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REGIONAL RESOURCE STEWARDSHIP COUNCIL MEETING

AUGUST 23 & 24, 2005

VOLUME II OF II

LOCATION:

TENNESSEE VALLEY AUTHORITY
400 WEST SUMMIT HILL DRIVE
KNOXVILLE, TENNESSEE 37902

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1 MEMBERS OF THE REGIONAL RESOURCE STEWARDSHIP COUNCIL

2

3 MR. DAVE WAHUS (FACILITATOR)

4 MR. BRUCE SHUPP (COUNCIL CHAIR)

5 MR. DON GOWAN

6 MR. TOM VORHOLT

7 MR. JIM JARED

8 MR. BILL FORSYTH

9 MR. TOM LITTLEPAGE

10 MR. KENNETH RAY DARNELL

11 MS. MILES MENNELL

12 MR. JOE SATTERFIELD

13 MR. PHIL COMER

14 MR. TOMMY ED ROBERTS

15 MR. BILL TITTLE

16 MR. GREER TIDWELL, JR.

17 MS. ROSEMARY WILLIAMS

18 MR. JIMMY BARNETT

19 MR. MIKE BUTLER

20 MR. AUSTIN CARROLL

21 MR. JIM FYKE

22 MR. W. C. NELSON, JR.

23 MR. KARL DUDLEY

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TENNESSEE VALLEY AUTHORITY REPRESENTATIVE

KATE JACKSON, Ph.D.
EXECUTIVE VICE PRESIDENT
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P R O C E E D I N G S

2

CHAIRMAN BRUCE SHUPP: Good morning.

3

Welcome, Jim Fyke, who couldn't make it yesterday but

4

has joined us today. We lost Austin Carroll to

5

another TVA meeting. And Miles Mennell, you know,

6

left because of an injury to her mother.

7

Has anybody heard from Miles? Any

8

information how that's going?

9

We're discussing questions this

10

morning, and Facilitator Dave Wahus is going to run

11

that. First Dave will go over the agenda for today

12

and then begin the discussion of questions.

13

FACILITATOR DAVE WAHUS: Thank you.

14

Thank you, Bruce. I would like to draw your

15

attention to this young lady over here who is going

16

to do most of the work and is going to be capturing

17

your thoughts and your discussion, your comments, not

18

your thoughts but your comments on the -- up on the

19

screen.

20

So as we -- as she captures this

21

information, if we don't accurately get your

22 comments, if you see that we're not capturing them
23 accurately, please stop us and help us fix the
24 comment that we have up there so we do accurately
25 capture this information.

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1 Of course, we are recording the
2 information, and Kim is also taking down your
3 thoughts. So we will have some redundant systems
4 here to make sure that we have accurately captured
5 what your thoughts are. I should say your comments.
6 What you think is entirely between you and someone
7 else.

8 Okay. The three questions that you
9 have been asked to address are up on the screen. All
10 of the questions are two parts. So we actually have
11 about six or seven questions that we need to address,
12 depending on how you answer the first part of each
13 question.

14 The first one is the proposed
15 recreation strategy. You heard an hour presentation
16 by Tere yesterday who did a very good job of
17 presenting what you recommended at an earlier session
18 and what they have done as a result of listening to
19 what you recommended.

20 Is the proposed recreation strategy

21 consistent with previous Council advice?

22 The answer is either yes or no, but if
23 it's no, then your job is only partly done. Then you
24 have to answer; if not, how is it inconsistent and
25 what changes should be made?

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1 So don't take the easy way out. If
2 you believe that it isn't consistent, we certainly
3 want to discuss that.

4 The second question: How does this
5 Council think that the proposed recreation strategy
6 identifies an appropriate role for TVA in keeping to
7 meet the recreation needs of Valley stakeholders?
8 And again, the answer is basically yes or no. And if
9 not, what specific changes are needed?

10 The third question and where I think
11 we're going to get most of the discussion: Are the
12 proposed objectives and actions adequate to achieve
13 the strategy's visions and goals? What other actions
14 are needed to meet the existing or projected
15 recreation needs? What types of partnerships should
16 we pursue?

17 Plus, any other comments that you wish
18 to make, and I heard some comments yesterday that
19 would lead into this direction.

20 Now, we will start the discussion now
21 and we will stop a few minutes before 9:30, because
22 at 9:30 we will be providing the public an
23 opportunity to come in and provide comments to you.

24 Following the public comments, we will
25 come back together. We will have a break in there
1 someplace. Then we will continue the discussion and ¹⁸⁴
2 finalize your recommendations -- your comments and
3 recommendations before we finish this morning.

4 Any questions on the process?

5 Okay. Let's start with question No.

6 1. Is the proposed recreation strategy consistent
7 with previous Council advice?

8 Don't everybody answer at the same
9 time.

10 Bruce.

11 CHAIRMAN BRUCE SHUPP: My thought
12 would be for that question and possibly for question
13 two is to answer them both yes but.

14 FACILITATOR DAVE WAHUS: Okay. Give
15 me the "but" then.

16 CHAIRMAN BRUCE SHUPP: The "but" is we
17 can refine it.

18 FACILITATOR DAVE WAHUS: Okay. Yes,

19 but we can refine it. If you want to speak, go ahead
20 and speak if no one else is speaking, but if someone
21 else is speaking and you want to comment, please put
22 your name tent up and I will make sure that you have
23 an opportunity.

24 Mike, did you -- you're just moving
25 your name tent.

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1 Okay. Anybody else?

2 You're going to let Bruce get away
3 with being the only one to respond to this.

4 Does everybody agree with that?

5 CHAIRMAN BRUCE SHUPP: Has everybody
6 had their coffee this morning?

7 FACILITATOR DAVE WAHUS: Is everybody
8 awake?

9 MR. PHIL COMER: I felt they had done
10 a remarkable job in including the things that we had
11 said at earlier meetings. I was stunned at what a
12 good job they had done.

13 How is that?

14 FACILITATOR DAVE WAHUS: Phil was
15 stunned.

16 MR. PHIL COMER: I don't even have a
17 but.

18 FACILITATOR DAVE WAHUS: Tom.

19 MR. TOM VORHOLT: From our viewpoint,
20 as the largest operator of towboats and barges on the
21 Tennessee river, obviously when we went through the
22 ROS process, recreation was one of the key components
23 that was considered in the ROS. From our viewpoint
24 it -- we would say that TVA is definitely operating
25 the reservoirs as was recommended and approved by the
1 Board for the ROS. So in my opinion the answer is ¹⁸⁶
2 yes.

3 FACILITATOR DAVE WAHUS: Okay. TVA
4 operating reservoirs in accordance with the ROS.

5 Any other comments?

6 Jimmy.

7 MR. JIMMY BARNETT: I agree with Bruce
8 to an extent. I think I agree with Phil even more.
9 I think it was a remarkable thing. I wasn't stunned.
10 I knew they could do it. When he says it can be
11 refined, I guess I have some comments about the
12 proliferation of data that it will have, but the
13 comments is about all I have.

14 FACILITATOR DAVE WAHUS: Okay. Would
15 you care to share some of those comments?

16 MR. JIMMY BARNETT: Well, for an

17 example, some of the maps that I have currently of
18 the river system and the places I can get gasoline
19 for my boat and that sort of thing is a little hard
20 to come by. Having maps, I think, is just all
21 important.

22 If I go to a new city, I want a map to
23 find out where I am going. So a reservoir map would
24 be -- of the various recreational opportunities, the
25 marinas, which would be hard to keep up-to-date
1 probably, but I think that's something that should be 187
2 done.

3 FACILITATOR DAVE WAHUS: Okay. Any
4 other comments?

5 And I believe I heard somebody -- I
6 heard Tere say that they were developing some
7 inventories of facilities. So maybe they are working
8 towards that.

9 Bill.

10 MR. BILL FORSYTH: I am not familiar
11 with the other parts of the river, but up our way
12 there's lots of good maps. TVA has some good maps.

13 FACILITATOR DAVE WAHUS: Any other
14 comments? Any other responses?

15 Oh, I'm sorry. Jim.

16 MR. JIM JARED: One thing I was
17 thinking about yesterday during the presentation with
18 the promotion of the recreation on the reservoirs,
19 how much of the revenue used to run the program is
20 coming from user fees?

21 DR. KATE JACKSON: Not much.

22 MR. JIM JARED: Okay. Does most of
23 the revenue then that comes from the system, does it
24 basically come from a portion of the power revenue?

25 DR. KATE JACKSON: Right. And, you
1 know, we have examined time and time again, could we ¹⁸⁸
2 establish user fees, entrance fees. We would have to
3 hire more people than we could pay for with
4 establishing those fees. It would cost us more to
5 collect them, and, of course, infuriate the public.

6 FACILITATOR DAVE WAHUS: Other
7 comments?

8 Thank you. We're going to go to 9:30,
9 Ladies and Gentlemen.

10 MR. PHIL COMER: Could we call the
11 caterer and have them bring the box lunches earlier.
12 It's obvious that --

13 FACILITATOR DAVE WAHUS: We have
14 already done that, Phil. It's already been done.

15 Any other -- yes, Ken.

16 MR. KENNETH DARNELL: Perhaps we could
17 have Bruce expand on his exceptions or refinements.

18 CHAIRMAN BRUCE SHUPP: I think when we
19 get to question three that there will be some things
20 to add at that point, how to achieve the strategies,
21 visions and goals.

22 FACILITATOR DAVE WAHUS: And the
23 reason I didn't pursue it is because he had indicated
24 to me earlier before we got started that most of his
25 comments were going to fall under question No. 3.

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1 Any others?

2 Okay. Let's go on then to question
3 No. 2. Does this Council think that the proposed
4 recreation strategy identifies an appropriate role
5 for TVA in helping to meet the recreation needs of
6 Valley stakeholders? If not, what specific changes
7 are needed?

8 Does the Council think the proposed
9 recreation strategy identifies an appropriate role
10 for TVA in helping to meet the recreation needs of
11 Valley stakeholders?

12 Jimmy.

13 MR. JIMMY BARNETT: I think yes. I

14 was very impressed by the presentations made by some
15 of the group yesterday about the role that TVA had in
16 working with them and developing partnerships. I
17 think that's something that the power distributors
18 are really interested in and all their customers. By
19 developing partnerships, it keeps TVA's cost lower,
20 which we really appreciate.

21 FACILITATOR DAVE WAHUS: Okay. Any
22 other comments about the recreation needs, both
23 present and the future?

24 Greer.

25 MR. GREER TIDWELL: I read it and was
1 a little concerned about kind of the balance between ¹⁹⁰
2 the role of sort of gathering data and planning and
3 implementing, and when I got through reading this I
4 thought, gee, it looks like it came out of a
5 university instead of a big land holder and a dam
6 operator and a playground operator and a campground
7 operator.

8 There was implementation language in
9 it, but I just -- you know, the states have their
10 economic development role, their tourism role, and I
11 got the sense here a little bit of sort of the
12 federal top-down (sic), we're going to gather the

13 information and we're going to plan, and then
14 everybody else kind of gets to live with what we come
15 up with, as opposed to a little bit of a balance of
16 doing that, as well as helping to implement specific
17 components of the state outdoor recreation plans.

18 It's not something I am all that
19 familiar with, but it sounds like a good thing. I
20 think it may come out of something Alexander, but I
21 would like to see a little more language in here
22 about implementing the specific aspects of the state
23 outdoor recreation plans that fall within TVA's
24 purview.

25 FACILITATOR DAVE WAHUS: Okay. Mike
1 and then Bruce. 191

2 MR. MIKE BUTLER: I was going to state
3 a similar thing but a little bit different, and that
4 is that TDEC recently completed another recreation
5 plan, I believe.

6 Isn't that right, Commissioner Fyke,
7 there's a new recreation plan document that was done
8 about two years ago?

9 And it would seem that it would -- and
10 this may -- and TVA's role may be absolutely accurate
11 based upon this recreation plan here, but it would

12 make sense to try to see if there hasn't been any
13 cross-pollinating with TDEC because their mandate by
14 state law is recreation, among other things, and see
15 if there's cooperative possibilities so that the role
16 for TVA and how that -- based on what Greer was
17 saying, how they juxtapose with the state, because
18 there's some large problems that come to mind, like
19 ATVs, off-road vehicles, that's a huge problem in the
20 State of Tennessee and how -- I'm not saying TVA
21 should take a leadership role in managing that
22 problem, but with the recreation plan that is one of
23 those types of items that's going to be an issue on
24 TVA lands, as well as state lands, that jointly might
25 be better addressed than separately.

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1 CHAIRMAN BRUCE SHUPP: Yes, I am just
2 adding to that same thought, that -- and I am
3 carrying some of Austin Carroll's notes from
4 yesterday, too. So he's in the same vein that -- to
5 talk more in the plan about how will all recreational
6 users be polled and queried for what their wants are,
7 what their needs are, what their use has been for a
8 given year, in other words, surveying what the use is
9 and then establishing the economic values of those
10 uses also and doing this on a systematic basis over a

11 period of years, not just only once every other ten
12 years or something, but have a systematic way to poll
13 those users and to work with the states to establish
14 the value of the system, the recreational system.

15 And I think there is a leadership
16 role, or at least a coordination role, for TVA in
17 this to pull the states together to help them to put
18 this in a lump for the system. I think it would be
19 beneficial not only to TVA but to the states and the
20 communities along those waterways for sure. That was
21 Austin's thought focusing primarily on the
22 terrestrial part.

23 I certainly have seen the benefits of
24 doing the aquatic part, the boating and angling use
25 and the economics that that brings to the area and
1 the needs that those people have more facilities and
2 operational strategy. 193

3 FACILITATOR DAVE WAHUS: Yes.

4 MR. BILL TITTLE: That document
5 obviously is subject to interpretation by
6 individuals, but I didn't interpret it that way. I
7 interpreted it that TVA had made an initiative to
8 establish a plan and they invited comments from
9 stakeholders and input from stakeholders that

10 expressed a willingness to take that information and
11 then forge an improvement of the plan from the input
12 of all of these other stakeholders, including the
13 state agencies. I find that plan to be open to input
14 from all of the stakeholders.

15 FACILITATOR DAVE WAHUS: Okay. Bill.

16 MR. BILL FORSYTH: That was my
17 impression of the plan. It talks about dealing with
18 stakeholders all through it and in every phase of it.
19 Obviously TVA has been doing that from what we heard
20 yesterday from those groups.

21 FACILITATOR DAVE WAHUS: And the words
22 draft was on the plan, if you -- as it was presented
23 to you. That would support your comment as well.

24 MR. BILL TITTLE: Yes, sir.

25 FACILITATOR DAVE WAHUS: Other

1 comments?

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2 Does this strategy identify an
3 appropriate role for TVA in helping to meet
4 recreation needs of Valley stakeholders?

5 Okay. No other comments. Let's go
6 down to three then where we should probably have more
7 discussion.

8 Are the proposed objectives and

9 actions adequate to achieve the recreation -- or the
10 strategy's visions and goals? What other actions are
11 needed to meet existing or projected recreation
12 needs? What types of partnerships should we pursue?

13 Let's start with the first question.

14 Are the proposed objectives and actions adequate to
15 achieve the strategy's visions and goals?

16 Yes, Mike and then Don.

17 MR. MIKE BUTLER: I will restate what
18 I said yesterday for the record. The -- it's really
19 not that question exactly. I think that there's an
20 additional goal that needs to be added that says that
21 TVA realizes that their -- that the natural resources
22 of the Valley that they manage are inexcrably linked
23 to the recreation component and that by managing
24 those well and I guess -- I might have to wander and
25 stumble here a little bit. So the wording is not
1 going to be exactly right.

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2 FACILITATOR DAVE WAHUS: We will deal
3 with that later.

4 MR. MIKE BUTLER: The concept is if
5 you protect the goose that's laying the golden egg,
6 the golden egg being recreation, the goose being
7 natural resources in the Valley, then you're going to

8 be able to sustain more types of recreation and
9 higher quality of recreation theoretically forever.
10 So I would like to see a goal that states that up
11 front.

12 I mean, it's in the overall TVA
13 mission statement. I think the staff understands and
14 carries that thought, but I think it would be
15 important to put it in as a goal, because without it
16 being a goal, as I mentioned yesterday, when we get
17 down the road to user conflicts, if the resource is
18 not considered high among the list of priorities and
19 the user conflicts are more of the focus, then what's
20 going to end up happening is the thing that's drawing
21 people there can get lost in the shuffle. I have
22 seen it happen several different times with state
23 wildlife agencies, but they do have a mandate to keep
24 the resource kind of front and foremost. So when
25 they do come back with that, it does tend to clear
1 the water a little bit and make things a little 196
2 easier to manage.

3 FACILITATOR DAVE WAHUS: Okay. So if
4 I may try to restate your comment, that we should add
5 another goal that says that we should be protecting
6 the resource which is -- which is part of -- the

7 quality of the resource that's out there now is part
8 of what's drawing people in to recreate and we need
9 to protect that resource so that the quality of the
10 recreation experience or opportunity isn't degraded.

11 MR. MIKE BUTLER: Protect is not maybe
12 my perfect choice of words, but I would say conserve.
13 The resource needs -- I don't know. I will sit here
14 and I will try to wordsmith it maybe a little bit and
15 maybe give you a piece of paper with it on it.

16 FACILITATOR DAVE WAHUS: Okay. Thank
17 you. Don.

18 MR. DON GOWAN: Actually to follow up
19 on that just a little bit. Across the Tennessee
20 Valley there's a lot of valuables and also imperiled
21 natural resources, and I think -- it's implied
22 throughout the document with the protection of
23 natural resources, but it may be useful to have some
24 explicit language that talks about the globally rare,
25 the highly threatened species across the Valley so we
1 don't lose sight of that. 197

2 I am sure that TVA, in their natural
3 resource analysis of such, will take that into
4 account, but I think we need to talk about endangered
5 species and protection of those sites.

6 A classic example of this that we have
7 seen is if you put a boat ramp or a take-in and
8 take-out for canoes up my way, if you site that in
9 the wrong place you can really destroy a resource
10 that can't be recovered ever. So I think we need to
11 be more explicit about really globally rare stuff
12 that occurs across the Valley.

13 FACILITATOR DAVE WAHUS: Okay. So we
14 need to explicitly address the threatened and
15 endangered and the rare species, et cetera, to make
16 sure that those are taken into consideration when any
17 planning or changes are made. That goes very closely
18 with what Mike was saying.

19 See, I -- I'm sorry. Rosemary. I
20 knew there was another card up.

21 MS. ROSEMARY WILLIAMS: My comment
22 relates to Mike's. From what I observed in the
23 Pickwick area, I wonder if some recreation areas
24 should be limited in the activity due to threatening
25 the resources. Boating and camping for one thing.

1 Camping where there are not enough facilities to
2 really take care of the campers can really destroy
3 the land resources. ATVs can be very destructive in
4 these camping areas.

5 FACILITATOR DAVE WAHUS: Help me
6 understand the word -- you used the word limited.
7 You mean that it should be limited so we just have a
8 couple of campsites or there should be some areas
9 that don't -- that prohibit --

10 MS. ROSEMARY WILLIAMS: I don't know
11 how to make that decision.

12 FACILITATOR DAVE WAHUS: -- camping in
13 an area?

14 MS. ROSEMARY WILLIAMS: I think there
15 should be some that should prohibit to protect the
16 resources. And I think, you know, more and more
17 people -- the human being can be destructive to the
18 natural resources, and I think more and more people
19 are camping and doing that sort of activity. Maybe,
20 you know, those facilities are going to have to be
21 more spread out and somewhat limited.

22 FACILITATOR DAVE WAHUS: So the siting
23 and the location of recreation needs to be sensitive
24 to the natural area?

25 MS. ROSEMARY WILLIAMS: Exactly.

1 FACILITATOR DAVE WAHUS: Okay. Thank
2 you. Mike.

3 MR. MIKE BUTLER: Just to build on

4 what she was saying, I think the concept of that is
5 the park service does it when they have a certain
6 number of campgrounds and people come in and it's
7 full and they can't go -- no more people can come in.

8 MS. ROSEMARY WILLIAMS: That's right.

9 MR. MIKE BUTLER: State resource
10 agencies do it with quotas. Now, this is not like a
11 quota for employment obviously. It's a quota for
12 harvesting a certain number of animals to protect the
13 resource and they cut it off. So that concept is not
14 unfamiliar, I think, to resource management agencies
15 as a general rule.

16 FACILITATOR DAVE WAHUS: Okay. Other
17 comments? Greer.

18 MR. GREER TIDWELL: I think what
19 Rosemary made me think of was sort of the idea that
20 all sites don't have to be all things to all people.
21 And, you know, as a hunter I have to live with that,
22 there's a lot of places I'm not allowed to go hunt.
23 It makes a lot of sense.

24 To the -- along the, you know, same
25 lines, if you were managing a resource you need to be
1 willing to say, we don't allow jogging and we don't
2 allow any jet skis in this area, you have got that

3 whole area over there, but we are preserving this
4 area for people who might want to take a canoe out on
5 the lake and not battle with the jet skis or we're
6 preserving this area for folks who want to take a
7 hike and not be in the middle of a campground.

8 So it's -- I am familiar with that
9 with the Radner Lake state resource that we have. In
10 Nashville we have an area that is designated
11 essentially for quiet nature communing and walking,
12 and all the time we have issues of people wanting to
13 come and have a picnic. Fine, we're not against
14 picnics. Come and play Frisbee, fine, we're not
15 against playing Frisbees. Three miles over is Percy
16 Warner and Edward Warner Park, and that's where you
17 go do that.

18 Their concerns -- I didn't see in here
19 the language that it supports that concept, that not
20 all sites have to be all things to all people. Maybe
21 it's in there and I just didn't -- it didn't come out
22 to me, but I think that should be a fundamental issue
23 to support what Don's saying and what Rosemary is
24 saying.

25 FACILITATOR DAVE WAHUS: Okay. Phil.

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1 MR. PHIL COMER: I have been told in

2 the past that the management or curtailment or
3 limitation or control of jet skis is not in any way
4 under TVA's jurisdiction. Barry, listen.

5 MR. BARRY WALTON: I agree.

6 However --

7 MR. PHIL COMER: I am going to finish.
8 I have been told this repeatedly because we have
9 people who live in coves who are very unhappy with
10 jets skis, erosion, there's a serious problem and so
11 forth. The consistent answer is TVA has nothing to
12 do with this, that we can go see TWRA.

13 TWRA really doesn't want to fool with
14 that. They really try to avoid it and will end up
15 even saying such things as, well, why don't you buy
16 your own "no wake" signs and you put them out
17 approximately where you think they ought to be in
18 front of your property.

19 You know, I find this incredible. So
20 I would like to hear a definitive position from TVA
21 what jurisdiction do you have or don't have in terms
22 of on-the-water control of watercraft.

23 No. 2, the same question then on
24 off-terrain on the land, on TVA owned land, do you
25 have control over these horrible vehicles that

1 destroy the land?

2 I would banish them all tomorrow.

3 MS. ROSEMARY WILLIAMS: I would too.

4 FACILITATOR DAVE WAHUS: First of all,
5 in defense of Greer, I think he was using that as an
6 example rather than --

7 MR. GREER TIDWELL: But a very
8 purposeful example.

9 MR. PHIL COMER: I think it's a very
10 good example and I think we need a definitive answer,
11 yes or no.

12 FACILITATOR DAVE WAHUS: And you can
13 either answer now or wait and do it for the record.

14 MR. BARRY WALTON: Okay. Well, first
15 of all, on our land, that's easy, we're the owners of
16 the land. So we have very limited -- we're not --
17 TVA is not really a regulatory agency. The 26(a)
18 program is basically our only regulatory program, but
19 our status as landowner let's us control it just as
20 any other owner would. Since we have lots of land
21 holdings, that can, you know, very much influence
22 land use in a given area.

23 Our status on the water is -- we have
24 ownership right in the federal project. We own the

25 dam and reservoir project, but we are not the police
1 power or the -- we only have limited police power 203
2 with the TVA police, but we do not have regulatory
3 power over boats. We don't license boats. We do
4 have -- with 26(a) we're about to control
5 non-navigable craft because they constitute
6 obstruction, and that's how we get into those
7 unnavigable houseboat situations that we talked about
8 yesterday.

9 We're not the leader on boating
10 safety. Even though the TVA police, partly through
11 being deputized, are able to assist TWRA in enforcing
12 boating safety requirements. We don't zone. We
13 don't have the ability to zone parts of the
14 reservoirs for sailboats and parts for canoes and so
15 forth.

16 And having said that, I don't want
17 to -- and my reluctance to come up here was I didn't
18 want to shut off the discussion business I think
19 the -- everyone here needs to -- there needs to be a
20 full discussion of what the recreational needs and
21 the desired end in the state is for what a good
22 recreational opportunity would like on the reservoirs
23 in the decades ahead.

24 Greer, is that consistent with your
25 understanding of federal versus state?

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1 MR. GREER TIDWELL: Well, the -- I
2 think -- I have seen situations where jet skis were
3 definitely obstructions, and I suspect Tom has too
4 probably. There may be a legal, you know, fine point
5 about whether you can define them as obstructions,
6 but I know you're probably trying valiantly not to
7 pin TVA down in a position right now that they may
8 want to shift on in the future, depending on the
9 analysis of the public needs and TVA's role.

10 I have been in that spot before where
11 you might have a current perspective on a legal
12 matter but not really want to pin yourself down and
13 that makes it tough to answer the public's questions,
14 but if we keep that concept pushing forward, you
15 know, that every cove doesn't have to be open to
16 everybody -- let me say it differently. Perhaps
17 every cove shouldn't be open to everybody for every
18 use because, in fact, a jet ski -- three or four jet
19 skis zooming around is essentially an obstruction to
20 navigation by quiet solitude or paddling your canoe
21 in a cove. You know, I could see people putting that
22 position forward and maybe that would be a good

23 position for TVA to be sometime out in the future.

24 MR. BARRY WALTON: Well, I will back
25 out and let you guys talk about what you want done.

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1 FACILITATOR DAVE WAHUS: Bruce and
2 then Mike.

3 CHAIRMAN BRUCE SHUPP: I have a
4 question for Barry. The park service has taken
5 places like Lake Mead, a huge body of water, and
6 segmented the uses of the water and shoreline of that
7 lake. What is the difference in authority there than
8 the TVA authority or Corps authority? How does that
9 differentiate?

10 MR. BARRY WALTON: Well, do you happen
11 to know if Lake Mead is included within the
12 boundaries of the national park?

13 FACILITATOR DAVE WAHUS: It is. It's
14 a federal exclusive use. So they own the whole lake.
15 So there's your difference.

16 CHAIRMAN BRUCE SHUPP: I didn't think
17 it was.

18 FACILITATOR DAVE WAHUS: I believe it
19 is. Mike.

20 MR. MIKE BUTLER: I have a question
21 for Barry as well. So you can't sit down yet.

22 FACILITATOR DAVE WAHUS: Boy, you got
23 started, Barry, and now you're not going to quit.

24 MR. MIKE BUTLER: I think this is an
25 end run trying to get at Phil's question. Does TVA's
1 ownership of the bottom of the lake basically agree ²⁰⁶
2 with current riparian law, ownership laws for lake
3 site owners?

4 I will give you an example of what I
5 am getting at. On the Wolfe River in West Tennessee
6 there's a landowner that owns property underneath the
7 lake and he has been writing people tickets for
8 crossing that property.

9 Now, what has happened is that the --
10 the original deed argues that he owns from bank to
11 bank. Well, this is a channelized river, and it
12 plugged up and broke out into about a 3-mile wide
13 section called the Ghost River. It's 10 feet deep
14 all the way across it, very navigable. It's
15 navigable in the common sense. I don't know if it's
16 been declared navigable in the technical sense.

17 So what is happening, he is
18 effectively controlling access to a public fishery
19 and is winning in court, in General Sessions Court in
20 the local county, and possibly upcoming in Chancery

21 Court.

22 So what we're curious about and what I
23 am curious about is how could TVA's ownership of the
24 underlying property influence the ability to access
25 the surface?

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1 Because right now, the way state law
2 stands, it's a pretty powerful -- that's a pretty
3 powerful property right that is yet to be widely
4 tested across the state.

5 MR. BARRY WALTON: Well, this goes far
6 afield. To some extent there's not definitive
7 answers for some of those things.

8 I will say, first of all, TVA does not
9 own all of the land under our reservoirs. We don't
10 own it all. The old riverbed is still owned by the
11 state, the original riverbed. In some reservoirs we
12 just bought flowage easements and there are still
13 owners private owners of the submerged land.

14 Second, I always assert, and I think
15 TVA has always asserted, that whenever we have an
16 improved federal project that the federal navigation
17 servitude attaches and allows the public to use the
18 water surface. That does not mean that the person
19 would necessarily have the right to get out of the

20 boat and wade around on what might be the private
21 land.

22 I don't know. I understand what
23 you're saying about the -- as you get off of the
24 improved projects up into the tribs, and I get
25 questions from that sometimes from the public and I
1 am not able to answer them. I basically tell them -- 208
2 in Tennessee I tell them the Tennessee law of
3 navigable in law, navigable in fact and non-navigable
4 and how those are different rights. Unless there's a
5 court decision on that particular stream, there's not
6 a clear answer.

7 That's something that all the public
8 agencies, the Corps, us, the state maybe someday will
9 be able to help with to get better guidance to the
10 public, but right now it often does come down to
11 conflicts between neighbors.

12 One guy called me -- his teenage sons
13 wanted to, you know, raft up and down the little
14 creek and the neighboring farmer didn't want him to
15 do it.

16 MR. MIKE BUTLER: I think the point,
17 Phil, that I was trying to get to is if the private
18 landowner owns the land underneath it and it's not

19 deemed technically navigable, they can restrict use
20 on the surface and it has been upheld in court.

21 MR. BARRY WALTON: But those are not
22 the TVA projects.

23 MR. PHIL COMER: Douglas Lake where I
24 live is an example of that. TVA only has flowage
25 rights. We, the adjacent property owners, own down
1 underneath. A neighbor of mine owns one acre above ²⁰⁹
2 the 1002 level, 26 acres he owns under it. So he
3 could presumably restrict it.

4 MR. BARRY WALTON: He could control
5 access.

6 MR. MIKE BUTLER: Is Douglas a
7 lock-through dam?

8 MR. PHIL COMER: No, not on Douglas,
9 no lock-through.

10 MR. MIKE BUTLER: That could be a very
11 interesting question. That could be a very
12 interesting court case that could produce enormous
13 ramifications for the rest of the Valley.

14 MR. PHIL COMER: If TVA will finance
15 that, I will find some people who will be plaintiffs
16 in this case as a test case for the intellectually
17 curious.

18 FACILITATOR DAVE WAHUS: Bruce.

19 CHAIRMAN BRUCE SHUPP: I want
20 to interject a new thought for the -- a new line.

21 FACILITATOR DAVE WAHUS: I think that
22 would be a good idea.

23 CHAIRMAN BRUCE SHUPP: This is one of
24 Austin Carroll's comments that he would like to see
25 TVA initiate a study of the benefits to recreation 210
1 from limiting the draw-down of Kentucky Lake and
2 Barkley Lake, he says, and I don't know why he had
3 Barkley in that since that's not a TVA water.

4 DR. KATE JACKSON: The reason is
5 because there's a canal that connects the Kentucky
6 and Barkley and the reservoir level on Kentucky and
7 Barkley have to be carefully managed and coordinated.

8 FACILITATOR DAVE WAHUS: Bruce, did we
9 accurately capture your comments up there?

10 CHAIRMAN BRUCE SHUPP: The impacts and
11 benefits to recreation from lowering -- from limiting
12 the draw-down of Kentucky and Barkley Lakes.

13 DR. KATE JACKSON: Not to impact the
14 brainstorming direction of the discussion, just let
15 me address that for one second.

16 As part of the Reservoir Operations

17 Study, one of the things that we examined was exactly
18 that. And just for everybody's information, about
19 six years ago we and the Corps of Engineers and the
20 state agencies examined opportunities to extend
21 summer levels there, which are not as long as they
22 would like it and not as high as they would like it,
23 and it was particularly driven by the marina owners
24 and some boating interest to attempt to get a longer
25 fishing season.

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1 It turned out based on the economic
2 evaluation of that pilot study, that was a five-year
3 study and then it was limited to slightly less than
4 that, there was not much economic return. And those
5 were not our data, those were the state data.

6 And subsequent to that, we examined
7 the Kentucky extensions in the Reservoir Operations
8 Study and the Corps of Engineers determined that it
9 was not possible for us to extend those reservoir
10 levels from the standpoint that it would impact the
11 amount of flow at different times into the Lower Ohio
12 and the Upper Mississippi or the Lower Mississippi
13 and that for flood reasons the only vehicle that they
14 could use to examine whether or not that was
15 appropriate is to do essentially an ROS on the entire

16 Ohio, which would take more than a decade and \$100
17 million.

18 So based on that, plus fishery
19 interests examining, you know, spawning and
20 fisheries, birding interest, the Fish & Wildlife
21 Service all made comments through that ROS that
22 because of exposed mud flats, the change in the kind
23 of wetlands that would happen, particularly on the
24 upper half of the Kentucky Lake, because that is
25 right on the edge of the migratory flyway in this
1 part of the United States, that it was inappropriate. 212

2 We made commitments in the ROS that we
3 would not impact those mud flats and we would not
4 change the nature of those ecosystems. We have made
5 commitments we will not extend those reservoirs.

6 However, subsequent to that the
7 Senators in Kentucky and Mr. Whitfield in Kentucky
8 have requested the Corps examine that. They said
9 they would extend them for a week or two. Then it
10 was clear that what Mr. Whitfield actually wanted was
11 extension into Labor Day, which gets into all kind of
12 other flood-based issues.

13 The Corps is examining whether or not
14 they can, in fact, perform the studies that would be

15 needed or could they do some sort of a pilot. It
16 impacts us obviously because we have got commitments
17 with the states and with the Fish & Wildlife Service.

18 I will not do that. I have made my
19 commitments. I'm going to implement the commitments
20 that we made through the ROS. If the Corps of
21 Engineers wants to go ahead and do a study and fund a
22 study and fund me to re-examine that study and
23 re-negotiate with the Fish & Wildlife Service their
24 issues, I am okay with that and I will obviously
25 participate and examine the impacts to our reservoir
1 system and our particular hydropower interest and our ²¹³
2 navigation interest, but I am not going to do that.

3 CHAIRMAN BRUCE SHUPP: On behalf of
4 Austin Carroll, I accept your opinion.

5 DR. KATE JACKSON: Do you want to add
6 anything from the Kentucky world?

7 MR. KENNETH DARNELL: I think you gave
8 a pretty good summary of it.

9 DR. KATE JACKSON: It's incredibly
10 complicated and obviously highly political.

11 MR. KENNETH DARNELL: There are a lot
12 of interests involved and a lot of competing
13 interests. The fishermen, I guess the pleasure

14 boaters and the major idea for keeping the level up
15 is to facilitate boating throughout the summer. As
16 it stands now, the lake -- I think the original plan
17 was to draw the lake down around the 15th of June.
18 It's been extended over the years to around the first
19 of July now.

20 MR. PHIL COMER: July 5th.

21 MR. KENNETH DARNELL: But they wanted
22 it July 15th, it didn't quite make it this year, I
23 understand, but the tourist seasons -- they feel like
24 the tourist season goes into Labor Day and they would
25 like a higher lake level into the Labor.

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1 FACILITATOR DAVE WAHUS: Mike.

2 MR. MIKE BUTLER: I was just going to
3 add along those lines to think that when the pilot
4 was done several years ago, we monitored that and we
5 saw at least anecdotal evidence of pretty significant
6 redistributions of water fowl and shore birds, which
7 people may think, well, how do they figure. Well, go
8 to a duckblind drawn at Camden or something about
9 August 1st and it's -- you know, it's a substantial
10 industry for those rural counties.

11 I will never forget, about that time,
12 as y'all know, Ray Bell, Ray Bell Construction, he

13 has a very historically popular goose hunting spot
14 there. During that sample, the geese stopped coming
15 because what happens is those mud flats, when they
16 are exposed early, grow the food that attracts the
17 birds to the area. So I know it doesn't make much
18 sense, but these passionate waterfowl hunters can get
19 pretty crazy, as I found out last week on some issues
20 with the season setting stuff. I just thought I'd
21 throw that in, some pretty significant impacts we
22 saw.

23 FACILITATOR DAVE WAHUS: Any other
24 comments? Go ahead, Ken.

25 MR. KENNETH DARNELL: I think in the 215
1 language that Mike used there, purposely or
2 inadvertently, he has exposed this issue, it's no
3 longer -- recreation is no longer a standalone thing.
4 Recreation is economic development, just like putting
5 a chemical plant on the side of the river,
6 residential development, it's economic.

7 The duck hunting, you take some of
8 these small communities on the river, they receive a
9 tremendous economic impact from hunters, from
10 fishermen. We get it from pleasure boaters and just
11 people that are utilizing the lakes. I think you

12 have to look at it from an economic development
13 standpoint. There is a return. It's not just we're
14 providing a nice service for people to take advantage
15 of and we're not getting anything out of it. It
16 figures into the whole economic development equation.

17 FACILITATOR DAVE WAHUS: Okay. Greer.

18 MR. GREER TIDWELL: Does that suggest,
19 Ken, that we need to look a little bit harder at this
20 recreation vision and the language about adding value
21 to the mission as a regional development agency and
22 public power provider, because that language seems to
23 separate the recreation component of what TVA does
24 from economic development?

25 It may have been intended to sort of
1 make it tie together, but it really almost seems to ²¹⁶
2 have set it apart.

3 MR. KENNETH DARNELL: I don't think
4 you can separate it. I think it is -- in the past,
5 maybe 20 or 30 years ago, it may have been a
6 standalone thing, but now it's an integral part. And
7 even when you look at industrial development, an
8 industry coming into an area is going to look at all
9 factors of that community, and the recreational
10 opportunities and the quality of life in that area is

11 a major factor in industrial recruiting.

12 FACILITATOR DAVE WAHUS: Bruce.

13 CHAIRMAN BRUCE SHUPP: That's exactly
14 why I suggested that you need those very definitive
15 user surveys on a -- because as an industry, as a
16 recreation industry, it's diversified, and the only
17 way you can possibly get to the whole to make that
18 economic development analysis is to survey those
19 users, and that's something that should be done.

20 Just like the rest of the economics is
21 surveyed or quantified regularly, you have got to
22 quantify that industry also, and you can't do that
23 simply. That little mom and pop gas station and the
24 20 unit motel doesn't report annually how many
25 fishermen or hunters are coming in there or boaters
1 are coming in there. It's got to be a systematic 217
2 user analysis, and then you get a real look at what
3 it means to the whole economic development of the
4 basin. It's very, very significant, no question
5 about it.

6 In that sense, Greer, it doesn't have
7 to be spelled out. If you have the basis -- the
8 value of that recreation, you don't have to spell it
9 out specifically in the mission because it's part of

10 economic development, but if you don't know what part
11 it is, then it has to be spelled out.

12 MR. GREER TIDWELL: And yesterday I
13 had a line of questions that sort of kept popping up,
14 what is the economic aspects of this or what is the
15 health care cost benefit aspects of improving water
16 quality in the Hiwassee River and the other river
17 sheds we're talking about.

18 I didn't get a whole lot of definitive
19 feedback. It's a tough number to calculate, I know.
20 It takes a lot of effort and focus to calculate that,
21 but Bruce, you and I are talking out of the same
22 focus, if -- not if, but as dollars are a metric we
23 will need to add that metric to how we assess the
24 recreation impacts, as well as the clean water
25 impacts, as well as biodiversity impacts.

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1 DR. KATE JACKSON: Let me interject
2 something. I completely agree with you and I think,
3 you know, that's why goal four is in here
4 specifically to drive us to maintain the recreation
5 survey data and get out there with the stakeholders
6 and continue to elicit that information so that we
7 can see how those recreation trends are changing over
8 time and where they place the focus.

9 The other thing I want to make sure we
10 don't lose complete sight of is there are lots of
11 recreation experiences that are informal in nature,
12 are not user-fee based, don't take a lot of equipment
13 and don't add much to the economy, and therefore, you
14 know, economic benefit can't be the only measure as a
15 federal agency that we examine the recreation
16 continuum from.

17 So we have to -- you know, just people
18 that just want to walk out there on an improved trail
19 and look at stuff and go home again, that's a good
20 service to provide as well. So, you know, we're
21 constantly evaluating that tension.

22 Now, as we make decisions
23 programmatically on changes, particularly for river
24 flow, that's when you begin to be able to use that
25 REMI model. Remember the REMI model that drove us
1 all crazy in the ROS is so that you can do that 219
2 socioeconomic evaluation and make some of those
3 tradeoffs, but again, there needs to be attention
4 between user-fee based and non-user-fee based
5 recreation.

6 FACILITATOR DAVE WAHUS: Okay. Phil.

7 MR. PHIL COMER: Yesterday when Tere

8 was making the presentation for Bridgette, Tere
9 mentioned the name Ken Cordell a couple of times, and
10 I would just like to comment that he's with the
11 National Forest Service, of course, in Athens,
12 Georgia, but he is a Ph.D economist and he has
13 developed what many people have accepted as a
14 reasonably good way of putting an economic benefit
15 price tag in dollars and cents metric, I like that,
16 and he's published a couple of books on this subject.

17 So it's not something that is still
18 just a theory running around up in the clouds. I
19 mean, you know, Ken Cordell, many people recognize
20 him, you know, as a national expert on this very
21 subject. He did such a study for Shasta Lake in
22 California and several all over the United States,
23 but since there is an inner agency communication with
24 him and he has spoken before this group, in fact, he
25 did a year ago, I guess, some of his work might be
1 worth -- 220

2 DR. KATE JACKSON: And I don't
3 disagree, and the issue that I think has been raised
4 is that we need to collect the data to be able to
5 feed the model. So that's one of the focus areas
6 here obviously participating not just with the data

7 that we have. I would hesitate, I guess, to take a
8 coordination role, but participating with other
9 recreation providers to ensure that we are examining
10 a robust set of data as we look at those -- at the
11 ability of those models.

12 MR. PHIL COMER: I'm not talking just
13 about fee collection. You keep talking about, fee,
14 fee, fee, that's not the impact, that's -- and I
15 agree with you, much to my surprise, a collection of
16 fees -- I don't mean that, I mean -- I didn't mean
17 for it to sound that way, but I was absolutely
18 floored when I realized the collection of fees won't
19 pay for the cost of collecting, that floored me a few
20 years ago when I really realized that, because I just
21 thought, boy, that's the magic answer. It's not a
22 drop in the bucket.

23 DR. KATE JACKSON: And when I say
24 fees, you know, there are all of those other things
25 that go with buying the boat, buying the pole, buying
1 the reel, I am not a fisher person, but there are a
2 lot of other expenditures that are good for the
3 economy, and I lump all of those into fees.

4 FACILITATOR DAVE WAHUS: Bruce.

5 CHAIRMAN BRUCE SHUPP: I suggest

6 coordination. Your coordination role will save you
7 money.

8 Do you like that idea?

9 And the reason I say that is because
10 the states want that information too, and I think --
11 and you can work together to collect that
12 information. So coordinating the seven states into
13 the pie will make it better. I think you can all
14 save money and get the tremendous data that you need.

15 FACILITATOR DAVE WAHUS: Michael.

16 MR. MIKE BUTLER: To shift gears just
17 a little bit. I made this comment yesterday, and it
18 really applies with informal recreation, but I wanted
19 to talk about more formal recreation as finding more
20 sustainable ways to manage those more formal
21 recreation systems.

22 I don't have any real good ideas,
23 other than I think TVA has done some of it with some
24 of the campgrounds where originally we were skeptical
25 about leasing them to vendor providers, but in some
1 places we have seen a real increase in the quality of ²²²
2 the services provided. Sale Creek is the one that I
3 am very familiar with before and after because we go
4 down there a lot. The concept is --

5 FACILITATOR DAVE WAHUS: Find more
6 sustainable ways to manage --

7 MR. MIKE BUTLER: Sustainable ways,
8 that's not what I'm really looking at. In terms of
9 trying to control cost, look at innovative -- look at
10 innovative approaches where you may not have to be
11 putting as many resources on the ground to do that.
12 If it's self -- if the management of it can be more
13 self-sustaining, and this may be pie-in-the-sky
14 stuff, I have only seen a couple of applications of
15 the concept, but I think it's worth looking at.

16 DR. KATE JACKSON: I think that you're
17 exactly right, and that's why one of the things I
18 said before Tere's presentation was, we have the
19 asset. We don't necessarily have the ability or
20 wherewithal or flexibility to do some of those
21 innovative things. So, you know, how can we look for
22 opportunities to find some synergy?

23 FACILITATOR DAVE WAHUS: Bill.

24 MR. BILL TITTLE: Bruce raised an
25 interesting point about Lake Mead and then Kate
1 talked about the Ohio River basin. Have we -- in the 223
2 process of preparing this document, has TVA looked at
3 plans from other reservoirs and navigable -- I mean,

4 there are a lot of others in the country, and is
5 there information to be gained from study of those,
6 looking at those?

7 Some of the problems they face are
8 common to us.

9 DR. KATE JACKSON: We have done quite
10 a bit of that, but, of course, we don't want to make
11 up new ideas. We want to steal other people's. So
12 that's a good thing. That's one of the benefits of
13 having Jerry is that he ain't from here. So he's
14 brought a lot of good ideas and new ways of thinking
15 about things we didn't know.

16 MR. BILL TITTLE: You're not stealing
17 them, it's just good research.

18 DR. KATE JACKSON: And that's really
19 important and we do need to do more of that.

20 MR. BILL TITTLE: Also the point that
21 you made about the water flow, the flyaway supports
22 what I said yesterday, that some of the issues are
23 common through all of the seven different watershed
24 areas of the system, but some are more unique, and
25 therefore, the teams involved and the planning,
1 someone suggested that instead of having a different
2 strategic plan, that you have an action plan for each

3 of the seven watershed areas, but some of the team
4 members in those areas would be different than in
5 other areas.

6 FACILITATOR DAVE WAHUS: Ken.

7 MR. KENNETH DARNELL: I think Bill has
8 an excellent point as far as the diversity from one
9 end of the Valley to the other. The plan that we
10 have been talking about has involved kind of an
11 overall view, but when you look at the difference
12 between Kentucky Lake on one end and then the
13 mountain lakes on the other, we were discussing over
14 dinner last night, Kentucky Lake, probably the
15 deepest part is maybe 65 feet where some of the
16 mountain lakes you're looking at 200, 300 feet. Our
17 shoreline is completely different. Our uses and our
18 needs are completely different. Even the population
19 in those areas is completely different. I think you
20 do need it regionalized to some extent.

21 FACILITATOR DAVE WAHUS: Other
22 comments?

23 MR. GREER TIDWELL: Is that suggesting
24 that this plan actually call out for watershed action
25 plans that are focused on recreation? I mean, did I
1 miss it and it's already in here?

2 Does that need -- you know, if you
3 have got an overarching plan, it's okay to in that
4 overarching plan suggest that you're going to have
5 the development -- direct toward the development of
6 more focus plans and --

7 FACILITATOR DAVE WAHUS: Let Mike
8 address that.

9 MR. MIKE BUTLER: I would be curious
10 to know what Kate thinks about that in the sense of
11 being -- I can see this plan being a strategic
12 document that has basic operating principles attached
13 to it that feed through and then there's -- I think
14 there's -- I think you're exactly right, that there's
15 a need for a different level of planning that gets in
16 and can recognize that, but I don't necessarily see a
17 problem with having kind of a
18 here-are-our-guiding-principles document as an
19 overall strategic piece of work and then the -- I
20 think this body could state the need for looking at
21 sub plans and in those very well may be able to do
22 addendums to the -- some of the reservoir plans. I
23 don't know that. I mean, it's kind of a different
24 animal, but, you know, you could group probably
25 pretty effectively some of the larger ones, like

1 Wheeler, Pickwick, Kentucky, their issues are similar
2 and they have similar services they provide, but, you
3 know, I would offer that.

4 MR. KENNETH DARNELL: I think you're
5 right. As far as the overall plan, I think what
6 we're saying is just a precaution, don't -- you have
7 got to recognize that there is a tremendous amount of
8 diversity from one end of the Valley to the other
9 when you're looking at the overall plan.

10 FACILITATOR DAVE WAHUS: Tom.

11 MR. TOM LITTLEPAGE: And I guess I
12 kind of see along these same lines. In looking at
13 the specifics of the plan I just -- under goal two in
14 action nine we say we are going to evaluate sites,
15 and it would seem to be that it would be appropriate
16 at that stage to look at this localized aspect.

17 In the next -- I guess under goal
18 three, action five, we talk about coordinating with
19 state outdoor recreation plans, and somehow I think
20 those localized aspects of how this evaluation is
21 going to occur and how the processing of information
22 and how the development of economic aspects to the
23 degree that they can be defined, I think there's a
24 real value in doing that on a local -- you know,

25 those perspectives are going to be important in that
1 process to look at doing that, and how you move this ²²⁷
2 from a more strategic -- from what it is today to a
3 more overarching strategic with an umbrella of
4 specific actions in each of the watersheds, I think
5 that's something we ought to consider.

6 FACILITATOR DAVE WAHUS: Kate.

7 DR. KATE JACKSON: Kind of the way we
8 thought about this was, what are the things we have
9 to do at the programmatic level to ensure that we are
10 taking appropriate opportunities with the system that
11 we have, collecting the data, insuring that we have
12 the partnerships and the links to the states, and
13 then when you get to goal five, look at sort of the
14 operational possibilities, assuming you have now been
15 pursuing all of the previous four and looked for
16 particular operational opportunities or partnerships
17 that you could develop, and then, I mean, what
18 happens next, and it's fine if you want to provide
19 stop guidance to this, is you would go into the
20 watershed-by-watershed set of opportunities and then
21 you obviously link to the reservoir plans and put
22 information into those as you update those from the
23 data that you have collected and the knowledge that

24 you have.

25 Again, we have an annual budgeting 228
1 cycle which these watershed teams have to look at.

2 We can look at the opportunities in each watershed,
3 but we still have to select the highest priority
4 ones. We're not going to be able to fund everything
5 of each of these watershed teams or even maybe the
6 best of everything that each watershed team finds.

7 So, you know, this goal five drives
8 you to figure out what you put on the ground and how
9 you do that and then you go through an annual
10 budgeting cycle to be able to prioritize those, but
11 for you to provide some emphasis to ensure that we do
12 that I am completely comfortable with.

13 FACILITATOR DAVE WAHUS: Phil.

14 MR. PHIL COMER: Kate answered my
15 question.

16 FACILITATOR DAVE WAHUS: Okay. Good.
17 Kate can read your mind now so that she can answer
18 your question before you ask them. That's very good.

19 MR. PHIL COMER: She's been doing that
20 for some time.

21 FACILITATOR DAVE WAHUS: Jimmy.

22 MR. JIMMY BARNETT: I have been

23 sitting here thinking about what someone down here
24 said about private ownership, maybe it was Barry or
25 somebody saying, hey, you can't cross my land, and
1 you're crossing at 30 feet up and how high does his ²²⁹
2 rights go, and this awful spectra of seeing the whole
3 river divided at the -- I own out to 30 feet and I
4 own out to the middle and we get into carrying our
5 guns with us so we would keep people off of our thing
6 or keep people from keeping me off and that would
7 impair everything that we're talking about here, but
8 we have an integrated use of the river, whether it's
9 for recreation or navigation or any other thing, and
10 if those rights were extended like that, that is
11 bothering me tremendously right there and how all of
12 that works in.

13 We can do whatever we want to with a
14 plan and Kate can be the best executor of such plan,
15 but if Don over here has got this piece of property
16 that comes out here, then they can't execute it over
17 his piece of property if that's what the courts hold.
18 Maybe I am worrying about something that's not here
19 yet, but it's frightening.

20 FACILITATOR DAVE WAHUS: Mike.

21 MR. MIKE BUTLER: Jimmy, I think that

22 -- I don't know if Barry would agree with this, but
23 my understanding is this is largely state -- a state
24 legal issue more than a federal legal issue, number
25 one.

230

1 In the State of Mississippi last year
2 they passed a fishable waterways law because had --
3 they were getting some of these same problems and
4 they said, all right, that's enough. We're going to
5 say if you can get a boat in it and stay within the
6 channel at a defined mark, you can fish wherever you
7 can get a boat, you don't have to worry about it.

8 And we're going to look at that for
9 Tennessee from our perspective saying basically if
10 you can get a boat in during the low water mark, from
11 low water mark to low water mark and you can
12 navigate, then you can go in there and do what you
13 want to do because the fisheries is a public
14 resource, the water is a public resource, and that
15 keeps us out of the problem that some people have.

16 When you get into flood waters you
17 could go from here to Utah in a boat in some of the
18 places that I'm around and you're on people's
19 property. So, you're right, it is a scary thing, but
20 I don't think it's -- I think it's a state issue more

21 than -- state court issue.

22 MR. BILL FORSYTH: That same issue has
23 been upheld in the courts in North Carolina. So it's
24 not an issue anymore.

25 FACILITATOR DAVE WAHUS: Other 231
1 comments?

2 Any other actions needed to meet
3 existing or projected recreation needs?

4 Tom.

5 MR. TOM LITTLEPAGE: I guess the one
6 just general comment I was looking at is looking at
7 this recreation and trying to see where security and
8 safety fit into this plan in terms of providing for
9 the safety of the recreators, providing for
10 enforcement of -- I guess that's part of looking at
11 these appropriate opportunities but that -- I just
12 think you need to consider that as a part of a
13 component in here.

14 FACILITATOR DAVE WAHUS: Okay. Good.
15 Any others?

16 What types of partnerships should we
17 pursue?

18 MR. PHIL COMER: I think we had some
19 fine examples yesterday.

20 FACILITATOR DAVE WAHUS: From the --
21 MR. PHIL COMER: The speakers we had.
22 FACILITATOR DAVE WAHUS: The other
23 presenters?
24 MR. PHIL COMER: Yes, a Good example.
25 MR. BILL FORSYTH: I don't see that we
1 need to define partnerships, any kind that would 232
2 work. Be innovative.
3 FACILITATOR DAVE WAHUS: Yes. So any
4 type of partnerships that will work, be innovative.
5 Don't try to come up with a definitive list, is what
6 you're saying?
7 MR. BILL FORSYTH: Yes.
8 FACILITATOR DAVE WAHUS: Leave it wide
9 open. Okay. Greer.
10 MR. GREER TIDWELL: On that same point
11 though, when you look at the vision, it almost limits
12 the vision to only working in partnership. I mean,
13 the language of that vision statement is a little bit
14 odd when it says, you know, to add value by working
15 in partnership to enhance, da, da, da, I think there
16 are times where TVA needs to work on its own, run a
17 campground, whatever it might do.
18 I'm not sure -- I think there was an

19 emphasis from the Council to, you know, make better
20 use of partnerships, give more focus to partnerships
21 so you can leverage more, but the vision statement
22 seems like -- it's limited to only working in
23 partnership, and I don't that's at all what you
24 really meant. Maybe I am reading it wrong.

25 FACILITATOR DAVE WAHUS: Are you 233
1 saying at least you didn't interpret that as being
2 the intent of the Council as you were listening to
3 the Council's presentation or its recommendation in
4 the past?

5 MR. GREER TIDWELL: Right.

6 FACILITATOR DAVE WAHUS: So if you
7 couldn't find a partnership, you didn't do anything?

8 MR. GREER TIDWELL: Right.

9 FACILITATOR DAVE WAHUS: You're saying
10 you don't want to do that?

11 MR. GREER TIDWELL: Correct.

12 FACILITATOR DAVE WAHUS: If something
13 needs to be done and you can't find a partnership,
14 then you need to have the flexibility to go ahead and
15 do it, whatever "it" may be.

16 MR. GREER TIDWELL: Right.

17 FACILITATOR DAVE WAHUS: Tom.

18 MR. TOM LITTLEPAGE: I guess I just
19 have a concern because I think so much of this
20 recreation, even terrestrial, but clearly aquatic
21 recreation has to be done in coordination with
22 appropriate state agencies because of the some of the
23 legal issues.

24 I guess I didn't interpret the vision
25 to be that restrictive. I just think that it needs
1 to -- they can do things on their own, but there ²³⁴
2 needs to be that coordination. I really think they
3 should at least strive for a partnership in looking
4 at how they work to implement some of these concepts.

5 MR. W.C. NELSON: If you can't find a
6 partner, you may not should be doing it.

7 FACILITATOR DAVE WAHUS: Okay. Other
8 comments?

9 Mr. Chairman, might I suggest that we
10 take about a 15, 20 minute break, we have been going
11 for well over an hour now, and then we will reconvene
12 when -- for the public comments, and then after that
13 we will come back and review all of this and make any
14 additions or changes.

15 CHAIRMAN BRUCE SHUPP: Fine. Break
16 until 9:30.

17 (Brief recess.)

18 CHAIRMAN BRUCE SHUPP: Take your
19 seats, please. For the benefit of new Council
20 members, the -- we're now on the public comment
21 period that runs from 9:30 to 10:30, that's the legal
22 requirement. It's an advertised period where the
23 public can come in and comment. So we must be
24 present for that and give everybody the opportunity
25 to come in.

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1 Thus far, we have one speaker. So we
2 will have that speaker appear and then continue with
3 our business until 10:30 at the very latest --
4 earliest.

5 Lunches are coming at 11:00, if
6 anybody wants to get a lunch before they leave or
7 take a lunch with them or eat here. They won't be
8 here until 11:00. I think we will be done by 11:00.
9 So I just want to alert you to that fact. If you
10 don't eat your lunches, TVA employees will enjoy a
11 good lunch.

12 So we'll open the public comment
13 period with someone we're familiar with, Nelson Ross
14 from the Isaak Walton League.

15 Nelson, you have the floor.

16 MR. NELSON ROSS: Thank you, Chairman
17 Shupp. It's quite a hike to get over here to this
18 thing. I could speak from standing there just as
19 well.

20 Thank you for the opportunity to speak
21 this morning before the Council. I was -- our
22 organization has always been excited from day one to
23 read the first sentence in the charter that sets up
24 this organization. It says a great deal about your
25 purposes and it heightens the expectation from the
1 public that you people, with your collective 236
2 intellect and experience and the interface that you
3 have with top TVA management, can represent the needs
4 of natural resources in your respective states and
5 among your respective interest groups.

6 Also, in reviewing the recreation
7 strategic plan, the draft, and I do read draft very
8 well across there, I know this is in process, but
9 again, just reading the first paragraph in this is
10 exciting and it brings a heightened level, again, of
11 expectation but also a heightened level of
12 responsibility on the part of the public to meet TVA
13 and other cooperating agencies more than halfway, not
14 halfway.

15 We think conversations about when it
16 gets down and the foot hits the pavement and people
17 start talk about money, money is not the problem in
18 these decision-making processes as it relates to
19 managing and improving recreational quality of our
20 natural resources. The TVA Act spells that out quite
21 clearly, and TVA does a good job enlisting the TVA
22 Act under which they do their many good works.

23 Two things I want to clarify about
24 yesterday and the tour of our Williams Creek project.

25 One, I misspoke at a time when I mentioned TVA
1 support for our First Creek First initiative and
2 Regional Water Quality initiative in September of
3 1999. That was not \$1,000. Someone told me I said
4 \$1,000 and said, "Well, why is TVA so chintzy?"

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5 I said, "Well, I didn't say \$1,000."

6 They said, "Yes, you did."

7 It was \$10,000. So I was a wrong in a
8 magnitude of ten there, I guess, and that's probably
9 not the right mathematics there, but my apologies to
10 TVA. They did make a much larger commitment. And at
11 that time \$10,000 did allow us to move aggressively
12 forward in that project, and we do appreciate that
13 initial investment.

14 The second thing, Mr. Shupp had
15 mentioned that there was a feeling among the group
16 maybe, and maybe it was just his feeling, that the
17 Isaak Walton League was a volunteer organization and
18 we were doing all of this good work with volunteers.
19 Well, that's not true, if we have represented
20 ourselves as purely a conservation organization.

21 Our members are volunteers, we are a
22 membership organization, but years ago in our advance
23 planning we knew we would have to hire a team of
24 professionals to do the kinds of work that we're
25 doing now representing the needs of the membership so
1 we could have good professional interface with ²³⁸
2 agencies, and we have been able to raise money in the
3 free market and we're a market driven organization,
4 although we're a 501(c)(3), but we spent more than a
5 million dollars in the past five years. Those monies
6 didn't just fall out of heaven.

7 We found people who were interested in
8 the kinds of things and services we could provide and
9 they were willing to pay for it. Some of that came
10 from federal and state grants. Some, as you heard
11 yesterday, came from local agencies. And much of it,
12 believe it or not, comes from major gifts from

13 individuals just like you who are willing to invest
14 to help promote protection of natural resources.

15 So I would encourage you as you move
16 forward and do the kinds of administrative work and
17 the tasking that's necessary to see this strategic
18 plan through but also being very aware that there's
19 an astute public out there ready to cooperate and
20 partner professionally and to get things done and to
21 provide the necessary financial resources to match
22 some of the catalytic monies that TVA and other
23 agencies like you can bring forward to jump start
24 some of these organizations.

25 We, as citizens, don't have all of the
1 answers. TVA or TDOT or EPA, any other organization ²³⁹
2 doesn't have all of the answers, but I think together
3 we have all of the answers and we can solve our
4 problems in good sted (sic) and a cost-effective
5 manner and we can make progress towards our mutual
6 goals.

7 Thank you so much for this
8 opportunity, Mr. Shupp.

9 MR. PHIL COMER: Nelson, before you
10 sit down, you made one other slip of the tongue
11 yesterday over at Williams Creek. You mentioned that

12 nationally you had 5,000 members. You have 50,000
13 members. That was another slip of the tongue.

14 MR. NELSON ROSS: 5,000 is a little --

15 MR. PHIL COMER: Well, 50,000 is a
16 modest number.

17 MR. NELSON ROSS: I would like to say
18 the League historically does a whole lot with few
19 people.

20 MR. PHIL COMER: That's right.

21 MR. NELSON ROSS: Our membership
22 basically, and again, I don't want to take any more
23 of your time, if you would say what -- who are these
24 people, the League or the Isaak Walton League, we're
25 very conservative people. We don't like to -- unlike
1 me talking a lot before you, we don't like to talk²⁴⁰
2 about issues a lot. We're action oriented. If we
3 think about something or talk about it very long, our
4 membership requires that we do something about it.

5 And I think a few people can, if they
6 are motivated, skilled, can perform these kind of
7 tasks without having an army of people that meet
8 every now and then and sip coffee.

9 Thank you.

10 MR. TOM LITTLEPAGE: I would just like

11 to make one comment. I don't have a question, but I
12 just want to express my appreciation for yesterday
13 and for the work from you and your staff in putting
14 together that field trip. It really was an
15 eye-opening experience, and I commend you for your
16 work.

17 MR. NELSON ROSS: Thank you. That's a
18 culmination of a lot of work, years of work, we
19 didn't just drum that up. And again, this word
20 expectation, sir, that Tom -- is it Tom or Tim? My
21 glasses aren't working that far off.

22 MR. TOM LITTLEPAGE: Tom.

23 MR. NELSON ROSS: Okay, Tom. The
24 expectation -- the reason I used the word
25 expectation, we found the general public, when
1 they're informed and aware of things, really come
2 together in a dramatic and forceful way in a
3 heightened demand in an organization like ours.

4 In TVA we have found -- we have spent
5 a lot of time in the resource working with people on
6 the ground, on the lake and people who own the yachts
7 and have built \$500,000 homes on the lakes and things
8 like that, they have some artificial expectations of
9 TVA. We find many times we're having to apologize

10 for TVA, but we do it in a way, don't expect TVA to
11 be your butler on this lake, you know, that is up to
12 the public, and see, that's their responsibility.

13 So they say TVA won't come and pull
14 this log out from my dock. You say, well, you're
15 talking to the people who can do it. They say,
16 really, it's that easy? I say, yeah, just ask us.

17 So we go down there with our boat and
18 our crew and we pull it out and they say, dang, that
19 was easy. It is. And that can be replicated over
20 and over and over, but the onus is on the public, not
21 on TVA, Ms. Jackson.

22 And I know she has to pop a Tum every
23 now and then because there's a lot of expectations
24 out there from the public of TVA that are artificial
25 expectations, and we would like to partner with TVA
1 and other -- we do the same thing with city and 242
2 county and others. There's just some artificial
3 expectations out there that the government does not
4 owe you a living and they don't owe you services that
5 you don't pay for.

6 Thank you.

7 CHAIRMAN BRUCE SHUPP: Thank you.

8 Anybody else?

9 Nope.

10 Well, then, let's get on with our
11 discussion. David, you have got the floor.

12 FACILITATOR DAVE WAHUS: Thank you,
13 Mr. Chairman.

14 Could we have the screen, please?

15 There we go. Okay. I am going to
16 propose an action on how we should proceed and I
17 would like -- if you disagree with this process that
18 I am going to propose, then I would like to hear from
19 you now so we can take a different path.

20 I am going to review what you have had
21 to say in response to each question. I am going to
22 work one question at a time. If we didn't accurately
23 capture your comments, now is the time to help us
24 correct those.

25 If there are any additional things
1 that you feel need to be said or need to be added to 243
2 the responses to the question, now is the time to
3 share those.

4 If there's something that we think we
5 put up there and you don't agree with it and you
6 think maybe it should be changed or it should be
7 deleted, this is the time to discuss that.

8 And then I am going to be asking --
9 before we move to the next question I am going to be
10 asking all of you when we get through with the three
11 levels of discussion are -- do you agree with what
12 the comments that are -- that you, as a Council, are
13 providing to TVA in response to this question, and
14 we're not going to let you sit there and just look at
15 me blankly. We're going to have a thumbs up or a
16 thumbs down. Either you agree or you don't agree.
17 We're going to I -- I am looking for a thumb from
18 everyone.

19 So those of you that have not made any
20 comments this morning, you're going to have to
21 participate as well, but I need a response from each
22 of you as we get to the end of each question.

23 You don't have -- we don't have to
24 have 100 percent, but we need to have -- let's see
25 what we have -- we do need to have everyone
1 participating in the final evaluation as to whether 244
2 these are the comments that you're going to present
3 to TVA.

4 Anyone disagree with that process?

5 Anyone think we should do something
6 else?

7 Okay. I have a thumbs down over here
8 already. Then hearing no other comments, we will
9 proceed.

10 First question is: Is the proposed
11 recreation strategy consistent with previous Council
12 advice? If not, how is it inconsistent and what
13 changes should be made?

14 First response was, yes, but it can be
15 refined, the TVA operating reservoirs as defined in
16 the ROS. I believe, help me, we need to flesh that
17 out a little bit. We're talking about recreation as
18 defined in the ROS.

19 MR. TOM VORHOLT: What I would add to
20 that, TVA is operating the reservoirs in accordance
21 with the ROS, including the -- including the changes
22 intended to enhance recreation. There was specific
23 things that were made -- changes that were made to
24 the reservoir operating policy that were specifically
25 intended to enhance recreation, and that's being
1 done. 245

2 FACILITATOR DAVE WAHUS: Okay. Very
3 good. Thank you. Thanks for helping flesh that out.

4 Reservoir maps are difficult to find,
5 especially for locating marinas, and then we had

6 another comment that there are lots of good maps in
7 the North Carolina area. So the perception here is
8 that in some areas that we need more mapping and in
9 other areas they are adequate or they're good.

10 Jimmy.

11 MR. JIMMY BARNETT: It could be that I
12 don't know how to find them, too.

13 FACILITATOR DAVE WAHUS: Let's add
14 that comment. It may be possible -- how to obtain
15 them -- how to obtain one of the maps may not be
16 readily available. I don't know if they are
17 available at Wal-Mart.

18 MR. PHIL COMER: At Wal-Mart they are
19 in our area at Douglas and Cherokee.

20 FACILITATOR DAVE WAHUS: How much of
21 the revenue for recreation program comes from user
22 fees, and the response is not much.

23 Are there any other responses that we
24 need to make to this question or series of questions?

25 Is there anything that you don't want
246
1 up there that you want to delete?

2 You guys are too easy. Okay. Let me
3 see some thumbs. Do you agree this is -- these are
4 the comments that you wish to send to TVA?

5 Thumbs up or thumbs down, I need to
6 see a thumb of everybody at the table except for
7 Kate. I am looking for a thumb, Tom.

8 MR. TOM VORHOLT: I got it.

9 FACILITATOR DAVE WAHUS: I see thumbs
10 up all the way around.

11 DR. KATE JACKSON: I think it's Tom
12 Thumb, not Thumb Tom.

13 FACILITATOR DAVE WAHUS: Thank you.
14 We will use that same process as we go through.

15 Does this Council think that the
16 proposed recreation strategy identifies an
17 appropriate role for TVA in helping to meet the
18 recreation needs of Valley stakeholders? If not,
19 what specific changes are needed?

20 And your comments included, yes, TVA
21 working in partnership with stakeholders. It keeps
22 TVA's cost low. Balance between -- I think the word
23 in the second one, I think the -- in front of the
24 word balance, we need the word need, needs balance
25 between gathering data and planning and implementing,
1 need more information on implementation, especially
2 in regards to state recreation plans.

3 Okay. Did we capture that?

4 I think Bruce made that comment. I
5 forget who did. Greer. But as we go through there
6 are -- did we capture your thoughts accurately?

7 MR. GREER TIDWELL: Yes. I am not
8 sure this is the right spot to add this, but it seems
9 like we had some discussion about wanting this plan
10 to include a more on the ground, more area specific
11 planning process so that you're looking either at a
12 lake basis or watershed basis or some other logical
13 region basis in establishing a recreation focus plan.

14 FACILITATOR DAVE WAHUS: Should
15 include or should require? Do you want this plan to
16 include?

17 MR. GREER TIDWELL: No, to require,
18 that's the process.

19 FACILITATOR DAVE WAHUS: To require a
20 more specific on-the-ground recreation plan for a
21 specific area, be it watershed or otherwise.

22 MR. GREER TIDWELL: Yeah, for sub
23 areas of the Valley.

24 FACILITATOR DAVE WAHUS: Okay. For
25 sub areas of the Valley. Very good.

1 MR. PHIL COMER: Would you accept a
2 subdivision being the existing seven watershed teams?

3 MR. GREER TIDWELL: Yeah, probably so.

4 MR. PHIL COMER: That's what I would
5 recommend since they currently exist within the
6 seven -- the existing seven watershed teams, that
7 seems -- because they were logically arrived at to
8 begin with to reflect the differences as Ken talks
9 about, the difference from one end to the mountains
10 to the Kentucky Lake.

11 FACILITATOR DAVE WAHUS: Okay. Yes,
12 Bill.

13 MR. BILL TITTLE: Let me raise a
14 question. If TVA did not assume that role, who
15 would?

16 FACILITATOR DAVE WAHUS: The role
17 to --

18 MR. BILL TITTLE: What that question
19 asks up there. If this were not an appropriate role
20 for TVA to -- for the recreation strategy to identify
21 that strategy and to facilitate this process, if TVA
22 did not do that, if this were not appropriate for
23 them, who would do this?

24 FACILITATOR DAVE WAHUS: Does anyone
25 have an answer?

1 MR. PHIL COMER: TWRA and National

2 State Park Service.

3 DR. KATE JACKSON: Let me speak to
4 this. And I think our purpose in developing a
5 recreation strategy isn't developing a recreation
6 strategy for the Valley, it is developing a
7 recreation strategy for TVA's role in provision of
8 recreation opportunities for stakeholders in the
9 Valley.

10 So the stakeholders are important,
11 TVA's participation is important, but we're not even
12 the big recreation player in the region. I mean,
13 commercial recreation providers provide the
14 recreation and have their own plan. The Park
15 Service, the Forest Service, the Corps of Engineers
16 provides more recreation in this country than anybody
17 else.

18 So, you know, we're just a -- we're a
19 minor player. So the strategy is to see what our
20 role is in that whole world view and then what should
21 our strategy be for managing our own assets,
22 providing our own recreation, partnering with,
23 utilizing the assets, protecting the resources.

24 So how does this plan guide us to do
25 all of that?

1 FACILITATOR DAVE WAHUS: Does that
2 answer your question, Bill?

3 MR. BILL TITTLE: It does, but it
4 points out the importance of TVA's participation in
5 initiating this process because it hasn't been
6 initiated, that I know of, in any other corner.

7 DR. KATE JACKSON: Well, let's be
8 careful. I am not initiating a process to develop a
9 strategy for recreation in the Valley. I don't ever
10 suggest that TVA take that on or lead that or that
11 that's responsible. I mean, Commissioner Fyke has an
12 been enormous role in that in the State of Tennessee.

13 All we're saying is we should be
14 strategic about thinking about where TVA's
15 investments should be made, what our role is, how we
16 play in the collection of data on recreation assets
17 that we have, how we share that, and how we
18 develop -- actively develop partnerships to ensure
19 that recreation is provided. We're only looking
20 strategically at our tactical slice.

21 MR. BILL TITTLE: I understand that,
22 but I still think it plays an important role in
23 facilitating that process, not just with Commissioner
24 Fyke's role, but tourism and all of these other

25 agencies and the -- from the private and the public
1 sector, I think this vehicle that we're talking about ²⁵¹
2 here is the platform on which we can build to have a
3 coalition of all of these folks to better the
4 recreation facilities on the TVA system. Don't be
5 too modest with the importance of this addition.

6 FACILITATOR DAVE WAHUS: Any other
7 comments? Okay.

8 MR. GREER TIDWELL: Can I make sure I
9 understand where Kate's going?

10 I mean, it seems to me like putting
11 this on paper and making a plan -- a strategic plan
12 out of it is -- the big shift that I have seen by
13 pitting this in paper is the overt statement that TVA
14 intends to share information, partner up and think
15 about how their resources fit in with other resources
16 for recreation in the region.

17 It's sort of an overt statement that
18 they are wanting to play ball in that way,
19 partnership, partnership, partnership, data, data,
20 data, sharing data, data, data, as well as
21 strategically looking at what they want to do with
22 their own specific resources, including banking those
23 resources for the future, you know, sort of on the

24 preservation side of the scale.

25 Am I hearing you about right?

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1 DR. KATE JACKSON: Yes.

2 MR. GREER TIDWELL: Okay.

3 FACILITATOR DAVE WAHUS: Okay. Well,
4 let's look at that response again. Needs balance
5 between gathering data and planning and implementing.
6 Needs more information on implementation, especially
7 in regards to state recreation plans. This plan
8 should require a more specific on-the-ground
9 recreation plan for sub areas of the Valley.
10 Possibly use the existing seven watershed teams.

11 Next response. TDEC has recently
12 released a recreation plan. How does the TVA plan
13 fit with that, i.e., or for example, ATV use, and the
14 response there is address jointly instead -- or the
15 recommendation is to address jointly instead of
16 separately. I think Mike addressed that and Mike has
17 departed.

18 Any changes or modifications to that?

19 Okay. How will all recreation users
20 be surveyed regarding use and wants and needs over an
21 extended period of time?

22 TVA has a coordination role to work

23 with the states on the data. Do you mean
24 coordination or participation?

25 MR. PHIL COMER: Coordination.

253

1 FACILITATOR DAVE WAHUS: So they
2 should be coordinating all of it. They should not
3 just be participating, they should be coordinating
4 it?

5 Anyone else have any thoughts on that?

6 CHAIRMAN BRUCE SHUPP: You might -- a
7 better word to say TVA would benefit from a
8 coordination role. I don't know if it --

9 FACILITATOR DAVE WAHUS: TVA would
10 benefit from a coordination role?

11 CHAIRMAN BRUCE SHUPP: Yes. And the
12 recreational planning would benefit.

13 FACILITATOR DAVE WAHUS: TVA would
14 benefit --

15 CHAIRMAN BRUCE SHUPP: That's good.

16 MR. PHIL COMER: I don't like that
17 addition.

18 FACILITATOR DAVE WAHUS: Okay. We
19 have a response here that doesn't like that addition.

20 MR. PHIL COMER: I want to be very
21 subtle about it though, you know, I don't want to

22 bruise you.

23 CHAIRMAN BRUCE SHUPP: Go ahead.

24 MR. PHIL COMER: I just did.

25 CHAIRMAN BRUCE SHUPP: Well, how would
1 you suggest changing it? 254

2 MR. PHIL COMER: I don't think TVA
3 would benefit from it. I think we're saying they
4 should coordinate it. How will they benefit from it?
5 How will TVA benefit from it?

6 CHAIRMAN BRUCE SHUPP: TVA's
7 recreational planning would benefit.

8 MR. PHIL COMER: We, the public, would
9 benefit if TVA would coordinate it.

10 CHAIRMAN BRUCE SHUPP: There you go, I
11 like it.

12 MR. PHIL COMER: I like that much
13 better. It will soon be lunchtime. Come on, let's
14 quit quibbling.

15 FACILITATOR DAVE WAHUS: Okay. Are
16 you happy with that, Phil?

17 MR. PHIL COMER: I am happy with that.

18 FACILITATOR DAVE WAHUS: Bruce?

19 CHAIRMAN BRUCE SHUPP: Yes.

20 FACILITATOR DAVE WAHUS: Anyone else

21 have any feelings about it?

22 Okay. Let's go on then. TVA took the
23 initiative to establish a plan and then invited input
24 from stakeholders. It took the information and
25 created an improved plan. Input included state
1 agencies. 255

2 MR. PHIL COMER: May I ask something?

3 FACILITATOR DAVE WAHUS: You may.

4 MR. PHIL COMER: Thank you. This
5 morning earlier I wanted to ask Jim Fyke to comment
6 on that specifically, but I decided, since I didn't
7 know him that well, that I would ask him privately if
8 it was okay to ask him that first. So I did that.
9 So I now will ask him publicly to comment on that.

10 FACILITATOR DAVE WAHUS: Jim, would
11 you care to respond?

12 MR. JIM FYKE: I am trying to remember
13 my response privately, but I -- in my two and a half
14 years or so with the state I -- TVA and TDEC have
15 cooperated extremely well and coordinated various
16 issues throughout the states. So we're very pleased
17 and appreciative of the cooperation we have had from
18 TVA as related to issues that are common to both of
19 us.

20 MR. PHIL COMER: I think that's
21 tremendously important, I really do, to hear that.

22 FACILITATOR DAVE WAHUS: Okay. Any
23 other comments in regard to this?

24 Any other thoughts?

25 Are there -- are there any other
1 additions that you wish to make in response to this 256
2 question?

3 Any other comments?

4 Are there any other comments that we
5 made -- and we will scroll down slowly here. Are
6 there any other comments that need to be removed?

7 Jim.

8 MR. JIM FYKE: I guess I would just
9 follow up by saying that I think that what this says
10 proves that none -- everyone needs to -- no one needs
11 to be working independently on this issue, that all
12 parties and all partnerships and all affected groups
13 or individuals representing the public should --
14 coordination is a key factor, that it is working well
15 now, and in my opinion, that is the future for this.
16 No one can do it independently. I think that's --

17 MR. PHIL COMER: And it also saves the
18 taxpayers money if you don't duplicate efforts.

19 MR. JIM FYKE: Right. It's an
20 all-around benefit to the taxpayers for everyone to
21 work together rather than independently.

22 FACILITATOR DAVE WAHUS: And that's
23 consistent with what the Council has been saying the
24 last several meetings.

25 Okay. We have reviewed. Do we need
1 to review them one more time or are you ready to give ²⁵⁷
2 me a thumbs up or thumbs down on the comments in
3 response to this question?

4 Okay. I hear no comments. Thumbs up
5 or thumbs down, are these the comments you wish to
6 provide?

7 Okay. Thank you. And these are the
8 comments then and we have -- it's unanimous and we
9 will proceed on to question No. 3.

10 Question No. 3 is three parts. Are
11 the proposed objectives and actions adequate to
12 achieve the strategy's vision and goals? What other
13 actions are needed to meet existing or projected
14 recreation needs and what types of partnerships
15 should we pursue?

16 The first response, additional goal
17 should be added to state that natural resources are

18 linked to recreation. The conservation of natural
19 resources will allow for quality recreation
20 experiences over an extended period of time. Can
21 make it easier to manage stakeholder issues and
22 conflicts.

23 Does that accurately capture -- I
24 think that was Mike's comment, but does that
25 accurately capture what you heard?

1 Any additions or changes to this one? 258

2 MR. JIM JARED: I think there should
3 be an "an" in front of additional, A-N.

4 FACILITATOR DAVE WAHUS: An additional
5 goal, yes, you're absolutely right, an additional
6 goal. We will put prepositions in these and
7 connectors as needed.

8 Let's go to the second one. Valued
9 and imperiled natural resources exist across the
10 Valley. Plan should include explicit references to
11 specific conservation protection issues, i.e.,
12 threatened and endangered species.

13 Does that accurately capture the
14 discussion that you heard or you participated in?

15 Okay. Let's move to the next one.
16 Limit and/or prohibit recreational activities in

17 areas where public use threatens the natural
18 resources, for example, camping, ATV use, similar to
19 the National Park Service rules state quotas.

20 Did I accurately capture the
21 discussion?

22 Hearing no opposition, we will move
23 on.

24 All sites don't have to be all things
25 to all people. Management of the resource should be
1 able to dictate where certain activities are 259
2 permitted.

3 I'm seeing some nodding of a couple of
4 heads here. Do you agree with that? Okay.

5 Management/control of personal
6 watercraft, jet ski use is not part of TVA's duties.
7 The same question was asked in regard to ATVs and the
8 response generally was that TVA owns the land and the
9 ownership allows for control and use of the land.
10 TVA has limited police power in regards to watercraft
11 use.

12 And we're not trying to make this a
13 legal statement. So you can deal with the legalities
14 of that as you see fit.

15 Any opposition or any other comments?

16 Does that accurately fit the
17 discussion?

18 It was a lengthy discussion of a short
19 comment here.

20 Greer.

21 MR. GREER TIDWELL: I think what I
22 heard was a suggestion that the issue of limiting use
23 on the water should be allowed to sort of continue to
24 be debated.

25 FACILITATOR DAVE WAHUS: Okay.

260

1 Limited use on the water should continue to be
2 debated.

3 MR. GREER TIDWELL: This is our
4 recommendation to TVA and they may have a position
5 they feel like they need to take strategically or
6 legally but not limiting use -- well, it -- actually
7 more specifically, designating certain areas or times
8 for certain uses.

9 FACILITATOR DAVE WAHUS: Should
10 continue to be debated?

11 MR. GREER TIDWELL: Yeah. Should
12 continue to be debated to maximize the recreation
13 opportunities. Some things just don't go together.

14 MR. PHIL COMER: Debated by whom,

15 internally or with TWRA?

16 MR. TOM LITTLEPAGE: State authorities
17 that have these authorities or it may be a broader
18 authority over water related recreation clearly. You
19 know, we have talked about the need to integrate or
20 the need to coordinate and work with those local
21 state authorities.

22 MR. PHIL COMER: Can we use a
23 different word for debate?

24 MR. GREER TIDWELL: Please do. I
25 didn't like it when I said it.

1 MR. PHIL COMER: Let's don't debate, 261
2 let's discuss.

3 MR. GREER TIDWELL: Okay. I would
4 rather say consider actually. My recommendation is
5 TVA is to consider -- is to continue considering
6 that.

7 MR. PHIL COMER: Yes.

8 MR. GREER TIDWELL: TVA may not be
9 able to or may believe they have got opposition, but
10 from our Council's perspective I think what I have in
11 mind is the capacity to encourage, you know, a couple
12 of contiguous coves to be designated as no combustion
13 engine coves so you can go in there and fish and turn

14 your electric trolling motor on or you can go in
15 there and canoe, you can paddle, do whatever, but
16 it's a way to establish certain areas where you do
17 preserve more the peace and quiet that goes along
18 with certain kinds of recreation.

19 FACILITATOR DAVE WAHUS: Does this
20 accurately --

21 MR. PHIL COMER: This is an enormous
22 problem and the different agencies involve frankly
23 engage in buck passing.

24 MR. GREER TIDWELL: I am fully aware
25 of that.

1 MR. PHIL COMER: They fully engage in ²⁶²
2 buck passing, and yet, those of us who live along the
3 lakes get inundated with these sort of questions
4 every June.

5 FACILITATOR DAVE WAHUS: Okay. Does
6 that accurately now capture the intent?

7 MR. GREER TIDWELL: Yes.

8 FACILITATOR DAVE WAHUS: Okay. The
9 next one is TVA should initiate a study of the
10 impacts and benefits to recreation from limiting the
11 drawdown at Kentucky and Barkley Lakes.

12 MR. TOM VORHOLT: I have got a

13 comment. I at least have a problem with the way it's
14 worded.

15 FACILITATOR DAVE WAHUS: Okay.

16 MR. TOM VORHOLT: Because we're asking
17 TVA to do something that they can't do. They have no
18 jurisdiction or authority on what happens on Lake
19 Barkley.

20 CHAIRMAN BRUCE SHUPP: I think we have
21 to temper that with -- either take it out or temper
22 it with what Kate's answer was.

23 FACILITATOR DAVE WAHUS: Do you cant
24 to take it out?

25 CHAIRMAN BRUCE SHUPP: Yes, take it
1 out. 263

2 FACILITATOR DAVE WAHUS: Okay. I am
3 seeing nodding around the table. Let's take it out.

4 DR. KATE JACKSON: Thank you. I
5 appreciate that.

6 FACILITATOR DAVE WAHUS: Do you want
7 to leave it in, Kate?

8 Recreation is not a standalone issue.
9 It's related to economic development, wildlife, et
10 cetera.

11 Are you satisfied with that?

12 MR. PHIL COMER: Kenneth, is that
13 strong enough for you?

14 MR. KENNETH DARNELL: Yes. I think it
15 could be expanded a little more. The gist of the
16 thing was that recreation and tourism is economic
17 development, is part of economic development, it's
18 not a standalone.

19 FACILITATOR DAVE WAHUS: Recreation
20 and tourism is part of economic development.

21 MR. PHIL COMER: Can I add --

22 FACILITATOR DAVE WAHUS: Just a
23 minute. You may in just a moment. Let's capture
24 this statement here. Now you may go ahead.

25 MR. PHIL COMER: Are you sure about
1 that? 264

2 FACILITATOR DAVE WAHUS: Absolutely.

3 MR. PHIL COMER: And it doesn't lend
4 itself to econometric means of quantifying.

5 FACILITATOR DAVE WAHUS: And can be
6 quantified to --

7 MR. PHIL COMER: By econometric
8 studies. I don't want to mention the economist by
9 name in U.S. Corps of Engineers as I did earlier, but
10 it can be done.

11 FACILITATOR DAVE WAHUS: Okay. Very
12 good. Does that now capture the thought and the
13 intent?

14 Definitive user surveys will quantify
15 how recreation relates to global issues like economic
16 development. Add dollars as a metric for how
17 recreation impacts -- how recreation impacts,
18 biodiversity, et cetera, is measured.

19 Does capture the intent of this group?

20 Okay. Ken Cordell from the Forest
21 Service has developed a recognized method for
22 addressing economic value of recreation. TVA should
23 collect data to feed the model. I think that's part
24 of the one that's right above it.

25 Coordination of using state agencies
1 for data collection will save money in the long run. 265

2 Again, I would ask the question, is
3 this coordination or participation with state
4 agencies for the collection of data?

5 Are we talking about coordination here
6 or are we talking about participation?

7 Ken.

8 MR. KENNETH DARNELL: Yeah, I think
9 you touched on that before, that it's a matter of

10 semantics. Coordination to me implies that TVA would
11 take the lead over all of these agencies and direct
12 them, and I don't know if that's TVA's -- what they
13 see as their role in this or if they see themselves
14 as just a participant in the overall picture.

15 FACILITATOR DAVE WAHUS: And my
16 question is, what is your intent?

17 MR. GREER TIDWELL: I will take a stab
18 at it. I think what I was hearing the intent was
19 sort of a direction to participate in a direction to
20 seek coordination. It's a little different than
21 saying you're going to be the coordinator. You can
22 seek coordination, encourage coordination, maybe do
23 your part on subcommittee, but not be the
24 coordinating authority.

25 FACILITATOR DAVE WAHUS: Okay. Is
1 that more accurate? 266

2 Anytime we see coordination I will be
3 asking that question because sometimes we some terms
4 interchangeable.

5 DR. KATE JACKSON: Because he knows my
6 heart stops when you say that word coordination.

7 MR. GREER TIDWELL: Is it time to go
8 back up and maybe fix that in the earlier ones too?

9 FACILITATOR DAVE WAHUS: That was in
10 question No. 1, I believe, but we asked that question
11 and you specifically stated then that you wanted to
12 leave it as coordination. That was up in question
13 No. 1, I believe.

14 MR. GREER TIDWELL: That's why I'm
15 saying let's go back and look at it. We've now got
16 better language maybe, maybe not.

17 FACILITATOR DAVE WAHUS: Right here.
18 Coordination is a key factor. All parties and
19 partnerships and affected groups should work together
20 rather than independently.

21 DR. KATE JACKSON: And the public
22 would benefit.

23 FACILITATOR DAVE WAHUS: Oh, I see.
24 The public would benefit if TVA's recreation planning
25 took a coordination role to work with the states on
1 the data. 267

2 Is that coordination or participation?

3 And when I asked the question earlier
4 this morning, you said coordination.

5 Ken.

6 MR. KENNETH DARNELL: There
7 specifically it seems to imply that it takes the

8 leadership role in coordinating.

9 Would cooperation be a better word?

10 FACILITATOR DAVE WAHUS: You would
11 have to reword it.

12 MR. KENNETH DARNELL: Yeah, you would
13 have to reword the whole thing, but I think the gist
14 of the thing is to get TVA to cooperate with other
15 agencies, not to specifically coordinate it.

16 MR. PHIL COMER: Who will take the
17 lead?

18 FACILITATOR DAVE WAHUS: Bruce.

19 CHAIRMAN BRUCE SHUPP: I will throw
20 out a question to everyone. How can an agency that
21 has a seven state responsibility that owns the
22 resources -- the land and water resources not have a
23 coordination role compared to a state or local
24 agency?

25 MR. PHIL COMER: Yes.

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1 CHAIRMAN BRUCE SHUPP: Just the
2 concept spending my life in state government, I don't
3 understand how a state can coordinate a seven-state
4 thing unless it's made a chair or something, but the
5 overseeing role is the organization or agency that
6 owns the resource in the seven states. So I think

7 that coordination is a fair way to put it.

8 MR. PHIL COMER: Here, here, I agree.

9 MR. BILL TITTLE: That goes back to
10 the point that I made earlier, if they didn't do this
11 coordinating role, who would do that coordinating
12 role?

13 CHAIRMAN BRUCE SHUPP: That's right.

14 MR. KENNETH DARNELL: Yeah. I think
15 the question is, does TVA see themselves as the
16 coordinator or as simply a cooperator or participant
17 in there? And if the Council sees TVA as the
18 coordinator, then coordinator is the right word for
19 it.

20 FACILITATOR DAVE WAHUS: We're asking
21 what you think, not what TVA is asking. TVA knows
22 what -- so I am playing the role of asking, what does
23 the Council think TVA should be doing?

24 Bruce.

25 CHAIRMAN BRUCE SHUPP: Well, it
1 depends on the scope of what they are doing. If they
2 are going to scope out the recreational plan for the
3 whole Valley, then it's a leadership role.

4 If they are saying, we're going to
5 look at Wheeler and that's it, you know, maybe then

6 it's just a partnership role with the State of
7 Alabama. So it depends on the scope of what they do.

8 MR. KENNETH DARNELL: I agree with his
9 point, that covering a seven-state area would -- you
10 know, you would be expected to take some sort of a
11 leadership role in this.

12 FACILITATOR DAVE WAHUS: Do you want
13 to leave this as it is then?

14 Okay. Let's move back to question No.
15 3.

16 TVA should participate and encourage
17 coordination with state agencies for data collection
18 and will save money in the long run. We modified
19 that to reflect participate and encourage.

20 Any changes you want to make to that?

21 Find more innovative approaches to
22 manage more formal recreation areas. Management can
23 be more self-sustaining, for example, Sale Creek.

24 Any changes you want to make to that?

25 Does that accurately capture your

1 intent?

270

2 MR. GREER TIDWELL: Which creek is for
3 sale?

4 FACILITATOR DAVE WAHUS: Did TVA

5 examine other practices from other systems?

6 I think they responded yes but will
7 continue to look at other systems.

8 Action plan for each of the seven
9 watershed -- develop an action plan for each of the
10 seven watershed areas based on the strategic plan.
11 Different sets of stakeholders be part of teams
12 depending on the region or the use.

13 Did that capture the intent of the
14 comment?

15 Okay. Goal two in action nine and
16 goal three in action five, value in localized
17 perspectives. Move to specific actions in each
18 watershed, and that comment there was in response to
19 the comment right above it, I believe, that that
20 was -- that those two actions, action nine and action
21 five, were intended to move specific -- move to a
22 specific action.

23 Property ownership under the -- yes,
24 sir.

25 MR. DON GOWAN: I do have a question 271
1 about that. Would it be appropriate to add some
2 language that encourages TVA to fund these watershed
3 teams across the Valley, I mean, to continue because

4 there are always, you know, potentially going to be
5 chopped off at the head. You don't need to put that
6 down.

7 I think I work so much with these
8 watershed teams and they are so important to what
9 happens and what leverage comes out of that, I don't
10 know if it's appropriate for us to encourage TVA to
11 continue or to expand those, I don't know if it's
12 appropriate or not, but that's my thoughts.

13 FACILITATOR DAVE WAHUS: So you would
14 like us to add, encourage TVA to continue to fund the
15 watershed teams?

16 MR. DON GOWAN: Right. Do the rest of
17 you agree with that, adding that comment?

18 Okay. Let's go down to the next one
19 then. Property ownership under the reservoir is a
20 state issue. I think that was in response to the
21 questions and the discussion about the state
22 regulating the water.

23 Safety and security should be
24 considered as a component of recreation.

25 MR. TOM LITTLEPAGE: Of the planning
1 process.

2 FACILITATOR DAVE WAHUS: Of the

3 planning process. Thank you.

4 Next one. Partnerships should be
5 innovative and use anything that works. So rather
6 than identifying a finite set of groups that you want
7 to have a partnership with, you leave it wide open.

8 MR. PHIL COMER: Anything that works
9 and is legal.

10 FACILITATOR DAVE WAHUS: I think that
11 goes without saying.

12 MR. PHIL COMER: A lot of these things
13 goes without saying but we have said them anyway.

14 FACILITATOR DAVE WAHUS: Vision
15 statement implies that TVA will only work in
16 partnership. Sometimes TVA should just work on its
17 own.

18 Others have to work in partnership
19 with state agencies -- often have to work in
20 partnership with state agencies, others -- especially
21 in regards to aquatic recreation.

22 Did that capture the --

23 MR. TOM LITTLEPAGE: I guess I'm going
24 to go back to the second from the last here.

25 FACILITATOR DAVE WAHUS: Vision

1 statement?

2 MR. TOM LITTLEPAGE: I'm sorry?

3 FACILITATOR DAVE WAHUS: The vision
4 statement.

5 MR. TOM LITTLEPAGE: Yeah.

6 FACILITATOR DAVE WAHUS: Okay.

7 MR. TOM LITTLEPAGE: I'm not sure I
8 agree that TVA -- and I guess it goes back to some of
9 that discussion said that if TVA can't find a
10 partner, is it truly a worthwhile TVA effort, and I
11 think the focus needs to be on looking at those
12 things where there are partnerships available and
13 that's where the emphasis areas need to be.

14 FACILITATOR DAVE WAHUS: Focus on
15 where partnerships are available. Did that more
16 accurately capture the intent?

17 MR. TOM LITTLEPAGE: Yes.

18 FACILITATOR DAVE WAHUS: Okay. Anyone
19 disagree?

20 MR. PHIL COMER: Yeah, I sort of do.
21 For example, if TVA had not gone on alone to install
22 \$44 million worth of oxygen installation, I will
23 guarantee you no partnership would have ever come
24 forth and brought that remarkable thing into being,
25 and that is part of recreation and aquatic life and

1 so forth. So there are -- that's a staggering
2 example of where no partnership would have ever
3 joined in the \$44 million expenditure of that effort.

4 MR. TOM LITTLEPAGE: But there are
5 some fundamental regulatory differences between water
6 quality compliance and recreation. I don't know that
7 that's directly an apples-to-apples comparison.

8 MR. PHIL COMER: That's not. That's a
9 good point. That's a good point.

10 FACILITATOR DAVE WAHUS: Are there any
11 of these that we discussed that we need to delete?

12 Does anyone have any additional
13 responses to this question?

14 Okay. Then it's time for a thumbs up
15 or thumbs down. Do you support the comments that
16 have been -- that we have discussed in response to
17 this series of three questions?

18 Mr. Dudley?

19 Okay. I am seeing thumbs all the way
20 around. Are there -- that completes the responses to
21 the three questions.

22 Are there any final comments before we
23 turn this back to the Chairman who will be back in
24 just a moment?

25 MR. TOM LITTLEPAGE: I guess I would
1 echo something we heard earlier, that this initial 275
2 stab at a plan was a very good effort and I think the
3 staff should be commended at the depth at which they
4 started putting the concept together.

5 FACILITATOR DAVE WAHUS: I would like
6 you to help me thank Cathy here for doing a great job
7 helping you keep track.

8 A couple of housekeeping things while
9 we're waiting for Bruce. Before you leave today, the
10 badge that you have on your person, if you would,
11 leave it by the tent on the table in front of you.
12 Now would be a good time to take it off so that you
13 don't forget. That way you know it will be here next
14 time. If you take it back or take it with you, Sandy
15 cannot guarantee that you will have one the next time
16 you come back.

17 Mr. Chairman, that concludes the
18 discussion. In your absence they have accepted the
19 responses to the third series of questions and so
20 I'll turn it back to you.

21 CHAIRMAN BRUCE SHUPP: All right.
22 That leaves just one last item on the agenda, and
23 that's discussion of the next meeting, and I will let

24 Kate talk about her ideas and thoughts on the next
25 meeting.

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1 DR. KATE JACKSON: We have a date, I
2 think it's the 18th and 19th of January. That will
3 be the last meeting of this Council. And we have
4 internally kicked around few ideas, but I'm hesitant
5 to bring them to you-all until we have -- I mean,
6 we're assuming that we're going to get a new board
7 and I'm hopeful that the new board might have some
8 ideas for what they want you to be focusing on. So
9 we would discuss that with new board. However, I
10 would like to elicit comments from you-all, if you
11 have some, for topics.

12 CHAIRMAN BRUCE SHUPP: And we might
13 want to think about not only topics for the next
14 meeting as a recommendation to the new board but
15 thoughts about the next council to the new board,
16 would that be appropriate at the same time?

17 DR. KATE JACKSON: Sure. Don't all
18 speak at once.

19 CHAIRMAN BRUCE SHUPP: Greer, you look
20 like you're ready to jump in.

21 MR. GREER TIDWELL: I sometimes worry
22 that I am always ready to share a thought.

23 What about land use planning? We
24 talked about that in the past, and I still think it's
25 an important thing for the agency to have an overall
1 land use plan to which these activities can become ²⁷⁷
2 married.

3 CHAIRMAN BRUCE SHUPP: Do you want me
4 to go one-by-one?

5 MR. JIM JARED: I am inclined to agree
6 with what Greer said. We had extensive discussions
7 about that subject at our first meeting, and I think
8 we still have a lot more to talk about as the
9 pressure for development on TVA land is going to
10 increase.

11 CHAIRMAN BRUCE SHUPP: The question
12 is, when do you say enough is enough and how do you
13 put that limit on 50 years in the future looking back
14 and somebody either will say, wow, what a brilliant
15 idea to save this junk of land or what a dumb idea to
16 develop it. So how do you get to that point with the
17 wisdom to look ahead for 50 or 100 years? That's the
18 strategic planning question of all time.

19 MR. GREER TIDWELL: I may have
20 actually meant policy instead of plan. I'm not sure.
21 There's jargon issues that tie into this that I don't

22 really mean to be jumping off into.

23 Something to which you can compare the
24 agency's actions, whether it's a plan or a policy,
25 that part of it I am not prepared to know what the
1 right answer is, but that's what we're looking for, 278
2 something to judge their actions by.

3 CHAIRMAN BRUCE SHUPP: How about
4 thoughts about the Council itself and how it
5 functions and how it addresses issues?

6 Some of you new members, having only
7 gone through two meetings now, I'm just curious on
8 how you think the Council is organized and operates
9 to meet the questions that are offered or how it
10 meets public needs.

11 Rosemary.

12 MS. ROSEMARY WILLIAMS: I suppose I
13 have a question since this is my second meeting.
14 Does the Council serve as a mechanism for public
15 advice and comments to the board?

16 I mean, would that be a real purpose
17 of this Council or a reason for it to continue?

18 DR. KATE JACKSON: And we were talking
19 about this a little earlier, and I might call the
20 lawyer back up here eventually, but the reason that

21 we instituted you as a FICA and the reason that the
22 folks that wanted this group to be formed originally
23 as a FICA, the stakeholders, one of whom -- Mike is
24 not here, but was because under a FICA each of you
25 doesn't come to provide your own wisdom, although you
1 can. 279

2 You are here to represent your set of
3 stakeholders and your -- the people whose issues are
4 like yours. And to the extent that that's a -- we
5 hope that that's the way the FICA works, then you-all
6 have a responsibility to go back and elicit comments
7 from the people that you represent, whether they're
8 distributors or hunters or the navigation interest,
9 and bring those views back here.

10 And then once we do something and we
11 have gotten some advice from you or we have some sort
12 of collaborative discussion, it is then incumbent on
13 you to go back to your set of stakeholders and
14 communicate that back.

15 That is one thing that although we
16 said that's a goal and an expectation and a desire
17 from TVA, we have never, you know, audited whether or
18 not, you know, actually do that, and that's something
19 we probably ought to talk about from the standpoint

20 of how you get public input.

21 I mean, we get public input in various
22 ways. We have had meetings here on public
23 participation. Clearly TVA cares in an extraordinary
24 way about getting public participation. We can't
25 make good policy decisions and we can't make durable
1 policy decisions without public input. 280

2 However, our public input is specific
3 to either programmatic activities, like the Reservoir
4 Operations Study, or projects, you know, whether it's
5 a transmission line, which is outside the view of
6 this charter, although you always like to talk about
7 it, or specific land use requests and proposals, we
8 do those under the National Environmental Policy Act
9 and we get public participation, but there is no
10 other forum where people of such diverse and
11 inclusive interest come to talk about an overall
12 strategic area, the stewardship area in TVA.

13 You know, how the new board will play
14 into that, I don't know. Clearly, you-all can have a
15 view of stewardship that no one else can have in a
16 public participation process looking at particular
17 projects.

18 Now, does this forum facilitate your

19 bringing your stakeholders' views here in a way that
20 drives us to be the best that we can be in
21 stewardship? Maybe we should talk about that. And,
22 you know, is it a FICA and is it not a FICA? What do
23 you think?

24 MR. KENNETH DARNELL: Perhaps that
25 could be a component of the Council, a session where
1 we bring stakeholders' concerns before the Council. 281

2 CHAIRMAN BRUCE SHUPP: Or as members
3 of the Council, do we have -- should we accept a
4 specified way to obtain and distribute input and
5 output? I mean, would that be a requirement for
6 membership? If you choose to serve, here's what we
7 expect of you.

8 MR. JIMMY BARNETT: Comment. On the
9 ROS we had a meeting in our area and had several
10 people there, but I was surprised that not too many
11 people seemed to care one way or the other. I talked
12 to the Rotary Club. I talked to the Chamber
13 activities. I talked privately. I had about three
14 people that were passionate about it.

15 One of them was Charlie Rose. He's an
16 interesting gentleman, in and of himself. I had a
17 supplier, electric material supplier, that was very

18 interested. I had a couple of other people.

19 Nobody, I guess, basically indicated
20 to me, you take care of it and take care of us. Why
21 do you think I am asking? I want to know what you
22 want. Well, I don't know what I want. That was the
23 response I got.

24 MR. TOM LITTLEPAGE: But I will tell
25 you when I don't get it.

1 MR. JIMMY BARNETT: Yeah. And this is 282
2 from politics, all the mayors and county execs, I
3 talked to all of them. It was, well, basically we
4 want to keep our bass tournaments going and we want a
5 lot of people to come in and we want to have more
6 industrial sites on the river.

7 They want all of these things. They
8 want the barges to continue to run and ship stuff
9 through and to and from and they want to build their
10 boat ramps wherever they want to, Kate. If it's in
11 the middle of the river and anchored down, that's all
12 right too.

13 Of course, water suppliers, like
14 myself, have an opportunity and an obligation to have
15 good water for our citizens and we want TVA to keep
16 the water quality up real high so we won't have to

17 spend so much to treat it.

18 Trying to get public input from public
19 meetings and otherwise is hard to do. They don't
20 know why they want to do it.

21 MR. BILL FORSYTH: Jimmy, come up and
22 visit me.

23 MR. PHIL COMER: I was going to say,
24 during the first two years, this is the sixth year of
25 this Council, and during the first two years, which
1 was conducted very, very differently than the last 283
2 four years have been, believe you me, on the 15
3 tributary lakes we had plenty of input and that was
4 not a problem.

5 MR. JIMMY BARNETT: I understand you
6 had a very burning problem.

7 MR. PHIL COMER: During the first two
8 years on the 15 tributary lakes we had plenty of
9 input. That was not a problem.

10 MR. JIMMY BARNETT: I guess the most
11 interesting thing I ran across during that particular
12 time is when I had some folks down, like Kate, to
13 meet with my attorney on using some reservation land,
14 that generated more interest around home than
15 anything else did.

16 Kate did a marvelous job, by the way.

17 So getting public input, yeah, if you
18 want people to get public input, whether I'm on here
19 or not, then you better define a fairly selective
20 way, because in our area in particular, and let's say
21 it's a burning issue like y'all had or like we had
22 there at that point, it's hard to get it. They are
23 so tied up on recreating that they don't know that
24 they need to come and make comments.

25 One of the reasons I enjoyed serving
1 on a Council for so long is hearing y'all make your
2 comments. Some of these things I didn't even know
3 were issues. 284

4 MR. TOM LITTLEPAGE: I guess my two
5 cents are that it is a FICA and it does serve a very
6 worthwhile purpose. As we have heard today, TVA owns
7 lots of land, but they don't own all of the land and
8 they certainly don't own the water.

9 I see the competition and the
10 congestion and the conflicts only growing in this
11 region, and TVA is going to be put in more and more
12 of a difficult position of trying to be the
13 arbitrator or referee of competing uses where nobody
14 can be completely satisfied.

15 This Council serves a valuable purpose
16 in helping to understand how that policy base can
17 work and what are some appropriate things that TVA
18 and the board can undertake to try to recognize both
19 the commitment that TVA has to -- for power
20 production for the ratepayers and to the public as a
21 stewardship of some of these resources.

22 As somebody involved with other states
23 on water quantity issues, this dialogue is very
24 valuable in terms of understanding those perspective
25 that maybe we downstream don't see from what's going
1 on upstream, but if TVA were just to focus on doing ²⁸⁵
2 everything upstream to settle that we would see some
3 implications to our downstream projects.

4 So there has to be this dialogue that
5 allows everybody to understand the nuances of the
6 system and that upstream actions have a downstream
7 impact and the reverse, and I support that in this
8 and as an ongoing effort.

9 MR. PHIL COMER: I have always been
10 amazed, Bruce, that TVA has existed 72 years. And
11 the law which governs this committee was, I believe,
12 passed in 1972 and how late in the history of TVA
13 before TVA saw fit to create the Regional Resource

14 Stewardship Council under the 1972 law. I mean, this
15 sort of speaks for itself.

16 There was a tremendous kind of
17 indifference for many years. I don't mean that TVA
18 didn't have occasional meetings with local groups and
19 so forth, but it was pretty late in the day before
20 TVA decided to create this Council under the 1972 law
21 enabling such councils, advisory committees.

22 CHAIRMAN BRUCE SHUPP: And the
23 other -- any other thoughts?

24 Greer.

25 MR. GREER TIDWELL: In terms of how we
1 operate, I would like to see us get a little bit more ²⁸⁶
2 feedback on sort of what's -- where the
3 recommendations of the Council have gone and what
4 actions and what decisions they have generated.

5 And speaking for myself, an
6 hour-and-a-half presentation on that is not what
7 we're looking for, but kind of a bullet point update
8 of where things stand. I can't absorb it all, you
9 know, at every time, but I think that's something I
10 would like to see us get at the Council meetings.

11 MR. PHIL COMER: McCullough mentioned
12 at one of our recent meetings that he had had a

13 tabulation made from day one and that 84 percent of
14 the recommendations made by this Council since day
15 one, which goes back to six years ago, had been
16 accepted and acted upon by the board. I accept his
17 numbers at face value. I was -- I was surprised that
18 it was that high, but that's a pretty remarkable
19 number.

20 MR. GREER TIDWELL: If the Council is
21 going to go forward, I would just suggest that that's
22 just an ongoing report back because various ones of
23 us are able to focus on TVA various amounts during
24 the intervening period between these meetings. I,
25 for one, don't get a lot of chance to focus on TVA.

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1 MR. JIM JARED: You know, another
2 thing that I think we need to look at is that -- what
3 I learned today is where TVA has control over, for
4 instance, their land, they have good control over the
5 land, they don't have -- they have little control
6 over the water or the recreation on the water because
7 of the policing involved, and I think we ought to
8 concentrate our efforts where TVA does have control.

9 MS. ROSEMARY WILLIAMS: Well, don't
10 you think TVA could at least influence the control
11 over the water or express their recommendations?

12 MR. JIM JARED: Yes, they can.

13 MR. PHIL COMER: I would beg to
14 differ. I think TVA has an incredibly large control
15 over the water. I mean, they may not police the
16 behavior of boaters on the surface of the water, but
17 believe you me, they do control the water.

18 MR. JIM JARED: I was speaking of the
19 policing of the recreation.

20 MR. PHIL COMER: There are many people
21 who individually think TVA has more control of the
22 water than they should have, but that's a federal law
23 that was passed and they have it.

24 CHAIRMAN BRUCE SHUPP: Ken.

25 MR. KENNETH DARNELL: Jim brings up a
1 good point. We find out things here that the average
2 person who is a citizen doesn't know about the
3 operation of TVA and the reservoir and the resources,
4 and we have become a liaison to take this information
5 back to our communities.

6 For example, no one on Kentucky Lake,
7 myself included, until the first meeting of this
8 Council, knew that the Corps of Engineers took the
9 lead in the operation of the Kentucky reservoir.

10 DR. KATE JACKSON: Sometimes.

11 MR. KENNETH DARNELL: Sometimes. When
12 Kate lets them. So, you know, it's that kind of
13 information that we disseminate back to our
14 communities, and I think that helps -- that improves
15 relationships with TVA and understanding.

16 CHAIRMAN BRUCE SHUPP: Any other input
17 for Kate to take back to the new board if, in fact,
18 it exists before January?

19 Anyone want to make bets or we make a
20 pool?

21 All right. We're counting down toward
22 adjournment. Does anybody have anything else for the
23 good of the Council or TVA?

24 DR. KATE JACKSON: I have got
25 something. Many of you who were on previous Councils
1 will remember Kirk, our AV specialist who was -- he ²⁸⁹
2 and Paul were in that bad, bad, bad van accident.
3 Kirk came back for a little visit and we're delighted
4 that you're here and ambulatory.

5 CHAIRMAN BRUCE SHUPP: Good to see
6 you. We asked about you often but never saw you
7 since that day. Welcome back.

8 Lunch. It's a quarter of
9 11:00. lunches will be here at 11:00 if you want to

10 wait or go check out and come back, whatever your
11 wishes are. They will be in this room.

12 Anything else?

13 All right. We're adjourned until
14 January. Thank you.

15 END OF MEETING

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1 REPORTER'S CERTIFICATE

2 STATE OF TENNESSEE)
3 : SS.
4 COUNTY OF HAMILTON)

5 I, Kimberly J. Nixon, RPR, the officer
6 before whom the foregoing meeting was taken, do
7 hereby certify that the foregoing transcript was
8 taken by me in machine shorthand, and thereafter
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8 That the transcript was prepared under my

9 supervision, and attached to this certificate is a
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11 That I am neither counsel for, related to,
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12 and I further certify that I am not a relative or
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15 In witness whereof, I have hereunto set my
hand this _____ day of _____, 2005.

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KIMBERLY J. NIXON, RPR
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COMMISSION EXPIRES: 4/26/08.

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