



# Tuck Tales

*Newsletter of the Tuckaseegee Chapter #373 of Trout Unlimited serving the western North Carolina counties of Haywood, Jackson, Macon and Swain*

**A Monthly Newsletter**

**September, 2007**

## **September Meeting Program**

Chapter member Joe Moody will speak to the members about his fishing trip to Argentina earlier this year.

## **TU National Annual Meeting**

Please join us September 13-16, 2007 for TU's Annual Meeting at the Grove Hotel in Boise, Idaho.

## **News from FERC**

*It's looking more and more like the Dillsboro dam will be removed by Duke Energy.*

## **TU Supports Act**

*TU supports the Clean Water Restoration Act of 2007 which reaffirms its clear purpose and original scope and urges Congress to pass it as soon as possible*  
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## **Fish Introductions**

*Fish introductions can be harmful and are illegal according to the NC Wildlife Resources Commission.*  
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## **GSMNP News**

*A study indicated that there was no significant decline in adult brook trout density or biomass in any of eight fished populations.*

## Tuck TU Has New President

### **President Wofford steps down due to scheduling conflicts for remaining term.**

A Board of Directors meeting was held Wednesday, July 25th at 6:30 PM in the offices of Dr. David McGuire, Vice President of Tuckaseegee Chapter.

President Milt Wofford informed the Board of Directors of scheduling conflicts he would be experiencing during the remainder of his term and requested that the Board accept his resignation. The resignation was accepted and President Wofford was thanked for the fine job he has done as President of the chapter during his term.

Dr. David McGuire agreed to assume the duties of President a little early and was appointed by the Board of Directors to fill the position through the

remainder of the year.

In the past, the Vice President has assumed office with the understanding that he/she will be expected to assume the duties of President for the following year. An election is held at the December meeting for all officers of the chapter. This will of course occur at our meeting this year in December.

During the work session of the Board meeting, newly appointed President McGuire indicated his desire to see a re-invigorated Tuckaseegee Chapter. He stated that the chapter needs to make it a priority to seek out new members to infuse new blood in the chapter and provide additional manpower for our various chapter projects and activities.

Each member is being asked to try and bring a guest to the chapter meetings. The guest will not be responsible for paying for a meal. That will be covered by the chapter. We should all be making every effort to seek out new members and get them to a meeting!

In addition the chapter will make it a priority to provide the best programs possible to insure good attendance and also to hopefully promote interest in the chapter by the general public. This, it is hoped, will go a long way toward increasing our membership and an increase in interest by older members who have been absent for some time

## Clean Water Act of 2007

Statement of Trout Unlimited on the New Army Corps/EPA Clean Water Act Jurisdiction Guidance.

Arlington, VA –, Trout Unlimited's initial review indicates that thousands of miles of headwaters streams, and thousands of acres of wetlands, could lose protection under the Clean Water Act Jurisdiction Guidance released today by the Army Corps of Engineers and the EPA.

Weaknesses in the long-awaited guidance, and the regulatory mess caused by the recent Supreme Court decision which gave rise to the Guidance, all point to the strong need for Congressional action to fulfill the goals of the Clean Water Act, one of the nation's most fundamental environmental laws.

The Corps and EPA created the guidance for use by EPA regions and Corps districts for implementing the Supreme Court's decision in the consolidated cases *Rapanos v. United States* and *Carabell v. United States* (Rapanos decision). Both cases focused on whether the Clean Water Act protects wetlands adjacent to tributaries that flow into larger water bodies. The Court's reasoning was split, with a plurality ruling that the Act only protects rela-

*Editor's Cast*

*We've had a very busy and successful year so far. A lot of fine projects have been completed and we've had a lot of member participation.*

*Completed this summer was the 2007 NCTU Rivercourse summer camp program. Rivercourse received some excellent coverage in the Asheville Citizen-Times during the week it was held. Tuck Chapter sponsored a student this year and our member Giff Hampton served as treasurer for Rivercourse and as a ghillie.*

*Our chapter always needs new members and if you see someone you think might be interested in joining be sure to toot our horn and let them know what we've been up to this year. Also, let them know that we can use all the help that we can get.*

*If your e-mail address has changed recently and you're no longer receiving e-mails from the Tuck Chapter as a result, please send me an e-mail so I can update our information. Just send it to the e-mail address in the box at the right. It really helps the chapter financially for members to elect to receive notification of posting of the newsletter to the chapter's web site in lieu of receiving a printed copy in the mail. Postage costs have gone up and this represents a serious drain on our available funds.*

*Craig Forrest, Editor*

## Clean Water Act cont'd.

tively permanent bodies of water, such as major lakes and rivers, and the wetlands that abut them directly.

Justice Kennedy concurred with the plurality, but also found that the Act protected waters with a "significant nexus" to other waters and that ecological factors such as fish and wildlife habitat could create such a nexus.

TU was disappointed by the Corps/EPA's interpretation of Justice Kennedy's significant nexus test in the Guidance. Kennedy emphasizes a regional approach to establishing a significant nexus, once by arguing that wetlands may "either alone or in combination with similarly situated lands in the region, significantly affect" water quality in a downstream, navigable river, and then also by suggesting that the federal agencies could establish rules regarding significant nexus for whole categories of tributaries.

Instead of following Kennedy's lead, the Corps/EPA Guidance requires that the agencies look only at the directly affected tributary reach to determine significant nexus—not, as Kennedy suggests, at the relationship of that particular tributary to the larger region. While it may be hard to document that every single small, pristine headwater tributary alone, contributes significantly to the health of the mainstem of a river miles downstream, these tributaries, when grouped with others similarly situated in the region, most certainly do have a significant impact on that downstream mainstem of the river.

Given the far-reaching consequences of this Guidance, Trout Unlimited calls on Congress to enact legislation as soon as possible to return the Act's protective standard to what was in place for decades prior to the Rapanos decision, and another harmful related decision, *Solid Waste Agency of Northern Cook County (SWANCC) v. U.S. Army Corps of Engineers*, which also resulted in reduced Clean Water Act protection to some wetlands not located near to streams and rivers.

Trout Unlimited Supports the Clean Water Restoration Act of 2007, recently introduced by Representatives Oberstar, Dingell, and Ehlers, which reaffirms the traditional scope and clear purpose of the Clean Water Act, and urges Congress to pass it as soon as possible.

## Fish Introductions

One Bucket Away from Disaster: Potential Impacts of Illegal Fish Stockings

RALEIGH, N.C. (July 11, 2007) – With the recent discovery of another non-native fish in the Catawba River, the N.C. Wildlife Resources Commission is reminding the public that adding fish to public waters can have irreparable ecological consequences and is illegal without a stocking permit issued by agency.

Many fish introductions are made by anglers hoping to improve a favorite fishing spot and by aquarium owners who decide to release their fish in the nearest pond, lake or river.

Fisheries biologists suspect this was the case with a fish caught on June 28 from the Catawba River in Mount Holly. Originally misidentified as a piranha, the fish, reeled in by Gastonia resident Jerry Melton, was actually a pacu, a popular aquarium fish similar in appearance to the carnivorous piranha but with an appetite for vegetables and fruit.

Because the two species look so much alike, it's often difficult to tell them apart. Jacob Rash, a fisheries biologist with the Commission, confirmed that the fish caught from the Catawba River was a pacu after examining the frozen specimen on July 6.

"The biggest difference between a piranha and a pacu is the teeth," Rash said. "The pacu has molar-like teeth, with two rows of teeth on its upper jaw, and the piranha has only one row of sharp teeth."

While a pacu doesn't have the sensationalism of a piranha, its appearance in the Catawba River still worries biologists; both species are native to Central and South America, so neither should be found in North Carolina waters.

"Anglers should be concerned about maintaining the integrity of their favorite fishing holes," Rash said. "Whether it's aquarium fish discarded into the river, or bait fish transferred from one lake to another, these illegal fish introductions can have disastrous impacts on native fishes." "It takes only one introduction of fish from a bait bucket or aquarium to upset ecological stability and harm fishing," Rash said.

For this reason, the Wildlife Commission in 2005 passed a regulation that required anyone interested in stocking a public, inland fishing water to obtain a stocking permit first.

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