

Western North Carolina Public Lands Council
Meeting Summary
January 13, 2012
1:00 – 3:00 PM
NCDENR Asheville Regional Office
Swannanoa, NC

Members in Attendance: Jason Love, Jonathan Douthit, Jason Robinson, Tim Nicholson, Tom Massie / ex-officio
Members Absent: Nelda Holder, Delos Monteith, Myrna Campbell
Others Present: Tom Jackson / NC State Parks, Mary Noel / US Forest Service, Dale Ditmanson / Great Smoky Mountain National Park, Judy Francis / NCDENR

Welcome

Chairman Jason Love opened the meeting at 1:00 PM and welcomed everyone in attendance. Each person briefly introduced themselves and told where they were from. He thanked everyone for braving the inclement weather to attend the meeting. Judy Francis explained that Delos Monteith called and said there was too much ice around his house to get his car out. Nelda Holder and Myrna Campbell said they would not be able to attend in advance. Myrna will be resigning due to her busy schedule and will be looking for a new member from Haywood County to take her place.

Update on North Shore Road Settlement

J. Douthit gave background on NSR issue for new members. He provided this report:

In 1943 44,000 acres of Swain County, North Carolina, were cut off from the rest of the world as a result of the impounding of Fontana Reservoir. Surrounded on every side either by the Great Smoky Mountains National Park or Fontana Lake the tract was rendered virtually inaccessible after the only road into the area was flooded. An additional 216 families, over and above those relocated to establish the G.S.M.N.P. and to accommodate the Fontana Project were removed and their properties condemned by T.V.A. who then ceded the lands to the National Park Service for inclusion in the G.S.M.N.P.

As Swain County was still obligated to pay off the bonds issued to finance the now flooded road a contract (an unenforceable contract it turns out) referred to as the 1943 Agreement, between the United States Department of Interior, the Tennessee Valley Authority, the State of North Carolina and Swain County, provided for a replacement road around and above the lake to the 44,000 acres.

Over the course of the next 67 years approximately seven miles of the proposed 30 to 35 mile road had been built and the National Park Service showed little interest in seeking appropriations to continue the project. Concerns about the environmental damage of construction, skyrocketing construction cost estimates and pressure from environmentalists to protect the largest road-less

backcountry area in the east seriously dimmed hopes that the road would ever be built. After spending \$10 million and five years to study the problem the N.P.S. in 2007 announced it was not interested in meeting it's contractual obligation to build the replacement road.

Farsighted individuals and elected officials on the local, state and federal level found a common sense solution to the problem. In 2010 the four parties to the 1943 contract made a new agreement wherein Swain County would receive, based on the cost of the original bonds, compounded over time (which Swain County was finally able to pay off in the 1970s) and indexed to the rate of inflation over the aforementioned 67 years, the sum of \$52 million dollars. Legislation was passed to allow these monies to be held by the State Treasurer of North Carolina and only the interest harvested from the investment of same would be released to the general fund of Swain County. Any expenditure of principle would have to be approved by two-thirds of the registered voters of Swain County. As of this date the N.C. State Treasurer has received and currently holds on deposit \$12.8 million dollars for Swain County. Additional appropriations have not been forthcoming but hope abounds and efforts to secure funding continue.

Dale Ditmanson reminded the Council that the road has been controversial all along. It really has pitted preservationists against pro-development interests at times. The 2010 settlement involved the county, city, Department of Interior and the state of North Carolina and they are now on the same page. The terms of the settlement have been agreed upon. Now we need to get all the appropriations which total \$52 million. There is now \$12.8 million in the bank. Dale said the balance is in the National Park Service budget request, so we need to see what budget eventually is approved by Congress. We will see if we are authorized to spend it in 2012. We should know the answer to that within the next few weeks to a month. Dale will keep the Council informed on the budget issue.

Agency Reports

Blue Ridge Parkway – Judy provided an update on behalf of the Parkway staff who were attending meetings. The report was a follow-up to the General Management Plan discussion from the last meeting:

Background: There were numerous concerns communicated to the Park, Region and WASO regarding the Draft GMP/EIS (DGMP/EIS) on two specific issues; these were based upon factually incorrect information which appeared in an article in *Blue Ridge Outdoors Magazine*, on several cycling group websites on the local, regional, and national level including the Virginia Biking Federation, League of American Cyclists, and the Adventure Cycling Association. The misinformation then spread quickly through blogs, Twitter, and Facebook. None of these groups called the park to fact-check before printing information. The issues are:

- *The DGMP/EIS calls for limits (beyond existing law and policy) and/or closes the parkway motor road to bicycle use.* This is completely false, and has never been nor will be a consideration of the plan.
- *The National Historic Landmark Nomination creates a “new” Section 106 regulatory requirement and keeps any changes from occurring in the future on the parkway.* Section 106 of the National Historic Preservation Act was passed in 1966, Section 106 is not a new requirement. In addition, the NHL nomination does not preclude future action – it requires consideration under the NHL criteria.

Other NHL Issues: Bicycling groups do not support the NHL nomination - they feel it is a way for the NPS to “lock up the parkway” and preclude bicycle accommodations (i.e. a bike lane along the road). In response, we have explained the parkway motor road historic status - it is National Register eligible because of its designed landscape, age, and contributing features and is world renowned as an example of rural parkway design. NPS managers are required by law to manage eligible properties as if they were currently on the National Register of Historic Places. The historical significance of the parkway motor road prism is based upon the design and spatial relationship of the travel lanes, grass shoulders, paved ditches, and cut and fill slopes.

Concerns over community connections: The following are examples from the DGMP/EIS of how park staff is currently, and will continue, to work with adjacent communities on bicycling issues.

- Park staff is involved with comprehensive trail planning in partnership with the Cities of Roanoke, VA, Asheville NC and Boone/Blowing Rock, NC to connect parkway trails with city and county greenways, to provide safe parking and access for trail users and cyclists who use the motor road for bicycling. (Pages 18 and 19)
- The DGMP/EIS Preferred Alternative on page 45 calls for parkway’s recreation areas to provide enhanced opportunities for dispersed outdoor recreation activities. On that same page it is proposed that parkway staff build stronger connections with adjacent communities.
- On page 48, in the Partnerships section plan calls for park to “actively pursue new partnerships with public and private entities to plan and implement joint ventures that support parkway goals.”

Current Status: The parkway community planner, Dawn Godwin, has been working with the League of American Bicyclists (Andy Clarke), Virginia Bicycling Federation (Champe Burnley), and Adventure Cycling Association (Ginny Sullivan) who recognize that the information they provided the public is not correct and have removed it (some admitted to having not read the draft plan). We are working together on how to best convey information and address bicycling issues moving forward. Superintendent Francis, and Ms. Godwin have done numerous local, regional, and national interviews– including radio,

television, and print media. Many of these organizations have done follow up articles or corrections explaining the DGMP/EIS, including Bicycle Retailer and Bicycling Magazine. We believe we have removed the incorrect information as best we can, and have perpetuated correct information about the GMP/EIS and are no longer receiving inquiries on these particular issues. The DGMP/EIS comment period closed December 16, 2011.

NC State Parks - Tom Jackson gave some comments about activities with the state parks in the western region. The Gorges State Park Visitor Center will open soon. Tom offered to host a future council meeting there. Council members had questions about firearms in parks. They are clarifying the policy so the public understands what is allowed and what isn't. Attendance numbers indicate there were 14.25 million visits in 2010. Camping usage is beginning to increase again, and the locals are using it more. Jockey's Ridge State Park had the highest number of visits – 1.47 million visitors. An NC State University report found that \$400 million comes back into local economy from state parks. Brian Wilder is the new superintendent at Mount Mitchell State Park. Chimney Rock Park is still partially closed for upgrades. Jason Love asked if there still concern about the economic impacts of state natural areas on local jurisdictions? Tom said that a facility study about moving parks into another department or close some facilities is now in draft form and being reviewed by Lewis Ledford. Lewis can review the document but can't edit it. We should know something in the next couple of weeks as it will become public when it goes to the legislature for review. Judy said that when the report becomes public, she will circulate it and see if the Council wants to provide comments.

US Forest Service - Mary Noel provided a report handout that included the following information:

Administrative Changes: Forest Supervisor Marisue Hilliard retired at the end of December. Deputy Forest Supervisor Diane Rubiaco will be acting in the Forest Supervisor position until March. After March, Keith Lawrence from the Savannah River Station will be the Acting Forest Supervisor until the permanent supervisor is chosen - that appointment is expected early this summer. Appalachian District Ranger Tina Tilley is serving as the Acting Deputy through March.

Pisgah-Nantahala Trail Strategy: The first of five introductory trail strategy workshops were held earlier this week - in Morganton and Andrews. By the end of the month additional workshops will be held in Mars Hill (Jan. 19), Franklin (Jan. 26) and Brevard (Jan. 30). The average attendance for the first two meetings was 42 individuals. The purpose of these initial meetings is to identify a smaller collaborative group who can provide input to the Forest Service in developing a multi-year trail strategy. The Forest Service is facing decreasing trail budgets, increasing use, and the need to bring trails up to a sustainable standard – to provide for natural resource protection and to better meet user

needs. The goal of this project will be to identify a sustainable trail system, to prioritize maintenance needs and to identify additional private resources – through volunteers and grants – to help make this a reality.

Restoration Topics: A subgroup of the Steering Team met this past Wednesday to discuss how to better integrate the identified restoration goals into the Forest Service integrated resource assessment process.

Lands News: National funding for land acquisition is up almost 60% from last year and it appears the forest will be able to acquire at least one of its priority “Threatened Treasures” tracts in 2012. The Sugar Creek Gap Land exchange on the Nantahala district is almost complete. Through this transaction the Forest Service will acquire a 228-acre high mountain bald in exchange for lands in the nearby Roy Taylor area.

New Appalachian Office: Work continues on the Appalachian District Office, located off Future I-26 just north of Mars Hill. The project is expected to be completed and the office opened to the public this fall.

Fire Program: The Asheville Interagency Hotshot Crew for 2012 came on board earlier this week. The program provides fire management training opportunities for personnel from all federal agencies that have fire suppression responsibilities, including the National Park Service, the US Fish and Wildlife Service, the Bureau of Indian Affairs, and the Bureau of Land Management. The term “hotshot” comes from their having been assigned to the hottest parts of wildfires. The Asheville Hotshot crew is based at the YMCA Camp near Black Mountain. This is the 23rd year for the Asheville program, and since 1989, it has hosted 305 participants. Crews report in January each year and are active through the end of May. A hotshot crew consists of 20 firefighters specially trained in wildfire suppression. Hotshot crews are considered an elite group among wildland firefighters, due to their extensive training, high physical fitness standards, and ability to undertake difficult, dangerous and stressful assignments. They often respond to large, high-priority fires and are trained and equipped to work in remote areas for extended periods of time with little logistical support. The job can be both physically and mentally demanding. While there are currently about 100 hotshot crews across the country, Asheville is one of only three that serve as leadership development programs specifically designated to develop future fire line supervisors. The majority of Asheville Hotshot assignments are fire suppression and prescribed burning projects in the southeast, but the crew also is called to other geographic areas if needed. In a typical year, the crew works on 10-20 wildfires and completes 20-25 days of prescribed burning.

Timber Sale Stewardship Contracting: Three of the 16 proposed timber sales scheduled for NF’s NC in 2012 are expected to be stewardship contracts. These can be awarded as Resource Timber Contracts, Integrated Resource Service Contracts, Stewardship Agreements, or some combination of these authorities. These projects differ from traditional timber sale contracts in several

significant ways. They are developed in collaboration with our partners. While funds generated by a traditional timber sale can only be used in or near a timber sale area, stewardship contact funds can be used almost anywhere on the forest, which makes them an excellent tool for accomplishing high priority restoration projects. Stewardship authority also allows for the exchange of goods for services. Agreements also require a minimum of 20% project value match by the partner for the timber produced. Stewardship partners must have signed a Master Stewardship Agreement with the Forest Service. Groups participating in Forest Service stewardship contacts so far in NC include the Wild Turkey Federation, the NC Wildlife Resources Commission, Cook Brothers Logging, Buckhorn Timber, Parton Lumber, SSS Logging, Powell Industries and Canton Hardwoods.

Mary also mentioned that, if you have a concealed carry permit, you can bring firearms on to forest service lands, but not necessarily in the offices.

Great Smoky Mountain National Park - Dale Ditmanson gave an update on behalf of GSMNP. He cited a number of accomplishments in 2011 including the new Oconoluftee Visitor Center opening. There are serious concerns about the specialty license plate issue. He said that would be terrible to lose the program because it helps the partners of the park so much. The elk herd is now stable and they are permanent residents. Staff is learning how to handle "elk jams". No major highway construction is planned for the park interior this coming summer. Trails Forever endowment is in place in perpetuity, and there will be a public announcement about that soon. The budget for the coming fiscal cycle is not yet clear, and he expects to know more in the next month. Experience Your Smokies Program is kicking off as a 5 days long (not sequential) program where public leaders and officials can be immersed in a particular management issue. He invites members of the public to participate, particularly community leaders. They have been doing it in TN with success and now starting it in NC. Judy asked Dale if the recent tragedy at Mt. Rainier raises any issues for GSMNP. Dale said the park has good communication with surrounding communities and the shooting at Mt. Rainier might possibly have been avoided if the rangers knew about the shooting earlier in the day outside the park. We now know that the shooter is thought to have been involved in an earlier murder and the park would have acted differently if they had known the person in the car was a suspect. He did not know how much the staff there knew they should be looking out for the suspect. The "guns in parks" issue is not really relevant in that case. People like that are not going to follow rules anyways. However, Dale said he thought the park will have a "self-defense" bear shooting eventually. There may possibly also be domestic disputes in campgrounds or elsewhere at some point and could end in a shooting incident. Tom Massie said that unforeseen circumstances are the biggest fear. If people are allowed to have guns in parks, then poaching and temper flare-ups are issues to be worried about

NC Clean Water Management Trust Fund – Tom Massie gave a brief update on the CWMTF. He reported that the fund received \$11 million for this year, but they could get more for next year. That's a big drop from the \$ 100 million they used to get. They had a staff layoff of 23%, and more may be necessary in the coming year. Revenue seems to be coming in at a higher rate than originally projected so we may get more funding next year. Areas that protect drinking water may possibly be acquired but the policy is now that we cannot buy land fee simple with trust fund money.

Office of Conservation Planning & Community Affairs - Judy provided a brief update on the OCPCA. She has been working with the Forest Service on developing restoration priorities on the Pisgah-Nantahala Forests. Work continues on the MRC sustainability report card project and a final draft will go to the MRC for their review in February. She is working with SAMAB to develop an acid-deposition workshop in GSMNP. OCPCA will be undertaking a strategic planning work session with staff soon to develop their priorities and action steps for the coming year.

Council Focus and Future Meeting Topics

The Council members took a few minutes to review their past accomplishments and decide on focus areas for their coming meetings in 2012. It was decided that Tim Nicholson would approach the new NC Wildlife Resources District 9 Commissioner, Hayden Rogers, and ask him to attend the Council's next meeting at Bent Creek. Hopefully, Mr. Rogers could encourage WRC staff to get engaged with the Council.

The March 9 meeting will be held at the Bent Creek Research facility. A program about the USFS restoration efforts will be arranged.

The May 11 meeting will be in Bryson City at the Smoky Mountain Railway and the topic will be an update on the license plate issue.

The joint meeting in July will focus on air quality and watershed protection. Chairman Love said the council should keep this on their priorities list. He wants information about the classification of different areas classifications, and he has questions about the history of the policy and what was included. Jim Renfro, Paul Muller, and Phil Francis would be good speakers.

The September meeting will focus on mining rare earth elements and potential impacts on public lands. Judy will find an appropriate speaker, possibly Rick Wooten.

The November meeting will focus on lands and management strategies of the NC Wildlife Resources Commission. We will try to have the meeting in Sylva.

Other Business

Chairman Love gave a brief update on activities of the Mountains Resources Commission. He attended his first meeting last month. The MRC is working on a lot of things. The Sustainability Report Card Project is newest effort. It includes metrics to describe the built and natural environment. UNC-A is doing the

mapping. A final draft will be available in February and it will be on-line and available to the public then.

NEXT MEETING: March 9, 2012

Location: USFS Bent Creek Research Facility

Adjourn

There being no further business, the meeting adjourned at 2:55 PM.