doesn’t consider closed roads and allows smaller areas that are contiguous with existing wilderness to qualify as roadless), now the Forest Service has recognized that the Terrapin Mountain area may be considered for wilderness designation. The Chattooga Conservancy has submitted yet another, larger area for Terrapin Mountain, with redrawn boundaries along a corridor that directly connects the Terrapin Mountain Area to the existing Ellicott Rock Wilderness Area. We strongly encourage the public to support reviving the Terrapin Mountain Roadless Area based on these new developments.

The Forest Service also recognizes that the Overflow Creek headwaters are eligible for “consideration” as a Wild and Scenic River. However, since a section of Overflow Creek lies below the NC state line in Georgia that has not been identified as being qualified, it is highly unlikely that the Nantahala National Forest will recommend it as a Wild and Scenic River candidate until the Chattahoochee National Forest in Georgia follows suit. Nonetheless, we believe that citizens should fight as hard as possible to point out that Overflow Creek is eminently qualified.

GDOT Highway 441 Widening Project Impacts Stekoa Creek

The Georgia Department of Transportation (GDOT) has plans to widen Highway 441 North, starting just above the Stekoa Creek Park in Clayton, GA, and continuing north for about 7 miles to the North Carolina state line. The construction phase of the highway widening project is scheduled to begin in 2019, and the planning phase has been underway since the 1990s. The GDOT recently completed a draft environmental assessment (EA) for the project, and the agency held a public “open house” on March 22nd to gather more comments. The Chattooga Conservancy attended this meeting, studied the environmental assessment to determine how the project may affect Stekoa Creek, and has submitted comments to GDOT, which are summarized below (please see our website for a complete copy).

About 3 linear miles of Stekoa Creek, from the stream’s headwaters in Mountain City, GA, to Stekoa Creek Park, are

located in the highway widening project area. The Chattooga Conservancy, in cooperation with the Georgia Department of Natural Resources as well as with the Rabun County Chapter of Trout Unlimited, has an extensive record of water quality data from Stekoa Creek, including a water sampling point that is immediately downstream of where the highway widening project is set to begin. It is possible that ground-disturbing activities from the DOT would add more sediment to Stekoa Creek and exacerbate this stream’s impairment, causing its problematic water quality to deteriorate even more. Further impairment of Stekoa Creek as a direct result of the project would be unacceptable, and would also contradict the Clean Water Act’s expectations and conditions.

Some additional points from our comments include:

- The EA failed to identify Stekoa Creek as a tributary to the National Wild & Scenic Chattooga River, and to disclose and address the direct, indirect and cumulative impacts to a wild and scenic river as required by the National Environmental Policy Act; therefore, the EA should be revised.
- To protect Stekoa Creek and by association the National Wild and Scenic Chattooga River, we requested that design plans for the project go beyond “common” stormwater management practices (such as rip-rap and temporary silt fences) and instead implement progressive practices including, for example, installing permanent bioremediation structures to

handle stormwater discharges from the road.

- We requested that the needed “compensatory mitigation credits” for impacts in the Stekoa Creek watershed be secured through conducting stream restoration activities at specific sites in the Stekoa Creek watershed.

To get an idea of the predicted impact to Stekoa Creek from the Highway 441 widening project, note that the EA states that the entire project will require 7,447.7 stream mitigation credits and 2.89 wetland mitigation credits. Of that total, **6,265.2 (84%) of the stream mitigation credits and 2.89 (100%) of the wetland mitigation credits are needed in the Tugaloo River watershed, which includes the Stekoa Creek watershed.**

Stekoa Creek Park Dedicated

After about 6 years of planning and hard labor, the Stekoa Creek Park was officially dedicated on August 6, 2015. The dedication ceremony was held at the beautiful timber-frame pavilion at

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Watershed Update



Cissy Henry, Clayton City Manager, drives the last peg into the timber frame pavilion at Stekoa Creek Park.

the park, and was attended by representatives of the City of Clayton, the Chattooga Conservancy, and the many volunteers and funders who worked diligently to create the 5.5-acre park along Stekoa Creek and Highway 441 North in Clayton, GA. The highlights of the ceremony were Lisa McAdams performing her original song entitled "Mountain Treasures," which was followed by Clayton City Manager Cissy Henry and former Clayton City Marshal Scott Dills driving the last two wooden pegs into the timber frame pavilion, in honor of their key roles in acquiring the property, and convincing Clayton City Council to support the park.

Building the Stekoa Creek Park involved transforming the property from a dumping ground for piles of broken concrete and fill dirt, which was covered with noxious invasive species including kudzu, privet, poison ivy, honeysuckle and multiflora rose, into a beauty spot along Stekoa Creek. The Chattooga Conservancy conceptualized the park, supervised and participated in its construction, and also worked to raise all of the funds for the project. Our goals for building the park include public education about the values of conservation; raising awareness about water quality in Stekoa Creek; improving public health through recreation; and, garnering public support for cleaning up Stekoa Creek. The park features a 1/2 mile walking trail landscaped with 125 species of native plants; an educational kiosk and interpretive signs; a state-of-the-art stormwater rain garden; a raised-bed wildflower garden and a timber frame arbor; a playground; restrooms; and, a timber frame pavilion modeled after the historic Civilian Conservation Corps pavilion at the Walhalla Fish Hatchery on Hwy. 107 in Oconee Co., SC. Future plans include efforts to extend the park concept by way of creating a greenway/pedestrian trail through Clayton along Stekoa and Scott Creek, and hosting community events at the park that emphasize conservation and celebrating our cultural heritage in the Chattooga River watershed.

Native Cane Project Grows

We are seeing great progress as our Native Cane Restoration Project enters its third year of on-the-ground work to establish a canebrake ecosystem on the Andrew Pickens Ranger District. The project site is adjacent to Chattooga Old Town, an historic Cherokee Indian village on the South Carolina side of the Chattooga River at the Highway 28 Bridge. Through labor intensive methods we have transplanted cane culms into two sizeable fields totaling about 3 acres in the Russell Fields area, and are seeing an excellent 85% survival rate of the transplanted culms. We are also working on the next phase of the project, which is to establish a cooperative management plan with the Forest Service, that is intended to advance the restoration of a canebrake ecosystem in a timely manner.

The Native Cane Restoration Project has encountered substantial challenges over the last 3 years largely due to missteps by the Forest Service, such as killing some cane transplants by mowing them down and spraying the cane with herbicides. Nonetheless, sections of the project are thriving, and an artisan from the Eastern Band of the Cherokee Indians performed the first selective harvest of the river cane this spring!

On a positive note, we are hopeful for improved relations with the new ranger for the Andrew Pickens District, that should help prevent further missteps by the Forest Service as well as facilitate our efforts to hammer out a solid management plan and implementation timetable for the project. Thanks to our partners at Revitalization of Cherokee Artisan Resources, the Cherokee Preservation Foundation and the National Forest Foundation for supporting this ground-breaking project.



Jim Long, artisan from the Eastern Band of the Cherokee Indians, demonstrates how to prepare the river cane for weaving.

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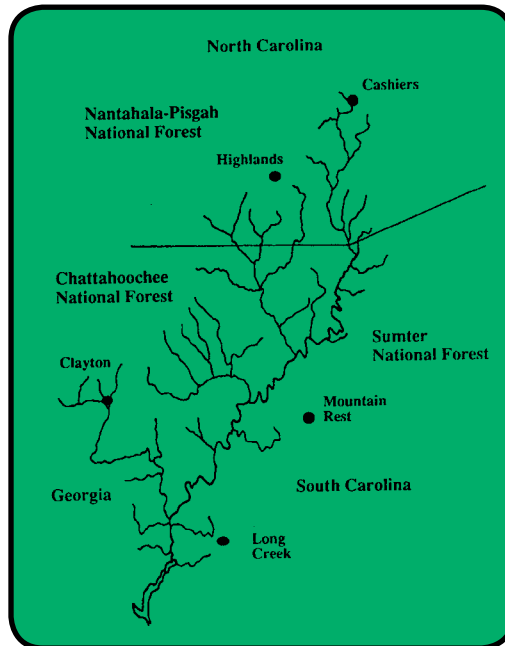
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Mission:

To protect, promote and restore the natural ecological integrity of the Chattooga River watershed ecosystems; 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.



Goals:

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

Promote public choice based on credible scientific information

Protect remaining old growth and roadless areas

Promote public land acquisition by the Forest Service in the watershed

Educate the public

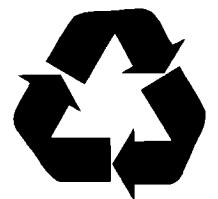
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