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2
3 REGIONAL RESOURCE STEWARDSHIP COUNCIL MEETING

4 AUGUST 17, 2006

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6 VOLUME II OF II

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11 KNOXVILLE CONVENTION CENTER
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P R O C E E D I N G S

CHAIRMAN BRUCE SHUPP: Good morning.

We don't have any administrative agendas from the Chair, administrative items from the Chair.

Does anybody around the table have anything you want to bring up on the meeting?

Dave will review the agenda.

MR. AUSTIN CARROLL: I have a question.

CHAIRMAN BRUCE SHUPP: Go ahead.

MR. AUSTIN CARROLL: Like what do you see as future meetings and the course of the Council and that kind of thing?

DR. KATE JACKSON: This is the last meeting -- scheduled meeting of this evolution of the Council, and we need to make a recommendation to the Board with respect to the continuance or not of having a Federal Advisory Committee on stewardship issues.

And, you know, we have talked a bit to the Board about the Regional Resource Stewardship Council, and the committee -- the community relations committee is the committee that would have responsibility for making the recommendation to the full Board on whether or not to continue the Council.

1 And, you know, we have briefed them,
2 but they really didn't have a feel for what the
3 Stewardship Council was. So I think this last day or
4 so was a really good opportunity for those committee
5 members to have a much better and more wholistic
6 understanding of what you are, what you do, the value
7 of the advice that you provide.

8 And you know that Skila has managed
9 FICAS in the past. The committee member who was not
10 here the last two days, Mike Duncan, also has been
11 the DFO for a federal committee, and so he has a very
12 good feel for the value of this kind of advice.

13 So I think that's all very -- you
14 know, that's a very positive opportunity for them to
15 really think through what some of the issues are
16 associated with having a diverse range of opinions
17 and advice, to come and sit and wrestle with the
18 difficult issues with which we wrestle, but we will
19 have to be making that interactive recommendation to
20 that committee and then the full Board with respect
21 to that.

22 So this Council dissolves in February,
23 the very beginning of February, and we will have to
24 make a determination. As soon as we do that, we will
25 let you know, of course.

1 MR. AUSTIN CARROLL: There's no
2 additional meetings?

3 DR. KATE JACKSON: There are currently
4 no additional meetings scheduled, that's right.

5 MR. AUSTIN CARROLL: Thank you.

6 CHAIRMAN BRUCE SHUPP: Anything else?
7 Dave.

8 FACILITATOR DAVE WAHUS: In a few
9 minutes we will review the previous Council's advice
10 on land policy, and then we will get into discussing
11 the advice of what you heard yesterday and the
12 documentation and any additional advice you wish to
13 make.

14 Then following that we will have the
15 update on three stewardship issues, I believe it is,
16 followed with any last minute administrative
17 announcements, and then adjournment of the Council
18 which is scheduled for 11:30.

19 Any questions on the agenda this
20 morning?

21 CHAIRMAN BRUCE SHUPP: Let's go.

22 FACILITATOR DAVE WAHUS: Could I have
23 the summary of the --

24 MR. AUSTIN CARROLL: Dave, let me ask
25 you one more question.

1 FACILITATOR DAVE WAHUS: Go ahead.

2 MR. AUSTIN CARROLL: Would it be of
3 value to have the presentations first before we do
4 this? I mean, would any of that maybe contribute to
5 thoughts of -- additional thoughts that we may have?

6 FACILITATOR DAVE WAHUS: I don't
7 believe so.

8 DR. KATE JACKSON: The issues that
9 we're going to have updates on are Bear Creek because
10 there was some of the leakage issues we talked about.
11 Warren will give us an update on that.

12 We're going to do an update on how dry
13 I am, recognizing that we're, you know, having water
14 issues, as many of you who live along the reservoir
15 know.

16 And then the third item will be we had
17 an issue with the lock gate at Wilson. There was an
18 accident there and some damage to the lock, and Janet
19 was going to give an update on that.

20 So I think those are different
21 subjects. Clearly we could do them in either order,
22 whatever you-all want.

23 CHAIRMAN BRUCE SHUPP: I think it's
24 best we leave them until the end. And if we do run
25 over in our discussions and get tied up, we can

1 always, you know, not go through with that if we
2 decide not to or whatever.

3 MR. AUSTIN CARROLL: Okay.

4 FACILITATOR DAVE WAHUS: If you will
5 all open up your notebooks, in the first section --
6 the first section of the notebook behind the agenda
7 you will find some information. Just before you get
8 to the first orange page, you will find a page that
9 says, "Summary of RRSC Advice on Land Issues." It's
10 a one-page document. It's about two or three pages
11 from the -- it's before the first orange or maybe --

12 DR. KATE JACKSON: Not in my book.

13 FACILITATOR DAVE WAHUS: Not in your
14 book.

15 DR. KATE JACKSON: I have remedial
16 material.

17 FACILITATOR DAVE WAHUS: It's before
18 the first orange page just before Bridgette's
19 presentation. There it is.

20 Did everybody find it?

21 That's the document that we're going
22 to be discussing this morning. What I suggest that
23 we do this morning is we will review -- we will
24 review what -- the summary of the past advice that
25 you have given.

1 Then we will go -- we will -- based on
2 what you heard yesterday, we will ask you if you have
3 any additional advice based on what you heard
4 yesterday, and we will capture that information.

5 And then we will come back to this
6 advice and ask you if you want to revise, replace or
7 affirm any of the information that you have already
8 provided.

9 And does everybody agree with that
10 process?

11 I am not hearing any objections.

12 MR. TOM LITTLEPAGE: So we're going to
13 go through this?

14 FACILITATOR DAVE WAHUS: We're going
15 to review this very quickly so that you know what is
16 there.

17 MR. TOM LITTLEPAGE: And then go to
18 page two with those questions.

19 FACILITATOR DAVE WAHUS: We're going
20 to use those questions. And we may not do them in
21 that order, but we're going to use those questions.

22 The information on the page in front
23 of you is the same that you will see on the screen,
24 and I recognize it's a little difficult for some of
25 you in the back here to see the screen.

1 The only thing we have changed is that
2 we have numbered the bullets, so that if somebody
3 wants to talk about a particular bullet it would be
4 easier to identify.

5 Okay. The advice you have provided in
6 the past -- and keep in mind, this is a summary of
7 what you provided. It has been summarized down to
8 one page, but I think it is very well -- the person
9 that summarized this, I think, did a very good job of
10 capturing the essence of what you -- the advice that
11 you have provided.

12 TVA could better manage public lands
13 to make a contribution towards meeting conservation,
14 recreation, and economic development needs in the
15 Valley by:

16 One: Establishing a philosophy,
17 policy or set of standards.

18 Two: Closing the loop and reinforcing
19 the rationale behind the decision after the decision
20 has been made.

21 Let's go on to the second section --
22 part of it.

23 When balancing conservation,
24 recreation, and economic development uses of public
25 land TVA should:

1 One: Add on overarching principle for
2 changes in land allocation done outside the periodic
3 land planning process and that the mitigation, swap
4 or sale should increase public benefit over and above
5 the land's original designated use.

6 Two: TVA should consider trades of
7 lands on reservoirs that have lots of available land
8 with other reservoirs that have little public land.

9 Three: Where there has already been a
10 lot of development, TVA should take a hard look.
11 Where there isn't any development, TVA should be more
12 open to potential development. Criteria on whether
13 or not development is allowed should be based on the
14 best science available, not just economics.

15 Four: TVA should be flexible to allow
16 for off-site mitigation within the same watershed or
17 on an adjoining watershed.

18 Five: There should be no-net loss in
19 public land. TVA should be adequate stewards of
20 extraordinary resources.

21 And then the third grouping on your
22 page, other guidance includes the following:

23 One: Other agencies have policies
24 that do not allow them to make federal land available
25 for development without rigorous review.

1 Two: Every reservoir is different.

2 Three: Once a plan has been
3 developed, it should have integrity for a period of
4 time with no changes unless the request passes a very
5 strict review process and offers broad public
6 benefits.

7 Four: Plans should be reviewed on a
8 regular basis, every five to seven years.

9 Five: TVA should develop a
10 comprehensive Valley-wide policy.

11 Six: TVA should have a clear planning
12 process and criteria to identify when a plan should
13 be reopened.

14 Seven: Land use proposals made within
15 five to seven years of a plan should meet a higher
16 set of criteria and bring significant benefits to the
17 public.

18 Eight: Overall, there should be no
19 loss of conservation land.

20 Nine: TVA should take a critical look
21 at residential development.

22 That is a summary of the advice that
23 you have provided in the past. And now, based on
24 what you heard yesterday, I would open the floor and
25 ask, do you have any additional advice before we go

1 back and do any fine-tuning that you wish to make on
2 the advice that we have just summarized?

3 Is there anything that you -- any
4 additional comments or advice that you would like to
5 make?

6 Jimmy.

7 MR. JIMMY BARNETT: I would like to
8 ask Kate a question. Kate, what part of this gives
9 you the most heartburn?

10 DR. KATE JACKSON: Define this.

11 FACILITATOR DAVE WAHUS: I'm sorry. I
12 could not hear the question.

13 MR. JIMMY BARNETT: What part of the
14 current policy gives you the biggest heartburn?

15 DR. KATE JACKSON: There are so many
16 opportunities for me to talk about that. I think one
17 of the issues is we are to the point where we do so
18 much case-by-case analysis, and we have great
19 flexibility with respect to the TVA Act and the
20 multipurpose opportunities with the land base and
21 that allows an amount of flexibility that sometimes
22 makes it more difficult to be consistent, recognizing
23 that every reservoir is different, every opportunity
24 is different, the resources on those tracts are
25 different, the needs of the public and the needs of

1 the developers are often different from tract to
2 tract. So having a consistent policy is very
3 difficult, and that's probably the hardest.

4 FACILITATOR DAVE WAHUS: Bruce, you
5 were next.

6 CHAIRMAN BRUCE SHUPP: I think we have
7 a lot of the components of good recommendations in
8 here, but they are not prioritized at all. There's
9 no emphasis given, it's just a listing. I think what
10 we -- where we could provide a service would be to
11 highlight things and emphasize things more.

12 And by that I mean that Kate mentioned
13 there's a lot of case-by-case analysis. Well, maybe
14 the first recommendation is TVA needs to establish a
15 reason why policy with lots of public input to
16 develop that policy and set that policy as the
17 framework on which to make case-by-case decisions and
18 then start stepping that down with other things that
19 we picked up from the hearing yesterday about public
20 needs and wants, but I think we should re-emphasize
21 the -- we should prioritize these issues and try to
22 give them some strength for the Board.

23 FACILITATOR DAVE WAHUS: Okay. Bill.

24 MR. BILL FORSYTH: In looking at these
25 proposals it dawned on me that in our area in the

1 upper end of the watershed there's a great deal of
2 U.S. Forest Service land, and in some instances state
3 forest land.

4 I agree with no-net loss, but we might
5 add in here somewhere that in some instances it might
6 be appropriate that a person trading for TVA land
7 might buy other lands that another agency wanted,
8 that might be beneficial to the U.S. Forest Service,
9 to trade them land for TVA land instead of to TVA,
10 that it might be a better benefit to the local area.

11 FACILITATOR DAVE WAHUS: Let me make
12 sure I understand. If a private citizen has land
13 that they want from TVA, if they could transfer the
14 land that they have to the Forest Service and then
15 TVA would --

16 MR. BILL FORSYTH: Right. Or they buy
17 land that the Forest Service -- would make a Forest
18 Service tract more whole.

19 FACILITATOR DAVE WAHUS: Okay. So it
20 would be a no-net loss to the land held by the
21 federal government, not necessarily no-net loss.

22 MR. BILL FORSYTH: Land in public
23 trust, no matter what agency.

24 FACILITATOR DAVE WAHUS: Okay. So
25 involve another federal agency?

1 MR. BILL FORSYTH: Right. Or state.

2 FACILITATOR DAVE WAHUS: Or stated
3 agency.

4 MR. BILL FORSYTH: Yeah.

5 FACILITATOR DAVE WAHUS: Okay.
6 Austin.

7 MR. AUSTIN CARROLL: I kind of like
8 the spin on what Bruce said there, you know, I think
9 he's right. I think -- I think TVA needs to have
10 some kind of overriding policy about their public
11 lands, and then they may need to look at each
12 reservoir individually and determine within that
13 broad policy what -- you know, how that reservoir is
14 going to be handled as far as, you know, the
15 different types of uses. And some prioritization of
16 these things, I think, also would be good, I agree
17 with Bruce on that.

18 Some of these things, you know, I
19 would like to go back and get some clarification on,
20 like, you know, I can read some of this, but I think
21 this Board, from what -- the conversations I have had
22 with them and in small groups or whatever, they are
23 really looking for advice on this and they -- this is
24 a part-time Board now that doesn't spend all their
25 time, you know, looking at this kind of thing. And

1 so they are asking us to spend time with the public
2 and represent the different faces of the public and
3 give them some real input. And some of these things,
4 I'm not sure what they say myself. So, you know,
5 maybe we ought to talk --

6 FACILITATOR DAVE WAHUS: As we -- when
7 we get to that -- get to that part and go into
8 review, then we can spend some time discussing
9 exactly what did we mean.

10 MR. AUSTIN CARROLL: Okay.

11 FACILITATOR DAVE WAHUS: Rather than
12 stop at this point, if we could do that, then we
13 could move along more smoothly.

14 Do you confer with that?

15 MR. AUSTIN CARROLL: All right.
16 What's the process again?

17 FACILITATOR DAVE WAHUS: We're going
18 to be asking if there's any additional advice that
19 you would like to give, and then we're going to go
20 back to what you have in front of you and we're going
21 to ask if there's any revisions, any replacements, do
22 you affirm what's there, and at that time if you
23 don't -- we don't understand what's there, then we
24 can discuss it and say, what do we mean by this.

25 MR. AUSTIN CARROLL: Okay.

1 FACILITATOR DAVE WAHUS: If we can do
2 that rather than jumping around.

3 MR. AUSTIN CARROLL: All right. What
4 do you want now?

5 FACILITATOR DAVE WAHUS: If you have
6 anything additional that you want, and you have just
7 given us an item, you just said, TVA needs an
8 overriding policy for all its public lands and then
9 look at each reservoir as to how they should be
10 dealing with the land management within that
11 overriding policy, that's what I just heard you say a
12 minute ago.

13 MR. AUSTIN CARROLL: That's correct.

14 FACILITATOR DAVE WAHUS: Okay. Greer.

15 MR. GREER TIDWELL: Yeah. I have a
16 couple of questions. One, this may be for Kate.

17 DR. KATE JACKSON: I'm listening.

18 MR. GREER TIDWELL: Has the playing
19 field changed given the Executive Order and given the
20 Legislative Resolution here in Tennessee?

21 DR. KATE JACKSON: The Executive Order
22 to which you refer is the one from Mr. Bush on the
23 eminent domain issue?

24 MR. GREER TIDWELL: He's my President
25 Bush, maybe Mr. Bush to you, but from President Bush

1 in June about --

2 DR. KATE JACKSON: I'm glad he's
3 yours.

4 MR. GREER TIDWELL: Also, I don't
5 remember exactly the details, but I think the comment
6 period is still open from the public. And is that
7 comments to us, comments to the Agency? Let's sort
8 of let's step back and make sure we're not --

9 DR. KATE JACKSON: The comments for
10 this meeting?

11 MR. GREER TIDWELL: Yes, for this
12 meeting. I didn't understand exactly how all of that
13 was going to work. Can you explain?

14 DR. KATE JACKSON: The comment period
15 is open through August 23rd.

16 MR. GREER TIDWELL: Okay.

17 DR. KATE JACKSON: And that is, you
18 know, they can email to the email address. There is
19 obviously the Regional Resource Stewardship Council
20 address. They can email any of us. I suspect some
21 people will write directly to the Board members. All
22 of those, no matter how we get them, will be massed
23 together and evaluated very carefully.

24 To go to your other question, the
25 Executive Order is -- concerns eminent domain for --

1 getting land via eminent domain for economic
2 development. It does not talk about what you do with
3 land that you have now and dispose of that you have
4 got with eminent domain, that's one item.

5 And the only land that we are
6 acquiring is land for transmission rights-of-way.

7 MR. GREER TIDWELL: So TVA right now
8 doesn't believe that the Executive Order -- let me
9 stop. I am not trying to put words in anybody's
10 mouth.

11 Although, the Executive Order seems to
12 absolutely be directed at not taking public -- taking
13 the land from U.S. citizens and putting it into
14 private economic gain situations, that's certainly
15 the issue, it seems to me, that's in the Executive
16 Order, TVA is about to take the position that that
17 just means they don't need to worry about that in
18 terms of what they do with their land they have
19 already gotten, because I understand legalistically
20 it's just directed at not enacting eminent domain for
21 the purpose of private economic pursuit, but it seems
22 to me that would be pretty important guidance in
23 terms of what the President is saying what we ought
24 to do right now regarding public lands.

25 DR. KATE JACKSON: The Executive Order

1 speaks directly to using -- currently enacting
2 eminent domain to take land to provide to private
3 investors for economic development.

4 I mean, I can have Barry speak to it.
5 He actually is a lawyer, instead of me who just
6 practices.

7 MR. GREER TIDWELL: For me it matters.
8 I mean, the President has said, don't take any land
9 and give it to -- for private economic gain,
10 that's -- if someone in authority in my organization
11 said something like that and then I said, well, I am
12 going to take the land I have already got and put it
13 into economic gain, I would be in a lot of trouble.

14 I think it's incumbent upon us to, you
15 know, not just look at the letter but perhaps the
16 spirit of that.

17 DR. KATE JACKSON: And perhaps that's
18 a recommendation that you want to make to us.

19 MR. W. C. NELSON: Let's not go along
20 that route because we might want to give all the
21 lands back to the Cherokees.

22 MR. GREER TIDWELL: That wouldn't be
23 private gain.

24 MR. W. C. NELSON: The property has
25 been acquired so long ago, I mean, 50 or 60 years ago

1 by eminent domain, that fact negates to me doing
2 anything like that.

3 It's only on the future, because what
4 brought this about was a city government, I
5 understand, using eminent domain to acquire property
6 for a particular company to build a business or
7 whatever.

8 MR. GREER TIDWELL: It was to develop
9 a shopping mall on.

10 MR. W. C. NELSON: That's what brought
11 all the problems to the surface, not properties that
12 had been acquired years ago by eminent domain.

13 MR. GREER TIDWELL: I just throw that
14 out for us to think about because I am pretty
15 convicted on it.

16 FACILITATOR DAVE WAHUS: Do you want
17 to make the recommendation, consider the spirit of
18 the law as well as the letter of the laws?

19 MR. GREER TIDWELL: Yes, I would go
20 ahead and say to take the Executive Order as meaning
21 we should not give up public lands for private
22 economic gain.

23 FACILITATOR DAVE WAHUS: Interpret the
24 Executive Order as saying that we should not give up
25 land acquired by eminent domain to be used for

1 economic development, is that what you're saying?

2 MR. GREER TIDWELL: No. Economic
3 development is different than private economic gain.

4 FACILITATOR DAVE WAHUS: Okay.
5 Private economic gain. Interpret the Executive Order
6 as -- that land acquired by eminent domain would not
7 be used for private economic gain.

8 MR. GREER TIDWELL: Right.

9 CHAIRMAN BRUCE SHUPP: Greer, you have
10 to sort of break that down. You have got
11 residential.

12 MR. GREER TIDWELL: Exactly.

13 CHAIRMAN BRUCE SHUPP: Commercial.
14 Industrial. You know, it depends on the scope of
15 what you're talking about here.

16 FACILITATOR DAVE WAHUS: What you --
17 so I am hearing Greer say that he just wants to
18 include residential?

19 MR. GREER TIDWELL: Yes.

20 FACILITATOR DAVE WAHUS: So you want
21 to include only residential?

22 DR. KATE JACKSON: So the shopping
23 mall would be okay?

24 MR. GREER TIDWELL: The shopping mall
25 might be okay.

1 FACILITATOR DAVE WAHUS: I just want
2 to understand what you're saying. I'm not trying to
3 argue the point. Okay.

4 We're going to go Jimmy, Miles, Tom,
5 back to Austin, and then Bill, if I can keep that
6 straight.

7 Jimmy, how is the light this morning
8 in your eyes?

9 MR. JIMMY BARNETT: Much better.
10 Thank you.

11 MS. MILES MENNELL: That one is still
12 bad.

13 MR. JIMMY BARNETT: I can still see
14 you. I liked -- I looked at the Wheeler Reservoir
15 Land Management Plan, which is a big book, a big
16 thick book, and I understand, Kate, this is done for
17 every reservoir.

18 DR. KATE JACKSON: There are a few
19 thousand acres left that we have not yet done, mostly
20 in the upstream tributary reservoirs in North Georgia
21 and North Carolina and upper east end in Tennessee.

22 MR. JIMMY BARNETT: This one, I think,
23 was done in 1995, if I recall reading it in here,
24 which is a fair time ago, 11 years now.

25 The book though winds up having a set

1 of plans as to what was decided and it says, this
2 piece of property, parcel 21, which is the Elk River
3 thing, is -- this amount of land is allotted for
4 commercial recreation, right next to it is a barge
5 terminal potential location, right next to that is a
6 wildlife location. To me it gives a lot of guidance
7 provided it's continually updated.

8 For example, if I want to do something
9 I can get these maps and look at them and, hey, I
10 could put a marina here, if that's my intent, or I
11 could put a barge terminal if I were interested in
12 that from an economic development state and I need
13 something to get the goods in and out or, hey, I like
14 this over here because it's set up for wildlife
15 management, to me that's -- that is a good way of
16 having a plan that's out there, it's in front of the
17 public.

18 Now, I am sure there were public
19 hearings held coming up with all of this.

20 DR. KATE JACKSON: There were.

21 MR. JIMMY BARNETT: The furrow that's
22 going on currently in the Elk River thing, I don't
23 think they really paid that much attention when the
24 plan was developed evidently, because right next to
25 what somebody is complaining about as being a

1 commercial development and a fellow just wanting to
2 make money, how else are you going to develop a
3 commercial recreation except with commercial people?

4 He's a commercial person. So he's got
5 to come in and develop this marina and the campsites
6 and so forth, and he's doing it with easements rather
7 than asking to purchase the land, I like that. TVA
8 keeps control of the land. So I like that approach,
9 TVA keeps the land.

10 Yeah, it's 30 years, but if he doesn't
11 follow the stipulations that's outlined, they can
12 take it back, and then he's supposed to put it back
13 like it was, I like that approach. It keeps the land
14 in the public's domain. It puts out certain
15 qualifications that he's got to follow, which make
16 sense.

17 And it boils down to how tight is TVA
18 going to monitor everything that they have asked him
19 to do to make sure that he does it and doesn't fall
20 off the board in five years or something, and it
21 gives a great thing for the public to look at in
22 somebody wanting to do something.

23 Of course, you have got to make the
24 assumption that the plan was a good plan for the
25 allocation part of it in the first place, and that

1 comes from the public hearings. And maybe oftener
2 than 11-year revision of the plan, but as Kate said,
3 they haven't had the time or the resources to do even
4 some of the lands that are out there now in this
5 fashion, but I like this as an overall plan. It
6 makes sense to me. Some of the things that are in
7 there make sense to me. I might question a few
8 things.

9 The leeway I can understand. The more
10 leeway you have got to do something, more times
11 people are going to be able to fuss about it because
12 you did something for Bill over here that you didn't
13 do it for me.

14 I understand each reservoir is
15 different. So with each reservoir you have got one
16 of these land plans. I personally like that.

17 I think that the Elk River project had
18 a gentleman that I met with for a long time and was
19 its most vocal opponent, I think its most vocal
20 opponent, though I sympathize with him wanting to
21 keep the river all natural, he should have been more
22 vocal when the plan was developed, no, we don't want
23 that set up for commercial recreation, that's the
24 point that he should have stressed back in '95.
25 Maybe he wasn't interested in '95, I don't know, but

1 to get it changed, where is the opportunity?

2 Well, occasionally they are revised,
3 but there's no plans, I don't think, to do the
4 Wheeler one I have heard anyone say. Perhaps
5 upgrading the plans on a more often than an 11- or
6 12-year period would be good to give other people
7 input as opinions change in the community. So I like
8 the plan.

9 I think the marina is so set up
10 based -- this is one man's opinion, of course. I
11 think it should go forward. He's done everything
12 he's supposed to do, got every cross and every goal
13 line and jumped through every hoop. I sympathize
14 with his most vocal opponent, a fine gentleman.

15 By the way, they are both friends,
16 well, good acquaintances. They will remain that way,
17 both of them have said, no matter what happens. I
18 think it should be awarded to him.

19 There's no reason for me to see not
20 unless the Board -- the TVA Board wants to change in
21 midstream, which they are the controlling body, they
22 can do that.

23 So I like -- as an overall plan I like
24 this kind of thing because it tells me as a part of
25 the general public, hey, don't build a house right

1 next -- if I get an opportunity for some reason,
2 don't build a house right here, this needs to be a
3 barge terminal, or, hey, build a house over here
4 because there's going to be a marina and it's going
5 to be easier to get my boat down there if I get that
6 kind of opportunity.

7 So I like it. It's something concrete
8 that you can put your hands on. I like that
9 approach. The flexibility, maybe we can tighten some
10 things down on the flexibility part going back to
11 some of our advice. I just like this plan.

12 And there's some 800 people I was
13 told, some of whom are listed in here, that are
14 against as public comments from the area because they
15 want it left pristine.

16 My comment was, where were they then?

17 So though I am in total sympathy with
18 everything they are saying, I think the dye has been
19 cast for this site in Jimmy's opinion.

20 FACILITATOR DAVE WAHUS: Okay. And
21 your recommendation, sir, is to have a land use -- a
22 land management plan for every reservoir, along with
23 an accompanying map, land map?

24 I'm asking now, I am not telling.

25 MR. JIMMY BARNETT: And with more

1 updates more frequently than 11 years.

2 FACILITATOR DAVE WAHUS: Okay. Have a
3 land management plan -- develop a land management
4 plan for every reservoir accompanied by the land map
5 appendix, and update it more often than it has been
6 done in the past, updates on a more frequent basis.

7 Who did I say was next?

8 Miles.

9 MS. MILES MENNELL: Under the first
10 bullet we recommend the establishment of a policy --
11 a philosophy policy or set of standards, I would like
12 to suggest that we add in there --

13 FACILITATOR DAVE WAHUS: May I stop
14 you, please?

15 MS. MILES MENNELL: Yeah.

16 FACILITATOR DAVE WAHUS: We're going
17 to get to those in a few minutes.

18 MS. MILES MENNELL: Let me rephrase
19 it.

20 FACILITATOR DAVE WAHUS: We're just
21 adding additional comments now and then we're going
22 to get to those and make some revisions, and I am not
23 trying to delay the importance of your comment.

24 MS. MILES MENNELL: I understand. Let
25 me state it differently. The additional comment I

1 would like to make --

2 FACILITATOR DAVE WAHUS: Thank you.

3 MS. MILES MENNELL: -- is that I think
4 it would be helpful if, like, the National Forest
5 Service, we made a statement or TVA had a one-liner
6 statement that simply said, is it in the public
7 interest, and that would be the beginning of our
8 discussion, given the diversity, and that would stick
9 with the original core mission, that's the additional
10 comments.

11 FACILITATOR DAVE WAHUS: Is it in the
12 public interest should precede any land-use decision,
13 is that what you said?

14 MS. MILES MENNELL: Yes.

15 FACILITATOR DAVE WAHUS: Thank you.

16 MR. TOM LITTLEPAGE: Well, now you
17 have got me kind of like Austin, I guess. I am
18 trying to wrestle with how much we're refining our
19 previous criteria versus blending that into what we
20 heard yesterday and the new criteria, I guess.

21 I certainly echo what Jimmy said to
22 the extent that more concrete plans are better but to
23 be aware of the staffing and resource requirements to
24 create a dynamic process that maintains clear
25 standard -- clear and current guidance and criteria

1 for every single reservoir, I think, is a little
2 unruly, and that's why, I guess, I heard Kate allude
3 to the fact that this is almost a case-by-case
4 process because you can't have everything updated and
5 the process itself is so dynamic.

6 I think what we need to do is make
7 sure that we create a planning environment where
8 there is some senior level perspective on what is the
9 public good and what is the criteria for decision
10 making and then let that translate into specific
11 reservoir-by-reservoir standards.

12 And one of the suggestions I was going
13 to make relative to this, and I guess it's looking at
14 Section 2, adding something to the degree where there
15 is a categorization. It seems like what we heard
16 yesterday was there's a lot of reservoirs that are
17 overdeveloped and a lot of them that are
18 underdeveloped, and it may be worthwhile to develop a
19 broad framework of categorization in how we approach
20 those decisions of what is good economic development
21 or what is good land planning based on the uses
22 associated or the specific land use characteristics
23 of reservoirs.

24 So I guess I'm trying to craft some
25 language that says, look at the potential to

1 categorize reservoirs by that level of development,
2 and then approach those decisions a little
3 differently. If it's overdeveloped, you may be more
4 stringent in terms of what's allowed and what's not,
5 versus underdeveloped, you would have a looser
6 framework of flexibility to encourage things that
7 might help with the development along that reservoir.

8 FACILITATOR DAVE WAHUS: Based on the
9 existing development?

10 MR. TOM LITTLEPAGE: And then there's
11 a whole series of things that if you do that where
12 you would look at things like treating undeveloped
13 land differently than previously developed land. You
14 know, in a more stringently developed area you may
15 say, if it's already been developed once, let's allow
16 certain things, but if it's never been developed at
17 all and land is becoming very valuable and scarce,
18 then maybe we are more stringent in how we let the
19 development occur.

20 FACILITATOR DAVE WAHUS: Okay.
21 Austin.

22 MR. AUSTIN CARROLL: All right. Don't
23 write it down yet. I want to say a couple of things.
24 It seems like, and I might be reinventing the wheel,
25 and I am sure TVA has thought through a lot of this

1 and they have got operational plans for each
2 reservoir, but it seems like there should be some
3 kind of criteria for determining when you reach a
4 certain capacity.

5 Each reservoir and lands have a
6 capacity maximum, you know, where you can use it and
7 you're not really causing, you know, degradation of
8 the environment, degradation of, you know, other
9 people's rights to be able to use the reservoir, in
10 other words, because, you know, you can only put so
11 many boats out there. When you can walk across the
12 lake, you know, just from one boat to the other,
13 there's too many boats.

14 So, you know, it seems like there
15 should be some kind of criteria developed that says
16 that when you get to this point, then you have got to
17 cut it off, okay, that's enough. So, you know, I
18 think there should be some criteria developed in
19 monitoring for determining, you know, when you reach
20 that capacity or when you degrade it, the environment
21 or the safety or, you know, where, you know, you're
22 eroding the shoreline with so many boats, you have
23 got to cut it off.

24 FACILITATOR DAVE WAHUS: Have we
25 captured your thought?

1 We said, there should be a criteria
2 for determining capacity or threshold for development
3 on each reservoir.

4 MR. AUSTIN CARROLL: Yeah, should be a
5 criteria and there should be some kind of monitoring
6 put in place to continuously evaluate that.

7 FACILITATOR DAVE WAHUS: And
8 monitoring, we'll just add monitoring. Okay. Very
9 good.

10 I think Bill was next and then Don.

11 MR. BILL FORSYTH: I just wanted to
12 say I sympathize with Greer's comment on the spirit
13 of the President's Directive, but there are all kinds
14 of areas.

15 Any type development that is
16 commercial somebody is going to be making money out
17 of it, whether it be residential or manufacturing or
18 whatever.

19 Western North Carolina and North
20 Georgia are never going to have a megasite like the
21 people were concerned about yesterday, that's not our
22 problem. Our problem is the opposite. We're
23 thankful for anything we get, and in some instances
24 residential could be very beneficial for rural areas
25 like ours. So I don't see a cutoff at residential

1 for every single part of the Valley.

2 FACILITATOR DAVE WAHUS: So we want to
3 make a comment that you do not object -- you do not
4 object to residential or you do to residential
5 development?

6 MR. BILL FORSYTH: I think --

7 FACILITATOR DAVE WAHUS: You want to
8 consider allowing residential development?

9 MR. BILL FORSYTH: Yes. I wouldn't
10 cut it off for every area.

11 FACILITATOR DAVE WAHUS: Okay.
12 Continue consideration of residential development in
13 some areas?

14 MR. BILL FORSYTH: Yes.

15 FACILITATOR DAVE WAHUS: Okay. Don, I
16 believe you were next.

17 Austin, do you still have yours up?

18 MR. AUSTIN CARROLL: No.

19 MR. DON GOWAN: I come from an
20 organization that does a lot of planning and I get
21 very frustrated with that, but I have learned in my
22 15 years working for this organization that it's
23 critical to do that and do that and do that. It
24 never ends. It continues forever.

25 You know, there is a mission statement

1 somewhere, and I haven't read it recently for TVA,
2 that should drive everything that TVA does, not
3 specific actions, but everything has to come back to
4 that mission statement. And that mission statement
5 has to be changed over time because the world is
6 changing over time as well.

7 This is really an enormous challenge
8 to do this and TVA is working on this all the time,
9 but once you have a mission statement developed, then
10 you have to begin to think about the goals underneath
11 that mission statement. I think this ultimately
12 would work down to a series of strategic plans.

13 It may be there's a strategic plan for
14 Watts Bar. There may be another one for another
15 reservoir. They all fall within the larger planning
16 process, but that becomes a document where you can go
17 in and say, we have looked at this watershed very
18 hard and it's very different from other watersheds,
19 but we need to get that on paper.

20 And to make that -- the mission is
21 what drives all of TVA's actions. And then when the
22 public comes back, you know, looking down your throat
23 you can say, well, this was put in there by this way.

24 By the way, this whole process needs
25 to be approved at the, you know, level of the people

1 ultimately, and this is not easy.

2 But everything should come back to
3 that one place and -- but you have to do strategic
4 work and strategic planning. We can't sit here and
5 figure out these things. These are enormous
6 problems.

7 This is one of the largest
8 challenges -- it's as large as the National Forest
9 almost, I mean.

10 And Kate, y'all struggle with this all
11 the time, but you have to have some statement, some
12 mission statement that everything falls back upon,
13 we're making this decision because of this decision
14 that was made by the public.

15 So with that, I'll be quiet.

16 FACILITATOR DAVE WAHUS: I believe
17 Bruce was next.

18 CHAIRMAN BRUCE SHUPP: I just want to
19 comment, this is not necessarily a recommendation,
20 just something to think about on what Austin said
21 earlier about levels of use.

22 This is nothing new for agencies or
23 states to wrestle with levels of use or complaints
24 about use. There's few, if any, of the TVA waters
25 that are to the point where use must be controlled or

1 reduced, and I think that's what we have to look at.

2 There are many waters across the
3 country where boating use is -- not even necessarily
4 in this system, but across the country where states
5 and local governments are wrestling with how do we
6 cut back use. The reason it's gotten to that point
7 is there are public waters which have been developed
8 with residential development and have public boat
9 launch sites and there are people coming in there
10 from the outside and the people living there, and the
11 demands for controls are from people living there who
12 want to cut off the public from the outside, and this
13 is where you get into these tremendous user
14 conflicts. I think that's what we want to prevent
15 here.

16 That's what people talked about
17 yesterday, is this is the public's water. If we let
18 it develop and become a residence and that residence
19 takes control of that public water, then the public
20 coming from the outside will be asked to refrain from
21 using their resource. And this is a point that I
22 think is important at this stage in the history of
23 the system, let's make sure that those problems don't
24 exist, that there aren't pressures from inside
25 causing the public from using from the outside.

1 You can always control the outside if
2 there's too much coming in, but it's very difficult
3 to control what's there and to partition the user
4 responsibility to that system. So it's a point well
5 taken, and it's a stage where we can do something
6 about it, TVA can do something about having that
7 conflict not arise in the future, and that's by
8 controlling residential development.

9 DR. KATE JACKSON: I am going to jump
10 in ahead of some of you with your tent cards up. Let
11 me just address a couple of issues for food for
12 thought.

13 Jimmy made the point about the
14 Reservoir Land Management Plan. Don made the point
15 about having strategic plans. Austin made the point
16 about, gosh, you ought to do reservoir-by-reservoir,
17 as Tom did.

18 That's exactly what the Reservoir Land
19 Management Plans are. They are Environmental Impact
20 Statements. They are done in cooperation and
21 coordination with and reviewed by the public. They
22 are approved by the Board of Directors. They do, in
23 fact, provide allocations of land into those use
24 areas.

25 They are done on a

1 reservoir-by-reservoir basis. Because the demands
2 are different, the criteria have to be different
3 recognizing carrying capacity issues.

4 I do agree with Bruce that they are
5 not to a point yet where there is an enormous
6 conflict. When you can walk all the way across the
7 reservoir on boats, those will be guiding principles
8 for the way we manage that land.

9 I guess some of the struggle that we
10 have is, having said that, still there is flexibility
11 and need for flexibility inside those lands that are
12 allocated in a reservoir plan. And let me just use
13 your example, Jimmy.

14 Down there on Wheeler we have a Board
15 approved, public reviewed and input strategic plan
16 for that reservoir allocating those lands, but then
17 you have an opportunity for a large industrial
18 development that would require changing land
19 allocations.

20 George Kitchens, one of our
21 distributor customers came and spoke to this issue,
22 using land that is allocated for industrial and one
23 next to it allocated for wildlife management, it's a
24 huge economic development opportunity. Economic
25 development is in our mission.

1 How do we manage that kind of
2 conflict?

3 What happens is the Board has to come
4 back and reallocate that land maintaining the
5 flexibility within that strategic plan, reallocate
6 that land, and then potentially use it for industrial
7 development.

8 The public generally believes
9 industrial development is a good thing. The issue
10 goes exactly to your debate between you Greer and you
11 Bill on, yeah, but what if it's residential?

12 That's the kind -- that's the advice
13 we need. We've got a strategic plan. We do it on a
14 reservoir-by-reservoir basis, and you have made the
15 recommendation 11 years -- 11 years is too long. It
16 has to be five to seven. Still we need to evaluate
17 whether or not we can have flexibility in that five
18 to seven.

19 With respect to the amount of
20 development that happened on -- you know, Mr. Doss
21 came and spoke about Elk River. You have spoke about
22 Elk River. We have done carrying capacity analyses.
23 Our evaluation is probably we need those additional
24 -- we, in that reservoir, need additional boat slips,
25 but the public that lives there doesn't believe

1 that's the case. That's obviously a use conflict.
2 So, you know, that still remains a challenge even if
3 we have this strategic plan. But go back to the
4 other piece, okay, so residential versus industrial,
5 think about that.

6 Then the other piece is each reservoir
7 is different. The demands are different. The
8 opportunities for development are different. The
9 needs for development are different. That's why we
10 try very hard not to have land swaps from one
11 reservoir to another.

12 I realize that that's an issue, Bill,
13 and you -- we need to talk about that. The advice
14 that you gave point us last time points us in two
15 completely directions, reservoir-by-reservoir, oh,
16 but recognize we need to be able to make swaps more
17 broadly. So those are the two pieces of advice we
18 really need.

19 FACILITATOR DAVE WAHUS: We're going
20 to go with Tom, Greer, Austin, Bill.

21 Tom.

22 MR. TOM LITTLEPAGE: Well, I guess I
23 am trying to evaluate it. On No. 10 I guess -- I
24 think 10 is one the that I talked about before, and I
25 guess what I was looking at is when I say categorize

1 use request, I meant a categorization of the
2 reservoir themselves that would guide what
3 flexibility might exist.

4 FACILITATOR DAVE WAHUS: A
5 categorization of --

6 MR. TOM LITTLEPAGE: Reservoir in
7 terms of those that have -- are more fully developed
8 versus those that are less developed.

9 And your actions and responses would
10 be based on -- for example, to the degree that Kate
11 talked about this schizophrenic approach that we
12 might say, if there's a category of fully developed
13 reservoirs you would not necessarily do certain
14 activities or you would make decisions more harshly
15 with regards to, say, an economic development is good
16 versus underdeveloped reservoirs where you would have
17 more latitude.

18 FACILITATOR DAVE WAHUS: So you are
19 looking at potentially categorizing reservoirs as --
20 which are overly or highly developed versus those
21 they are likely --

22 MR. TOM LITTLEPAGE: And then your
23 land planning decisions would be a function of those
24 categorizations.

25 FACILITATOR DAVE WAHUS: Then make

1 decisions based on those categories.

2 DR. KATE JACKSON: I have a question.

3 FACILITATOR DAVE WAHUS: Let her
4 capture this and make sure it captures Tom's thought,
5 and then we will let you ask a question.

6 MR. TOM LITTLEPAGE: Yes. Thank you.

7 FACILITATOR DAVE WAHUS: Now, Kate.

8 DR. KATE JACKSON: So what I take from
9 that is when you -- say you have a Reservoir Land
10 Plan and you get a request, you need to evaluate that
11 request within the context of all of the other
12 demographics going on in that region based on -- so
13 you have a reservoir plan and you're being asked to
14 change an allocation, for example, you look at
15 that -- because the plans are developed based on the
16 needs and the development pressures and all those
17 things. So you look at it contextually.

18 And the struggle that we have is on
19 reservoirs that are developing rapidly and have great
20 pressure on them, the open space that remains is much
21 more valuable as open space. Oh, by the way, it's
22 much more valuable for development.

23 So if you could give us a specific
24 recommendation with respect to that, that would be
25 helpful.

1 MR. TOM LITTLEPAGE: Well, that's
2 going to -- to me that's the ultimate conflict that
3 you, as TVA, are going to face is that you continuing
4 pressure of those values, they are going to
5 continually encourage more and more development
6 because there's so many economic benefits associated
7 with them.

8 So at what point does the non-economic
9 aspect of maintaining open space and habitat, how
10 does it compete in that playing field of the economy
11 and dollars?

12 And so I guess I am thinking of the
13 standpoint, to the degree you can capture a
14 non-economic component, if there is a category one
15 being a lot of -- you know, highly developed
16 reservoir, those non-economic aspects become much
17 more important in that -- and begin to sort of
18 counter.

19 You know, if you can get a million
20 dollars an acre for land but there's not that much
21 land, I don't -- I think you have to do it on a
22 case-by-case basis, but you have to do it within the
23 framework with how much flexibility and the potential
24 negative aspects of that development that's going to
25 occur on a reservoir.

1 So I guess my thought is you try to
2 give you, as the decision-maker, as much guidance as
3 you can, but give you also the ability to factor in
4 case specific issues associated with that.

5 I don't know if that answered that
6 but --

7 DR. KATE JACKSON: I just wanted you
8 to say that.

9 FACILITATOR DAVE WAHUS: Greer.

10 MR. GREER TIDWELL: Thanks, Kate, for
11 going back to the Shoreline Management Plan, that's
12 what originally got me to put my tent up or the name
13 tag up because I wanted to go back and kind of think
14 about or listen and understand what the coverage of
15 those Shoreline Management Plans is.

16 We covered all the lakes. I'd like to
17 kind of remind everybody, the last time we had said
18 five to seven years looks like about the right
19 planning cycles so we're thinking about the
20 development and the physical economic and social
21 needs that could be served by those resources. I
22 don't see anything in the Act that says one of those
23 is more important than the other. It says we're
24 supposed to orderly develop physical, economic, and
25 social needs, and I take a lot of guidance from that.

1 You know, we saw some pie charts
2 yesterday that very succinctly established sort of
3 what's going on with current land. We had a half
4 million acres and some of them have already been
5 given away and now we have got a certain wedge of
6 that pie, but one thing I am pretty sure of is I
7 don't know of anybody around here making more dams.
8 That pie is not getting any bigger.

9 And to the extent that nobody is
10 suggesting tearing down any factories, thank
11 goodness, nobody is suggesting tearing down any
12 residential areas, the wedge of that pie that will
13 always be under consideration is the wedge that
14 serves the social, economic, and physical needs of
15 having open space, physical needs in terms of water
16 quality, social needs in terms of my personal desire
17 to get outside and a lot of other people, and
18 economics in terms of providing that magnet, as well
19 as the water quality issues that economically are
20 supported by having open space.

21 So those pie wedges really tell me a
22 lot about, hey, that's the wedge that we need to
23 suggest to the Board to maintain and gain as opposed
24 to continuing to carve down that wedge, but I
25 personally think there's a lot of -- you know, when

1 you look at the physical and social economics,
2 there's a lot more value in providing, even if it's
3 40 or 50 jobs at a factory or some transportation
4 terminal or maybe let's hope it's 700 new jobs at one
5 of those that needs river access or that needs a big
6 chunk of land that TVA actually owns, there's a lot
7 more public value in that than there is in a gated
8 community or giving private residents rights to
9 somebody on the shoreline.

10 So I draw a big distinction there in
11 fulfilling the purposes of the Act between those job
12 creation opportunities and those residential
13 opportunities when I know there's land to build
14 houses on outside of TVA's land. It's not saying we
15 don't want any more houses, it's saying that's not
16 the right thing to do to with this land that we hold
17 -- that's held in trust for the United States
18 citizens.

19 FACILITATOR DAVE WAHUS: Austin and
20 then Bill and then Bruce and then back to Don.

21 MR. AUSTIN CARROLL: Okay. Just I
22 have got a couple of points to make. I think -- you
23 know, you have got to get us back to determining some
24 criteria, you know, like, you know, maybe do -- you
25 mentioned those three things, maybe do a third and a

1 third and a third or something, and then when the
2 class -- when you have got to some point on
3 development you just have to cut it off and say
4 there's -- you know, we can't stand any more because
5 we need to have some, you know, natural areas set
6 aside for people for recreation, water quality, and
7 those kinds of things.

8 Some way or another you have got to
9 figure out what that point is, and maybe that even
10 goes back to, you know, some kind of overriding
11 mission statement about, you know, what you're doing
12 or what the standards are.

13 Anyway, the thing I want to -- now, we
14 heard some people yesterday, I think TVA has got to
15 be -- they have got to be good stewards of the
16 undeveloped property that they have, and I feel like
17 they have an obligation to maintain that property.

18 And if some of the things that are
19 going on that these people described yesterday next
20 door to them or whatever, somehow or another TVA has
21 got to step up, in conjunction with local authorities
22 or working with the neighbors or something. I mean,
23 you just can't let -- you can't let your property be
24 trashed and people doing all kinds of things on your
25 property in an irresponsible manner. I mean, that

1 can -- you can tighten down on that and that can be
2 done. I mean, I have had problems with my property,
3 and my neighbors and I finally hardened things up to
4 the point that we stopped that. So it can be done.

5 And Bill was saying that, I guess, TVA
6 police over in that area are pretty stringent, but
7 apparently we don't have the same or it's not being
8 as controlled over in some other areas. I don't know
9 if you can spread that around or what, but TVA,
10 whatever they do, I mean, they have -- you have got
11 to be able to maintain your undeveloped property. I
12 mean, you can't just let it be taken over by
13 hoodlums.

14 DR. KATE JACKSON: Catherine, you need
15 to write that down.

16 FACILITATOR DAVE WAHUS: Maintain and
17 manage the lands and enforce the --

18 MR. AUSTIN CARROLL: TVA must maintain
19 the undeveloped property and be good neighbors to the
20 folks that live around there. A good neighbor is
21 person that keeps up their property and leaves you
22 alone.

23 FACILITATOR DAVE WAHUS: Thank you.
24 Bill.

25 MR. BILL FORSYTH: I didn't put my

1 card up to debate Greer, but I will have to answer
2 him on -- I think most of the tributary reservoirs
3 that aren't on the main stem of the river will have
4 very few opportunities for commercial development of
5 TVA lands. The only opportunities of development in
6 a commercial way is residential for -- because we
7 can't get barges to our lakes.

8 But what I wanted to say, going back
9 to Kate and Tom's remarks, what if there were a way
10 to put specific criteria to weight each reservoir as
11 to its need for public lands, you know, it has these
12 ways of describing the reservoir and you weight it
13 and you have got a scale of one to ten.

14 Then when you get to five, then you
15 start being more protective of public lands as you go
16 up that scale. So we can say, well, this is already
17 an eight, we better not lose any more public land on
18 this one, but have a more objective way of making
19 these subjective decisions, I guess.

20 FACILITATOR DAVE WAHUS: Could we go
21 back to No. 10, please?

22 Are you saying something similar to
23 what we're reading in No. 10, look at potential
24 categories and then reservoirs land use plans made
25 based on categorization?

1 MR. BILL FORSYTH: Right.

2 FACILITATOR DAVE WAHUS: You're
3 looking for some subjective way to develop that
4 categorization?

5 MR. BILL FORSYTH: Right. Have a list
6 of characteristics and you weight those
7 characteristics on one side of the scale to the
8 other.

9 FACILITATOR DAVE WAHUS: Let's say
10 that based on a list of characteristics, okay, and
11 then weight it accordingly.

12 Thank you. Okay. I just wanted to
13 make sure that we're not duplicating here. It
14 sounded very similar to what we said before.

15 Okay. Thank you. Bruce.

16 CHAIRMAN BRUCE SHUPP: I am struggling
17 with the same issue going back to that same
18 discussion of develop versus undevelop and some kind
19 equation or some kind of measuring stick for that.

20 Thinking of the lands up in your area,
21 the lakes up in your area, there's part of that
22 equation that has to be other public lands, not just
23 TVA public lands, Forest Service lands, National Park
24 lands, lands that the public accepts and legally will
25 never be developed, and that's part of an equation.

1 State lands, some state forest lands, state game
2 lands that are on waters that will be accepted by the
3 public as non-developed lands as part of the
4 equation.

5 The public lands we're talking about
6 that may be developed are TVA public lands. The rest
7 of those are -- they are there and they are
8 undeveloped. So that's just part of that equation,
9 and that's why his area with more public lands in the
10 mountain region have less potential to develop except
11 through the use of public -- of TVA public lands.
12 They are critical to any development that may be
13 done.

14 FACILITATOR DAVE WAHUS: Let's add at
15 the end of that, when making decisions on whether to
16 allow development.

17 Thank you.

18 Don, I think you were next, and then
19 Greer.

20 MR. DON GOWAN: We're talking about
21 something that has been looked at across the globe, I
22 suppose. When do you -- if you're in a watershed, at
23 what point does the degradation of that watershed
24 begin?

25 And EPA has worked on this. They came

1 up with -- they originally came up with the criteria
2 of 10 percent. If 10 percent of your watershed has
3 impervious service -- surfaces you begin to see loss
4 of that watershed or deterioration of that watershed.
5 They've now moved that down to 5 percent, and 5
6 percent means that 95 percent is not under impervious
7 cover.

8 So there are some ways to measure
9 health on a broad scale, and it's being applied all
10 across the United States now.

11 FACILITATOR DAVE WAHUS: Do you want
12 to provide that as advice?

13 MR. DON GOWAN: No. My recommendation
14 would be to try to find some measure of health, and
15 impervious surface may be an easy way to do that.

16 FACILITATOR DAVE WAHUS: Using
17 impervious surfaces?

18 MR. DON GOWAN: Right.

19 FACILITATOR DAVE WAHUS: Okay.
20 Surfaces, s-u-r-f-a-c-e-s. Who was next? Nobody is
21 next. I'm sorry, Kenny, I missed you there.

22 MR. KENNETH DARNELL: In the first
23 meeting of this particular Council we looked at the
24 possibility of making changes to the reservoir plans
25 that were in place mid term.

1 At that time I asked the question if
2 we have spent all of this expertise and time and
3 money to come up with these plans and they're good,
4 workable plans, why do we need to change the plan in
5 the middle of term. The answer was, well, to provide
6 more flexibility within the framework, but
7 flexibility is a two-edge sword in that regard. If
8 we're going to be flexible, then we're going to
9 introduce a great deal of subjectivity to our plan
10 other than objectivity.

11 I also made the comment during that
12 session that under that circumstance that the plan
13 was only going to be as good as the philosophy of the
14 governing body of TVA at that particular time, and
15 that philosophy can change rather quickly.

16 Every time we make a change to this
17 plan, and I think we saw this illustrated graphically
18 yesterday, we lose credibility with the public. Our
19 insistence on maintaining a measure of flexibility
20 has introduced so much subjectivity to the plan and
21 the plan is open to interpretation from so many
22 areas, that the plan really has no meaning and has no
23 effect.

24 When you listen to the Forest Service,
25 the Corps of Engineers, and other agencies, they have

1 a very objective plan. It's like the Ten
2 Commandments, their plan is thou shalt and thou shalt
3 not and no one at TVA want to be in that position,
4 but we have also got to guard against going too far
5 in other extreme in having so much flexibility that
6 our plan that we spend so much time on and put so
7 much effort into has no meaning whatsoever.

8 I think we need more objective
9 standards. I think we need to have our plan and
10 stick with our plan.

11 FACILITATOR DAVE WAHUS: Need more
12 objective standards for land management plans and
13 then stick with existing plans.

14 MR. JIMMY BARNETT: For how long?

15 MR. KENNETH DARNELL: We're on a
16 five-year cycle now.

17 DR. KATE JACKSON: No, we're not on a
18 five-year cycle. We're on roughly a ten-year cycle.
19 Your advice to us has been to go to a five- to
20 seven-year cycle.

21 MR. KENNETH DARNELL: Even five to
22 seven years, although when we talk about it today it
23 sounds like a long time, in the grand scheme of
24 things, it's not a real long time. And if we make
25 changes -- immediate changes every year or two years

1 or three years, sometimes we will follow a trend that
2 doesn't sustain itself and we end up in a place where
3 we really don't want to be, and I think that's what
4 we're seeing with some of these reservoirs.

5 FACILITATOR DAVE WAHUS: Did we
6 capture your thought, need more objective standards
7 for land management plans, stick with existing plans
8 and reduce flexibility and interpretation by others?

9 MR. KENNETH DARNELL: I wish I could
10 have said that that succinctly.

11 FACILITATOR DAVE WAHUS: I want to
12 make sure we captured your thought.

13 MR. KENNETH DARNELL: I think you did.

14 FACILITATOR DAVE WAHUS: Bill.

15 MR. BILL TITTLE: I don't think I am
16 going to say anything that will be up on the screen,
17 but I have tried to summarize what was said
18 yesterday. As I did that, I sat this morning and
19 tried to run those by the summary of advice issues
20 that we have done in the past.

21 And for the most part, I think we
22 could do that. I think the policies that we have
23 recommended would address all of that, with maybe a
24 couple of exceptions, one being what Greer brought
25 up, the Presidential Order, the other being what

1 Austin brought up about land security issues and
2 managing what TVA already has in a secure fashion.

3 And then my other comment is
4 subjectivity, and I agree, I think there's a lot of
5 latitude for subjectivity. Maybe the most important
6 one is for the public good. If you interpret that,
7 is it for all the public, for some of the public, for
8 most of the public? And when you make decisions, be
9 it residential, economic development, marinas,
10 whatever, I think there's an awful lot of
11 subjectivity there for the public good.

12 FACILITATOR DAVE WAHUS: Thank you.

13 DR. KATE JACKSON: So can you help us
14 identify what's better, good than others?

15 MR. BILL TITTLE: I said I wasn't
16 going to have anything to write up on the screen.

17 DR. KATE JACKSON: Well, you know.

18 MR. BILL TITTLE: That's a tough
19 issue, and I think -- I think the process that we
20 develop needs to give all of the stakeholders -- and
21 I know you try to do this, but I heard yesterday some
22 folks feeling like that -- I guess we all get back to
23 residential, that seemed to be the outcry that I
24 heard yesterday was residential development,
25 particularly gated residential development, and let

1 me say so I am not hypocritical, I live in a gated
2 community on the main reservoir of the Tennessee
3 River on the Chickamauga Reservoir.

4 I guess we somehow got it from the
5 Indians, and then from them I don't know from whom we
6 got this land, but I bought a house that was already
7 existing. So I didn't develop it, but I understand
8 the feeling of those, particularly people whose land
9 was taken and now they can't even go back down the
10 street on that land.

11 In that particular case, I think the
12 interpretation for public good, really that question
13 is raised.

14 FACILITATOR DAVE WAHUS: So we need an
15 interpretation for the public good.

16 Bruce.

17 CHAIRMAN BRUCE SHUPP: I like that
18 comment, that interpreting the public good and
19 establishing TVA's philosophy on that, but I think
20 maybe the value of our recommendations, we're not
21 going to come up with the formulas today to answer
22 all of those integrate questions about how the Board
23 is going make decisions or the staff is going to make
24 decisions directed by the Board on individual
25 applications, we can't do that, but I think what we

1 can do for the Board is advise them on how to get to
2 that point, like maybe maintain a moratorium on
3 residential development until they have these plans
4 in place, begin the planning process for an overall
5 philosophy for overall policy, those types of
6 broad-brush approaches, just like we did with their
7 river operations plan. We didn't solve their river
8 operations plan, we said start planning for looking
9 at the river operations strategies for the drawdown.

10 I think that's the most valuable thing
11 we can do and give comfort to the Board that we
12 believe that's what they have to do, start planning,
13 get busy, revise those plans, develop a philosophy,
14 set directions for staff how to deal with this in the
15 interim period until when your plans are done, and
16 then go forward with that.

17 This -- you know, we're not -- in the
18 next hour we're not going to be able to develop the
19 formula that's going to win the day for TVA's land
20 use policy, that's for sure. I think we ought to be
21 focusing on that broad-brush approach.

22 FACILITATOR DAVE WAHUS: So you're
23 saying, revise plans, set staff direction, set staff
24 to develop a philosophy, and then go forward?

25 CHAIRMAN BRUCE SHUPP: Begin the

1 process. The Board should begin the process.

2 FACILITATOR DAVE WAHUS: The Board
3 should begin the process, just add that to the end of
4 that.

5 MR. GREER TIDWELL: What he said was
6 to maintain the moratorium until that plan is
7 established or the policy is established.

8 CHAIRMAN BRUCE SHUPP: I think at
9 least the residential moratorium, from what I heard
10 yesterday, I am not sure the commercial moratorium,
11 the total moratorium, but I think that the
12 residential concept is what's causing the most
13 problem across the basin.

14 FACILITATOR DAVE WAHUS: Okay. So
15 what we have is revise plans, set staff direction,
16 set philosophy, and go forward. The Board should
17 begin the process. Maintain the moratorium on
18 residential development until this process is in
19 place.

20 MR. GREER TIDWELL: Not until the
21 process is in place, until the plan is established or
22 the policy is established.

23 FACILITATOR DAVE WAHUS: Until the
24 policy is established. Okay. Thank you.

25 I believe Austin was next and then

1 Tom.

2 MR. AUSTIN CARROLL: I would add to
3 that. I don't have a problem with maintaining the
4 moratorium in general, but I think there were some
5 transactions already in process that seem like --
6 where TVA was right in the middle of when the
7 moratorium was put in place.

8 Now, If there was something that was
9 already there, I think TVA needs to finish those
10 transactions, you know, where there was already
11 paperwork being done and whatever, I think we have
12 obligations to those entities or people to finish
13 that up and then, you know, maybe continue that
14 moratorium, but I do -- I heard some -- a little bit
15 of that yesterday where, you know, money had already
16 been spent and people had already had significant
17 time and money and effort in these things, you know,
18 maybe those needs to be finished.

19 And I would suspect there's, you know,
20 a few of them, but otherwise, I don't have a problem
21 with continuing the moratorium until you can figure
22 out exactly how you want to proceed.

23 FACILITATOR DAVE WAHUS: So finish
24 land actions in process when the moratorium began.
25 Fulfill the obligations.

1 MR. AUSTIN CARROLL: Yeah. Things
2 where there was already maybe some contractual things
3 in process.

4 FACILITATOR DAVE WAHUS: Okay. Tom.

5 MR. TOM LITTLEPAGE: I guess I have a
6 hedge against that, because as we heard yesterday,
7 things can't get undone. So to say you're going to
8 process those existing applications, they may
9 ultimately be in conflict with what you decide is
10 best for a given reservoir. So I think there is a
11 clear concern about residential development, but
12 in terms of other developments I don't think there is
13 a clear resolution.

14 So to the extent any of these other
15 aspects or pending requests involve things other than
16 residential development, I think you're going to have
17 to be careful and not just put a blanket -- I don't
18 think there's a blanket sense from this Board that --
19 or the Council that we would agree to proceed with
20 all the development activities that are under
21 request.

22 I don't know how you do this in this
23 interim because there's going to be -- there's going
24 to be a significant amount of time and effort and
25 resources associated with updating these plans, and

1 you're going to have pending requests that are going
2 to take place.

3 So, I think, the Board is going to
4 have to be forced with providing staff with some
5 parameters for how you decide on how to proceed with
6 some of these pending requests or make the
7 case-by-case decisions associated with development
8 requests that occur until these plans are developed.

9 MR. GREER TIDWELL: Tom, I didn't hear
10 the idea of going back and redoing all the plans. I
11 heard the idea of establishing a policy that then any
12 plans or actions would be judged against as the plans
13 were updated on their normal cycle when some
14 opportunity came up. I mean, I am trying to make
15 sure what that Bruce said was real clear, that's what
16 I heard, not to go do each plan.

17 FACILITATOR DAVE WAHUS: I think that
18 he was commenting on Austin's comment that says,
19 finish land actions that are in process. I heard
20 several comments, and I am not trying to put word in
21 your mouth, Austin, but we --

22 MR. AUSTIN CARROLL: Not just in the
23 request stage, I am talking about the ones that were
24 already in the contractual stage, you know, in that
25 kind of process, it just needs to be cleaned up. I

1 am not talking about somebody that just had put in a
2 request for something.

3 FACILITATOR DAVE WAHUS: Tom, what we
4 have captured out of your comments is, caution on
5 pending requests that involve anything other than
6 residential development. Provide staff with
7 parameters for dealing with requests until land
8 management plans are revised or updated.

9 MR. TOM LITTLEPAGE: Yeah. I guess,
10 as a follow-up to Greer, I mean, I am interpreting
11 what Kate and Bruce have said is that all the plans
12 virtually are out of date based on that five- to
13 seven-year objective, that we have a lot of plans
14 that are beyond that window.

15 So there is a lot of plans that will
16 have to be updated or currently need to be updated to
17 provide that framework for decision-making on
18 reservoir transactions.

19 FACILITATOR DAVE WAHUS: Bill.

20 MR. BILL TITTLE: I think Austin's and
21 Tom's discussion does bring up maybe one issue that
22 we don't address in our summary of advice, and we
23 heard yesterday in these contracts that you're
24 talking about the lifting of restrictions from the
25 original deed. We heard the YWCA story and the new

1 deed doesn't include all of those restrictions of the
2 original deed, I guess that's an issue, Kate, that
3 needs to be looked at.

4 DR. KATE JACKSON: There are many
5 pieces of property across the Valley where we have
6 deed restrictions. So people bought some land
7 rights. They do own the land in fee, but they bought
8 some land rights, and then we have got restrictions
9 on those. Those are frequently requests that are
10 made to allow them to fully develop that piece of
11 property.

12 And one of the ones -- the one you
13 heard yesterday, the YWCA, they bought that land
14 hoping that they could then make a request to TVA to
15 remove the restrictions in the deed and then they
16 could alienate those pieces of property and develop
17 it. So that is actually a request we don't have yet,
18 but we know we will have shortly.

19 MR. BILL TITTLE: Do you think you
20 have an adequate policy to address that?

21 DR. KATE JACKSON: Deed restrictions
22 we handle on a case-by-case basis. Generally, if
23 there's an alienation clause in there that does not
24 allow alienation of sub-parceling, we do not allow
25 that request.

1 If there is no alienation clause, then
2 sometimes, depending upon the requests and the
3 contextual issues along that piece of property, we
4 may lift those deed restrictions.

5 And then what happens is then the
6 person has got to pay us for that additional added
7 fair market value of that piece of property, because
8 they purchased it at a very low price because there
9 were restrictions on it.

10 FACILITATOR DAVE WAHUS: Bruce, I
11 believe you were next Bruce.

12 CHAIRMAN BRUCE SHUPP: Just a question
13 to Kate and staff, I am assuming with -- that these
14 plans that are written, the infrastructure of the
15 plan is there, it's not going to change much.

16 How much effort is going to be needed,
17 besides public meetings and application of the new
18 policy, if there is a new policy to the plan, how
19 much work do you think that will take compared to
20 writing a whole new plan?

21 DR. KATE JACKSON: Again, it will
22 depend on how long it's been since that plan has been
23 developed, how much has changed there, how much
24 development pressure there is, and, of course, how
25 much land TVA owns, and that's very different from

1 one reservoir to another.

2 So what we're doing now is the
3 mountain reservoirs, there's about 13,000 acres,
4 we're going to do that all mass and that's going to
5 handle all of those, but we don't own much land on
6 those reservoirs. So, you know, that will be easier
7 than a reservoir where we own significant amounts of
8 land or where there's significant development
9 pressure, and therefore, those pieces of property
10 have a lot of interest.

11 CHAIRMAN BRUCE SHUPP: But the
12 framework for those plans are done, I mean, the
13 description of the resource and the setting --
14 establishing the setting, although it has changed,
15 the setting has changed because of more development
16 over the past five years?

17 DR. KATE JACKSON: The properties that
18 we own, the framework is already there in those, but
19 the contextual development around that and the
20 pressures on those pieces of property is sometimes
21 very different.

22 And in some cases the resources on
23 those pieces of property are different, erosion, for
24 example, or changes in threatened and endangered
25 species, sometimes we have got to do more field work

1 than you would expect to be able to really identify
2 whether there still are resources of concern. And
3 you heard some of those erosion issues.

4 So there may have been cultural
5 resources there, but they may not be there anymore.
6 So we have to do some of that field work.

7 FACILITATOR DAVE WAHUS: Based on that
8 answer, do you have a recommendation or do you wish
9 to --

10 CHAIRMAN BRUCE SHUPP: No. That was
11 just for elaboration so everybody could hear that.

12 FACILITATOR DAVE WAHUS: Don.

13 MR. DON GOWAN: Very briefly. I trust
14 Kate, and she has the information in the background
15 on these things. It's very difficult for me to sit
16 here and say, yes, there should be a moratorium or
17 not. We will never have that kind of information.
18 We're going to have to ask and look at to Kate for
19 those kinds of decisions. It just baffles me on how
20 to proceed from this point.

21 FACILITATOR DAVE WAHUS: Kenny.

22 MR. KENNETH DARNELL: Question. The
23 YMCA land, is that land covered under a land use plan
24 and what's the use of that land under that plan?

25 DR. KATE JACKSON: It is a group camp.

1 MR. KENNETH DARNELL: But then you're
2 going to consider it -- on a case-by-case basis
3 you're going to consider altering that plan, and
4 again, that's -- there comes the flexibility and the
5 subjectivity into the whole thing. If you have got
6 that plan in place, and it's a good, sound plan, and
7 it's designated as a certain thing, why would you
8 even want to consider an alternate use at this time?

9 DR. KATE JACKSON: And therein lies my
10 question of, what is public good?

11 So you have a piece of property and
12 someone wants you to lift a deed restriction, for
13 example, to allow residential development where it's
14 going to be a gated community and prevent the general
15 public from having access to that piece of property,
16 how that is evaluated and weighed versus a piece of
17 property where it's for -- it's currently allocated
18 for conservation, open space, doesn't have cultural
19 resources, doesn't have threatened and endangered
20 species, there's an opportunity for industrial
21 development for, let's say, 700 jobs, is that one we
22 should weigh more heavily than residential
23 development?

24 MR. DON GOWAN: Yes.

25 MR. KENNETH DARNELL: Again, you have

1 got a contradictory thing going on here. When you
2 start talking about public good, is it more in the
3 public's interest to have a well-thought-out and
4 well-documented plan or is it in the public's
5 interest to just kind of willy-nilly take everything
6 on a case-by-case basis?

7 DR. KATE JACKSON: Answer that
8 question for me.

9 MR. KENNETH DARNELL: I would --
10 personally I would put my faith in the experts who
11 develop the plan rather than just putting faith in
12 whatever the winds happen to be blowing at the time
13 you make the case-by-case consideration.

14 DR. KATE JACKSON: And let me play off
15 that you heard some things yesterday from folks like
16 the Forest Service and the Corps of Engineers whose
17 mission is clearly defined and very well stipulated.
18 They do not have economic development in their
19 mission and TVA does, and that provides us an
20 opportunity to have an impact on the quality of life
21 in a different way.

22 MR. KENNETH DARNELL: But did you not
23 build consideration for quality of life, economic
24 development, and all of those things into those plans
25 you have in place?

1 DR. KATE JACKSON: Yes.

2 MR. KENNETH DARNELL: Thank you.

3 DR. KATE JACKSON: Based on the things
4 that we know and the opportunities that we knew of at
5 that moment.

6 MR. KENNETH DARNELL: I would hope
7 though that you did some -- you did look into the
8 future or try to forecast a little with those plans.

9 DR. KATE JACKSON: Absolutely.

10 MR. KENNETH DARNELL: If it's going to
11 be a ten-year plan, hopefully we're going to look
12 ahead a little with those gave.

13 FACILITATOR DAVE WAHUS: It's just
14 about 10:30. So let's take two more comments and
15 then let's take about a ten-minute break.

16 MR. TOM LITTLEPAGE: Yeah, I was going
17 to say with regards to Kenny's statement, I think
18 there has to be probably some linear relationship
19 between the age of a plan and the flexibility
20 associated with it.

21 If you have a current plan that's in
22 that five- to seven-year window, you can be a lot
23 more dogmatic about holding to it as opposed to a
24 plan that's 10 or 11 years old and may not truly
25 reflect what's going on.

1 But I would argue that if you do have
2 a current plan, not only is it the scientific basis
3 that you rely on for adhering to it, but it's that
4 public vetting process. You have gone through an
5 extensive, I am assuming based on the processes you
6 have to follow, an extensive process to expose that
7 plan to the public to get their comments and
8 incorporate their concerns.

9 So, yes, I would say if -- that's why
10 to me it's so important to have these plans updated.
11 And once they are stamped, quote, unquote, official,
12 then we should be pretty dogmatic about doing that.

13 But an important part that you alluded
14 to is that we know growth is going to occur. We
15 could actually predict the future today and know that
16 in 30 years that land is going to be much more
17 valuable than it is today and much more competition
18 for waterfront property or property in the proximity
19 of water. So we need to be very careful in crafting
20 those plans to ensure that we take that into
21 consideration, that it's not a case that if we don't
22 do something with it today we won't ever have those
23 opportunities to do something with it. Those
24 opportunities are going to continue to occur, and
25 something better than that 700-job opportunity may be

1 down the road.

2 And again, I guess I keep going back
3 to this categorization. If you have a project that's
4 pretty well developed, then you need to be pretty
5 strongly opposed to certain types of development
6 because that open space is very, very important. And
7 as Greer alluded to, it's never going to get bigger,
8 it's only going to stay the same or get smaller.

9 FACILITATOR DAVE WAHUS: Bill.

10 MR. BILL TITTLE: I go back to an
11 interpretation of economic development. Does that
12 mean providing land or could it also just mean
13 providing affordable, dependable power, which TVA
14 does in the Valley, and we're known for that.

15 The other quality-of-life issues for
16 economic development could be public recreational use
17 of the waterways and so forth. So, again, we get
18 back to interpretation and definition of economic
19 development, and we heard one of the new Board
20 members defend the challenge of TVA to continue to
21 support economic development.

22 FACILITATOR DAVE WAHUS: Okay. One
23 more and then we're going to take a break. Miles.

24 MS. MILES MENNELL: I just want to
25 echo what Tom said. It seems to me that we're

1 talking about an overall policy for land use, except
2 we keep talking about specifics and then we keep
3 talking about exceptions to the specifics.

4 It seems to me that underlying all of
5 this is access, it is the future, it is the value of
6 the land, and there are lots of places where TVA can
7 be active in economic development. It does not
8 necessarily have to be on these public lands on the
9 reservoirs.

10 And it seems to me, again, that's the
11 underlying question here. The underlying philosophy
12 is the value of this land to the general public, and
13 it may be in jobs or it may just be in the
14 quality-of-life issue and having the jobs somewhere
15 else where we maintain and sustain these beautiful
16 lands and the public and general has access to it.
17 So I'm just echoing what Tom said earlier.

18 FACILITATOR DAVE WAHUS: Bruce.

19 CHAIRMAN BRUCE SHUPP: Question to the
20 Council. When we take a break now for ten minutes
21 and come back, are we ready to start summarizing at
22 this point when we come back or do you think we still
23 have to do more additions to the very lengthy list,
24 our old list, plus the new list, or are we ready to
25 start coalescing that?

1 MR. TOM LITTLEPAGE: I have one
2 additional kind of new thing. Did we ever get to the
3 new stuff?

4 FACILITATOR DAVE WAHUS: We're still
5 on new stuff.

6 CHAIRMAN BRUCE SHUPP: That's what I'm
7 asking, are we done with the new stuff, and you are
8 saying we're not. So we will resume it when we come
9 back.

10 MR. TOM LITTLEPAGE: Yeah, I have one
11 little thing.

12 FACILITATOR DAVE WAHUS: Okay. Let's
13 resume when we come back. Let's come back at a
14 quarter till.

15 (Brief recess.)

16 CHAIRMAN BRUCE SHUPP: Take your
17 seats, please. I think all of us are here that's
18 going to be here, I think.

19 FACILITATOR DAVE WAHUS: Okay. I
20 think you had some wonderful discussion this morning
21 and if you -- we will continue as long as we need to.

22 When we stopped for the break, Tom
23 said that he had another issue, and then you told me
24 during the break that you didn't think we had
25 properly captured one of your comments.

1 Which number was that?

2 MR. TOM LITTLEPAGE: Well, it's in 23.
3 It's just to reflect that we called the plans crafted
4 and stamped official, but I wanted to reflect that
5 they've had a public review and involvement.

6 FACILITATOR DAVE WAHUS: Once plans
7 are carefully crafted, vetted by the public or
8 reviewed?

9 MR. TOM LITTLEPAGE: Something to show
10 those plans have had an intensive public review
11 process.

12 FACILITATOR DAVE WAHUS: You wanted to
13 include the public. Did you have an additional one?

14 MR. TOM LITTLEPAGE: I guess a new
15 one.

16 FACILITATOR DAVE WAHUS: Okay. No.
17 26.

18 MR. TOM LITTLEPAGE: And I guess it
19 reflected -- yesterday we heard -- and it's from a
20 policy perspective, we heard about the issue of
21 landowners and camp -- adjacent camping areas, and it
22 occurred to me that I didn't understand to what
23 degree there was a policy associated with TVA
24 establishing overnight camping areas and then not
25 providing adequate facilities to support that

1 overnight camping.

2 And it would seem to me that there
3 needs to be, at least, a generalized management or
4 policy approach that says if you're going to allow
5 overnight camping that you have got to provide
6 facilities and security to do that or maybe we
7 shouldn't be allowing overnight camping.

8 I didn't know what the policy of how
9 those camp -- you know, I understand the aspects of
10 day-to-day security and how difficult that may be,
11 but allowing people to camp overnight and not having
12 adequate facilities to support them does put a burden
13 on their neighbors in terms of trash and sanitation
14 and that kind of stuff.

15 DR. KATE JACKSON: And even in places
16 where we don't allow use, either camping or ATV use,
17 or whatever it might be, it's very difficult for us
18 to manage that. In many cases we have very
19 fragmented pieces of property as a result of, you
20 know, years of changes in management on how we
21 managed those lands or lands was acquired originally.

22 So our citation authority is
23 relatively limited to, you know, actually being able
24 to prove that people were using property or doing
25 illegal things. So you have got to catch them in the

1 act.

2 And, you know, the statement was made,
3 gosh, the TVA places are available in North Carolina
4 and they are not available in other places. Well,
5 some of the issue is in some -- on some reservoirs
6 the TVA land is highly concentrated, and so it's much
7 easier to patrol and manage.

8 In some reservoirs -- you know,
9 Kentucky is a really good example, that's a really
10 big reservoir with hundreds of miles of shoreline,
11 some of which takes thousands of miles of driving to
12 get to.

13 So in some cases it's very difficult,
14 but I think it's an excellent comment and one that we
15 need to think hard, again, about.

16 MR. TOM LITTLEPAGE: Yeah. I'm not
17 proposing the lady's suggestion that if you can't
18 maintain it, just close it off or give it to me and I
19 will take care of it, but there needs to be an
20 approach to adequately provide that.

21 FACILITATOR DAVE WAHUS: So if I
22 understood your comment correctly, where camping is
23 allowed, sanitation and security should also be
24 provided.

25 DR. KATE JACKSON: Is it limited to

1 camping or is it where TVA land -- where we have TVA
2 land?

3 MR. TOM LITTLEPAGE: Allows a public
4 presence.

5 FACILITATOR DAVE WAHUS: Where TVA --
6 where camping is allowed on TVA land, sanitation and
7 security should be provided.

8 DR. KATE JACKSON: Where public use is
9 allowed.

10 FACILITATOR DAVE WAHUS: Should be
11 provided and then go back to public use. Change
12 camping to public use.

13 Does that still capture your comment,
14 Tom?

15 MR. TOM LITTLEPAGE: And I guess to
16 say that from the perspective of our charge here is
17 that as a policy in looking at where we designate
18 those areas, that's sort of how I meant that.

19 FACILITATOR DAVE WAHUS: Okay. Bruce,
20 you had a comment.

21 CHAIRMAN BRUCE SHUPP: Just an
22 addition to that, is that -- not having the
23 capability now to deal with those issues is not an
24 excuse, our recommendation should say develop the
25 capability to deal with this issue. Making an excuse

1 that you don't have the capability, that doesn't
2 solve any problems. We have to say, develop the
3 capability to solve the problems.

4 FACILITATOR DAVE WAHUS: Okay. Thank
5 you. Jimmy.

6 MR. JIMMY BARNETT: I have a
7 suggestion in that same context, a suggestion would
8 be to investigate the possibility of working closer
9 with local authorities and encourage them, and
10 whatever you can do, to do some patrolling.

11 Like one of the -- a couple of the
12 speakers yesterday talked about all sorts of things
13 right below them, and I fully appreciate the fact
14 that you are going to be using ratepayers' money to
15 hire more people to do some of these things. Maybe
16 working with the local authorities and getting the
17 people that are there to help you to go to
18 authorities and say, we have got a problem, meth
19 labs, open sex, blah, blah, blah, and maybe use that.

20 DR. KATE JACKSON: Can I address that,
21 please?

22 We do that now, and we have an
23 excellent -- our TVA police have an excellent working
24 relationship with state and local authorities. The
25 issue is no one has the jurisdictional authority to

1 do anything on that federal land other than TVA
2 federal police officers.

3 MR. JIMMY BARNETT: Can you work out
4 an arrangement where you essentially, for want of a
5 better terminology, contract with them to do
6 something?

7 DR. KATE JACKSON: I will investigate
8 that.

9 MR. JIMMY BARNETT: It seems to me
10 that would -- if the local people are upset, which I
11 understand they are, then they can bring a lot of
12 pressure on the local authorities. And if y'all give
13 them the ability to do something, then when they
14 catch them, it seems like that would be a win/win for
15 everybody.

16 FACILITATOR DAVE WAHUS: Go ahead.

17 MR. JIMMY BARNETT: I had one
18 additional point I wanted to make. Someone, and I
19 don't know whether it was Greer or who mentioned --
20 maybe it was Austin mentioned the existing contracts
21 that are about out. I know I am going to get calls
22 when I get back home about the Elk River thing, which
23 is an existing thing that's --

24 FACILITATOR DAVE WAHUS: I think they
25 talked about the existing or land disposal or various

1 actions that were already in process and just about
2 at the end when the moratorium went on.

3 MR. JIMMY BARNETT: Now, someone could
4 come back, and there is a problem in that, I have
5 just thought about it and I was fixing to do it,
6 doesn't that give me the right to go back and do
7 something now under the old -- the situation under
8 the old land plan.

9 If it's more than 50 percent headed in
10 the direction I think -- I think that it should be
11 roughly considered, hey, let's go on with those
12 particular things or at some stage of development and
13 maybe put the moratorium on until some other things
14 are looked at.

15 FACILITATOR DAVE WAHUS: So if a land
16 modification -- the land use modification request is
17 more than 50 percent?

18 MR. JIMMY BARNETT: Maybe that's not a
19 good figure, but at least that much.

20 FACILITATOR DAVE WAHUS: I'm trying to
21 interpret and just trying to understand what you're
22 saying, then it should proceed. If it's less than
23 50 percent through the process, then the moratorium
24 should stand.

25 MR. JIMMY BARNETT: Otherwise, you're

1 going to have a lot of people that's -- first of all,
2 that would be upset, and that's okay, but I think if
3 a person has done a lot of investigating and paid out
4 a lot of money thinking that he was complying with
5 the rules and was complying with the rules, that they
6 should be given some consideration rather than just
7 wholesale, bang, it's dead, we're going to start
8 something new.

9 FACILITATOR DAVE WAHUS: Okay. Thank
10 you. Greer.

11 MR. GREER TIDWELL: I just want to
12 make sure and understand that it's clear we're not
13 suggesting that all of those be approved but that
14 they go through the process.

15 Also on the sanitation being provided.

16 FACILITATOR DAVE WAHUS: Which number,
17 please?

18 MR. GREER TIDWELL: No. 26. I don't
19 think we're suggesting that it ought to be closed
20 unless there's a port-a-toilet. I think we should
21 say instead of providing it should be enforced or
22 provided it would cover us, but I think you can
23 enforce sanitation if you're going to allow tent
24 camping and things like that instead of having to
25 provide it.

1 FACILITATOR DAVE WAHUS: Very good.

2 Thank you. Kenny.

3 MR. KENNETH DARNELL: Just a comment
4 on the informal use area thing. On Kentucky Lake she
5 said it's a very large reservoir. TVA has been very
6 successful in teaming with the local authorities, and
7 they have provided grants to develop boat ramps, boat
8 launching areas, small docks to go on those things,
9 courtesy docks.

10 The effect of that has been that the
11 county has taken an ownership interest in those areas
12 and they are now policing and keeping those areas
13 kind of calmed down, that's a win/win situation for
14 both the local government and for TVA without having
15 to expand a lot of ratepayer funds.

16 FACILITATOR DAVE WAHUS: Greer.

17 MR. GREER TIDWELL: Since this is
18 coming from us, I am not necessarily convinced that
19 TVA is the only agency that can have the authority to
20 issue citations. It may be now, but I don't know
21 that's what the Board wants to say, or unless
22 everybody else tells me -- Mr. Barnett, you may know
23 better than I do, but I can't imagine that since it's
24 federal land the federal authority can't share that
25 responsibility. Perhaps it's not allowed now, but I

1 just don't think that's something we necessarily need
2 to say to the Board.

3 MR. JIMMY BARNETT: I think to me it's
4 a win/win situation if they could all work together.

5 MR. GREER TIDWELL: Yeah, I do, too.
6 I think we want to encourage, but I don't think we
7 want to say they are the only ones with the authority
8 to issue citations, that's not coming from us.

9 DR. KATE JACKSON: No. No.

10 FACILITATOR DAVE WAHUS: Could I ask a
11 question of clarification? Ms. Jackson, does TVA
12 have the authority to issue citations?

13 DR. KATE JACKSON: Yes.

14 FACILITATOR DAVE WAHUS: You do have
15 citation authority?

16 DR. KATE JACKSON: Yes. And I mean, I
17 guess I would ditch that whole number, that's my
18 words, not the Council's words.

19 MR. TOM LITTLEPAGE: Developing the
20 capability may very well be cross-agency agreements
21 and be what Greer alludes to. So that whole
22 development capability, I think, alludes to whether
23 you look at charging -- you know, that ratepayers
24 aren't paying for some of that security. I mean,
25 there's a whole aspect of analysis.

1 FACILITATOR DAVE WAHUS: There was
2 another somebody had their name tag up.

3 MR. BILL TITTLE: No. I took it down.
4 Other comments?

5 Well, let's go back to the summary or
6 forward to the summary as it is on the computer.
7 Let's review the summary here, and we will do it
8 section by section and see if there are any changes,
9 any revisions or additions or deletions or
10 replacements that you want to make on these. Then we
11 will quickly review the 26 items or the 28 items that
12 you have added, and then we will find out where you
13 want to to go from there.

14 Are there any changes that you wish to
15 make on this one, TVA should better manage public
16 lands to make a contribution towards meeting
17 conservation, recreations, and economic development
18 needs in the Valley by establishing a philosophy,
19 policy or set of standards; and two, closing the loop
20 and reinforcing the rationale behind the decision
21 after the decision has been made.

22 Miles.

23 MS. MILES MENNELL: In there I think
24 there should be a statement -- an underlying
25 statement, like the National Forest Service, which

1 guides the policy which says something to the effect,
2 is it in the public interest, and at some point, of
3 course, that has to be defined, along with the
4 philosophy.

5 FACILITATOR DAVE WAHUS: So add
6 guiding philosophy.

7 MS. MILES MENNELL: Guiding principle
8 or --

9 FACILITATOR DAVE WAHUS: And ask, is
10 it in the public's interest?

11 CHAIRMAN BRUCE SHUPP: Dave.

12 FACILITATOR DAVE WAHUS: Yes.

13 CHAIRMAN BRUCE SHUPP: Can I clarify
14 something?

15 FACILITATOR DAVE WAHUS: You certainly
16 may.

17 CHAIRMAN BRUCE SHUPP: Are we possibly
18 going to dump all of these and pull the new comments
19 and the old comments together into one new comment,
20 is that where you're headed?

21 FACILITATOR DAVE WAHUS: We can either
22 make it into one comment or we can just leave all the
23 comments, depending on how you want to do it.

24 CHAIRMAN BRUCE SHUPP: Because some of
25 this is redundant with other things we have said now,

1 the new comments that are up there. So I don't know
2 how we're going to do that.

3 Are we going to prioritize?

4 FACILITATOR DAVE WAHUS: We may
5 prioritize. Let's go through these to refresh your
6 memory on what we have here. And then as we start to
7 go through the others, if there's something you want
8 to combine, we certainly can. Then when we finish
9 maybe we will have a shorter list and you can decide
10 if you want to dump it all and make one big statement
11 or if you want to do prioritizing.

12 CHAIRMAN BRUCE SHUPP: So as long as
13 it doesn't reflect anything that's wrong, just leave
14 it there and then deal with it later?

15 FACILITATOR DAVE WAHUS: That's right.

16 MS. MILES MENNELL: And I jumped in
17 here simply because David said when I made the
18 comment before that this is where it belonged. So I
19 wanted to follow through and reiterate that I was
20 listening.

21 FACILITATOR DAVE WAHUS: Thank you. I
22 applaud you.

23 MS. MILES MENNELL: Thank you. You're
24 welcome.

25 FACILITATOR DAVE WAHUS: Any other

1 changes or additions that you wish to make to this
2 first section?

3 MR. TOM LITTLEPAGE: Well, I think I
4 am challenged to say that in 30 minutes you're going
5 to combine these two, but I think what we heard is,
6 in addition -- I am trying to distinguish between
7 this first paragraph and the second, but this aspect
8 of updating plans and the recommendation the group's
9 alluded to, putting an emphasis on getting these
10 plans updated and maintaining them and then adhering
11 to them, I would put that somewhere.

12 Are we trying to combine these? I
13 guess I'm like Bruce, are we trying to combine these
14 things?

15 FACILITATOR DAVE WAHUS: Right now
16 we're responding to question No. 1 that TVA asked,
17 are there any changes or revisions that you wish to
18 make?

19 MR. TOM LITTLEPAGE: Well, that would
20 be one of my big -- I don't have the number, you
21 know, we don't have that list.

22 FACILITATOR DAVE WAHUS: Add the
23 additional comment on the revision of land management
24 plan. Okay. So just make a note here that we would
25 add the comment from the other list or we can go back

1 quickly and do that.

2 MR. GREER TIDWELL: It's about
3 discipline and revision cycle. Isn't that what it
4 is, discipline and revision cycle?

5 FACILITATOR DAVE WAHUS: Okay. Any
6 other comments on this first section?

7 Let's go on to the next one. When
8 developing -- when balancing conservation,
9 recreation, and economic development uses of public
10 land TVA should add an overarching principle for
11 changes in land allocation done outside the periodic
12 land planning process, that the mitigation swap or
13 sale should increase public benefit over and above
14 the land's original designated use.

15 I am looking for any comments.
16 Austin.

17 MR. AUSTIN CARROLL: I think that goes
18 counter to some of the other stuff. I think -- I
19 mean, I think we're saying, well, we want -- like Ken
20 was saying, we want to be flexible, but we want to
21 have a plan. I think you're just muddying the
22 waters. I tend to think you have got to have a plan
23 and stick with it.

24 FACILITATOR DAVE WAHUS: So what do
25 you want to do with this. Bruce.

1 CHAIRMAN BRUCE SHUPP: I think you
2 need to have a policy, an overall policy, and then
3 the plans fits within that policy, but I think there
4 probably should be some flexibility within the plans,
5 not necessarily the policy. If the policy changes,
6 then the whole thing collapses.

7 If you have a solid policy and the
8 plans fit under that policy, you could have some
9 flexibility with those plans. I think you could --
10 and I am not sure how to do that, but I think that's
11 what that meant when we did it what, a year ago?

12 I think that's what we were trying to
13 get at, but I think the main thing that shouldn't
14 change is the philosophy, the policy, and then the
15 plans should be somewhat flexible to deal with issues
16 as they come up.

17 FACILITATOR DAVE WAHUS: And I believe
18 that one of the 28 comments that you made addresses
19 that, but we will add it here.

20 Miles.

21 MS. MILES MENNELL: I was just wanting
22 to add to what Bruce said. It was my recollection of
23 a year ago that the thing that we were really driving
24 at was consistency, that that was key, consistency.

25 CHAIRMAN BRUCE SHUPP: Good point.

1 FACILITATOR DAVE WAHUS: Okay. Let's
2 go back up to Nos. 1 and 2, please. Consider trades
3 of land on reservoirs that have lots of available
4 land with other reservoirs that have little public
5 land. Consider trades on lands on reservoirs that
6 have lots of available land with other reservoirs
7 that have little public land.

8 Jimmy.

9 MR. JIMMY BARNETT: I am not sure that
10 I agree with that simply because I recognize the
11 impossibility of where Bill lives and W. C. There's
12 no way to put certain things on those upland
13 reservoirs. Therefore, they are limited in
14 industrial things.

15 I think each reservoir should
16 basically stand on its own and don't go from
17 reservoir to reservoir like that. I think the
18 highest and best use for the reservoirs in those
19 areas is more public access, more commercial
20 recreation, and possibly some -- even though I have a
21 house on the river, it's in downtown Sheffield on the
22 bluff, I have my slot and somebody else said they had
23 theirs, once you put in a gated community, then the
24 general community cannot enjoy the benefits.

25 Well, how much economic development

1 does that do for the area? Is that a benefit to the
2 general population? And I can't answer that. That
3 is a question in my mind.

4 But on some areas more commercial
5 activities would benefit the general public and would
6 better encourage more fishing or more enjoyment of
7 the -- of the river. Someone mentioned other trades
8 with the forestry group or whatever, and I don't have
9 enough information or knowledge to address that
10 particular issue, but trading something from Kentucky
11 to Douglas, I just have a problem with that. I just
12 wanted to make that comment.

13 FACILITATOR DAVE WAHUS: Austin.

14 MR. AUSTIN CARROLL: I have got -- I
15 go along the lines of what Jimmy was just saying. I
16 think that's kind of -- the more I think about it,
17 the more unrealistic I think that is.

18 Are we saying -- if I understand what
19 we're saying there, are we saying that you could
20 develop more of an area around one reservoir and
21 leave more open land around another reservoir, is
22 that what we're saying?

23 MR. JIMMY BARNETT: That's what I
24 thought it said.

25 MR. AUSTIN CARROLL: Well, you know,

1 that just doesn't make sense to me. I don't know how
2 you can expect people on the Kentucky Reservoir, I
3 mean, if you let that just go completely developed,
4 and therefore, have them to drive to North Carolina
5 to have a place where they can get in the water, you
6 know, I don't think that makes sense.

7 I don't think it makes sense for water
8 quality. I think you have got to have those green
9 spaces, and that type of thing, on the reservoir and
10 you can't develop it at all. I don't -- I'm not sure
11 that makes sense, the more I think about it.

12 FACILITATOR DAVE WAHUS: Okay. Greer.

13 MR. GREER TIDWELL: In terms of
14 flexibility, two comments come to mind. One is that
15 flexibility can be built into a plan. If certain
16 areas feel like they need to designate some of the
17 shorelines with more flexibility to allow for that,
18 you know, shot for a million dollar industry coming
19 in there or that shot of millions for an economic
20 development plan, then let that be part of what they
21 do for their lake in their regional plan.

22 Others, you know, public -- condense
23 the public trust that's held on these lands and
24 ability to apply flexibility to get a lot more
25 comfortable, the more there are they -- there's some

1 good criteria for finding flexibility. Criteria
2 discussion makes a lot of sense.

3 FACILITATOR DAVE WAHUS: Kenny.

4 MR. KENNETH DARNELL: This one item
5 goes to the definition that if all we're doing is
6 replacing numbers, then it works, but if we're
7 mitigating the loss of open land, if you do a cross
8 reservoir, especially if reservoirs are separated
9 several hundred miles, you know, you might as well be
10 adding BLM land out in Idaho somewhere.

11 FACILITATOR DAVE WAHUS: I would like
12 you to remember the thing that we did back a meeting
13 or two. I have heard at least three people suggest
14 that this is not appropriate and this should probably
15 be taken out.

16 How many agree? Thumb up if you agree
17 and thumb down if you don't agree that this
18 recommendation should be removed from the summary.

19 The recommendation is, consider trades
20 of lands on reservoirs that have lots of available
21 land with other reservoirs that have little public
22 land, how many agree that should be removed?

23 I see one, two, three, four -- I would
24 ask everyone to vote one way or the other. Okay.
25 Then the recommendation is that this should be

1 struck. Thank you.

2 Let's go to No. 3. Where there has
3 already been a lot of development, TVA should take a
4 hard line look. Where there isn't any development,
5 TVA should be more open to potential development.
6 Criteria on whether or not development is allowed
7 should be based on the best science available, not
8 just economics. I think you said something similar
9 to that in what you said earlier this morning.

10 CHAIRMAN BRUCE SHUPP: Well, I think
11 the first sentence could be part of a -- you know,
12 that would be -- that would be just something you
13 would expect from a good policy or plan.

14 The second sentence is more specific
15 in a recommendation because it specifies criteria. I
16 would like to add a double thing to those criteria
17 after the best science available, add need for the
18 proposed use and impact on current use and users, not
19 just economics.

20 You know, we talk a lot about impacts
21 on endangered species or impacts on water quality,
22 those things, a lot of times, can be mitigated, but
23 increased use has other intrinsic value. I think the
24 values to the users themselves, whether they are
25 existing or a potential to few users, is something

1 that should be considered.

2 FACILITATOR DAVE WAHUS: Does anyone
3 object to adding that? Okay. Let's go to No. 4.

4 MR. TOM LITTLEPAGE: Wait a minute.
5 Go back. I'm sorry. I didn't see -- I am confused
6 to what -- there is complimentary conflicts with, I
7 think, No. 10 on the new list where we talk about --
8 I mean, we're kind of saying very similar thoughts,
9 look at how we treated development on some reservoirs
10 versus others.

11 So to me we need to integrate this
12 thought process that looks at a decision-making
13 matrix based on -- I keep using the term category. I
14 don't know if that's the appropriate term, but
15 something about lumping reservoirs or to a degree
16 somebody mentioned weighting factors, somebody threw
17 that out, but the degree you put the process together
18 to look at where some things are more allowable on
19 some reservoirs than they may be on other reservoirs.

20 FACILITATOR DAVE WAHUS: Let's go
21 back.

22 MR. AUSTIN CARROLL: That ties into
23 11.

24 MR. TOM LITTLEPAGE: I mean, this is a
25 big point. I think it's big.

1 FACILITATOR DAVE WAHUS: Let's go back
2 to --

3 CHAIRMAN BRUCE SHUPP: I make the
4 recommendation that, and we can discuss it, that we
5 eliminate the first sentence in No. 3, the old one,
6 and adopt No. 10, which would be more specific.

7 FACILITATOR DAVE WAHUS: The
8 recommendations is if we eliminate this sentence and
9 then incorporate --

10 CHAIRMAN BRUCE SHUPP: The first two
11 sentences, remove the first two sentences, and then
12 incorporate Nos. 10 and 11 into this recommendation.

13 FACILITATOR DAVE WAHUS: I am seeing a
14 bunch of thumbs, but some people are not giving me
15 any thumbs. We have more thumbs now.

16 Let's strike that out and let's make a
17 note here that we're going to add Recommendations 10
18 and 11.

19 Okay. Let's go on to No. 4. Be
20 flexible to allow for off-site mitigation within the
21 same watershed or adjoining watershed.

22 Any comments on that?

23 Kenny.

24 MR. KENNETH DARNELL: Just being from
25 the Kentucky reservoir, I would have a little problem

1 with that because we could have a piece of land
2 100 miles away on the same reservoir.

3 DR. KATE JACKSON: You just eliminated
4 that recommendation from a previous item, so --

5 FACILITATOR DAVE WAHUS: Would you
6 like to eliminate it here, too?

7 CHAIRMAN BRUCE SHUPP: Yes.

8 FACILITATOR DAVE WAHUS: Miles.

9 MS. MILES MENNELL: I want to say
10 something different. Do you still want to talk about
11 this?

12 FACILITATOR DAVE WAHUS: Is anyone
13 going to object to the elimination? Okay.

14 Now, Miles.

15 MS. MILES MENNELL: I just want some
16 clarification. I am a little confused about what
17 we're doing here.

18 I know we have identified all of these
19 items that ought to be open for consideration, but
20 they seem to me -- and correct me if I am wrong, they
21 seem to me to be components of the specific policy
22 that we're dictating to TVA.

23 I am of the opinion that what we need
24 to say loud and clear to TVA is that you need to have
25 a consistent, specific policy that has this component

1 and this component, but I don't think that we're in a
2 position at this point, without their evaluation, of
3 dictating these various terms.

4 So if there are underlying
5 philosophies and principles here, if that's what it
6 is here, then clarify, because some of these things
7 seem very specific to me, but maybe I'm just not
8 getting it.

9 FACILITATOR DAVE WAHUS: Let's go back
10 to the other list and let's find in the list, I think
11 it's No. 4. Go down a little bit. Just go down a
12 bit. You talked about there was somewhere in here
13 that you -- and I am trying to -- that you
14 recommended -- there, TVA's -- there, stop at No. 19.

15 The first part of that, I believe, and
16 I am not trying to put words in your mouth, but the
17 revised -- and don't make any changes here.

18 It basically says, set the philosophy,
19 set staff direction, revise plans, and go forward.
20 So I think someone commented on it this morning and
21 discussed it, and similar to what you're saying, have
22 them establish an overall policy.

23 Bruce, and then we will --

24 CHAIRMAN BRUCE SHUPP: Let me make a
25 suggestion and see what you-all think about this.

1 Should we work right now on that No. 1
2 recommendation, which is what you're saying. I think
3 everybody is leaning toward that, we're saying, get
4 busy, develop a policy, start reviewing the plans,
5 look ahead.

6 Then quickly go through this list and
7 see if there's anything that's not consistent with
8 that and scratch that out. Leave the rest of them as
9 just a bunch of other recommendations for how to
10 build on that concept of developing a policy and
11 plan.

12 Does that make sense?

13 MS. MILES MENNELL: And it seems to me
14 there was some other caveats we discussed in
15 relationship to this, for example, should the
16 moratorium be continued until we arrive at this
17 conclusion or -- and perhaps Kate thinks we need --
18 including residential, is that appropriate to address
19 that?

20 CHAIRMAN BRUCE SHUPP: I think we will
21 get to that. If we can focus on that big statement,
22 the ultimate recommendation, and then everything
23 else, as we quickly go through the list, we can say,
24 add this to that as an addendum or just keep it as a
25 recommendation.

1 FACILITATOR DAVE WAHUS: Bruce, would
2 you care to help us word the overall recommendation?

3 CHAIRMAN BRUCE SHUPP: I thought we
4 had that up there, but I didn't see it.

5 FACILITATOR DAVE WAHUS: I didn't see
6 it either. Let's go back up to the recommendations
7 right there.

8 CHAIRMAN BRUCE SHUPP: The No. 1
9 priority recommendation would be that TVA Board
10 instruct the staff to begin developing policy
11 recommendations for land management, which would
12 include revising individual management plans with
13 intense public processes, and I think from that point
14 we can just start putting bullets from the rest of
15 the list up onto there.

16 FACILITATOR DAVE WAHUS: Miles.

17 MS. MILES MENNELL: We might continue
18 and say, implicit in that policy we would urge TVA to
19 maintain the public lands. I am not saying this is
20 what it should say, but there may be specific
21 philosophical things, like access, is it in the
22 public interest? Do we need to continue the
23 moratorium until we sort through this?

24 Obviously, plans needs to be upgraded,
25 but just keep it that simple.

1 CHAIRMAN BRUCE SHUPP: The one
2 statement we did have was to continue the residential
3 moratorium while they go on through this, I think
4 that should probably be in that statement, if
5 everyone agrees to that. We had that in --

6 FACILITATOR DAVE WAHUS: In one of the
7 recommendations have it, a moratorium on residential
8 development.

9 CHAIRMAN BRUCE SHUPP: We could make
10 this a lot cleaner if we had another four hours, but
11 I don't think -- if we're going to get done by noon,
12 I don't think we're going to make it much more
13 precise than going through the list.

14 MS. MILES MENNELL: And I don't mean
15 to be vague about this. I just wonder if there's not
16 a different way to structure the specifics, the
17 guiding principles, that's really just my question,
18 instead of getting off --

19 FACILITATOR DAVE WAHUS: If you use
20 this as your overall -- if you -- No. 1, if you agree
21 with this, if you agree with this, then we can go
22 down the entire list, both what you did before and
23 what you did this morning, and see if you feel that
24 it should be included as one of the underlying things
25 that would support this.

1 MS. MILES MENNELL: And actually, do
2 we want them to begin developing policy for land
3 management or do we want them to revisit it and fine
4 tune it?

5 Because they actually have policy
6 measures in place, so I don't know what the right
7 words are there.

8 CHAIRMAN BRUCE SHUPP: Good point.

9 FACILITATOR DAVE WAHUS: What would
10 you like to put in there? What do you think would be
11 appropriate?

12 MS. MILES MENNELL: Well, I would like
13 to see the word consistent. The philosophy, I'm not
14 saying there can't be differences. So I don't know
15 that we're beginning to develop a --

16 FACILITATOR DAVE WAHUS: Well, rather
17 than begin developing, what should it be?

18 MS. MILES MENNELL: Revisit,
19 implement, I don't know.

20 DR. KATE JACKSON: How about
21 recommend --

22 MS. MILES MENNELL: Recommend.

23 DR. KATE JACKSON: -- a consistent
24 land management policy, which would include.

25 FACILITATOR DAVE WAHUS: TVA Board

1 instruct staff to recommend a consistent policy for
2 land management, which would include revising land
3 management plans with extensive public input process.
4 Continue the existing moratorium or residential
5 development while developing the policy.

6 MR. AUSTIN CARROLL: Okay. Let me ask
7 a question right there. Are we saying -- when we
8 say, revising the land management plans, are we
9 talking about the reservoir operations plans and
10 doing -- revising all of those? Are we going to keep
11 the moratorium in effect until that all gets done?

12 FACILITATOR DAVE WAHUS: Bruce.

13 CHAIRMAN BRUCE SHUPP: You said the
14 reservoir operating plans?

15 MS. MILES MENNELL: That big study.

16 CHAIRMAN BRUCE SHUPP: No. We're
17 talking about the individual --

18 MR. AUSTIN CARROLL: I mean, the land
19 management plans for each reservoir. How long is
20 that going to take?

21 DR. KATE JACKSON: Years.

22 MR. AUSTIN CARROLL: You could do all
23 of them in a year?

24 DR. KATE JACKSON: Years.

25 MR. AUSTIN CARROLL: Yeah, that's what

1 I thought. I mean, I don't know -- it seems to me
2 like we do -- the Board does need to look at some
3 kind of policy statement or whatever, and I think
4 that the existing plans can be interpreted within
5 that policy statement until they kind of cycle out,
6 you know, ten years or whatever, and they can be
7 revised to more accurately reflect those -- that
8 policy statement, but you can -- I think you can
9 interpret those plans within that policy.

10 You know, if there's -- basically I
11 think the staff gets caught in, well, you know, which
12 way do we lean on this? You know, where are we
13 going? And if they have got that -- you know, that
14 statement -- that guiding statement, then they kind
15 of know which way to go.

16 DR. KATE JACKSON: Let me make a
17 suggestion. Go back to that first bullet. TVA Board
18 instructs staff to recommend a consistent land
19 management policy, which would include ongoing
20 revision of land management plans with extensive
21 public input process.

22 MR. AUSTIN CARROLL: Right.

23 CHAIRMAN BRUCE SHUPP: I think your
24 point is well taken. I think that's excellent, to
25 continue the moratorium until the new policy is

1 developed, not -- well, that's what it says.

2 DR. KATE JACKSON: And the policy
3 could include having ongoing revisions of.

4 MR. AUSTIN CARROLL: Right. But I
5 didn't want to put everything on hold for ten years
6 until we got all of these revised.

7 CHAIRMAN BRUCE SHUPP: That's a good
8 point.

9 FACILITATOR DAVE WAHUS: This says
10 just while they're developing the policy.

11 MR. KENNETH DARNELL: I would suggest
12 you word that ongoing review and/or revision,
13 possibly just review and revision.

14 FACILITATOR DAVE WAHUS: Review and/or
15 revision.

16 MR. JIMMY BARNETT: I think No. 2
17 needs to come out then.

18 FACILITATOR DAVE WAHUS: Continue the
19 existing policy (sic) on residential development
20 while developing the policy, you think that needs to
21 come out? Do you think that statement needs to come
22 out?

23 Jimmy, I am trying to understand what
24 you said.

25 MR. JIMMY BARNETT: Well, to me it

1 says, continue the moratorium until the policy is
2 developed.

3 FACILITATOR DAVE WAHUS: Right.

4 MR. JIMMY BARNETT: Is that practical,
5 Kate?

6 DR. KATE JACKSON: Based on the way
7 that first recommendation is written, yes.

8 MR. JIMMY BARNETT: Okay.

9 FACILITATOR DAVE WAHUS: How about the
10 third bullet, existing land management plans should
11 be interpreted within the policy until subject to the
12 cycle, is that --

13 MR. AUSTIN CARROLL: Subject to
14 revision cycle or review cycle.

15 DR. KATE JACKSON: What does that
16 mean?

17 FACILITATOR DAVE WAHUS: Do you-all
18 agree on this?

19 Does that make sense to you, Kate?

20 DR. KATE JACKSON: Nope.

21 FACILITATOR DAVE WAHUS: The last one?

22 DR. KATE JACKSON: Nope. Don't
23 understand it.

24 FACILITATOR DAVE WAHUS: Can you help
25 us?

1 MR. GREER TIDWELL: Should be or could
2 be interpreted.

3 MR. JIMMY BARNETT: These are the
4 plans, I assume.

5 FACILITATOR DAVE WAHUS: The existing
6 management plans should be interpreted within the
7 policy until subject --

8 DR. KATE JACKSON: I don't understand
9 what "Interpreted within the policy" means.

10 FACILITATOR DAVE WAHUS: Can you
11 elaborate on that a little, Austin?

12 MR. AUSTIN CARROLL: You have got the
13 Doctorate.

14 DR. KATE JACKSON: Do you mean -- not
15 in the right thing apparently.

16 MS. MILES MENNELL: Austin, do you
17 just mean they should be adhered to until there's
18 something new in place?

19 MR. AUSTIN CARROLL: Yeah. I mean,
20 when you're in question about some of these, like
21 whether or not, you know, you remove a deed
22 restriction, you have got some guidance in this
23 policy statement that kind of tells you which way
24 you're going, I think, and it would help you make
25 that decision.

1 FACILITATOR DAVE WAHUS: Are you
2 saying --

3 MR. AUSTIN CARROLL: In other words,
4 if we're tightening down, you don't need to open it
5 up.

6 Do you know what I am saying?

7 FACILITATOR DAVE WAHUS: The existing
8 plan should be administered given the -- under the
9 guidance of the new policy until they can be revised
10 on their regular revision cycle, is that what you're
11 saying?

12 MR. AUSTIN CARROLL: Right.

13 FACILITATOR DAVE WAHUS: Does that
14 make sense to you?

15 MR. GREER TIDWELL: We're confirming
16 use of the current plans that are there.

17 MR. KENNETH DARNELL: You're just
18 using that as a starting point.

19 MR. AUSTIN CARROLL: Right. What I
20 hear the staff saying is that even though you have
21 these plans, there is still a lot of flexibility, and
22 what I am trying to do is give you more definition
23 and kind of narrow that flexibility such that you're
24 not caught in the -- you know, what do I do now?

25 FACILITATOR DAVE WAHUS: Does that

1 make sense to you now, Kate?

2 DR. KATE JACKSON: Okay.

3 FACILITATOR DAVE WAHUS: Anything else
4 you want to change to this overall recommendation?

5 MR. GREER TIDWELL: I mean, are we
6 trying to give Kate some guidance, you know, on the
7 rigid to flexible scale, we want you to move back
8 toward the rigid scale, or disciplined, not rigid,
9 disciplined scale in implying the current land use
10 plans that are out there, that's what you're saying,
11 and then the new policy will tell you where to land
12 on that flexibility and discipline scale.

13 DR. KATE JACKSON: Well, do you want
14 to provide a recommendation on where the new policy
15 should land on the flexible versus rigid paradigm?

16 MR. GREER TIDWELL: Well disciplined.

17 FACILITATOR DAVE WAHUS: Do you all
18 agree this is your overall recommendation?

19 CHAIRMAN BRUCE SHUPP: You know, the
20 lack of rigidity is what's giving TVA the heartaches
21 with managing its land, and unless -- and I don't
22 think it's ever going to happen, unless your mission
23 is changed and your directives change and, you know,
24 you eliminate economic development from your mission
25 statement, you're always going to have that

1 flexibility that gives you heartaches, and you have
2 just got to face that.

3 I don't see how you can get more rigid
4 when that one loophole is always in there. I mean,
5 it's just never going to happen. So it's a matter
6 now of setting the policy to deal with it in 2006 and
7 beyond until the next policy change comes along, but
8 that's what you're faced with. It's not the Forest
9 Service and it's not the Park Service, and I don't
10 see it changing.

11 FACILITATOR DAVE WAHUS: Miles.

12 MS. MILES MENNELL: I have to go back
13 to the comment I made before, and correct me, please,
14 Kate, if I am mistaken, but economic development,
15 that mission can be fulfilled without necessarily
16 using these lands that are open public lands.
17 There's other places where TVA can fulfill its
18 economic development mission, and it doesn't have to
19 be on the lakes.

20 CHAIRMAN BRUCE SHUPP: But we're
21 crafting a very wide policy that states that.

22 MS. MILES MENNELL: But I just wanted
23 to get that back in there.

24 CHAIRMAN BRUCE SHUPP: But it can
25 change. It's always flexible.

1 FACILITATOR DAVE WAHUS: Bill and then
2 Austin.

3 MR. BILL TITTLE: I think we're making
4 a major assumption that the new Board cares what this
5 Council recommends. I think it's a tribute to this
6 Council members, this lively discussion, but with the
7 public hearings open until the 23rd, I think if
8 the -- and the new Board had a new opportunity --
9 certainly the Community Relations Committee yesterday
10 had an opportunity to understand what this Council
11 does, and I am not sure that they had a thorough
12 understanding before yesterday. The new Board
13 Chairman was here yesterday and again this morning.
14 I think they now see what this Council does.

15 And I think if they want our input
16 more than what we have already provided, they will
17 let us know and we will reconvene.

18 DR. KATE JACKSON: They do want your
19 input, and they are hoping by the end of today to
20 have something that they can use to guide them on the
21 discussion of establishment of policy.

22 MR. BILL TITTLE: Okay. I rest my
23 case.

24 FACILITATOR DAVE WAHUS: Austin, do
25 you still have a comment?

1 MR. AUSTIN CARROLL: As a matter of
2 fact, in developing that policy statement, I would be
3 careful about joining residential development and
4 economic development at the hip, you know, they might
5 want to think about that maybe when you consider
6 TVA's economic development role that maybe that
7 doesn't include residential development.

8 FACILITATOR DAVE WAHUS: Okay. Kenny.

9 MR. KENNETH DARNELL: And following
10 along those same lines, what we're doing is we're
11 allowing everyone, every stakeholder out there, to
12 define economic development for us, and we don't have
13 to do that. We can define economic development
14 ourselves and stand on that.

15 FACILITATOR DAVE WAHUS: Okay. Now, I
16 would ask, Mr. Chairman and the Board, it is 11:30,
17 and I am going to ask you to -- we will go as long as
18 you want to go, all afternoon if you choose, I guess,
19 but I would ask that if this is your overall guiding
20 policy, recommendations that you wish to make, these
21 three bullets, we will go down and consider all of
22 the other recommendations you made this morning and
23 recommendations from before and do they or do --
24 should they or should they not fall under this
25 recommendation for additional consideration.

1 CHAIRMAN BRUCE SHUPP: I would like to
2 suggest that it's important we give this another half
3 hour, that we go through these lists. You mentioned
4 the term guiding principles, and I like that. I
5 think maybe that's what the rest of the
6 recommendations should be is guiding principles to
7 get this recommendation, and we look at the list to
8 see where they fit in as guides or principles.

9 If they don't fit in, we just toss
10 them. If they are redundant, we toss them. We end
11 up with some things as guiding principles, and one
12 would be always keeping the public's best interest in
13 mind, that type of thing, that's on the list there,
14 that's my recommendation.

15 FACILITATOR DAVE WAHUS: Any other
16 comments? Do you have a preference of the Council?

17 DR. KATE JACKSON: Let me make one
18 other comment. You have a quorum. If one of you
19 leaves you don't. So before whoever leaves first,
20 make sure that you-all agree on what you have done up
21 to that point or else you will have to approve it via
22 voice vote over the phone or something. I don't know
23 how they will do that, but just keep that in mine.
24 You're allowed to go to the bathroom, but you're not
25 allowed not to come back.

1 FACILITATOR DAVE WAHUS: Miles.

2 MS. MILES MENNELL: So if we approve
3 this policy recommendation, the rest of it just
4 becomes discussion, the guiding principles, the
5 things we think they ought to consider as they go
6 forward, that's what you're saying, right, Bruce?

7 CHAIRMAN BRUCE SHUPP: Well, it --

8 MS. MILES MENNELL: I mean, it doesn't
9 have to become a part of this. It just becomes
10 conversational, that we think in their dialogue they
11 ought to be looking at those specific things.

12 CHAIRMAN BRUCE SHUPP: Well, that's
13 what all of our recommendations are.

14 MS. MILES MENNELL: I know, but I am
15 talking about like an addendum.

16 CHAIRMAN BRUCE SHUPP: Yes.

17 FACILITATOR DAVE WAHUS: It's a
18 subset, if you will. Everything else is a subset of
19 guiding principles that help explain further some of
20 the details of what you're saying.

21 Jimmy.

22 MR. JIMMY BARNETT: My comment is I
23 can't stay all afternoon. The second comment is,
24 yeah, another hour, another 30 minutes, another hour.

25 I like what Bruce said, and I

1 recommend that we go in that particular direction,
2 not try to blend them all because we ain't got that
3 kind of time.

4 What we have done up-to-date on the
5 original things, let's look at do we want to include
6 those or eliminate anything we have already said in
7 those guiding principles.

8 FACILITATOR DAVE WAHUS: Okay. Seeing
9 no objection. Okay.

10 Does everyone agree with the three
11 bullets here that we have for the RRSC policy
12 recommendations? Does anyone object?

13 Now is the time to speak up. Okay.

14 Let's go then to the guiding
15 principles, No. 1: Emphasize, highlight, and
16 prioritize advice, is that -- does that make any
17 sense?

18 MS. MILES MENNELL: Out.

19 FACILITATOR DAVE WAHUS: Does anyone
20 object to taking it out, No. 1? Okay.

21 No. 2?

22 CHAIRMAN BRUCE SHUPP: Redundant.

23 FACILITATOR DAVE WAHUS: Redundant.

24 Set a policy as a framework on how to handle
25 case-by-case requests, does make any sense now or is

1 that --

2 CHAIRMAN BRUCE SHUPP: It's redundant.

3 FACILITATOR DAVE WAHUS: -- or is that
4 redundant to what you said before?

5 Any objection to removing that?

6 Okay. The new No. 1: Consider
7 situations where TVA land could be developed and the
8 developer could provide trade lands to the Forest
9 Service or state agencies creating a true no-net loss
10 of public lands, for example, i.e., in North
11 Carolina.

12 Do you want to leave this in here?

13 MR. AUSTIN CARROLL: I thought we took
14 that out.

15 CHAIRMAN BRUCE SHUPP: There's
16 something similar to that above.

17 FACILITATOR DAVE WAHUS: You took it
18 out on the list -- the previous advice list. So do
19 you want to leave this here or do you want to take it
20 out?

21 CHAIRMAN BRUCE SHUPP: Out.

22 MR. GREER TIDWELL: You don't want to
23 start with it for sure.

24 FACILITATOR DAVE WAHUS: Pardon me?

25 MR. GREER TIDWELL: You certainly

1 don't want to start with it.

2 CHAIRMAN BRUCE SHUPP: I look at that
3 as it may be a way to do it, but I would rather
4 review that during a public review process for the
5 new policy rather than make it a recommendation to
6 this Council.

7 FACILITATOR DAVE WAHUS: Okay. I'm
8 hearing you say to take it out.

9 TVA needs an overall -- overall --
10 overriding policy for all its public lands, and then
11 look at each reservoir specifically to determine how
12 use requests will be handled.

13 Isn't that the same thing that you
14 have on your overall policy?

15 Okay. Consider the spirit of the
16 Executive Order on eminent domain, as well as the
17 letter of the law. Interpret the Executive Order
18 that land acquired in the past for eminent domain
19 should not be used for private economic gain,
20 residential only.

21 What do you want to do with this one?

22 Do you want to leave it in as a
23 consideration, guiding principle or consideration?

24 MR. JIMMY BARNETT: I have a problem,
25 if I may.

1 FACILITATOR DAVE WAHUS: I'm sorry. I
2 can't hear you.

3 MR. JIMMY BARNETT: I have a problem
4 saying would not be used for private economic gain,
5 residential only. I don't like private economic
6 gain. It's going to be somebody making money, sure,
7 but it -- take a commercial marina, they have got to
8 make a profit, that's only natural.

9 FACILITATOR DAVE WAHUS: What part of
10 this do you have an objection to?

11 MR. JIMMY BARNETT: Take out
12 residential and say what we use for private economic
13 gain is --

14 FACILITATOR DAVE WAHUS: Period.

15 MR. JIMMY BARNETT: Well, when I say
16 economic gain, that means they can't even make a
17 nickel profit, I don't like that. I think profit
18 is -- I don't know how to put that.

19 MR. GREER TIDWELL: The language the
20 President chose to use was that it should be for
21 benefiting the general public and not merely for the
22 purpose of advancing the economic interest of private
23 parties to be given ownership or use of the property
24 taken.

25 MR. JIMMY BARNETT: That's not bad

1 wording.

2 MR. W. C. NELSON: The only thing is
3 that I don't think the Executive Order was ever
4 intended to be interpreted in that fashion. It was
5 not intended for that type of interpretation.

6 FACILITATOR DAVE WAHUS: Are you
7 saying that the Executive Order was intended to look
8 forward and not backward?

9 MR. W. C. NELSON: It was to look
10 forward, therefore, it's not relevant to properties
11 taken by eminent domain 60 years ago or 30 years ago.

12 FACILITATOR DAVE WAHUS: What do you
13 want to do with this one?

14 Kenny.

15 MR. KENNETH DARNELL: Whatever the
16 court determines that the Executive Order means is
17 going to supersede any advice we could give, and I
18 don't see there's any reason that we would even need
19 to address this.

20 MR. AUSTIN CARROLL: I think the
21 Council needs to stay out of that.

22 FACILITATOR DAVE WAHUS: Okay. So do
23 you want to -- I am hearing several people say this
24 one should be removed.

25 MS. MILES MENNELL: Out.

1 FACILITATOR DAVE WAHUS: I would like
2 to see a set of thumbs, and I specifically want to
3 see thumbs on the removal of this. Up if you want to
4 remove it and down if you want to leave it in.

5 Please let me see your thumbs. I am
6 seeing more removal thumbs than I'm seeing no thumbs,
7 so it should be removed.

8 The lands planning process is good,
9 but needs updates more often to allow additional
10 public comment on changes and land use allocation.

11 So I am seeing a thumb up on this.

12 MR. AUSTIN CARROLL: So are you going
13 to take it out?

14 FACILITATOR DAVE WAHUS: No. A thumb
15 up is to leave it. In this case -- from now on it
16 will be thumb up to leave it and thumb down to take
17 it out. Okay?

18 MR. GREER TIDWELL: Is it time to sort
19 of pull the five- to seven-year question into this
20 because we had made that recommendation in our last
21 review of this --

22 DR. KATE JACKSON: I am assuming --

23 MR. GREER TIDWELL: -- as the
24 appropriate cycle?

25 FACILITATOR DAVE WAHUS: I am assuming

1 you're going to leave that part.

2 DR. KATE JACKSON: And it isn't just
3 for public comment, right? It isn't just review it
4 often so the public can comment, but it's because the
5 situation has changed and ecosystem values have
6 changed?

7 FACILITATOR DAVE WAHUS: And this one
8 should probably be combined with the other
9 recommendation that you have on the other side. No.
10 So leave this one. I saw thumbs up to leave it.

11 MR. GREER TIDWELL: I have got a
12 process question, David. I'm sorry.

13 FACILITATOR DAVE WAHUS: Yes, sir.

14 MR. GREER TIDWELL: When we're going
15 through the guiding principles and what I'm seeing
16 are the new ones that we created.

17 FACILITATOR DAVE WAHUS: Then we're
18 going to go through the old ones.

19 MR. GREER TIDWELL: And pile them in,
20 okay.

21 FACILITATOR DAVE WAHUS: And then we
22 will put them all together.

23 Develop a land management plan for
24 each reservoir, including maps showing land use
25 allocations.

1 Q

2 CHAIRMAN BRUCE SHUPP: I think that's
3 redundant.

4 FACILITATOR DAVE WAHUS: I am seeing
5 take it out because it's redundant. If you want to
6 take it out, let's see your thumbs down. If you want
7 to leave it in, thumb up. Okay. Thumb down, take
8 that one out.

9 The phrase, is it in the public
10 interest, should precede any land use decision. I am
11 seeing thumbs up. Your thumbs, please.

12 MR. AUSTIN CARROLL: I would like to
13 add a word. Could we say the greatest public
14 interest?

15 FACILITATOR DAVE WAHUS: Is it in the
16 greatest public interest?

17 MS. MILES MENNELL: That's presumed.

18 MR. AUSTIN CARROLL: No. I think --
19 the thing that would affect the most people the
20 longest term.

21 FACILITATOR DAVE WAHUS: Does anyone
22 have an objection to adding in the word greatest?

23 MS. MILES MENNELL: I think it's
24 redundant.

25 CHAIRMAN BRUCE SHUPP: How about

1 maximum or optimum rather than greatest?

2 MR. AUSTIN CARROLL: Goodest. Double
3 best.

4 MR. KENNETH DARNELL: Optimum is a
5 good word.

6 FACILITATOR DAVE WAHUS: Okay.

7 MS. MILES MENNELL: It's like the most
8 unique.

9 FACILITATOR DAVE WAHUS: Do you want
10 to add or not add, or do you want to leave it as it
11 is?

12 MS. MILES MENNELL: As is.

13 FACILITATOR DAVE WAHUS: Leave it as
14 it is.

15 MR. AUSTIN CARROLL: I disagree. I'd
16 like to see a vote. I would like to add the greatest
17 public interest or the maximum.

18 FACILITATOR DAVE WAHUS: What do the
19 rest of you want to do? If you want to add, put your
20 thumb up. If you want to add it, put your thumb
21 down.

22 CHAIRMAN BRUCE SHUPP: I don't think
23 it makes a difference. So I am voting for adding it.

24 FACILITATOR DAVE WAHUS: I see more
25 people for add. So let's put the word greatest

1 before the word public. There you go.

2 Okay. Now, that we have made a
3 change, the phrase, is it in the greatest public
4 interest should precede any land use decision. Thumb
5 up if you want to leave that statement in, thumb down
6 if you want to take it out, the whole statement.

7 Okay. Let's leave it.

8 Go on to No. 3: Create a planning
9 environment with senior level perspective for what is
10 and what isn't in the public good.

11 MR. GREER TIDWELL: Redundant.

12 CHAIRMAN BRUCE SHUPP: It's redundant.
13 Take that out.

14 FACILITATOR DAVE WAHUS: I am seeing
15 thumbs down. Okay. Look at the potential to
16 categorize reservoirs based on the level of
17 development. Land plan decisions made on
18 categorization based on a list of characteristics and
19 then weight it accordingly.

20 Now, a few minutes ago you combined
21 that with the other recommendation you made before.
22 So at this point I would -- what do you want to do?
23 Do you want to leave it in there and leave the
24 combination or take it out?

25 I see someone here wanting to take it

1 out. What is the preference of the rest of you?

2 MR. TOM LITTLEPAGE: But doesn't this
3 provide more detail than the other one? I kind of
4 like leaving it in here because I think it provides a
5 little basis for that generalized aspect.

6 FACILITATOR DAVE WAHUS: So by leaving
7 it in here, it would be combined with the other one
8 because it did have a little bit different a
9 statement than the other one.

10 MR. TOM LITTLEPAGE: I guess I am --
11 to me this is a principle for implementing the
12 general recommendation.

13 FACILITATOR DAVE WAHUS: So what do
14 you want to do, thumbs up, leave it alone, or thumbs
15 down, take it out. Okay. I am seeing thumbs up,
16 let's leave it.

17 There should be a criteria for
18 determining and monitoring capacity and threshold for
19 development on each reservoir.

20 MR. AUSTIN CARROLL: We combined that
21 one while ago too.

22 FACILITATOR DAVE WAHUS: Leave it
23 alone and it would be based on what you just did.
24 That was combined with the one above it and moved
25 over to the other side.

1 Continuing considering residential
2 developments in some areas. Do you want that out?

3 MR. TOM LITTLEPAGE: Didn't we say --
4 what number is it now?

5 FACILITATOR DAVE WAHUS: No. 4 used to
6 be No. 11 and we combined it and moved it over and
7 combined it with the other recommendation. So we
8 will go to No. 5.

9 CHAIRMAN BRUCE SHUPP: Don't we just
10 eliminate that then if we combined it with something
11 else?

12 FACILITATOR DAVE WAHUS: We didn't
13 move the words over. So if we leave it here, then
14 when we get over there we will know -- that 10 and 11
15 are now 3 and 4. Nos. 10 and 11 are now 3 and 4.

16 Continue considering residential
17 development in some areas.

18 MR. TOM LITTLEPAGE: Redundant.

19 CHAIRMAN BRUCE SHUPP: That's against
20 what we said earlier.

21 FACILITATOR DAVE WAHUS: So that would
22 be coming out. Okay. Take that out.

23 TVA's mission statement should drive
24 every action for the Agency. Develop a strategic
25 plan for each reservoir that supports TVA's mission

1 statement.

2 Up or down?

3 MS. MILES MENNELL: That's redundant
4 to.

5 CHAIRMAN BRUCE SHUPP: Redundant, too.
6 I think down.

7 FACILITATOR DAVE WAHUS: It's
8 redundant someone said. I'm seeing a lot of downs.
9 Let's take it out.

10 Maintain and manage lands and then
11 enforce the violations. Maintain the undeveloped
12 property and be good neighbors to those who live
13 around there (ones who take care of their property
14 and leaves others alone). The parens we may want to
15 take out. I will leave it up to you. What do you
16 want to do with this?

17 CHAIRMAN BRUCE SHUPP: Leave the first
18 sentence.

19 FACILITATOR DAVE WAHUS: Leave the
20 first sentence, maintain and manage the lands and
21 then enforce the violations and take everything else
22 out?

23 MR. AUSTIN CARROLL: Just take out the
24 parenthesis on the last one.

25 FACILITATOR DAVE WAHUS: Take out the

1 parenthesis on the last one?

2 MR. AUSTIN CARROLL: Yes.

3 FACILITATOR DAVE WAHUS: Take out the
4 parenthesis.

5 MR. KENNETH DARNELL: How do you
6 maintain undeveloped property?

7 MR. GREER TIDWELL: Well, you keep it
8 from going down, you know, you keep the litter out.

9 FACILITATOR DAVE WAHUS: That could be
10 a side conversation.

11 MR. AUSTIN CARROLL: We had better
12 words for that while ago, I thought. I thought we
13 said public access property or something about that.

14 MR. GREER TIDWELL: It was something
15 about the sanitation.

16 MR. TOM LITTLEPAGE: We will talk
17 about that. It will come up again.

18 MR. AUSTIN CARROLL: Okay.

19 FACILITATOR DAVE WAHUS: Public lands
20 managed by other state and federal agencies must be
21 considered when making decisions on whether or not to
22 allow development. Should it stay?

23 CHAIRMAN BRUCE SHUPP: I'm not sure
24 what that means.

25 MR. TOM LITTLEPAGE: I guess I would

1 interpret that to mean the fact that when we look at
2 a reservoir in total that the aspect of what's
3 available to the public for public use or undeveloped
4 lands, that that becomes part of the matrix and not
5 just looking at --

6 FACILITATOR DAVE WAHUS: I think when
7 Bill made that recommendation that he said in his
8 situation in Georgia where there are a lot of Forest
9 Service lands and maybe some Park Service lands, the
10 public lands that are available and managed by other
11 agencies, the amount of open land or federal land,
12 how they are managing it should be taken into
13 consideration.

14 MR. AUSTIN CARROLL: Can we start that
15 sentence with the word adjoining public lands
16 because --

17 FACILITATOR DAVE WAHUS: Adjacent.

18 MR. AUSTIN CARROLL: Because I thought
19 we were getting back to that swap thing.

20 FACILITATOR DAVE WAHUS: I don't think
21 he meant that. I think he meant in the vicinity.

22 DR. KATE JACKSON: I interpret this as
23 being similar to Tom's issue on take into
24 consideration the contextual development or
25 undevelopment of lands in that sub region in that

1 reservoir area when you are determining how flexible
2 you will be with respect to your willingness to take
3 proposals for development of public land.

4 MR. AUSTIN CARROLL: You said what I
5 failed to say.

6 MR. KENNETH DARNELL: You don't know
7 those kind of words.

8 FACILITATOR DAVE WAHUS: Now, the word
9 adjacent means right up next to it.

10 DR. KATE JACKSON: That changes the
11 character of that.

12 FACILITATOR DAVE WAHUS: The word
13 adjacent means that it's right up next to it. It's
14 not just in the subregion. So as you add that word,
15 understand what you're doing.

16 Bill.

17 MR. BILL TITTLE: To try to speak for
18 Bill, who is not here, in side conversations his
19 concern is that some of the counties in the tributary
20 areas have up to 90 percent of the land in the county
21 owned by the state or the federal government, and I
22 think that's where he was going with this, that the
23 development in that area, that they really have a
24 concern.

25 The flat land is so sparce and a lot

1 of it is under water and they wanted consideration of
2 what other agencies are doing, other federal or state
3 agencies.

4 DR. KATE JACKSON: But is this
5 redundant with the comment or the guiding principle
6 above that talks about, you know, identifying -- the
7 development situation you find on the reservoir?
8 It's whether it's highly developed or highly
9 undeveloped.

10 MR. BILL TITTLE: My point would be
11 that putting the word adjacent in there might be a
12 further limit than what Bill wanted.

13 MR. AUSTIN CARROLL: Let's use another
14 word. You know, say in the area.

15 FACILITATOR DAVE WAHUS: We need one
16 person to speak at a time.

17 MR. W. C. NELSON: I think what Kate
18 is saying is correct because that is just one of the
19 facets that would be considered in making a decision.
20 And I don't know that we necessarily need it there,
21 and I certainly don't know that we want it adjacent
22 because that definitely limits it.

23 FACILITATOR DAVE WAHUS: Jimmy was
24 first.

25 MR. JIMMY BARNETT: My suggestion, I

1 have no problem leaving it there and I think Bill
2 would like it there, and I'm speaking for him, if you
3 said the public lands on each reservoir managed by
4 other state and federal agencies must be considered
5 when making decisions on whether or not to allow
6 development on that reservoir.

7 FACILITATOR DAVE WAHUS: On or around
8 each reservoir, which means what?

9 MR. W. C. NELSON: I don't want to
10 limit it to the public lands on the reservoir.

11 FACILITATOR DAVE WAHUS: On or around
12 each reservoir, which means it would be in the
13 vicinity.

14 MR. JIMMY BARNETT: Consider each
15 reservoir as a sub set of its own.

16 DR. KATE JACKSON: Go up to our new
17 No. 3.

18 FACILITATOR DAVE WAHUS: Look at the
19 potential to categorize reservoirs based on the level
20 of development. Land plan decisions made based on
21 categorization and based on the list of
22 characteristics and then weight it accordingly. That
23 does not --

24 MR. JIMMY BARNETT: How about on that
25 one including other federally owned lands.

1 MR. TOM LITTLEPAGE: There would be a
2 whole list of characteristics, I would envision, to
3 be established in terms of things that have never
4 been developed versus previously developed, and then
5 you have got other public lands associated with them,
6 what kind of development is occurring, what's the
7 capacity, I mean, there is a long latitude that I
8 think the staff would have to develop.

9 FACILITATOR DAVE WAHUS: Okay. Let's
10 go back down then to the adjacent. Okay. What do
11 you want to do with No. 6?

12 Public lands on each reservoir managed
13 by other state and federal agencies must be
14 considered when making decisions to whether or not to
15 allow development.

16 CHAIRMAN BRUCE SHUPP: I think as a
17 guiding principle, it's fine.

18 FACILITATOR DAVE WAHUS: Okay. Go to
19 No. 7. TVA consider existing criteria for
20 determining watershed health. (e.g., EPA uses
21 impervious surfaces) was the issue that was used as
22 an example.

23 CHAIRMAN BRUCE SHUPP: That will be a
24 part of the NEPA process revising plans. Correct,
25 Kate?

1 DR. KATE JACKSON: That's right.

2 CHAIRMAN BRUCE SHUPP: I think it's
3 redundant and it has to be taken out.

4 FACILITATOR DAVE WAHUS: What do you
5 want to do?

6 MR. DON GOWAN: I would like to leave
7 it.

8 FACILITATOR DAVE WAHUS: Don says he
9 would like to leave it in. What do you want to do?
10 I see one out, two outs. I don't see -- I only see
11 two thumbs, folks, three. Leave them up so I can
12 count them.

13 MR. GREER TIDWELL: This is the new
14 guy. It's his recommendation.

15 MS. MILES MENNELL: We'll leave it in.

16 FACILITATOR DAVE WAHUS: I see more
17 thumbs up than down. So leave it in.

18 MR. GREER TIDWELL: Shouldn't we say
19 best -- consider existing best science criteria or
20 existing best science criteria or something like
21 that?

22 FACILITATOR DAVE WAHUS: I'm sorry.

23 MR. AUSTIN CARROLL: Existing best
24 science criteria.

25 FACILITATOR DAVE WAHUS: Science, add

1 the word science in there? Do you have a problem
2 with that, Don?

3 MR. DON GOWAN: No.

4 FACILITATOR DAVE WAHUS: Okay. Let's
5 add the word science before criteria. Scientific
6 criteria, there you go.

7 Let's go on to No. 8: Need more
8 objective standard for changing land management
9 plans. Stick with the existing plans and reduce
10 flexibility and interpretation by others.

11 In or out? I see three in and two
12 outs. No one else has an opinion. Four up. Four
13 in. Okay. Let's leave it.

14 No. 9: Interpretation of and for the
15 public good is subjective. Need an overall TVA
16 philosophy.

17 What do you want to do?

18 MS. MILES MENNELL: It's redundant.

19 FACILITATOR DAVE WAHUS: Okay. Lots
20 of thumbs down. Take it out.

21 Revise plans, set staff directions,
22 set philosophy and go forward. The Board should
23 begin the process. Maintain the moratorium on a
24 residential development until the policy is
25 established.

1 Is this not redundant with what you
2 said in the beginning?

3 MS. MILES MENNELL: Yep.

4 FACILITATOR DAVE WAHUS: Take it out.
5 Finish land actions in process when the moratorium
6 began. Fulfill contractual obligations on those
7 actions.

8 MS. MILES MENNELL: That's
9 contradictory to what we've said before.

10 FACILITATOR DAVE WAHUS: That's what?

11 MS. MILES MENNELL: Contradictory to
12 what we've said before.

13 FACILITATOR DAVE WAHUS: So I am
14 assuming then that you want to -- that your thumb is
15 down and you want to take it out?

16 MS. MILES MENNELL: Yes.

17 MR. AUSTIN CARROLL: I don't see where
18 it's contradictory.

19 MS. MILES MENNELL: We said to keep
20 the moratorium in place, except for --

21 FACILITATOR DAVE WAHUS: What do you
22 want to do up? Leave it or take it out. I am
23 seeing -- there are already more ups than downs.
24 Leave it in.

25 MR. GREER TIDWELL: Kate, is that

1 clear language that we mean the process, not that the
2 Board is taking some control in some dock in some
3 lake somewhere, because I don't know where they all
4 are even.

5 DR. KATE JACKSON: It's probably open
6 for interpretation.

7 MR. GREER TIDWELL: Do we want to
8 tighten that up, because I think the Board is saying
9 continue with the process, and I don't know what the
10 process is frankly, considering proposals that came
11 in before the moratorium, we're not taking a position
12 on some boat dock somewhere.

13 MR. JIMMY BARNETT: Just finish the
14 processes that they had.

15 CHAIRMAN BRUCE SHUPP: Kate, could you
16 give us better language?

17 MR. JIMMY BARNETT: Processing, that's
18 good.

19 DR. KATE JACKSON: Well, you want the
20 moratorium to continue on residential, which means
21 any residential that's in the pipeline you want us to
22 maintain the moratorium on?

23 CHAIRMAN BRUCE SHUPP: Correct.

24 MR. GREER TIDWELL: Yes.

25 DR. KATE JACKSON: It's very difficult

1 for us -- I mean, it gets fairly subjective if you
2 want to parse the moratorium because many -- some
3 actions are things that are land allocation actions
4 for someone who has a residence but it isn't
5 necessarily for residential.

6 You know, the determination that we
7 made is that it is much fairer and much more
8 consistent to say anything that's in the pipeline we
9 are holding until we get through a land policy
10 conversation.

11 Now, clearly the Board could make a
12 determination that they have gathered enough
13 information to focus on some particular area, you
14 know, not on commercial facilities. Like if we had a
15 building somewhere that we decided to surplus, we
16 could unmoratorium some class of actions like that,
17 but maintain the moratorium, say, on reservoir land
18 until they have a clearer focus on what the policy
19 might want to be. This particular one gives me great
20 concern.

21 MR. TOM LITTLEPAGE: And I don't
22 understand what we're saying either because I don't
23 know how this provides any direction or guidance to
24 the staff or to the Board relative to a direction for
25 action. It just says, "Continue the process, but

1 yet, we have established that they need to establish
2 a process."

3 DR. KATE JACKSON: And if, in fact,
4 the policy were to change and someone was paying for
5 our administrative costs to pursue some action, which
6 we decided we weren't going to take at the end
7 because the policy changes, it doesn't seem to me
8 that you have dealt in an open and fair way with that
9 member of the public.

10 MR. AUSTIN CARROLL: I just feel like
11 it's unfair to get into the middle of a transaction
12 with a party and then just say, well, you know, we
13 just changed our mind, you know.

14 DR. KATE JACKSON: But these are not
15 contractual relationships with people. They are land
16 use requests. People have filled out an application
17 and have begun pursuing the review process.
18 Sometimes that's a public review process, sometimes
19 it's not.

20 This isn't that you and I have had a
21 contract for 30 years and you're asking to renew it
22 and I am saying, no, you're just going to have to sit
23 and wait, and meanwhile, you can't carry on business,
24 that's not happening.

25 MR. W. C. NELSON: Were there any that

1 were approved that were at the stage of closing?

2 DR. KATE JACKSON: Be more specific.

3 MR. W. C. NELSON: Had any
4 applications progressed far enough to have been --
5 you had given approval value but lacked the final
6 execution of the agreement?

7 DR. KATE JACKSON: The final execution
8 of the agreement is the Board approval.

9 MR. W. C. NELSON: But were they to
10 the stage that the Board would approve it?

11 DR. KATE JACKSON: Nothing is sitting
12 on the Board's desk for approval because of the
13 moratorium. There are things that are close to that
14 point that we have not provided to the Board for
15 their approval.

16 MR. AUSTIN CARROLL: What's an example
17 of that that's close?

18 DR. KATE JACKSON: Elk River Marina.
19 The Watts Bar Land Plan.

20 MR. JIMMY BARNETT: I guess my concern
21 is that some of these folks have spent a lot of --

22 DR. KATE JACKSON: Let me finish one
23 thing. Mr. Kilgore, the acting CEO, has been
24 delegated authority for several things, to keep
25 ongoing business going, transactions of less than

1 5 acres, cases where we have commercial recreation
2 leases and licenses that would come up for renewal,
3 rights-of-way issues. So there are things and
4 businesses going on, but not on some of those land
5 use requests.

6 FACILITATOR DAVE WAHUS: Jimmy.

7 MR. JIMMY BARNETT: I know in the Elk
8 River case they have spent a considerable amount of
9 money in accordance with everything that -- you know,
10 TVA's guidelines up to this particular point. I
11 understand the moratorium. I understand coming up
12 with a policy.

13 I guess it would -- what's the time
14 frame to get a policy? I don't know, that's up to
15 the Board, but I think it's -- I have been in on
16 situations where I did everything that I was supposed
17 to be doing, and all of a sudden I was cut off at the
18 pass or cut off at the knees and I had spent money,
19 in one case about \$3,000, \$3,000 is a lot to me,
20 believe me, and I didn't think it was fair.

21 I guess that's the comment that I made
22 earlier, about if it's almost -- I am not talking
23 about approving it, I'm just talking about continuing
24 the process to get to their hearing.

25 DR. KATE JACKSON: But let me respond

1 again, and Elk River is probably a really good
2 example.

3 There are many members of the public
4 that believe that the Board needs to contemplate
5 their comments on Elk River specifically with respect
6 to commercial recreation development before they make
7 a determination of the land policy.

8 If the Board were to say, well, we're
9 not ready for the land policy yet but we're going to
10 approve these things, the Board is then not listening
11 to the public and they erode their credibility before
12 they have even made a policy decision.

13 MR. JIMMY BARNETT: I understand that.

14 DR. KATE JACKSON: So I realize this
15 is a very sensitive and very painful topic on both
16 sides, but the only really justifiably objective
17 position for the Board to take is we can't approve
18 anything that's in the pipeline until we have had
19 real opportunity to understand the issues, to
20 understand our real property asset holdings, to
21 understand the comments. The stakeholders have be
22 able to sort through those and understand what future
23 ramifications of the current decision will make on
24 our policy opportunity.

25 MR. AUSTIN CARROLL: I think I was the

1 one that put that, try to mitigate some of these
2 situations like we were talking about, and maybe it
3 is something that the Council just needs to stay out
4 of it. So I would say take it off.

5 FACILITATOR DAVE WAHUS: Let's take it
6 out. We have six more on this list to go through.

7 Discussions on pending requests that
8 have anything other than residential development
9 which would remain under the moratorium. You want
10 the staff dealing with requests outlined in the
11 management plans and the plans are revised and
12 updated. I have seen thumbs down. You addressed
13 that. Take it out.

14 Issues around flexibility and
15 subjectivity also affect requests for deed
16 modification and the removal of deed restrictions.
17 The issues around flexibility and subjectivity also
18 affect requests for deed modifications and the
19 removal of deed restrictions.

20 MR. GREER TIDWELL: Isn't what we want
21 to say here on this is to include questions of deed
22 modifications and removal of deed restrictions in the
23 policy developments?

24 FACILITATOR DAVE WAHUS: Yes. Leave
25 it in or out? In. Okay.

1 No. 10: Linear relationship --

2 there's a linear relationship between the age of the
3 plan and flexibility allowed with regard to that
4 plan. Once plans are carefully crafted, receive
5 public input, and they are stamped official, proceed
6 in a dogmatic manner in response to requests for use
7 while they are still current.

8 In or out?

9 I see three in and one out. Okay. I
10 am seeing more in than out. Leave it in.

11 Go to 11: Does economic development
12 mean providing public land for development or does it
13 mean providing affordable, reliable electric power
14 and public recreation?

15 This goes back to the issue that Miles
16 was making. Leave it in or out?

17 DR. KATE JACKSON: Can I make a
18 suggestion?

19 FACILITATOR DAVE WAHUS: You certainly
20 might.

21 DR. KATE JACKSON: Given that this one
22 verges on outside the Charter for the Council, if I
23 could suggest saying something like given the impact
24 on TVA or federal land stewarded by TVA, re-examine
25 the economic development mission, you know, something

1 having to do with the land base itself.

2 MR. BILL TITTLE: I put that up there.
3 That's what I meant to say, Kate.

4 DR. KATE JACKSON: I am glad.

5 FACILITATOR DAVE WAHUS: Kate, can you
6 say that one more time?

7 DR. KATE JACKSON: I guess re-examine
8 the TVA's economic development mission as it impacts
9 the federal land managed by TVA.

10 Is that okay? Do you want something
11 more specific in there?

12 MR. JIMMY BARNETT: Sounds good.

13 DR. KATE JACKSON: And that kind of
14 goes back to Miles' first question. The first
15 question might need to be, can this be accommodated
16 on private land or somewhere else? You know, are
17 there other opportunities for that economic
18 development that maybe don't consume TVA managed
19 federal land?

20 FACILITATOR DAVE WAHUS: Okay. So we
21 have re-examine TVA's economic development mission as
22 it impacts TVA federal land management
23 responsibilities.

24 DR. KATE JACKSON: But make sure that
25 you're comfortable with this, that they are your

1 words, not mine.

2 MR. GREER TIDWELL: I thought part of
3 what we wanted to do is say, recognize there are
4 other tools for supporting economic development
5 besides land transfer.

6 DR. KATE JACKSON: Put that in.

7 FACILITATOR DAVE WAHUS: Put it in
8 there. Recognize there are other tools available to
9 support economic development.

10 Are you satisfied with that?

11 MR. AUSTIN CARROLL: I have one more.
12 Could we -- I'm throwing this out to see what the
13 folks would think. Would we want to consider taking
14 residential development out of the definition for
15 economic development for TVA?

16 MR. GREER TIDWELL: Is it in the
17 definition?

18 MR. AUSTIN CARROLL: I think the broad
19 interpretation leaves residential development in
20 there. I'm not -- I think -- when I think of
21 economic development, I think of industrial
22 development and sometimes commercial development in
23 creating jobs. Whereas, residential development I
24 know creates a tax base, but to me, you know, if you
25 create a job for a person, they will figure out where

1 to live, and then that takes care of the tax base.
2 So I -- you know, I'd prefer TVA just to take
3 residential development out of the definition of
4 economic development.

5 FACILITATOR DAVE WAHUS: Do you have
6 any problem with No. 11 as it stands, and then should
7 the comment that you just made be addressed as a
8 separate -- as a separate issue rather than trying to
9 incorporate that with No. 11 or do you need --

10 MR. AUSTIN CARROLL: It seems like
11 it's akin to that.

12 FACILITATOR DAVE WAHUS: They are both
13 economic development issues, but this says to
14 recognize there are a lot of other tools available.
15 Now, as a second issue you're saying that residential
16 development should not be considered as an economic
17 development for economic development?

18 MR. AUSTIN CARROLL: Correct.

19 FACILITATOR DAVE WAHUS: Okay. So it
20 should be a separate issue?

21 MR. AUSTIN CARROLL: Yeah. Let's take
22 it as a separate issue.

23 FACILITATOR DAVE WAHUS: So first
24 before we go to the separate issue, does everyone
25 agree with No. 11? In or out. In. Okay.

1 Now, Austin has suggested that we add
2 an issue here that says -- a recommendation that
3 residential development should not be considered as
4 an option for economic development or should not be
5 considered as economic development, shouldn't be
6 doing it.

7 MR. TOM LITTLEPAGE: Yeah, I would say
8 as an indifference to Bill and W. C.'s comments,
9 economic development may be residential development.
10 So I would be opposed to adding a statement like
11 that.

12 We have already established a
13 moratorium concept up front to say that until we get
14 this sort of figured out we need to continue that
15 particular moratorium, but I don't see an issue of
16 distinguishing --

17 FACILITATOR DAVE WAHUS: Everyone that
18 supports Austin give --

19 MR. AUSTIN CARROLL: What I am saying
20 is this is to give guidance to the Board, and I think
21 if you say to them, consider taking residential
22 development out of the definition of economic
23 development for TVA.

24 MR. W. C. NELSON: I disagree.

25 MR. TOM LITTLEPAGE: There may be

1 reservoirs where it's appropriate.

2 FACILITATOR DAVE WAHUS: How many
3 people support that suggestion that we consider
4 taking residential development out of economic
5 development?

6 If you support Austin, then put your
7 thumb up. If you think it should stay out, put your
8 thumb down.

9 I see two people supporting him. I
10 see two people not supporting it, three not
11 supporting it. Okay. It will not be added.

12 No. 12: Underlying question, is value
13 of public lands to the general public? Best use may
14 be use by public, not necessarily development.

15 What do you want to do with this?

16 MR. GREER TIDWELL: Redundant.

17 MR. BILL TITTLE: Redundant.

18 FACILITATOR DAVE WAHUS: I see one
19 thumb down. Okay. Thumbs down. Take it out.

20 Where public use is allowed on TVA
21 land, sanitation and security should be enforced or
22 provided. Develop the capabilities to deal with
23 these issues, i.e., cross agency agreements.

24 This is very similar to the one to
25 maintain undeveloped lands.

1 MR. AUSTIN CARROLL: I like this one.

2 MR. JIMMY BARNETT: I like this one.

3 FACILITATOR DAVE WAHUS: You like this
4 one better than the one we had up above?

5 MR. GREER TIDWELL: Just tie them
6 together.

7 FACILITATOR DAVE WAHUS: Let's tie
8 them together then. No. 12, cut that, and let's go
9 up to -- oops, you went too far. There you go.

10 Do you want to leave it as we have
11 modified that now then?

12 Okay. Let's go back down there to
13 near the bottom.

14 DR. KATE JACKSON: Sorry. Just to be
15 neurotic, i.e. to me means in other words, which is a
16 limiting definition.

17 Are you comfortable with saying e.g.
18 instead of i.e.?

19 FACILITATOR DAVE WAHUS: Yeah, we
20 could do that. No. 13: If a land use request was
21 already 50 percent was completed when the moratorium
22 acted allow --

23 MR. JIMMY BARNETT: That's out.

24 FACILITATOR DAVE WAHUS: All right.
25 That's out. We have already had that discussion.

1 Now, we're going to go back to the
2 summary of the advice that you provided, and we're
3 going to use the same criteria and continue through
4 this process, do you want leave it in or take it out?

5 No. 1: Economic -- TVA should better
6 manage public lands to make a contribution toward
7 meeting conservation and recreation and economic
8 development needs in the Valley by establishing a
9 philosophy, policy, or set of standards.

10 Is that redundant in the overall
11 recommendation?

12 CHAIRMAN BRUCE SHUPP: The whole thing
13 is redundant.

14 FACILITATOR DAVE WAHUS: The whole
15 thing is redundant. Take it out.

16 MR. GREER TIDWELL: Well, wait a
17 minute. That closing the loop thing had to do with
18 improving communication.

19 FACILITATOR DAVE WAHUS: Let's just
20 address the first item then. No. 1 is redundant,
21 right? Okay.

22 And then closing the loop and
23 reinforcing the rationale behind the decision after
24 the decision has been made.

25 MR. AUSTIN CARROLL: That could be

1 incorporated, don't you think?

2 FACILITATOR DAVE WAHUS: It could be
3 incorporated?

4 MR. GREER TIDWELL: I remember the
5 discussion on it being kind of like making sure that,
6 you know, the public still understands why a decision
7 is made afterwards and focus some energy on that is
8 an important part of the process.

9 MR. TOM LITTLEPAGE: You could add
10 this as a principle as part of the public
11 communication process.

12 FACILITATOR DAVE WAHUS: Yeah. Okay.
13 TVA should close the loop and reinforce the rationale
14 behind the decisions after decisions have been made.

15 Is that what you want to do?

16 MR. AUSTIN CARROLL: Yes.

17 FACILITATOR DAVE WAHUS: Now, the --
18 you talked about, is it the public interest, and you
19 added the word greatest a few minutes ago, is that
20 redundant?

21 CHAIRMAN BRUCE SHUPP: This is
22 redundant to that.

23 FACILITATOR DAVE WAHUS: That's
24 redundant also by what you have. Okay.

25 When developing conservation,

1 recreation, economic development uses of TVA land or
2 public land, TVA should add an overarching principle
3 for changes in land allocation done outside the
4 periodic land management process through mitigation,
5 swap or sale should increase public benefit over and
6 above the land's official designated use.

7 And then go down just a little bit.
8 There should be a strong consistent policy that also
9 allows flexibility for actions.

10 What do you want to do on that?

11 MR. GREER TIDWELL: I thought that was
12 sort of the statement, if you will, of if we're going
13 to get into swapping opportunities, then there should
14 be a maintain-and-gain principle from the original
15 use of the land.

16 DR. KATE JACKSON: I think there were
17 two issues. One was if you're going to do a swap.
18 The other one is if you're going to entertain
19 mid-cycle changes to allocations.

20 So say you're doing changes to the
21 land plans every five years, someone comes in and
22 you're three and a half, that goes back to that --
23 you know, Tom's issue of linear flexibility, that as
24 land plans get older it's -- you have got to deal
25 with some criteria here for how you think about those

1 mid-cycle allocation changes.

2 MR. JIMMY BARNETT: Does this make
3 sense to you?

4 DR. KATE JACKSON: You know, one of
5 your suggestions is you have got to have more
6 discipline and you have got to be less flexible, do
7 those reservoir plans more frequently, but we're
8 still going to have mid-cycle requests. So some
9 advice on some criteria for how to address some of
10 those would be helpful.

11 MR. GREER TIDWELL: That's where I
12 think this fits in, is this that advice. We're
13 saying generally be more disciplined, but when it
14 comes up you --

15 CHAIRMAN BRUCE SHUPP: My feelings on
16 this is we're getting too fine in our advice. We're
17 getting down into the operational strategies here,
18 and I am not so sure that we need to do that.

19 MR. GREER TIDWELL: I don't think so,
20 Bruce. This is a linchpin of how you address those
21 mid-cycle issues and whether we suggest to the Board
22 that they have a maintain or gain in terms of public
23 benefit on those swaps.

24 DR. KATE JACKSON: We do not currently
25 have a policy for maintain and gain and swap.

1 MR. GREER TIDWELL: I think this is
2 very important. We worked through it and came down
3 to this language and sort of a statement of the
4 maintain-and-gain principle.

5 If the boat dock at Elk, you know, is
6 taken away and you have 700 points worth of open
7 space land, then you need 701 or more points worth of
8 open space land somewhere else, that's part of that
9 mitigation response.

10 FACILITATOR DAVE WAHUS: Bill.

11 MR. BILL TITTLE: I have a question.
12 TVA could manage public lands for making a
13 contribution. See where it says, TVA should close
14 the loop, if everything above that was taken off.

15 Did we mean to take off that first
16 bold sentence?

17 FACILITATOR DAVE WAHUS: We can add it
18 back. Did we mean --

19 MR. BILL TITTLE: Do we need to take
20 it off?

21 FACILITATOR DAVE WAHUS: Well, the way
22 I was hearing you is you were focusing on -- there we
23 go. You were focusing on the communication aspect.
24 We can leave it in there.

25 MR. GREER TIDWELL: I thought by

1 saying guiding principles, and that's what we're
2 saying, if you do this, put it up under guiding
3 principles.

4 MR. JIMMY BARNETT: I don't like the
5 wording should better, just take better out.

6 FACILITATOR DAVE WAHUS: Is that the
7 way you want it?

8 MR. BILL TITTLE: The original word
9 would better make a contribution by meeting
10 conservation, recreation, and economic development
11 needs in the Valley by, and then adding these things
12 like closing the loop.

13 FACILITATOR DAVE WAHUS: Leave it as
14 it was then. Go back down to No. 1. What do you
15 want to do with this No. 1?

16 Add an overarching principle for
17 changes in land management allocations with the
18 mitigation of swap or sale should increase public
19 benefit over and above the land's original designated
20 use. This should be a strong consistent policy that
21 also allows flexibility for actions.

22 Do you want to leave it or take it
23 out?

24 Could I see some thumbs, please?

25 MR. GREER TIDWELL: We have already

1 said that.

2 FACILITATOR DAVE WAHUS: Take the red
3 part out.

4 CHAIRMAN BRUCE SHUPP: Didn't we
5 eliminate the swap earlier?

6 FACILITATOR DAVE WAHUS: Yes.

7 DR. KATE JACKSON: You eliminated
8 reservoir swapping.

9 FACILITATOR DAVE WAHUS: Leave swap
10 alone. No. 1, it has been revised. Now, what is
11 your preference? I see one -- okay. Let's leave it
12 in and go down to No. 4 and leave that alone as it
13 is.

14 No. 3, we changed this one. This is
15 now Nos. 3 and 4. Criteria on whether or not the
16 development allowed would be based on best science
17 and available needs for proposed use and impact on
18 current use and users and not just economics. Leave
19 it in?

20 MS. MILES MENNELL: Can I move three
21 and four down there?

22 FACILITATOR DAVE WAHUS: No. Just
23 leave it. No. 5: There should be no-net loss in
24 public lands. TVA should be adequate stewards of
25 extraordinary resources. I see one thumb up, two

1 thumbs up. Okay. Leave it in.

2 Other guidance includes following
3 other agencies, set policies that do not allow them
4 to make federal land available for development
5 without rigorous review.

6 MR. TOM LITTLEPAGE: Irrelevant. Take
7 it out.

8 FACILITATOR DAVE WAHUS: Okay. Take
9 it out. Every reservoir is different.

10 MR. TOM LITTLEPAGE: Out.

11 FACILITATOR DAVE WAHUS: Once the plan
12 has been developed, it should have integrity for a
13 period of time with no changes, unless the request
14 passes a very strict review process and offers broad
15 public benefits. I believe you said that's redundant
16 already and said to take that out.

17 Plans should be on a regular basis of
18 every five to seven years. I see more thumbs than
19 down. Leave that in.

20 DR. KATE JACKSON: Can I ask a
21 question?

22 FACILITATOR DAVE WAHUS: Sure.

23 DR. KATE JACKSON: I can't remember
24 because the boards are above us now. We have that
25 once the plans are developed it should have integrity

1 for a period of time.

2 CHAIRMAN BRUCE SHUPP: We didn't say
3 the time, we just said a period of time.

4 DR. KATE JACKSON: I don't remember
5 words like that above.

6 FACILITATOR DAVE WAHUS: It was
7 similar. The words above it said -- let's go up
8 above. The words above it said that when it's first
9 established it should be clearly followed. Going up,
10 keep going up.

11 We have Tom's linear relationship,
12 that once a plan is created and is received and is
13 stamped, they should proceed in a dogmatic manner.
14 In response to use while they have a linger
15 relationship between the age of the plan, that should
16 be allowed with regard to that plan. When it's first
17 been approved it should be followed very closely than
18 as it gets older, and then more flexibility should be
19 allowed.

20 MR. GREER TIDWELL: Cut and paste that
21 later statement on that as well.

22 FACILITATOR DAVE WAHUS: We can put
23 those two together. Let's cut that one.

24 MR. GREER TIDWELL: Cut both of them.

25 FACILITATOR DAVE WAHUS: Is that what

1 you want to do? Okay. Hearing no objections, let's
2 go on. Your plans should be reviewed on a regular
3 basis, every five to seven years.

4 MR. AUSTIN CARROLL: Move five to
5 seven years and --

6 CHAIRMAN BRUCE SHUPP: Instead of a
7 period of, put five to seven years. Okay.

8 FACILITATOR DAVE WAHUS: Take out No.
9 2.

10 DR. KATE JACKSON: Well, wait a
11 minute. Let me go back and read that now.

12 MS. CATHERINE MACKEY: The one above
13 it.

14 DR. KATE JACKSON: If you just made
15 the change, what that says is once it's developed it
16 should have integrity for five to seven years. It
17 doesn't say to review and revise every five to seven
18 years. Those are different recommendations.

19 FACILITATOR DAVE WAHUS: Take out five
20 to seven years and put -- move the whole sentence
21 over here. Move the whole sentence over to the other
22 side.

23 No. 3: TVA should develop a
24 comprehensive Valley-wide policy. I think that's
25 redundant.

1 CHAIRMAN BRUCE SHUPP: Yep, take it
2 out.

3 FACILITATOR DAVE WAHUS: TVA should
4 have a clear planning process to identify when a plan
5 should be reopened.

6 MR. JIMMY BARNETT: Redundant.

7 FACILITATOR DAVE WAHUS: Okay. Land
8 use proposals made within five to seven years of plan
9 should meet earlier set of criteria and bring
10 significant benefits to the public.

11 MR. JIMMY BARNETT: We've already said
12 that.

13 FACILITATOR DAVE WAHUS: Take it out.
14 No loss of conservation land, take that out. Should
15 take a critical look at residential development, and
16 you have addressed that several times in what you've
17 said.

18 MR. GREER TIDWELL: What did we say
19 about that already, leave it in or take it out? I
20 am -- go back to the one we just had, please, back to
21 the last one, TVA should take a critical look at
22 residential development.

23 MR. AUSTIN CARROLL: It's whether or
24 not it's economic development.

25 CHAIRMAN BRUCE SHUPP: You've already

1 suggested a moratorium on this. This is just another
2 guideline that says during that moratorium take a
3 critical look at those.

4 FACILITATOR DAVE WAHUS: What do you
5 want to do?

6 CHAIRMAN BRUCE SHUPP: Leave it in
7 there.

8 FACILITATOR DAVE WAHUS: Okay. Do you
9 want me to review with you what you have just done?
10 No.

11 Mr. Chairman, I believe that you have
12 a set of recommendations that you can pass on to TVA
13 and to the Board.

14 And before I relinquish the floor, I
15 want to thank all of you for your participation.
16 I've really enjoyed working with you at the number of
17 meetings that we have had over the last several
18 years. You're a great group to work with and you
19 certainly aren't bashful, you speak up, and that's
20 wonderful.

21 Thank you very much.

22 MS. CATHERINE MACKEY: There's only
23 ten Council members here.

24 FACILITATOR DAVE WAHUS: I see 11. I
25 see 11.

1 MS. CATHERINE MACKEY: Never mind.

2 Sorry.

3 FACILITATOR DAVE WAHUS: We have 11
4 members. We have a quorum.

5 CHAIRMAN BRUCE SHUPP: David, thank
6 you for your --

7 FACILITATOR DAVE WAHUS: Thanks to
8 Catherine. She did a great job for us.

9 MS. CATHERINE MACKEY: Thank you.

10 CHAIRMAN BRUCE SHUPP: Thank you for
11 your services today and also for your years in the
12 past, we have really enjoyed working with you, too.

13 Now, do we have to take action on this
14 for approval? Let's do that, just to be formal.

15 DR. KATE JACKSON: I think you just
16 did.

17 CHAIRMAN BRUCE SHUPP: All of those
18 that approve, thumbs up. It is unanimous. Thank
19 you, Gentlemen, Lady. I guess that's it. I guess we
20 are ready to adjourn.

21 MR. AUSTIN CARROLL: The other reports
22 that we were supposed to get from staff, could we get
23 something just --

24 DR. KATE JACKSON: You can stay for a
25 while longer.

1 MR. AUSTIN CARROLL: No. No. No. If
2 we can just get maybe a little report, a written
3 report on that or something.

4 MS. CATHERINE MACKEY: You have slides
5 in your notebooks, except for the Wilson Barge
6 material.

7 MR. AUSTIN CARROLL: Okay. I knew
8 that.

9 CHAIRMAN BRUCE SHUPP: That's it.

10 DR. KATE JACKSON: Leave your name
11 tags.

12 CHAIRMAN BRUCE SHUPP: Are we going to
13 need them?

14 FACILITATOR DAVE WAHUS: Take off name
15 tags.

16 DR. KATE JACKSON: Thank you all one
17 more time for all the hard work and attention. Many
18 of you have been with us since the beginning and many
19 of you were emotionally strong enough to join us in
20 the middle, which I know is difficult, and special
21 thanks to Bruce, our Chairman, who we could not have
22 done without.

23 CHAIRMAN BRUCE SHUPP: We are
24 adjourned. Thank you.

25 END OF PROCEEDINGS

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REPORTER'S CERTIFICATE

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STATE OF TENNESSEE)
 : SS.
COUNTY OF KNOX)

I, Kimberly J. Nixon, RPR, the officer before whom the foregoing proceeding was taken, do hereby certify that the testimony appearing in the foregoing transcript was taken by me in machine shorthand, and thereafter reduced to typewriting by me;

That the exhibits annexed to this transcript are the true, accurate and only exhibits introduced into the proceedings, and that the transcript was prepared under my supervision, and attached to this certificate is a true, accurate and complete transcript, as provided by law;

That I am neither counsel for, related to, nor employed by any of the parties to this action; and I further certify that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action; and that the foregoing transcript is complete and accurate in all particulars, as provided by law.

In witness whereof, I have hereunto set my hand this _____ day of _____, 2006.

KIMBERLY J. NIXON, RPR
NOTARY PUBLIC AT LARGE. MY
COMMISSION EXPIRES 4/26/08.