



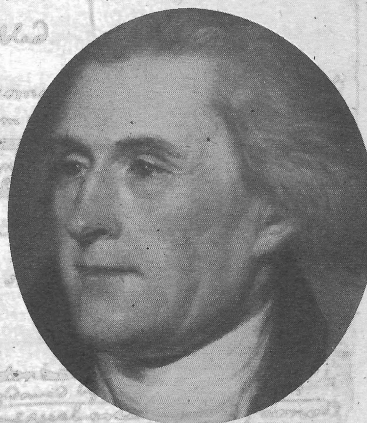
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THE POLITICS OF CONSERVATION

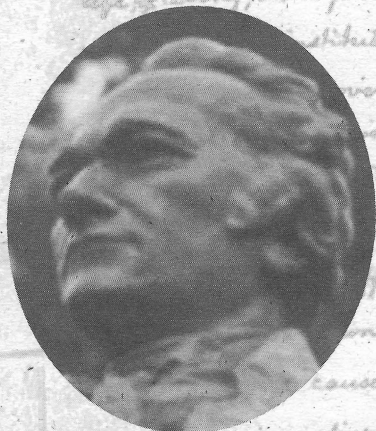
Thomas Jefferson

"Whenever the people are well informed, they can be trusted with their own government; whenever things get so far wrong as to attract their notice, they may be relied on to set them to rights."



Alexander Hamilton

"All communities divide themselves into the few and the many. The first are rich and well born; the other, the mass of the people... are turbulent and changing; they seldom judge or determine right. Give therefore to the first class a distinct, permanent share in the government."



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Director's Page

Buzz Williams

Current political movement to "privatize" many components of American government is based on the belief that free market enterprise will yield a more effective delivery of goods and services at a lower cost than will a government bureaucracy. Advocates of privatization point to the profit motive as the factor that drives the private businessperson or corporation to a higher standard of performance, honed to excellence by competition. Detractors of privatization point to a strong need for regulation of corporate interest to shield public resources from the pitfalls of exploitation. Others fear undue political influence by an American system of government that equates free speech with campaign contributions resulting in political corruption. Far outweighing these concerns, however, is the specter of the erosion of personal freedoms as corporate interests gain more control over government via the exercise of wealth and influence.

At the heart of privatization on a national and now a global scale, is the tug of war between the idea of what constitutes public or common property and private interest. When the idea of common property is expropriated by the privateer, ... "[T]he general public dissolves and is privatized even as a term. The immanence relation between the public and the communal is replaced by the transcendent power of private property" (Krysmanski, "Global Powers and the New Wars," *Utopie Kreativ* June, 2003). The net result is the tendency toward plutocracy and away from democracy.

The Bush administration argues for giving wealthy timber, mining, oil and gas industries unprecedented access to public lands for various reasons, including improved forest health and protection from catastrophic wildfire via logging, job creation and energy independence. Arguments on the merits of the various privatization schemes now on the table to accomplish these goals set aside, we still run the risk of overexploitation of public lands by private industry without adequate regulation.

There are several troubling signs that corporate expropriation of the commons is about to become reality. First, take for example, the amount of money that extraction industries have contributed to Bush for campaign contributions in 2000 and 2004: oil and gas, \$4.2 million; mining, \$584,000; timber, \$877,000. In both campaigns Bush has topped the list for these types of contribution. The temptation for bias is clearly a present danger.

There is growing evidence that the Bush administration is showing favoritism toward extractive industries in their

proposed privatization of public land management by curbing oversight. The success or failure of privatization will always depend on the strength of the "regulatory" component of the contractual agreement between the government and the contractor. The Bush administration has now suspended many conservation regulations promulgated under the Clinton administration because they were too prescriptive. Formerly, management decisions were required to incorporate solid science and monitoring. Replacing that system is a new industry model based on voluntary self-regulation. In addition, public oversight has been greatly reduced in new environmental management systems. In other words, a new industry dominated public land management system is being put in place with strong industry bias without adequate agency or public oversight.

Even if agency oversight were a priority, the outcome would probably be the same. Take a look at who is in charge of

land management for the Bush administration. Mark Rey, undersecretary of agriculture who is the overseer of the Forest Service, came straight from the forest products industry where he lobbied hard for increased logging on the national forests. Gale Norton who heads up the Interior Department was an understudy of James Watt. Remember him? Watt was the former interior secretary who presided over the massive clearcutting of the national forests under Reagan. More disturbing is the Bush administration consultation with Terry Anderson of the Political Economic Research Center who has in the past advocated selling 600 million acres of public lands on the auction block over the next 20 to 40 years.

Another problem with the way the Bush administration is implementing privatization on public lands involves the principle of competition as a way to increase efficiency. We need to only look as far as the track record of what has already been done out west on Forest Service lands with stewardship contracts. These contracts, designed to implement thinning projects, have typically been led by the process of non competitive bidding. So much for the competitive edge.

Privatization as it is about to be unleashed on public lands is headed for certain disaster. Current plans to privatize management of public lands will never work without adequate oversight and government regulation that require accounting for environmental costs. This tragedy of the commons is a result of an administration heavily biased toward industry and woefully deaf to our democratic rights to speak for a healthy environment based on sound scientific management principles.

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Hamilton V. Jefferson

Buzz Williams

Debate over the opposing ideologies of Thomas Jefferson and Alexander Hamilton was a major factor in shaping American government in the post-revolutionary years. The fact that these same ideas are still shaping today's politics is a testament to the intellect of these two men. By taking a look back at the interesting history of these very different founding fathers, we may become better advocates for conservation through a better understanding of our evolving democracy that is based to a large degree on the philosophies of these great men.

Jefferson and Hamilton were polar opposites. Jefferson was somewhat of an eccentric. His speech was rambling, his clothes were often old and worn, and he constantly sang softly to himself under his breath. Jefferson spent up to ten hours a day at his desk. He was prone to indulgence (with a yearly wine tab of about ten thousand dollars). Jefferson was poetic, creative, extremely well read, and somewhat reclusive. His interests were architecture, natural history, agriculture and politics. Hamilton was handsome and always well dressed, intense and energetic, neat and organized. He excelled in politics, military strategy and finance.

These great differences in personality were certainly due in part to Jefferson's and Hamilton's very different origins. Hamilton was born out of wedlock in 1755 in the West Indies. He was befriended by a clergyman who recognized his great potential and funded his immigration to America, where he attended Kings College (now known as Columbia University). He soon became a strong advocate for independence from Great Britain and fought in the revolution. General George Washington recognized his brilliance as an artillery officer by appointing him as his aide-de-camp. After the war Hamilton married Elizabeth Schuler, whose family had made a fortune in the shipping and manufacturing industries. Hamilton was elected to the first Continental Congress from the state of New York. He garnered much influence in the shaping of American government as co-author of the *Federalist Papers* that defined the key political issues of the times. In 1789, he was appointed secretary of the treasury by President Washington. Hamilton became a leader of the Federalist Party advocating a strong central government. He believed that government would be made strong by a policy of favoring big business and industry, thus creating a strong

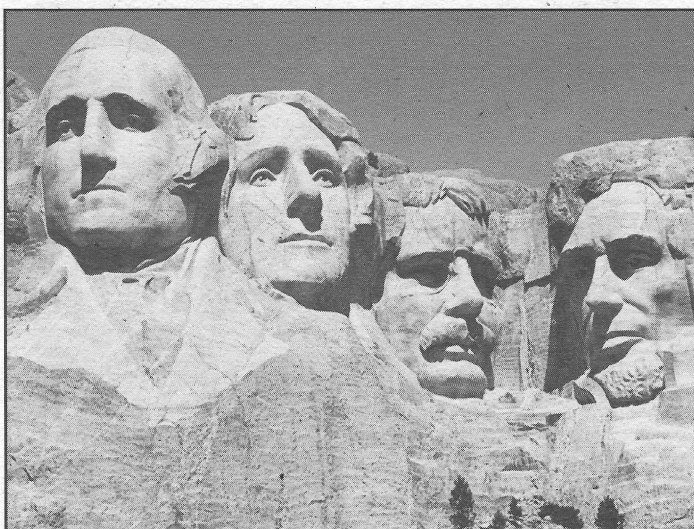
national economy. He invented the Bank of the United States, founded the United States Mint and promoted "protectionism" through a system of tariffs. Hamilton distrusted the masses and believed that their ineptitude must be held in check by a system of government that included an overriding mechanism that favored the "upper class." The Electoral College was one of Hamilton's ideas designed to override the popular vote by transferring decision making power to a representative group of the more able "gentry."

Jefferson was born on a plantation in Shadwell, Virginia in 1743. His mother was of the prominent Randolph family. He was the author of the *Declaration of Independence*, served as a diplomat to France, was appointed by President Washington as the first secretary of state, was elected the third president of the United States and founded the University of Virginia. As President, Jefferson executed the

Louisiana Purchase from France for 15 million dollars, which doubled the size of the United States. He was the leader of the antifederalists, also known as the Republican Party, which advocated states rights. Jefferson trusted the judgment of informed citizens. He believed in the free market system with little regulation. He was obsessed during his presidency with abolishing the national debt, reducing the size of government bureaucracy and the military, and he hated the idea of a national bank. He believed that

government at home should be inconspicuous, but in foreign affairs should be visibly active. He loathed tyranny and fought for checks and balances in government. Jefferson's vision for America was an agrarian society. He believed that the best government was the least government. Above all, he was the champion of personal liberty.

Hamilton and Jefferson were bitter political rivals. Their differences over a strong central government came to a head over Hamilton's plans for a national bank. Jefferson believed that the *Constitution* gave only specific powers to the federal government and reserved all other powers to the states. This did not include a specific charge to set up a central bank. Hamilton believed that the *Constitution* could never adequately list all necessary federal powers and therefore many must be implied. He deferred to the clause in the *Constitution* that charges congress to "make all laws which shall be necessary and proper." On this question of constitutional law Hamilton won the day; a national bank



Thomas Jefferson's visage is permanently carved into Mt. Rushmore.

Hamilton V. Jefferson

was created and an important precedent was set in American political history.

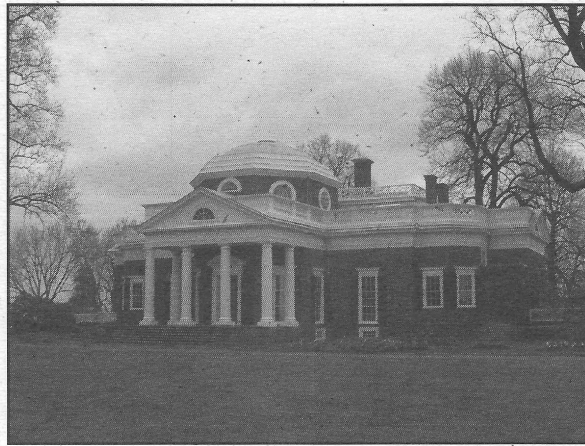
Prior to the presidential campaign of 1800, the bitter division between the federalists and republicans reached a feverish pitch with the passage of the Alien and Seditions Acts of 1798. The issue that spawned these congressional acts began brewing with the outbreak of war between England and France in 1793. The United States tried to stay neutral over a desire to maintain favorable trade with both countries, but soon became embroiled in a hot debate between federalists, who leaned toward the English monarchy, and the republicans, who supported the French revolutionaries. According to their ideological leanings, the rival parties became split over the black and white issues of autocracy versus republicanism. In 1798, America began preparations for war with France when antagonistic rhetoric by President John Adams drove France to expel American envoys for peace. In a clear attempt by the powerful federalists who were led by Hamilton, the Alien and Seditions Acts were passed to give the president the powers in times of war to apprehend, restrain, secure and remove subjects of hostile governments as alien enemies, and to punish those who conspired "with intent to oppose the government, to incite riots of insurrections against the laws of congress; or to publish false, scandalous, and malicious writings against the government, either house of congress, or the president, with intent to bring them into contempt, to stir up sedition, or to aid or abet a foreign nation in hostile designs against the United States."

Federalists hoped these strong threats to individual liberties would silence republican opposition prior to the presidential election of 1800 by, in part, restricting free speech. This back fired. Jefferson, the staunch defender of civil liberties fired back, "They [the federalists] have brought into the lower house a sedition bill, which among other enormities, undertakes to make printing certain matters criminal, tho' one of the amendments to the *Constitution* has so expressed taken religion, printing presses &c. out of their coercion. Indeed this bill and the alien bill both are so palpably in the teeth of the *Constitution* as to show they mean to pay no respect to it."

Jefferson's defense of individual liberty evoked the true spirit of Americans who chose him as president over rival John Adams—but it was not without suspense. The electoral college that at the time before the Twelfth Amendment prevented electors from distinguishing between

president and vice president resulted in an unlikely tie between Jefferson and Aaron Burr, the unscrupulous vice presidential candidate. This threw the decision to the federalist dominated house of representatives. Burr was also a bitter rival of Hamilton, who favored anybody, even Jefferson, over Burr. After six days and thirty-six ballots, Jefferson prevailed. Hamilton had said of Burr, "Burr is the most unfit man in the United States for the office of president." This and other later slanderous remarks of course resulted in the famous duel between Burr and Hamilton, where Burr shot Hamilton dead.

The great contest between Jeffersonian and Hamiltonian ideals as played out in the election of 1800 galvanized the perception that the rivalry pitted rich versus poor, and



Monticello, home of Thomas Jefferson.

personal freedom versus the powerful elite in its purest sense. A careful study of history shows the fallacy of this over simplified view. Jefferson would have failed in many of his great achievements had it not been for a government that utilized the more practical applications of strong financial principles, a strong military, and the development of a sound industrial base. Franklin Roosevelt championed Hamiltonian methods to achieve Jeffersonian ideals. Lincoln built a strong Union by curbing

fractional states' rights that actually promoted Jeffersonian ideas of personal freedom in abolishing slavery. Theodore Roosevelt strengthened America by proving that we must walk softly and carry a big stick. He also helped guarantee a healthy environment by fostering conservation through curbing industrial greed and exploitation. All along the way great Americans have learned to implement the best ideals of both Jefferson and Hamilton.

Today, however, America seems to be backsliding toward a time of polarization over the differences between Jeffersonian ideals and Hamiltonian practicality, rather than applying the lessons of history that have taught us how to use the best of each. History has also taught us that caution must be used in combining the best elements of Hamilton's and Jefferson's philosophies. FDR was certainly right when he prescribed using Hamiltonian methods to achieve Jeffersonian ideals. A successful government must always center on its ideals. Jefferson's philosophy clearly exemplifies the American spirit in his unwavering trust in the innate goodness of mankind. The election of 1800 shows us the consequences of confusing methods of achievement with ideals.

Bush Backs Big Business

Carol Greenberger

The prosperity of commerce is now perceived and acknowledged by all enlightened statesmen to be the most useful as well as the most productive source of national wealth, and has accordingly become a primary object of its political cares.

Alexander Hamilton, Federalist No. 12, November 27, 1787

Alexander Hamilton strove to promote an industrial, market based economy. He pressed for a government that would encourage manufacturing and business. Many modern scholars believe that Hamilton's policies ushered in America's modern capitalist economy. Today, George W. Bush is following that path, linking big business and government in a tight embrace. Many modern conservationists believe that Bush's business bias and capitalist approach are destroying the environment.

Bush's administrations have been a veritable who's who of capitalism and industrialism. Most of his cabinet members and advisors as well as having considerable government experience also have extensive corporate connections. "Those on Bush's staff who don't have extensive corporate connections are the exception, not the rule," was an observation made by the Center for Responsive Politics, a non-partisan, non-profit research group that tracks money in politics and its effect on elections and public policy.

Both President Bush and Vice President Cheney worked in the energy industry. They received generous campaign contributions from energy companies and have appointed pro-industry people to key positions overseeing federal energy and environmental policies. In 2001 *Newsweek* reported about Bush's first term in office, "Not since the rise of the railroads more than a century ago has a single industry [energy] placed so many foot soldiers at the top of a new administration."

Commerce Secretary Don Evans served as the chairman and CEO of an oil and gas company. Bush's first Energy Secretary Spencer Abraham is an ardent opponent of stricter fuel economy standards and in 2000 received more money from the automotive industry than any other Senate candidate. Gale Norton, Interior Secretary, received almost \$800,000 from energy industries in her 1996 run for U.S. Senate and earlier in her career represented the mining industry and various anti-environmental causes. Condoleezza Rice served for a decade on the board of Chevron, who named an oil tanker after her. The list of corporate connections of the Bush staff goes on and on, leaving little surprise that his administration is pro business at the expense of the environment.

Speaking about energy security in March 2001, President Bush said, "Our objective [should be] to avoid any crisis in

the first instance. This requires a four-part strategy. First, to make energy security a priority of our foreign policy, by restoring American credibility with overseas suppliers and building strong relationships with energy-producing nations in our hemisphere. Second, to encourage environmentally-friendly exploration and production of domestic energy sources, like oil, natural gas and coal. Third, to promote the production of electricity, to keep pace with America's growing demands. Fourth, to support the development of cost-effective alternative energy sources. The goals of this strategy are clear, to ensure a steady supply of affordable energy for America's homes and businesses and industries, and to work toward the day when America achieves energy independence." Let's look at some of the ways Bush has been implementing those goals.

In the first five months of his first term, Bush retracted a campaign pledge to cut carbon dioxide emissions, called for relaxing restrictions on mountaintop removal—the practice

of blowing up mountain peaks to expose coal seams—and unveiled an energy plan that would boost the country's reliance on fossil fuels. Bush's energy plan, if passed by Congress, would also direct the Justice Department to consider reversing existing enforcement actions against power plants cited for violating air quality standards. In 2003 the administration ordered the Bureau of Land Management offices in the west to speed up the permit process allowing drilling for oil and gas on federal lands. A 25-year old rule regulating the sale of land tainted with PCBs was diluted.

Two legal rulings judged that carbon dioxide, which most scientists name as the main cause of global warming, is not a pollutant that the EPA can cite to regulate emissions from cars and power plants.

Administration supporters called these rule changes an attempt to eliminate unnecessary government edicts that curtail energy production, discourage investment, and hinder the economy. Carl Reidel, professor emeritus of environmental policy and law at the University of Vermont voiced the opinion that, "This administration is dismantling anything that's impairing industry or the private sector's ability to develop, use land or produce energy."

Two issues now looming in our nation's energy / environment struggle demonstrate the current influence of big business on government - arctic drilling and global warming. Tucked away in the remote northeast corner of Alaska is the Arctic National Wildlife Refuge (ANWR), a 19.6 million acre pristine natural wonder, home to polar bears, caribou, wolves, arctic foxes and over 150 species of birds. It is one of the largest sanctuaries for arctic animals. The 1980 law that created the Arctic National Wildlife Refuge also closed 1.5 million acres of the coastal plain to gas and oil exploration unless specifically authorized by

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Bush Backs Big Business

congress. Here lies the battleground. President Bush contends that drilling in the ANWR is essential to national security and job creation. This bid to overturn the ban on drilling is the most contested portion of his energy plan.

Estimates of how much oil can be produced from the ANWR vary widely, not surprisingly, based on which side of the argument the number comes from. Drilling proponents estimate that 5.7 to 16 billion barrels of oil can be recovered from the refuge. Environmentalists put the number at 3.2 billion barrels, not enough to dramatically ease the country's reliance on imports. The U.S. Geological Service estimates that the amount that could be profitably extracted and sold represents less than a year's supply for the United States. It would take 10 years for any Artic Refuge oil to reach the market, and by that time would likely represent 1 or 2 percent of America's daily consumption.

The energy industry tentacles reach deep in this quagmire. Who did Interior Secretary Gale Norton choose as special assistant for Alaska? Cam Toohey, executive director of Artic Power, a lobbying group whose sole purpose is the campaign for ANWR drilling. Since his appointment as special assistant for Alaska, legislation has been introduced to allow an increased number of cruise ships into Glacier Bay, despite an earlier decision to restrict their numbers on environmental grounds. Clinton-era mining restrictions are being reviewed, and new oil drilling leases were proposed in offshore Alaskan waters. Before his appointment, Toohey was asked in an interview about global warming. "Well," he said, "you have to understand that 10,000 years ago we were in an ice age." He went on to say that climate changes were natural and happened all the time. Toohey concluded that it was better to drill for oil on home territory than depend on unstable dictators in the Middle East.

The battle over drilling in the ANWR goes deeper than the existing accessible oil. Tom DeLay, House majority leader said, "It's all about precedent." He believes that opening the Artic refuge could open the debate over whether energy, timber, mining and other industries should be allowed into pristine national lands.

The questions remain—how much oil is actually recoverable and at what cost to the environment? Alaska is already a huge oil producer. More than one million barrels a day are exported to the mainland. Oil is the biggest industry in Alaska, with 80% of state revenues coming from royalties paid by drilling companies. Many of the state's best paying jobs come from oil, and most Alaskans, including the indigenous Eskimos have seen their standard of living rise with the influx of oil money. However that prosperity has come at a cost. Temperatures in Alaska, as in much of the Arctic, are rising 10 times faster than the rest of the world. The irony is that the same oil extraction that has boosted Alaska's economy has contributed to the greenhouse gases

released into the atmosphere, causing rising temperatures.

The rising temperatures are resulting in permafrost degradation in Alaska. Permafrost, permanently frozen ground, is what much of Alaska is built on. Roads are collapsing, homes are sagging and buildings are being swallowed up by holes in the ground as this layer is thawing for the first time in thousands of years. The total area of Arctic sea ice is shrinking rapidly. This spells disaster for marine life that depends on sea ice as their habitat. Global warming is not an abstract concept in Alaska as it tends to be in the lower forty-eight.

The United States funds much of the best global warming research in the world, yet takes the results less seriously than any other developed nation. President Bush defends his opposition to all forms of carbon regulation claiming that he is waiting for a scientific consensus to emerge. In fact, this consensus does exist. And although it is impossible to pinpoint the exact amount of global warming caused by man's impact on the environment versus natural climate variation, the vast majority of credible scientific studies point their fingers directly at the former as the more significant factor.

A landmark bipartisan bill was introduced in 2003, sponsored by Republican Senator John McCain and Democrat Senator Joseph Lieberman. The McCain Lieberman Climate Stewardship Act would initiate the first nationwide restrictions on greenhouse gas emissions. While this legislation is far weaker than the weakest laws in Europe, it would be a start. The bill included mandatory greenhouse gas emission reductions, in contrast to the Bush administration's call for voluntary pollution reductions. Opposition to the bill came from the expected corners—the energy industry, the automobile manufacturers industry, conservatives and the White House. Many elected officials in congress are simply unwilling to buck the president or their party, and this is where the influence of industry on the government is evident. The National Association of Manufacturers called the bill "radical, regressive and rationing." The Coalition for Affordable Reliable Energy said passage of the bill would "leave electricity generators no choice but to sharply reduce the use of coal and switch to an alternative fuel source..." That, say conservationist groups, is exactly the point. "We've made a modest effort with this bill," said McCain. "But until enough citizens who are voters care, then these special interests will be able to block any meaningful policy change. It's as simple as that."

Hamilton's view that the "prosperity of commerce" had "become a primary object of its [national] political cares" sums up the relationship between big business and the Bush administration. The energy industry is driving its agenda on a path the White House is clearing. Only by becoming vocal, active citizens can we change this course that poses the greatest threat to the environment in our lifetime.

Evolution of the Forest Service

Eric Orr

The 19th century was a time of expansion and growth in the United States. Our vast forest lands provided wood products to feed the voracious appetite of progress, and the notion of conservation was a little known concept to most Americans. In 1864 a Vermont man by the name of George Perkins Marsh wrote Man and Nature, the first book of its kind. Influenced by his upbringing in Vermont and his travels throughout the Middle East, Marsh was the first to suggest that people are the biggest influence and threat to the natural environment. He called humans "disturbing agents" claiming that unsustainable timber harvest in Europe had led to the demise of its past civilizations. Man and Nature was well received and brought about a new perspective on forestry to the American people.

By the late 1870's unchecked logging threatened to decimate old growth forests throughout the United States, and deadly wildfires swept through debris littered clearcuts. Concerned citizens sought balance between the industrial revolution's immense need for wood and the long term viability of our forests. In 1875 a group of foresters formed the American Forestry Association to lobby for better management of public lands.

CONSERVATION V. PRESERVATION

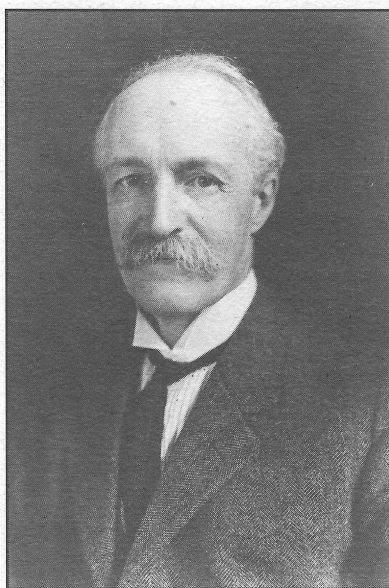
Congress responded to America's outcry in 1876 and created the Division of Forestry, a branch of the U.S. Department of Agriculture (USDA). The new division's job was to study the effects of unmanaged logging and offer more sustainable methods to harvest timber.

With intense support from outdoorsmen, preservationists, farmers, and concerned foresters, congress passed the Creation Act in 1891, giving the president the authority to set aside "forest reserves" on public lands. The reserves would be off limits to logging and would become key to protecting natural resources and water quality. There were two schools of thought which led to much controversy on how the reserves should be managed. Conservationists, led by Gifford Pinchot, wanted the lands to be made available to the public for sustainable logging, mining, and grazing. Pinchot believed this type of use would incite citizens to take a deeper interest in conservation. John Muir, by contrast, spurred the preservationist movement, preaching that pristine forests had more to offer the future of the United States. The Organic Act of 1897 ended the debate by declaring that forest reserves would be open to resource extraction.

A TIMELINE OF THE FOREST SERVICE

Between the years of 1891 and 1893, Presidents Harrison and Cleveland turned over 17 million acres into forest reserves, and the General Land Office was charged with management. A few years later, Gifford Pinchot was appointed chief of the Division of Forestry, and in 1905 he convinced President Roosevelt that public forests could be managed better by the USDA. So the Forest Transfer Act was passed, and the USDA was given charge of forest reserves, which were renamed national forests. The Division of Forestry became the U.S. Forest Service.

By 1910, the National Forest System consisted of 150 national forests spanning 172 million acres in the western United States. That same year wildfires in Montana and Idaho consumed 3 million acres and killed 87 people, including 78 Forest Service firefighters. The Big Burn impelled the agency to shift its focus to fire prevention.



*Gifford Pinchot, 1st chief
of the Forest Service*

Eastern forests were also succumbing to fire and floods from heavy timber harvest. The Weeks Act made these lands available to the National Forest System in 1911.

As national forests continued to grow, so did their popularity. Recreation on federal land was becoming a major pastime, and the Forest Service responded by focusing on developing plans for recreation. People were seeing the forest as a something to enjoy for its inherent beauty and wildness. In 1919, a group of Forest Service employees initiated a new path for the agency by pushing towards wilderness protection. This new movement changed the Forest Service's standards for land recovery.

World War II marked a new era in national forest management. The Timber

Production War Project called for more wood output, and even after the war's end, continued economic success further strained the supply of forest resources. Lyle F. Watts served as chief of the Forest Service from 1943 through 1952. During his term he opened national forests to extensive development, increasing timber output from 2 billion board feet in the mid '40's to 10 billion in the 1960's.

In 1944, the Sustained-Yield Forest Management Act granted private interests the right to conduct "sustained yield logging" on public land. More often than not, the harvest areas were logged excessively and unsustainably. The timber industry denounced the act for being unfair and uncompetitive.

The Multiple Use-Sustained Yield Act of 1960 attempted to gain control of the rampant timber production by reducing

Evolution of the Forest Service

the "impairment of the productivity of the land" while managing forests for recreation, watershed and wildlife protection, and resource extraction. Unfortunately, the act was largely ineffective and unsustainable logging continued relatively unchecked.

Then national forest management changed drastically when the National Forest Management Act (NFMA) was passed in 1976. For the first time in Forest Service history, the public was given oversight of national forest activities. The act required forest plans to include public input, it established new guidelines to include recreation in multiple-use management, and it required the Forest Service to determine which lands are suitable for timber harvest and which are not. The NFMA was a huge victory for conservation.

The 1980's proved to be a rocky decade as management swayed between conservation and old growth harvest. To the benefit of wildlife, the Reagan Administration revised forest planning regulations in 1982. The new rules required the Forest Service to complete environmental impact statements for proposed actions. But between 1984 and 1989, a string of appropriations amendments called for continued old growth harvest in areas known to provide habitat for the Northern spotted owl, in spite of the owl's critically low numbers. The public had no legal recourse.

U.S. citizens lost to industry again in 1990 when congress passed a rider that overturned 2 injunctions and allowed 140 old growth timber sales to continue. The Forest Service and the Bureau of Land Management were ordered to provide almost 10 billion board feet of timber in Oregon and Washington. Several of the harvest projects lacked adequate environmental protections, and in some cases there were no stream buffers at all. Yet unless the Endangered Species Act was violated, the public was barred from any oversight.

Things began to turn around again in 1990 when congress passed the Tongass Timber Reform Act, which required logging projects to maintain 100 foot no cut buffers for salmon streams, and it designated 300,000 acres as wilderness and 728,000 as protected roadless areas. In addition, it instructed the Forest Service to observe conservation requirements.

The public prevailed again in 1991, when old growth logging in northern California, Oregon, and Washington was halted by an injunction. The Forest Service was reprimanded for destroying spotted owl habitat through intentional failure to adhere to wildlife protection laws.

The conservation movement backslid when President Clinton signed the Salvage Logging Rider in 1995, which served to suspend public appeals and environmental laws, while legalizing timber sales of healthy trees in old growth

and roadless areas. Citizens became outraged, and in 1996 Secretary of Agriculture Dan Glickman stopped 157 salvage sales by limiting the rider's scope.

Another huge victory came about in 1999 when a coalition of conservationists and taxpayers opposed new roads in roadless areas and convinced congress to omit the Purchaser Road Credit system. The system was implemented to support road building by the Forest Service. That same year Clinton issued a moratorium on development in roadless areas, potentially protecting 58.5 million acres. The protection was finalized in 2001 when the Roadless Area Conservation Rule was passed. It was overwhelmingly supported by over 2.5 million public comments.

A new century began a new regime in national forest management as the Bush administration initiated systematic destruction of environmental law. In 2002, Bush announced his "Healthy Forests Initiative," a euphemistically named program designed to strip away citizens' rights to oversight. Under the guise of fire prevention, the initiative allowed logging projects of up to 1000 acres to be exempt from environmental review. Any number of contiguous projects could be logged and excluded from review. Less than a year later the Healthy Forests Restoration Act absolved the Forest Service of its obligation to consider proposed alternatives to fire prevention projects.

The administration continued to chip away environmental standards in 2004 when they revised the Sierra Nevada Framework. The new revision triples logging levels and allows bigger trees to be harvested. In the same year the Bush administration eliminated the Roadless Rule and approved the Biscuit logging project (the largest timber sale in recent history), and they announced plans to log roadless areas and old growth encompassing 12 square miles in the Siskiyou National Forest.

Eighty-nine percent of 122 national forests lose money on timber sales, and the vast number of Forest Service roads have left the agency with a maintenance backlog of \$10 billion. Poorly built and maintained roads continue to erode into waterways creating one of the worst threats to water quality and ecological integrity.

This year marks the 100 year anniversary of the Forest Service. As an agency that's charged with looking after our precious natural resources, it is time for the Forest Service to reclaim its heritage. It's time for them to get back to their roots.

"...Man, who even now finds scarce breathing room on this vast globe, cannot retire from the Old World to some yet undiscovered continent, and wait for the slow action of such causes to replace, by a new creation, the Eden he has wasted."

-George Perkins Marsh

The Walton War

Carol Greenberger

In today's Transylvania County in North Carolina lies a twelve mile "orphan strip" of land that caused a war between North Carolina and Georgia in 1810. The Walton War holds an obscure but fascinating place in history.

The disputed area was originally Cherokee land until it was claimed by the state of South Carolina. In 1787 South Carolina ceded the land to the United States, subject to the Indian right of occupancy. In a treaty signed in 1798 the Cherokee Indians ceded the land back to the United States. In the eastern corner of this territory was a settlement of about 50 white families who had lived in the area with the permission of the Cherokee. When the treaty with the Cherokee was ratified, the settlers became occupants of the public domain of the United States, not within the jurisdiction of any state. In 1800 the settlers petitioned Congress to re-cede the property of South Carolina so they would have the protection of the laws of a state. The Congressional committee recommended that the land be given back to South Carolina and assumed that it would be readily accepted. South Carolina however wanted no part of this territory that was well known for lawlessness and entered an objection to the recommendation. Congress then dropped the matter and when the boundaries of these states were finally adjusted, the 12-mile tract wound up in the borders of North Carolina.

Meanwhile, Georgia considered the land their own. In 1802 the United States and the state of Georgia made an agreement to resolve the Yazoo Land Scandal, a massive fraud committed by several Georgia governors and the state legislature that sold land to insiders at extremely low prices. The 1802 Act of Cession gave Georgia responsibility for the orphan strip but did not make clear whether the land actually belonged to Georgia or North Carolina.

The orphan strip, in the upper French Broad River valley, was part of the old Cherokee Middle and Lower Town region. This area had been bypassed by settlers and government since America's independence. It became a refuge for outlaws and woodland Cherokee and was generally lawless. North Carolina showed little interest in attempting to govern the area from 1802 to 1810.

Georgia disputed the boundary line that placed the land in North Carolina, and in 1803 created a county in this area named Walton County. There is no record of any protest by North Carolina when Georgia established Walton County. It is assumed that they knew about it but did not care. However, North Carolina still claimed the land as their own and South Carolina joined the fray, arguing that the land had

been theirs before being ceded to the United States and should be given back to them. Georgia governed their new county from 1803 to 1811. Two elections were held and John Nicholson was the first representative from the county to the Georgia legislature. John Aiken followed Nicholson. Both these family names are common in today's Transylvania County. Under Georgia's reign conditions in the orphan strip improved, but the area still remained turbulent and crime ridden.

At the heart of the land dispute was the location of the 35th degree north line of latitude. The line was originally incorrectly located in a survey that placed it at the mouth of the Little River—20 miles north of its actual location. Around 1805 North Carolina officials concluded that the 35th parallel had not been located properly and that the disputed area was, and always had been, part of North Carolina. They reasoned that since South Carolina had never been the true owner of the area, they had no right to cede it to the United States; therefore the United States had no right to cede it to Georgia. They declared all past transactions null and void and claimed the land as belonging to North Carolina.

In 1806 Georgia demanded that Congress appoint a commission to investigate the matter and officially mark the boundary between the two states. The commission produced a report that only contained the history of the strip as already known and gave Georgia title to Walton County without any mention of the mislocation of the 35th parallel.

North Carolina refused to be bound by the commission's mistaken findings and began to exercise governmental functions in the area. Georgia officials protested and the dissention created an even greater level of turmoil and disorder in the area. The situation became intolerable and in December of 1806 the governor of Georgia wrote to the governor of North Carolina and proposed that the two states appoint a commission to settle the dispute by determining the true location of the 35th parallel and plainly marking the dividing line between the states. North Carolina's governor agreed and a commission made up of representatives from both states was appointed.

The commission met in 1807 and proceeded to survey the area. They agreed that the parallel had been mislocated and established the correct location. The Georgians were "astonished and mortified" and agreed that they had no claim to the disputed area. (In fact the location the commission agreed upon was also incorrect, although the

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The Walton War

line picked remains the border.) Both the Georgia and North Carolina commissioners agreed to recommend to their respective legislatures that the survey be accepted and that amnesty be granted for all who had committed crimes in the disputed territory during the time of dissention. In December of 1807 North Carolina's legislature passed an act adopting the new location of the boundary and amnesty for all offenses committed within the territory. Georgia's legislature however, refused to relinquish claim to the area. The Commission's report was rejected and Georgia continued to run the government in Walton County.

The controversy was referred to the United States Congress again, but nothing was done. In 1810 Georgia asked Congress for the third time to settle the dispute. Congress appointed a special committee to investigate the matter but no action was taken.

In December of 1810 North Carolina decided the time had come to lay claim to the area and put an end to the matter. The state militia was dispatched to remove and replace the Georgia government. When Georgia refused to acquiesce, a battle at McGaha Branch (near present day Brevard) was fought. Twenty-five prisoners were taken by North Carolina to Morgantown, the nearest town with a jail. The Georgians who escaped capture or death retreated to the Cathey's Creek area and a second firefight broke out at Selica Hill with North Carolina proving victorious again. It seems likely that the prisoners taken into custody were outlaws who had taken refuge in the area, but nonetheless, North Carolina had established civil authority in the region.

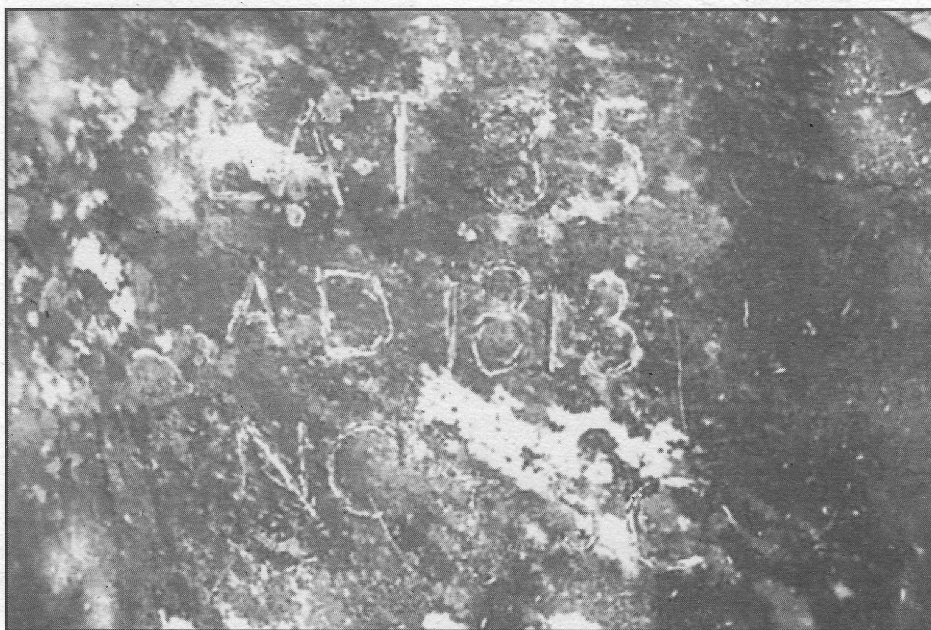
Still dissatisfied, Georgia hired Andrew Ellicott in 1811 to survey the border between Georgia, South Carolina and North Carolina. Ellicott was one of the paramount surveyors in the history of the United States. A multi-talented man, Ellicott also was a scientist, philosopher, inventor, teacher, soldier, astronomer, author and legislator. In question in the still smoldering dispute between Georgia and North Carolina was the exact location of the 35th degree of north latitude. Ellicott followed the Savannah River north, up the Tugaloo River and then the Chattooga River until he determined by astronomical observations where the true line lay. He marked a rock in the east bank of the Chattooga, now known as Ellicott's Rock. Ellicott's survey determined that Georgia had been claiming territory eighteen miles too far north. The legislative commission was unhappy with Ellicott's findings and refused to pay him. However, Georgia's governor finally accepted the verdict

and said "it appears that no part of the territory heretofore claimed by this state remains in Georgia."

The orphan strip became part of Henderson County in 1838 and then part of Jackson County in 1851. In 1861 Transylvania County was formed from parts of Henderson and Jackson Counties, and that is where the orphan strip is today. When the present boundary line between Georgia and North Carolina was established, it was placed further west. Today's Georgia - North Carolina boundary does not touch Transylvania County, where Georgia's Walton County once existed.

The issue was actually revived in 1971 when Georgia named a legislative commission that claimed the fixed boundary between Georgia and North Carolina was a mile south of the 35th parallel. North Carolina's legislature proposed a resolution authorizing the governor to call out the state militia to "protect, defend and hold inviolate the territorial border of North Carolina against the spurious claims by the State of Georgia." Both Georgia and North Carolina's proposals died in committees.

People tracing their family roots from this area have remarked on puzzling records that show ancestors living in South Carolina, then Georgia and North Carolina, as though they moved frequently. Census reports would list a person stating one year that their mother was born in Georgia, only to claim North Carolina or South Carolina on the next census. This is probably in fact due to the changing statehood of the orphan strip. Once a part of South Carolina, then Georgia and finally North Carolina, the orphan strip's history was part of a young nation's growing pains.



At the heart of the controversy was the location of the 35th parallel as marked by Commissioners Rock, a few feet downstream from Ellicott's Rock.

Watershed Update

CONSERVANCY FINDS CLAYTON SEWER LEAKS

The Chattooga Conservancy has launched a water sampling program for Stekoa Creek, a major, polluted tributary of the Chattooga River that flows through the city of Clayton, Georgia. This program is intended to gather data that could then be used for evaluating, comparing and pinpointing pollutant loads throughout the Stekoa Creek watershed. Our three water sampling events to date have yielded immediate results. Topping the charts were results from water tests performed in December 2004 that showed astronomical levels of fecal coliform—registering at over 6,000 colonies per milliliter—at one Stekoa site. Over 200 colonies per milliliter are considered unsafe for swimming. Our findings were reported to city managers, who subsequently discovered a clogged sewer line that was inaccessible because the manhole was paved over; the clog was cleared after the manhole was uncovered. After the Conservancy's water tests in January, a second sewer leak in Clayton was discovered that city managers attributed to old and cracked terra cotta sewer pipes. The city is working to replace the entire line.

In addition to sampling for fecal coliform, the Conservancy is also testing for turbidity, conductivity, pH and dissolved oxygen. All water samples are immediately sent to a licensed laboratory. This water sampling program is progressing on schedule thanks to the dedication of Jennie Pugh, who has generously volunteered to head up the program. Thanks are due also to Conservancy member Duncan Cotrell, a certified laboratory analyst who stepped forward to help by donating his time and considerable technical expertise. Currently, we are sampling once a month at six sites and we intend to continue the Stekoa Creek water sampling project for at least six months, and hopefully longer. As resources allow, we would like to increase sampling events to twice a month and include additional sites. Contributions are welcome and needed, and donations may be earmarked specifically to fund the water sampling work.

GREENWAY GAINS MOMENTUM

The Chattooga Conservancy is working with citizens and landowners in an effort to create a greenway along Stekoa Creek. This greenway could provide for an adequate buffer zone against more sedimentation in Stekoa Creek, while restoring native riparian area vegetation. A greenway along this conspicuous stream would also set the stage for significant improvements in its water quality (and by association in the Chattooga River), and create an attractive environment and recreational corridor for the community to use. This is a major project, and progress is being made! The combined efforts of the Chattooga Conservancy and the Friends of the Greenway group to cultivate landowner support has gained the participation of property owner Jeff Duvall. Mr. Duvall recently decided to donate about 1 mile

of the east bank of Stekoa Creek on highway 441 north; the strip of land donated would vary in width from 50 to 150 feet. The Georgia Department of Transportation is also eager to support the greenway effort through establishing a phased mitigation project that would provide funds for sorely needed stream bank restoration along the creek. The Chick-Fil-A Corporation, which has developed a new franchise store next to the creek within Clayton's city limits, is anxious to participate as well. Several more owners of critical properties within the proposed greenway have expressed interest in donating land and/or easements. Both Rabun County and the City of Clayton support the Stekoa greenway project. The monumental task of cleaning up Stekoa Creek and creating a greenway along its banks will depend on citizen support and participation at every phase. Please join in!

THE LAND & WATER CONSERVATION FUND NEEDS OUR HELP

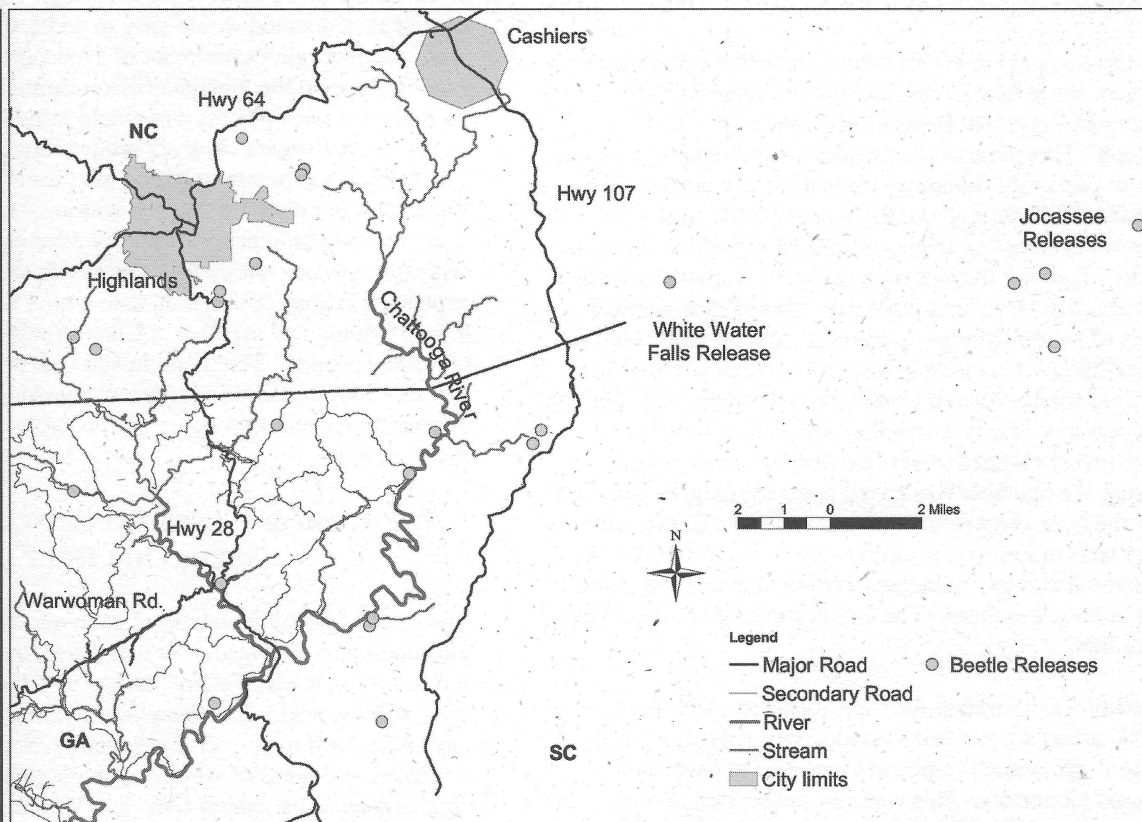
The Chattooga River watershed is unique because of its outstanding natural resources that are protected in national forest system lands. Federal dollars to acquire critical tracts from willing sellers have been forthcoming in the past and have been used to protect water quality, important wildlife corridors, and lands of significant biological or cultural significance. The federal Land and Water Conservation Fund (LWCF) has been the most important source of funds to protect these invaluable properties, and the Chattooga River watershed has traditionally received between \$1 and 2 million annually. However, last year the Chattooga River received zero dollars! Several important tracts currently available from willing sellers will be lost unless LWCF funds are returned to public land managers in the Chattooga River watershed. Please take a second to write or call your members of congress, and ask them to please restore traditional (and sorely needed!) levels of funding for land acquisition in the watershed for FY 2006. Your senators and representatives can be reached at the Capitol switchboard at 202-224-3121.

NATIONAL FOREST MANAGEMENT ACT REWRITTEN

Just before Christmas, the Forest Service issued a deadly blow to national forests by revising the National Forest Management Act (NFMA). The NFMA, passed in 1976, raised the bar for public land management. The new rules will exempt the Forest Service from the previously required environmental review process when creating forest management plans. This process had provided citizens with forest planning information as well as a chance to participate in public land management decisions; the revised rules leave the Forest Service with virtually no public accountability. The revision claims to involve the public by requiring independent audits (conducted by private timber companies) of forest management plans. In addition, the

Watershed Update

2004 Beetle Release Sites Near The Chattooga River



revised regulations virtually eliminate the Forest Service's responsibility to manage public lands to maintain viable populations of endangered fish and animals. Although the new regulations violate current forest protection laws, they are slated to take effect after a 60-day public comment period.

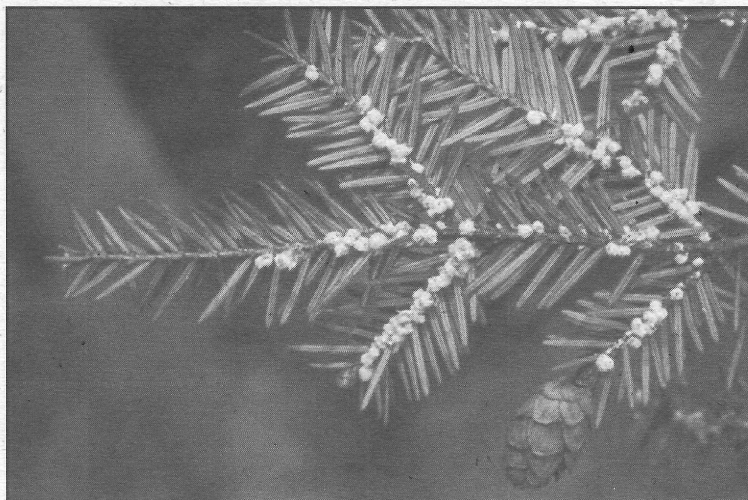
HEMLOCK WOOLLY ADELGID SEASON BEGINS

The second full year of the Hemlock Woolly Adelgid Biological Control Project is now underway for the 2005 season. The project, initiated by the Chattooga Conservancy and Clemson University, is slated for at least five years and is using a biological control agent to combat the deadly, non-native insect called the Hemlock Woolly Adelgid (HWA). A laboratory at Clemson is breeding a predator beetle to suppress the adelgid, and last year over 100,000 beneficial beetles were released in the Chattooga River watershed. Most releases occurred between the headwaters of the Chattooga and highway 28, and across to the West Fork.

Beetle releases have started early this year, with already 3 releases occurring in the Holcomb Creek, Law Ground and Big Creek areas totaling over 10,000 predator beetles. This year we anticipate even greater production of beneficial beetles at the Clemson lab over last year's

numbers. The Clemson insectary is now one of the most important HWA research facilities in the U.S.

As the HWA moves down into the Chattooga watershed's lower elevations we will be releasing beetles in new infestations, probably down to Lake Tugaloo. Please contact the Chattooga Conservancy to learn how to identify the HWA, and to help us track the adelgid's spread.



The Hemlock Woolly Adelgid appears as white, cottony sacs at the base of hemlock needles.

Members' Page

Many thanks to all 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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Winter 2005

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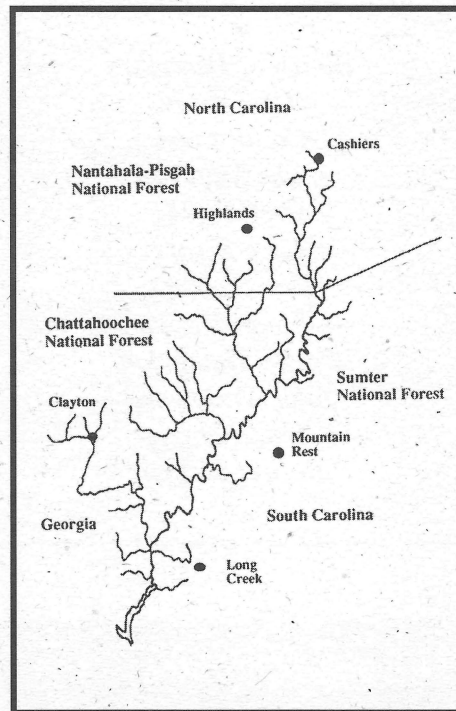
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(706) 782-6097 tel. (706) 782-6098 fax info@chattoogariver.org www.chattoogariver.org

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

Made Possible By:

Members and Volunteers
Appalachian Forest Resource Center
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Goals:

- Monitor the U.S. Forest Service's management of public forest lands in the watershed
- Educate the public
- Promote public choice based on credible scientific information
- Promote public land acquisition by the Forest Service within the watershed
- Protect remaining old growth and roadless areas
- Work cooperatively with the Forest Service to develop a sound ecosystem initiative for the watershed

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