Chattooga Quarterly

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THE FOREST SERVICE IS PROPOSING MORE COMMERCIAL USE FOR THE WILD & SCENIC CHATTOOGA RIVER CORRIDOR *(see p. 11)* *photo by Peter McIntosh*

Inside

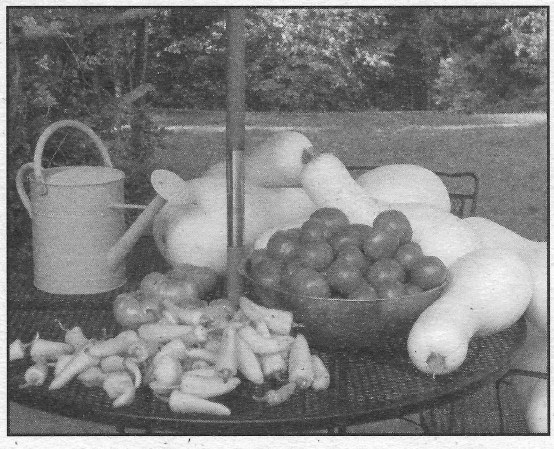
Director's Page

Buzz Williams

Occasionally, someone will ask what my duties are as the executive director of the Chattooga Conservancy. My official job description contains exactly what anyone would expect, such as responsibility for day-to-day operations, keeping our board informed and in the loop with program activities, etc. The other day I was wondering if I could come up with a one-sentence job description that would be a little more meaningful and to the point. Finally, it came to me. My job is really to make our supporters proud to say "I am a member of the Chattooga Conservancy."

Conversely, we—the staff and board of directors of the Chattooga Conservancy—are very proud of our members, and literally owe our existence to our members. The Chattooga Conservancy has one of the highest membership contribution percentages to our total operating budget that I know of, at about 50%.

Many organizations depend primarily on foundations, and foundation support for grassroots organizations has literally plummeted in recent years. So, while small non-profits like us are going under at an alarming rate, we are still in the game. Continued support from our membership during these hard times is not only essential for survival, but it also tells me that you, our membership, still believe that the Chattooga Conservancy is doing good work to honor our cultural heritage and to protect and restore the biological integrity of the Chattooga River watershed, enough so that you are still giving us your monetary support and your volunteer time.



A day's harvest of large Cushaw squash, tomatoes and peppers from our experimental farm project on Warwoman Creek.

One of the main reasons that our membership base is so strong is because we are survivors. Our budget has dropped significantly over the past few years, yet we are as deeply engaged in conservation work as ever before. In fact, now that the Chattooga Conservancy is also a land trust, our work load has actually diversified and increased while income has dropped. And accomplishments are still rolling in, because we believe deeply in our work. Your appreciation of this fact shows in your continued support.

Another reason that the Chattooga Conservancy has survived during hard times is because we produce. Literally. Our sustainable agriculture project is now in its fourth year, and during this time we have identified prolific, disease-resistant strains of native heirloom corn and winter squash that are grown on 2 acres land (generously supplied by Lewis & Carol Kilby). We have experimented with crop rotation, organic fertilizer, and cultivation without herbicides. During this time, the harvest has doubled from that of the first year. Meanwhile, the Chattooga Conservancy's land trust now holds 6 conservation easements, while looking at closing on more easements by the end of the year. And, we are well on our way to building the Stekoa Creek Park, a joint venture with the City of Clayton (see update page.) We also have completed the layout for a new nature trail for the Rabun County Recreation Department. We continue to monitor all activities on the national forests in the Chattooga River watershed. And the list goes on.

I believe people like being members of the Chattooga Conservancy because the organization is so innovative. For instance, 6 years ago when a 250-year-old Cherokee canoe was discovered deep in the Chattooga National Wild and Scenic River Corridor, the Forest Service estimated that the recovery operation would cost $200,000, and agreed to let us spearhead the operation. We recovered the canoe, which has been called the most important archaeological discovery in the Upper Savannah watershed, for a grand total of $178. We assembled volunteers and donations, and had a ton of fun completing the task.

I also believe members stick with the Chattooga Conservancy because we are as independent as an iron-headed mule. Special interests can't steer our agenda. So, when an issue comes along that may ruffle more than a few feathers, the Chattooga Conservancy is often as not the only organization willing to take a strong stand.

Take, for example, the Forest Service's proposal to open the Chattooga River's headwaters to whitewater boating. The Chattooga Conservancy has the only viable solution for this major conundrum. We have crafted an even-handed proposal to allow whitewater boating from Bull Pen Bridge all the way to Highway 28 with appropriate restrictions to protect the angling and wilderness experiences in the Chattooga Wild and Scenic Corridor and the Ellicott Rock Wilderness; yet, we strongly recommend that no boating be allowed above Bull Pen Bridge, which would require a new access road and parking lot that would damage an extremely sensitive area occupied by some of the most sensitive plant and animal life in the Southern Appalachian Mountains.

My job is to make you, our valued members, proud of what you do to protect the Chattooga River watershed. Judging from your continued support, I feel good about the direction that I have taken in running the Chattooga Conservancy. The bottom line is that I believe the Chattooga Conservancy is strong because we all share the same values. For that, I am truly grateful.

Background of the "Forest Green" Protest

Buzz Williams

In the previous issue of the *Chattooga Quarterly*, we had begun "The Story of Forest Green," recounting the history of a brave young man who climbed into a tree stand to protest a timber-cutting operation near the Chattooga River, on the Andrew Pickens Ranger District of the Sumter National Forest. Part 1 of the story ended with Hunter Sams, a.k.a. "Forest Green," perched 40 feet up in a big white pine tree with 5 or 6 days supply of food and essentials, effectively blocking a road-building crew from pushing a new logging road deep into the forest around Long Creek, a major tributary to the Chattooga National Wild and Scenic River. This will finish the story as told from my perspective as a Forest Service employee, and one of many who helped Hunter Sams stage the tree-sitting protest.

But before resuming the story, it is important to pause here to render important background information leading up to the protest. This will help explain why Hunter Sams had been driven to violate federal law, and who, as circumstance would have it, would even risk his life to stop a timber sale near the Chattooga River.

This editorial cartoon was published by the Seneca Journal/Tribune, a local SC newspaper that closely followed the "Forest Green" story.

The USDA Forest Service, a federal agency charged with managing nearly 200 million acres of publicly owned forest and grasslands, is embedded in the Department of Agriculture. The Forest Service manages these lands according to a policy of "multiple uses" for wildlife protection, watershed protection, recreation, fire management, timber production, and grazing. Timber harvesting has always been a major emphasis in managing our national forests.

When the Forest Service was founded in the early 1900's, its primary mission was to restore forest lands that were devastated by the destructive logging practices of the "timber barons," who clear-cut vast tracts of private lands. These timber companies had operated according to the policy of "cut out and get out." By the early 1900's, they had destroyed most of our native forest in the northeast, midwest and the southeastern United States, and were moving into the giant old growth forest of the pacific northwest. These massive logging operations caused wildlife habitat destruction, catastrophic wildfires, soil erosion on an unprecedented scale, and life-threatening floods.

The combination of these destructive forces spurred visionaries like Theodore Roosevelt to create the U. S. Forest Service, with the goal of buying up these cut-over lands and forming our national forest system. The first Chief of the Forest Service was Gifford Pinchot, a forester. The Forest Service worked to replant the cut-over forests, which restored wildlife habitat, controlled forest fires, and increased protection for watersheds. Slowly, our native forest began to recover.

By the 1960's and 1970's, timber stands in many national forests were once again reaching maturity. The big timber companies, who were by now seriously depleting the old growth forests in the Pacific Northwest, began coveting the rich, recovering Eastern forest to supply the demand for timber products for the insatiable appetite of the "baby boom" generation. Several large timber companies moved from the Pacific Northwest back to the Southern forests. Powerful timber lobbyists soon captured congressional support for heavy timber harvesting in our national forests. By the early 1980's, congress issued "timber targets" to the Forest Service, which resulted in unsustainable levels of logging on public lands.

This over-harvesting caused damage to our national forests, such as excessive erosion that choked trout streams, habitat destruction for many threatened and endangered species, and marring of scenic vistas and recreation areas. This, in turn, activated citizens across America to hold the Forest Service accountable for the destruction caused by clear cuts and road building over vast areas of national forest lands.

The intense fight to change national forest management policy, away from congressionally mandated timber targets and over to a priority for managing sustainable ecosystems, grew to a fevered pitch around 1990, and culminated with the fight over clear-cutting in the Pacific Northwest's old growth forests. The less visible battles to save recovering, second growth forests in the southeastern United States were not making national news like the fight to save the "spotted owl" forests of the Pacific Northwest. Yet, activists in places such as the Chattooga River watershed in the Southeast were organizing and fighting just as fervently to save their own national forests from another round of destruction.

Background of the "Forest Green" Protest

The Chattooga River is one of the longest free-flowing and most pristine National Wild and Scenic Rivers in the Southern Appalachian Mountains, and the Chattooga watershed serves as a keystone corridor for reestablishing a contiguous native ecosystem in three adjoining national forests located in the states of North Carolina, Georgia, and South Carolina. So when the Forest Service announced its "New Perspectives" program in response to the protests in the Pacific Northwest—a program aimed at improving management policy to protect ecosystems instead of prioritizing timber harvesting—activists in the Chattooga River watershed felt that "New Perspectives" should also be implemented in the Chattooga River watershed.

But it didn't happen. The reduced timber production in the Pacific Northwest made it necessary for the Forest Service to look elsewhere for more timber to meet their timber targets. The Forest Service in the Southeast region, well out of the spotlight of forest management protests, continued business as usual, with clear-cutting and road-building as the highest priority. The Forest Supervisor in the Sumter National Forest was particularly notorious for using the controversial method of clear-cutting large tracts of native forest to meet timber targets. Even worse, these clear cut forest tracts were re-planted with non-native loblolly pines, creating monocultures that were devastating to the true native forests of the mountains, which normally are composed of a mixture of hardwoods and pines that support a diverse array of wildlife.

In 1991, forest reform activists in the Southern Appalachians, frustrated by the lack of response to appeals to change national forest management policy there, found a case to rally a "no holds barred" stand against a proposed clear cut near the Chattooga River. The place was known as compartment 48 on Long Creek, in South Carolina. The plan to cut in compartment 48 provided an opportunity for activists in the Southeast to take a stand that would shake federal forest management policy at the highest levels.

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Heretofore, activists had made legal arguments against the practice of clear-cutting and other issues that were purely discretionary in nature. That is to say, judges in these cases usually yielded to the professional discretion of the Forest Service. In the case of compartment 48, the Forest Service had clearly violated federally mandated procedures that guaranteed citizen's rights to appeal decisions that they believed would harm the environment.

Specifically, the original environmental assessment (EA) of the impacts of the compartment 48 timber sale had considered 2 options for entering the sale area. One option would enter across private land, and the landowner had given tentative approval to build a road into compartment 48. The other option was to enter the sale area across national forest land via a longer route requiring a creek crossing. The EA concluded that this route was not feasible from an economic or environmental perspective. But when the private landowner sold the land, the new owner denied access. The Forest Service then issued a new decision to enter the sale area across public land, totally ignoring the finding in their own EA that concluded that if access across the stream was the only option, the sale should be dropped.

The Forest Service decision to proceed with the timber sale, that it had previously declared to be environmentally and economically unfeasible, clearly violated the National Environmental Policy Act (NEPA). In this case, the Act ensured that the public would have another chance to appeal the decision, since the original decision had been significantly changed.

Local activists, primarily those with South Carolina Forest Watch, had tried to appeal the sale, but the forest supervisor denied the request. SC Forest Watch even presented testimony from several respected, retired forest rangers, who agreed that the decision to proceed was illegal. The activists then solicited the help of their congressional representative, SC Congressman Butler Derrick Jr., who wrote a letter to the forest supervisor requesting an explanation.

On March 10, 1990, Forest Supervisor Don Eng replied, "The timber sale for compartment 48 has been sold, and one purchaser has scheduled the cutting of the sale. It would not be reasonable to revisit this decision or many other decisions that have been made but not implemented just because public interest in timber sales has increased." Yet, nowhere in the letter did Forest Supervisor Eng address the specific requirements under NEPA, that a new EA must be conducted where a significant change to the original decision had occurred, and which also ensured citizens' rights to appeal the new decision. The congressman had done his duty by asking the forest supervisor for an explanation, but then he failed to take any further action based on the assumption that the forest supervisor's response was correct. It became clear to the core group, who were determined to stop the Forest Service from doing irreparable damage in compartment 48, that their only hope rested in the legal venue.

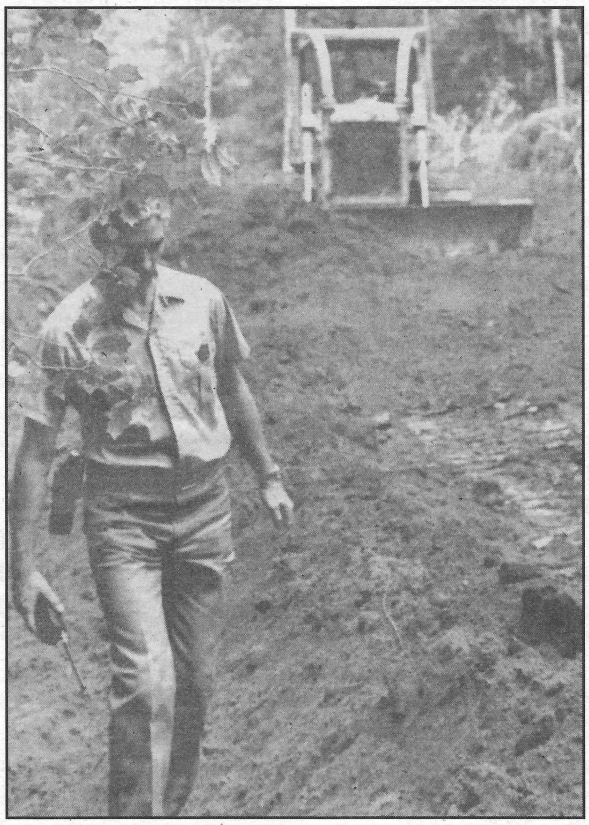
The original decision to proceed with the timber sale was dated February 15, 1990. By late summer, SC Forest Watch had run out of options. The group had no attorney for a legal challenge, and the road-builder was beginning to construct the illegal road into compartment 48. A vocal crowd assembled for a peaceful demonstration in front of the Andrew Pickens Ranger District office, which produced media coverage and embarrassed the forest supervisor, but the Forest Service wouldn't back down. The only option was civil disobedient nonviolent action to stop the illegal timber sale, which would give the activists time to make a case to save compartment 48 from clear-cutting. The case would have to be made to the public and in a court of law. Enter "Forest Green."

The Story of "Forest Green" *Part II*

Buzz Williams

At the conclusion of part 1 of "The Story of Forest Green," he (Hunter Sams) had climbed a tall white pine tree to protest the clear-cutting of compartment 48, and had effectively blocked the road under construction into the area. He had experienced a close call when a logger attempted to cut down the white pine tree where he was perched in protest of the timber sale. The logger had to be restrained and the Forest Service had set up an incident command system to keep the situation from getting further out of hand.

Meanwhile, protesters began emerging from the forest and coming down to the white pine tree from a nearby hill, attempting to see Forest Green and to shout encouragement to him. But within 24 hours, the forest supervisor issued an order making it a violation of federal law for any citizen to enter or be "...upon Forest Service road 757-C and/or 50 feet from the center line thereof in its entire length and/or 500 feet from the activities concerned with the construction and logging of FS Road 757-C for public health and safety." The order effectively cut off lines of communication between Forest Green and his supporters in the surrounding forest. It also allowed the road construction to continue to the base of the tree where Forest Green stood his ground—an action that would prevent the timber sales contractor from abandoning the sale and setting a precedent that the Forest Service timber sales program could not tolerate.



Andrew Pickens District forest officer "takes the low road" to avoid a bulldozer cutting a road into compartment 48.

Forest Service Law Enforcement Officers (LEO) were stationed around the clock beneath the protest tree. Stadium lights, powered by a powerful generator, illuminated the protester all night. The noise from the generator effectively drowned out the shouts of encouragement from Forest Green's comrades, who kept vigil on the surrounding ridges. LEOs took full advantage of the stressful situation. Forest Green could not hear his friends in the woods, but he could hear the officers who sat below. He later told us that the LEOs worked on him constantly with comments like, "Those guys up in the woods don't care about you, and they are using you." Hunter Sams later said that the only way he got any sleep at all was to pull down a rain tarp to shield him from the glare of the stadium lights.

Early on the morning of the first day, the generator was turned off and Forest Green could hear people in the woods yelling, "We are still here!" Two young men on his support team found a clear lane in the forest canopy, where they could see the protestor and he could see them, which later he said greatly lifted his spirits. At one point Sams even left his tree stand to climb to the top of the tree for exercise, but by the second day the ordeal was beginning to take its toll. The plastic jugs that he used for a latrine began to leak and emit foul odor. Forest Service officers spread lime beneath the tree to control the smell. Everyone was getting edgy beneath the tree. LEOs continued their psychological warfare, telling Hunter that they were not sure how much longer they could protect him from irate loggers.

By Thursday, media began to show up on site to cover the story. A rope was strung in a 50-foot circle around the tree, and reporters were informed that they could visit the site under escort at 10 a. m. and 2 p. m. each day, but only for 30 minutes. The Friday edition of the *Atlanta Journal Constitution* featured a front page headline entitled "Show Down Over Timberlands," accompanied by a picture of the masked protestor waving a victory sign from his perch above the large banner that read "No More Mismanagement." The article reported that "A bulldozer was left running at the foot of the tree in an apparent attempt by loggers to disrupt interviews with the protester." By late afternoon, an angry group of loggers gathered at the base of the tree in a show of force and intimidation.

Friday brought more reporters and even more protesters, who arrived by a chartered bus. Among them was South Carolina State Senator Theodore Mitchell, democratic candidate for governor. Mitchell voiced support for the protester, and compared his protest to that of famed civil rights advocate Rosa Parks. The *Seneca Journal* reporter, who witnessed the visit by Mitchell to the base of the tree, where Forest Green spoke to him above the din of bulldozer noise, reported that the senator and others were intimidated by the road building crew as they departed. A bulldozer backed straight for the entourage as they climbed up on the road to make their exit from the protest site. "Maybe 'run for your life' is too strong," the reporter wrote in the next day's

The Story of "Forest Green" *Part II*

paper. "Maybe the tractor driver would have stopped before plowing the panting group into the red dirt," she continued, "but they didn't wait to find out. They ran flat out up that hill." The Forest Service LEOs claimed that they were there to protect Forest Green as much as anything else, yet it was clear where their sympathies lay, as time and time again they turned a blind eye to obvious attempts by loggers and road building crews to intimidate anyone who came near the protest site.

Forest Green had a long weekend. Security around the site intensified. Numerous protesters on the ground were detained for straying onto the long road that led to the protest site. LEOs began forays onto the surrounding ridges during the night to "talk" with protesters holding vigil throughout the night. There were several near misses out on the main road, when loggers confronted protesters. Several strong thunderstorms rolled through, with strong winds and lightning, that rocked Hunter's tree. He not only had to deal with threats from the angry men below, but now from natural forces as well. Through it all Forest Green maintained his position. Curiosity mounted about just who this man was, and how long he could hold out.

I had been monitoring events on my Forest Service radio, but ever drawn toward Hunter's tree—out of a feeling of obligation since his protest was partly of my own doing—I quietly slipped alone into the forest at night to see what was happening on the ground. I heard voices up on the ridge, not far from the protest tree, so I crawled through the brush without the aid of a light. There were a group of protesters sitting around a small campfire talking to a Forest Service LEO. I maneuvered unnoticed to the base of a tree, and sat quietly listening to their conversation. The officer was very cordial and friendly as he interacted with the group. Later, when the LEO left and I revealed myself to the group, they told me that he had asked several times if they personally knew the man in the tree. It was obvious that they were now trying every tactic to discover Hunter's identity.

On Sunday night, the Forest Service turned up the heat. Throughout the night, they told Forest Green that his friends had abandoned him and that he was being used as a pawn. "They don't care about you," they said. Before dawn the next day, a close friend of Hunter's was allowed within 30 feet of Hunter's tree, to talk to him about plans for ending his protest. It had been pre-arranged that he would come down the next day at 2 p. m., and organizers were told that the media would be allowed to cover the event. The local forest watch group had now secured the services of a Greenville lawyer, who had agreed to take the case to stop the illegal timber sale. Forest Green had done his part. Then, unexpectedly, the Forest Service told Forest Green that they would not be able to assure his safety until 2 p. m. The Forest Service told him that he needed to come down immediately, because they could no longer guarantee his safety.

Finally—tired and running out of food and supplies—Forest Green lowered his gear to the ground, shouldered his backpack, and rappelled out of his tree stand on at 6:40 a. m. on Labor Day, Monday, September 3rd, where he was whisked away across the creek by waiting LEOs. His close friend, who was the only person to witness the arrest, remembers Forest Green asking if he could come with him. There was no reply. The deception had worked. There were no threatening loggers and no media to witness the arrest, just as the Forest Service had planned. It had all been pure subterfuge, to avoid more media.

Forest Green was handcuffed and driven to the Pickens County Detention Center, where he was charged and led to a jail cell. He later told me that the inmates shouted support for his cause as he was led down the corridor to his cell. The jailer arranged for the kitchen to cook him a good breakfast, even though breakfast hours were over. The jailer confided his support for his protest, but acknowledged the fact that he had broken the law. Hunter was informed that the charges against him were "interfering with a federal officer in performance of his duties, and placing an impediment or hazard to the safety of a person," which could result in a $500 fine or 6 months in jail.

No sooner had the jail door slammed shut on Forest Green, then the Forest Service dispatched a crew to assure the timber purchaser that he was authorized to resume road building. By noon, the big white pine lay on the forest floor. Light flooded in, illuminating the once shaded stream that flowed beneath the big white pine. Shade-loving ferns that flourished in the cool, streamside environment looked stunned and out of place in the glaring morning sun. Ironically, the honor of cutting down the big tree went to the Forest Service's wildlife biologist.

The following afternoon Hunter was released on a $20,000 bond. As he was leaving the court house after his release, a group of reporters solicited a comment. When asked what he planned to do next, Hunter replied, "Go get a pizza." Support groups immediately began collecting money for a fund to cover Hunter's legal fees and possible fines.

The local and regional news media ran extensive coverage of the end of the protest. The Forest Service had indeed discovered Forest Green's identity as Hunter Hasting Sams, a guide for one of the rafting companies on the Chattooga River, a graduate of Duke University, and the son of a prominent physician from Birmingham, Alabama. It was announced that a hearing concerning the matter would be held before a federal magistrate on Tuesday. The Forest Service was reportedly seeking $8,000 per day for the 5-day operation, as part of Sams' penalty.

On the day of the hearing, I stood with others in a hallway outside the courtroom. Shortly before the hearing, a door opened at the end of the corridor leading to the judicial hearing room. I was standing against the wall behind several people, but I recognized the man approaching as federal magistrate "Bucky"

The Story of "Forest Green" *Part II*

Cato, a man I knew well. I had appeared before him on numerous occasions in the capacity of a forest officer bringing misdemeanor cases before the court. I knew him to be a fair but very tough judge. The last thing an officer wanted was to get on Bucky's bad side. I had witnessed his wrath on the first day that I brought a case before his court in my job as a Forest Service river ranger. A Corps of Engineers park ranger had brought a weak case before the court, just before I was scheduled to present my case, and had received a sound tongue lashing by the magistrate. It scared me, and I swore I'd never take anyone before Judge Cato that wasn't drop-dead guilty. So, one can imagine what went through my mind the day of Hunter's hearing when Judge Cato stopped abruptly in the hall, looked straight at me in the back of the crowd, and said sternly, "Mr. Williams, come with me." Bucky Cato was clearly not a happy man. A dark cloud seemed to hover over his furrowed brow as he wheeled and walked briskly, followed by me, back into his chambers.

I came to a respectful halt in front of Judge Cato's desk, as he threw himself into his leather swivel chair, leaned back, and said authoritatively, "What's going on Buzz?"

My throat tightened as I began to speak. "Hunter Sams is a friend of mine, your honor. He was just trying to stop an illegal timber sale. He felt his only option was civil disobedient non-violence."

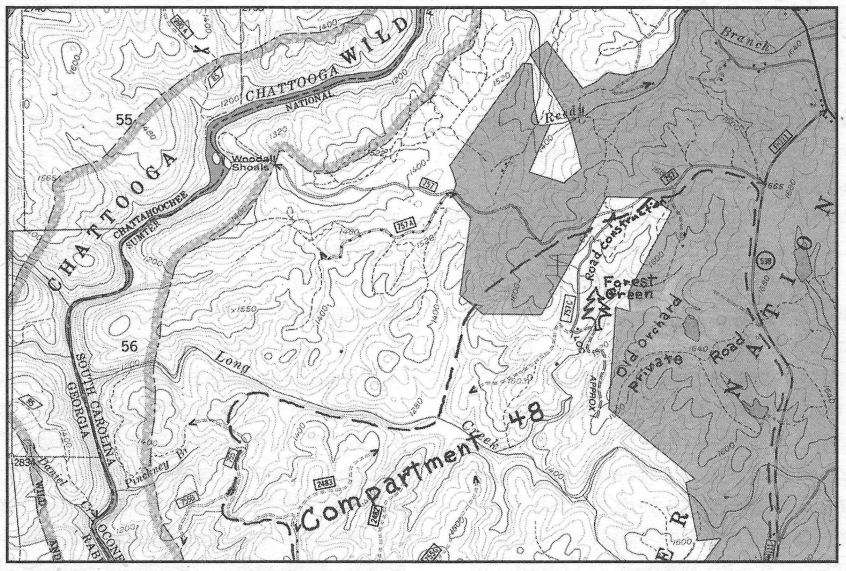
"Alright," the judge said, "I thought you might know something about this. You had better go now."

I walked out and disappeared into the back of the hearing room, sitting down beside Doug Patrick, the Greenville attorney who had agreed to represent SC Forest Watch in the case against the Forest Service. Doug and I had been college roommates when we both attended Clemson University in the early 1970's. Doug had gone on to get his law degree and I had disappeared into the woods, but we kept in touch. I had asked for his help the week after Hunter Sams started his protest, and not being an environmental lawyer, he had been understandably reluctant to take the case against the Forest Service. Then, when I called another friend in Eugene, Oregon, who was an environmental attorney, and got a confirmation that we had a good case, Doug had agreed to take the case, pro bono.

"What do you think?" I asked Doug as we sat waiting on Judge Cato to begin the proceedings.

"He's got a better chance than I will, arguing an environmental law case before Judge Ross Anderson," Doug quipped with his usual flair for humor. Judge Anderson, who would likely be the judge in SC Forest Watch versus the Forest Service, was notorious for being a no-nonsense judge.

Finally, the hearing began and the Forest Service made their case. The attorney for Hunter Sams was a very good lawyer, hired by Hunter's parents. He countered with a humbling defense, and underscored the fact that Hunter had never been in any kind of trouble.



U. S. Geological Survey map showing the location of compartment 48, off of the Woodall Shoals road and adjacent to the Chattooga River.

After some deliberation, Judge Cato pronounced that he would make his ruling. Everyone present seemed to lean forward in their seats with silent anticipation. Hunter stood quietly waiting to hear his fate. Judge Cato dealt with business first, as expected. He reiterated what everyone in the court room already knew, and that was: Hunter was guilty as charged.

Hunter had chosen to do so of his own free will. I had personally explained that to Hunter, on the evening before he went up in the tree. Further, it was the judgment of the court that Hunter should perform 200 hours of community service, and pay a $200 fine. After sentence was pronounced, Judge Cato moved on to the more important issue at hand. He talked at length about how America had been built on the back of people who had sought to improve our society, even if it meant challenging the imperfections in our system of government. He pointed out that civil disobedient nonviolent action had been a driving force in the evolution of democracy. I have always admired Judge Cato for the commentary he made at Hunter's hearing. His remarks clearly could be interpreted as support for occasions where one must challenge the law, to change the law for the greater good. He was not required to make these statements, but in doing so, walked the fine line between his sworn duty to enforce the law and pointing out that the law in itself is imperfect, and in need of reform.

The Story of "Forest Green" *Part II*

Hunter spent the next few months doing community service. He picked up trash and performed other menial tasks on the Andrew Pickens Ranger District. At one point, he was assigned the task of painting markers on trees delineating the wild and scenic river corridor. But when the Forest Service discovered that the corridor markers placed by Hunter always seemed to err on the side of making the corridor bigger than it was supposed to be, he was reassigned to other duties.

Meanwhile, as Hunter paid his debt to society, the focus shifted to a different venue. The strategy that we had envisioned had played out perfectly. Hunter's protest delayed the illegal clear cut scheduled for compartment 48 just long enough to secure a lawyer to take the case. The Forest Service shifted rapidly into damage control. Their public relations personnel met with the media, to reiterate their propaganda supporting clear-cutting. Then, in classic Forest Service double speak, they issued a statement: "We need to continue dialogue. We are willing to examine our methods."

Attorney Doug Patrick met with Supervisor Eng on Monday, September 10th, exactly one week after Forest Green descended from his tree stand. The meeting went nowhere, due to Eng's continued intransigence, leaving SC Forest Watch no choice but to file suit in federal court. On September 13th, SC Forest Watch voted to seek a court order to stop logging and road building in compartment 48. Doug Patrick made a personal telephone call to Supervisor Eng at 4:00 p. m., informing him that SC Forest Watch would file for a temporary restraining order, and that he would represent the group in federal court. Supervisor Eng sent an email message to the district ranger at 5:53 p. m. that read, "Bollinger [District Ranger], please let the purchaser know that SC Forest Watch is seeking a court order to stop the sale from proceeding. I am both disappointed and sorry that we are going through this challenge. I believe the FS position is strong and we can make it through the court case."

Patrick, a trial lawyer by trade, with no experience in environmental law, also had his doubts. He explained to me that the prospect of obtaining a temporary restraining order would hinge on proving to the judge that the proposed timber sale would undoubtedly result in irreparable harm. I assured Doug that my friend Pete Sorensen in Oregon, who was an experienced environmental attorney, had looked at the case. Pete had assured me that the Forest Service indicated in their own EA that there would be irreparable harm, when they concluded that the alternate route into the sale that was currently under construction was not feasible from an environmental or economical perspective.

The following day, Doug Patrick presented the case for a temporary restraining order in compartment 48 in federal court in Greenville, South Carolina, before Judge Ross Anderson. Judge Anderson stunned the Forest Service with a ruling that he would immediately grant a temporary restraining order, and ordered the Forest Service to conduct a new environmental assessment in order to justify any new activity in Compartment 48. SC Forest Watch and their allies were elated over this clear victory that vindicated all their efforts, but everyone knew that the real hero was Forest Green.

Judge Anderson's ruling sent the Forest Service, tail tucked, back to the drawing board, but those of us who had fought them before knew that the fight was not over. We had won on a procedural point of law. However, this did not mean that they could not conduct another EA, which could possibly contain justification for re-entry into compartment 48, based on a new finding, with supporting evidence, that the sale could be completed with mitigating adjustments. If this were the case, any new challenge to their findings would be in a new arena of law, based on the Forest Service's standing as the agency with the experience and expertise to make these determinations.

We heard nothing from the Forest Service until November, when they revealed that they had asked representatives from The Nature Conservancy, and the Heritage Trust Division of the South Carolina Wildlife and Marine Resources Program, to conduce a biological survey of compartment 48. In a letter to the Forest Service dated November 5th, the biological survey team wrote, "We entered the compartment in the middle of the southern side and proceeded down a southeastern facing slope. About three quarters of the way down this slope, Dr. Hill found the largest known population of *Walsteinia lobata* in the state." This herbaceous plant, which is also called the barren strawberry, was at the time being considered for listing as a threatened species by the US Fish and Wildlife Service. The team also recognized potential habitat for other rare species including *Aneides aneus*, commonly known as the green salamander. The team recommended that further study be conducted, given that it was now almost winter and many species of plants were dormant and could not be identified. The South Carolina Department of Natural Resources sent a separate letter advising the Forest Service that they recommended further botanical studies during the spring growing season, and bird surveys during the spring nesting season.

Nonetheless, without further study as recommended by the biological survey team, the Forest Service issued a new EA on February 15, 1991, concluding that a modified version of the original timber sale and road building in compartment 48 would do no harm to the environment. The new proposal would be called a "modified shelterwood cut," which would harvest the majority of the forest trees, but would leave 7-10 trees per acre unharvested. The harvested area would be replanted with pines, and managed on a short rotation (i.e., harvested frequently) thereafter. It was a typical Forest Service move: muddy the waters with new language, while moving ahead with a slightly "modified" decision. The fact remained that the proposed

The Story of "Forest Green" *Part II*

timber harvest still involved building an expensive system road into a native hardwood stand, where the majority of the trees would be harvested and replaced with a pine plantation.

The new Forest Service proposal set the stage for another round of appeals and lawsuits. All signs pointed to the fact that the Forest Service would dig in and hold their ground through the appeals process, setting the stage for another court battle. They were clearly trying to outlast opponents to their plan. Unfortunately for SC Forest Watch, which vowed to continue the fight, the next legal case would have to be argued on discretionary points of law. Legal precedent in these types of cases usually yielded to the professional foresters regarding questions about which silvicultural treatment would be best for the forest. In other words, the argument now shifted from whether or not they followed specific guidelines, over to an area of professional judgment. The looming battle could likely drag on for over a year before all legal appeal requirements, contract renegotiations, and law suits could be concluded.

There were other signs that this next battle would be very different. In May, Supervisor Eng retired from the Forest Service. There was endless speculation that Eng had some encouragement finding the door. After all, it was on his watch that one tree sitter and a small, nearly penniless grassroots organization had beat them hands down in both the court of public opinion and in federal court, due largely to his intransigence. We could expect new players from the Forest Service team; ones that would appear to be a little more flexible, and a lot better at public relations. They would be adept at the fine bureaucratic art of saying something in a different way, to confuse the issue in order to stall their opponents, while continuing the "shell game." Besides, the Forest Service had plenty of money and public relations officers ready for the upcoming propaganda war over forest management.

It was late September when all administrative hoops had been cleared. Predictably, the Forest Service held their ground all the way through appeals process, which ended in the Washington, D. C. office of the Forest Service, where Forest Service Chief Dale Robertson upheld the now retired Forest Supervisor Eng's decision to reenter compartment 48. On October 1, 1991, SC Forest Watch, represented again by attorney Doug Patrick, appeared before Judge Ross Anderson in federal court asking for a restraining order. This time the Forest Service had the upper hand—so it seemed.

Like all battles where an inferior force faces a stronger enemy, superior tactics would be the only hope. The tactic used by Doug Patrick was bold and eloquent. He caught the US Attorneys flat-footed by arguing not that his clients knew more about forestry than the experts, but that the Forest Service was insensitive and arrogant. He told the judge that the Forest Service had steadfastly refused to discuss the expert testimony obtained by his clients, that should be considered in making their decision concerning the management of compartment 48.

Judge Anderson's ruling was swift and severe. He used harsh words to remind the Forest Service that it had "a duty to sit down and discuss your differences," he lectured. "I get the impression your arrogance is unparalleled. You just don't care to sit down and talk to anyone but yourselves," he barked toward the cowering federal attorneys.

Judge Anderson issued another restraining order on compartment 48, and ordered the Forest Service to meet with SC Forest Watch by the end of the week, to hear what they had to say. The following day, the headlines read "Forest Watch Scores Victory." Victory it was...although technically, the ruling by Judge Anderson fell short of ordering the Forest Service to change their management plans for compartment 48. But the judge did order them to listen to the real owners of the national forests: the people. In fact, the Forest Service never did change their plans to cut compartment 48—they just never reentered it.

Almost 2 years after the battle to save compartment 48, the Forest Service called a truce. In a meeting with SC Forest Watch, the Forest Service agreed not to re-enter compartment 48 without consulting the public. On March 13, 1992, SC Forest Watch dropped its lawsuit against the Forest Service, as a good faith gesture. A new organization formed that same year, to monitor the Forest Service and to represent the true owners of our public forests, and to promote sound scientific management of our Chattooga River watershed. That organization is now called the Chattooga Conservancy.

The fight to promote better forest management, started by Forest Green, had tested the Forest Service's commitment to its own program called "New Perspectives" that aimed at reforming an outdated, commodity driven forest management paradigm. The fight Forest Green started, to defend one small stand of timber near the Chattooga River, has influenced the debate over Forest Service reform to the core of the agency. His courage inspired thousands of other people to get involved, to achieve victory for environmental protection. Forest Green risked bodily harm and his personal freedom to fight for what his heart said was right. He broke the law to make the law better, and he bore the inevitable consequences. Those who value our national forests are in his debt.

Note: Today, compartment 48 still stands, albeit a little older, uncut and maturing. SC Forest Watch is no longer an active organization. The Chattooga Conservancy is the primary grassroots conservation organization working to protect, promote and restore the biological integrity of the Chattooga River watershed, in harmony the need for a healthy human environment. We were founded in 1991, the same year Forest Green made his landmark stand.

Pig Roast for the Park Saturday, Oct. 16, 3:30-7:30 p.m.

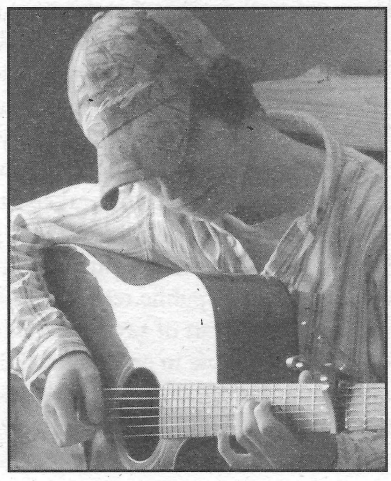
Pig Roast for the Park
Hosted by Tiger Mountain Vineyards
Saturday, October 16th, 3:30 p.m. – 7:30 p.m.
Barbecue * Live Music * Native Plant Sale * Raffle

Come and join the Chattooga Conservancy staff and friends for a traditional pig roast, to raise funds for our work to build the new Stekoa Creek City Park!

Please join us for slow-cooked, hickory-smoked barbecue, served with Georgia Mountain Red Sauce, potato salad, baked beans, mac & cheese, cole slaw, bread, dessert, and a beverage. Beer and wine will be available, too. **A donation of $10 is asked for adults, and $6 for kids, for a plateful of these delicious fixin's.**

Also, a fine selection of native plants from **Chattooga Gardens**, located in Cashiers, NC, and **Natives Plus** of Long Creek, SC, will be for sale. **Fall is a great time for planting, and both of these fine nurseries specialize in cultivating plants that thrive in our mountain climate.**

And that's not all! Two local bands will be performing at the event. The group **Shallow Ground, featuring singer/songwriter Joe Kilby**, will start with a collection of original country and bluegrass style songs. Joe, a 17-year-old Rabun County native and junior at Rabun County High School, has been immersed in the area's music since childhood. Joe's vast musical background and skill are truly apparent as he leads this group with strong vocals and instrumentation.



Shallow Ground, ***featuring singer/songwriter Joe Kilby***

The Ram Cats will follow, with a blend of old-style blues and original tunes. The Ram Cats are a collaboration of some of the finest musicians in the area, each bringing years of experience to the stage. Singers/songwriters Johnny Maxwell, with powerful vocals and blues harp, and Lisa McAdams, with a sultry, Southern style, lead this group in a dynamic mix of folk and urban blues. Also featuring Steve McAdams and Mike Lococo on guitar, Bryant Byrd on bass, and Daniel Smith on drums, The Ram Cats deliver an original sound and a rocking performance.

The Ram Cats, ***performing old-style blues and rockin' originals***

Come and enjoy this fun event during the glorious autumn weather at the beautiful Tiger Mountain Vineyards property, located on Old Hwy. 441 in Rabun County. Join the community on Saturday, October 16th, 3:30 p.m. to 7:30 p.m., and be a part of creating the new Stekoa Creek Park!

***For more info, please call* 706-782-6097**
***or email* info@chattoogariver.org**

Event sponsors include: Tiger Mountain Vineyards, Rabun County Bank, , Grapes & Beans, Tomlin's Barbecue, Henry's Restaurant, Shiner's Restaurant, Crescent Moon Bakery, Chick-fil-A Clayton, Cupboard Café, Food Flair Custom Catering by Michele Gaglio, Hillside Orchard Farms, The Stockton House Restaurant, Wal-Mart/Clayton, Chattooga Gardens, Natives Plus, The Ram Cats, Joe Kilby & Shallow Ground, North Georgia Community Players, The Nest, Goats on the Roof, Stephens Federal Bank, Community Bank &Trust, Mountain Heritage Bank.

Watershed Update

New Commercial Use Proposed for the Chattooga River Corridor

The Andrew Pickens Ranger District, which is the principal administrator of the management plan for the Chattooga Wild & Scenic River Corridor, has released two new proposals for public comment that clearly demonstrate the district's "out of control" bias toward over-development and commercial use of the Chattooga Wild & Scenic River. The first proposal is to issue 5 new commercial outfitting and guiding permits to allow guided back packing, swimming, waterfall viewing, and fishing trips within the Chattooga Wild & Scenic River Corridor. The total new permitted "user days"—all on the SC side of the river—would be a whopping 2,567 new commercial user days per year. This ill-conceived proposal needs to be stopped, now!

When congress held hearings in the early 1970s to consider including the Chattooga River in the National Wild & Scenic River System, the chairman of the House Committee of Interior and Insular Affairs asked a prominent witness, "What is the greatest threat to the Chattooga River?" The answer was OVER COMMERCIALIZATION. As a result congress set strict limits, or caps, on whitewater outfitting and guiding permits. Since then, a robust new array of proposed commercial activities has developed—with no limits in place.

Buzz Williams accepts a $6,000 grant on behalf of the City of Clayton, for planting trees at the Stekoa Creek Park site.

The Chattooga Conservancy proposes a moratorium on all new commercial outfitting and guiding permits until restrictions can be agreed upon and put in to place to protect the solitude and primitive experience as prescribed by congress for the Chattooga Wild & Scenic River. ***Please contact Andrew Pickens District Ranger Mike Crane at mcrane@fs.fed.us*** or ***112 Andrew Pickens Circle, Mtn. Rest, SC 29664, and request a moratorium on all new commercial outfitting and guiding permits, until further studies on carrying capacities and limits to protect the "wild and scenic experience" can be set.*** Also, ask that public hearings be held on this important matter, regarding Sumter National Forest Plan amendments to the Chattooga Wild & Scenic River Development Plan. **Comments are due by October 15th.**

The second proposal involves "relocating/reconstructing" 2 new trails into the Chattooga Wild & Scenic River Corridor near Big Bend Falls. Here—again—neither of these trails were designated in the original Chattooga River Development Plan submitted to congress. A decision to create new access to one of the last wild places on the Chattooga River needs to be made at the Sumter Forest Plan level, through an amendment to the plan (if it's approved), not at the district level. Please contact the Forest Service (contact info above) and demand that both of these ill-conceived proposals be withdrawn immediately until public hearings are held to consider these important decisions at the forest plan level. Do it today; this is an important issue!

Stekoa Creek Park update

It's been a hot, busy summer of ongoing "grunt work" to create the new Stekoa Creek Park on a 2.9-acre tract located next to Highway 441 north and Stekoa Creek. Thanks to volunteers, Chattooga Conservancy staff, and Clayton's prison work detail, much of the kudzu and privet jungle on the property has been cut down, in preparation for restoring native plants on the site. Also, a "rain garden" has been constructed, to capture and cleanse the polluted storm water runoff that flows onto the park site from Highway 441. This rain garden will add a unique educational component to the overall restoration effort at the Stekoa Creek park site by demonstrating a bio-remediation system for storm water management.

Chattooga Conservancy Executive Director Buzz Williams also accepted a $6,000 grant on behalf of the City of Clayton, to be used for planting trees at the Stekoa Creek Park site. The grant was awarded by the Chestatee-Chattahoochee Resource Conservation and Development Council (RC&D), as part of their "Northeast Georgia Tree Planting for Ecosystem Restoration and Green Jobs" project, that is funded by the American Recovery and Reinvestment Act. The grant will pay for a minimum of at least 15 trees to be installed at the Stekoa Creek Park site, featuring native species such as Redbud, White Oak, Dogwood and Black Walnut.

Native River Cane Proposal

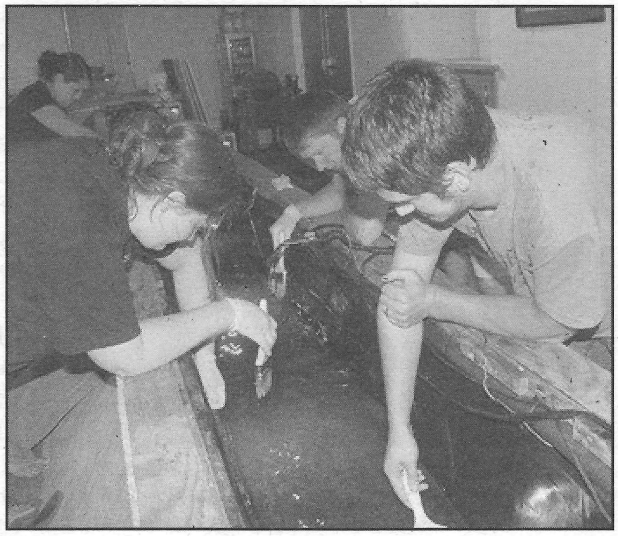
The Chattooga Conservancy has requested that the Andrew Pickens Ranger District move forward with implementing a native river cane (*Arundinaria gigantea*) restoration project adjacent to the Chattooga River. This would fulfill an important objective of the Sumter National Forest Land & Resource Management Plan to restore canebrake communities, which are one of the most endangered ecosystems in the Southeast. The Sumter Forest Plan calls for 60-300 acres of native river cane to be restored annually, but none has been restored to date.

The Chattooga Conservancy has proposed that an ideal site to implement the native cane restoration project would be

Watershed Update

along a 100-foot riparian corridor at the Chattooga River near Highway 28, below the Chattooga Old Town site, on an area totaling about 7 acres. We believe the potential of success for this project is ideal, for the following reasons: the Andrew Pickens District is currently eradicating non-native species in this location; native cane is present in this area in relative abundance; and, the native cane would likely spread readily through natural propagation into the adjacent fields, which are currently being mowed and managed for wildlife. There are more good reasons to move forward with this restoration effort. Specifically, restoring native cane at this site would enhance habitat for important native species of flora and fauna—as per the forest plan, there are at least 16 "viability concern" species that would benefit. Also, a native cane patch would establish a filter strip for protecting water quality on the Chattooga River. In addition, a project of this magnitude could provide a sustainable source of native river cane as an artisans' resource for traditional uses, such as basket weaving materials.

In response to our request, the Andrew Pickens Ranger District has stated intentions to implement a native river cane restoration project, for inclusion in their 2011 "schedule of proposed actions." Stay tuned, and please be ready to offer your support for this worthy proposal.



The Chattooga Canoe, shown here receiving a swabbing of PEG, recently began the drying phase of its preservation.

Chattooga Canoe

Remember the rare "Chattooga Canoe" of Native American origin, that was discovered by Peter Peteet in 2002, below Earl's Ford? Readers may recall the epic story of its removal from the river in the spring of 2004 by the Chattooga Conservancy and a large team of volunteers, who carefully maneuvered the fragile pirogue upstream, and then carried it out of the wild and scenic river corridor at Earl's Ford. From there, the canoe was rushed to the Oconee Heritage Center (OHC) in Walhalla, SC, where it has been immersed in a preservative bath of polyethylene glycol (PEG) ever since, while also serving as a centerpiece of the fledgling museum.

The Chattooga Canoe was recently removed from the PEG solution, and is now entering the drying phase of its preservation, which could take 9 months or more. Ideally, the drying phase is a very slow process, to prevent stressing the wood and causing serious deformities (to slow the process, the canoe gets a daily swabbing of PEG). When the canoe is totally dry, it will be placed it in a display case at the museum. So far, OHC staff report that the process is going very well!

Stekoa Creek Sewer Line Repairs

The City of Clayton is moving forward with replacing 2 sewer lines, which should help improve water quality in Stekoa Creek, a major polluted tributary to the Chattooga River. The first repair involves replacing a leaky section of terra-cotta sewer line along Scotts Creek, a polluted tributary to Stekoa Creek. Approximately 2,000 feet of sewer pipe will be replaced, upstream from the old elementary school property in the City of Clayton. This work is called the "Westside" sewer line project, and it's being paid for by a $50,000 Community Development Block Grant. But the money was nearly lost, due to problems in securing an easement for the work. However, the Chattooga Conservancy intervened with an 11th hour contact to the Department of Community Affairs. Fortunately this worked, and the project is moving forward.

Another sewer repair project in the development phase involves replacing a bottleneck section of the main sewer line trunk behind the Duval car dealership property on Highway 441, as recommended by the Chattooga Conservancy. Here, a larger diameter line feeds into a smaller pipe, likely causing sewage leaks into Stekoa Creek and the periodic high fecal coliform readings at water sampling sites in that area. Estimates are that approximately 1,060 feet of sewer line will be replaced. Funding for this work will come from Clayton's SPLOST money that is earmarked for sewer and water line repairs.

It is encouraging that the City of Clayton is moving forward with 2 sewer line replacement projects. However, still needed are: 1) an engineering functionality study that identifies sewer system design and operational flaws causing chronic infiltration and inflow events; 2) a prioritized schedule of actions for fixing the sewer system's problems, with a budget cost estimate for each step; and, 3) a dedicated funding mechanism for accomplishing this work over time. As recently acknowledged at Clayton City Hall, this information and a dedicated fund would greatly help the city's chances for receiving grants from entities such as the Georgia Environmental Facilities Authority.

In sum, there remains much need for encouraging city officials to place a high priority on establishing a dedicated fund for repairing Clayton's sewage collection infrastructure.

Members' Pages

THANK YOU VERY MUCH *to everyone who recently renewed their membership, joined as a new member, or contributed gifts, services, and memorial donations to the Chattooga Conservancy.*
YOUR GENEROUS CONTRIBUTIONS WILL HELP US CONTINUE TO WORK ON ALL OF THE IMPORTANT CONSERVATION ISSUES FACING THE CHATTOOGA RIVER WATERSHED AREA.

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8 Sequoia Hills Lane
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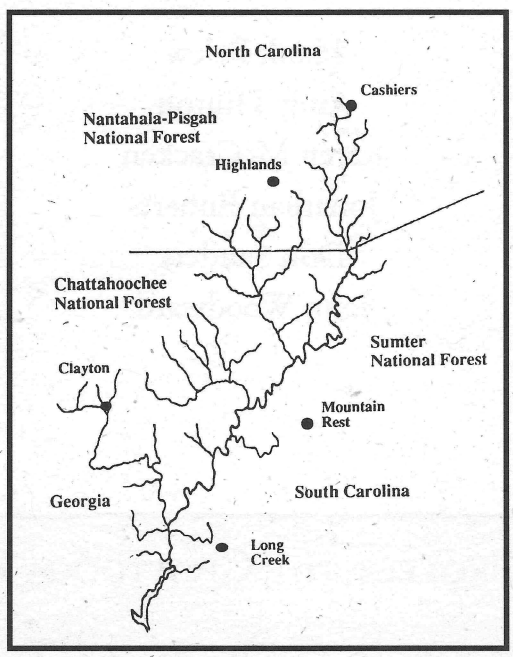
Mission:

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

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