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Georgia ForestWatch
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Across the country, American Whitewater collaborates with environmental groups and the conservation community protecting and restoring rivers and headwater streams. We share interests, funding, public comments, podiums, courtroom benches, and an undeniably deep and wonderful love of rivers. Our missions are nearly identical. Yet, on the Chattooga our organizations appear to be out of sync. With so much at stake, all people who care about forests and rivers need each other. If there are other sensitive issues let us deal with them honestly and work collaboratively to insure responsible management from federal agencies entrusted with these public treasures.

In your editorial from the summer newsletter you state: "It is difficult to understand the exact rationale for the boaters' tactics." Our rationale is simple. The unjustified 30 year-old ban on boating, a wilderness compliant use, is illegal. American Whitewater tried to work with the USFS for a decade to resolve this issue. Finally, the highest office of the USFS agreed that the ban violates the Wilderness Act and the Wild and Scenic Rivers Act – yet allowed the ban to continue while they take 2-5 years to study the issue and propose solutions. It is not acceptable for the USFS to violate both the Wild and Scenic Rivers and the Wilderness Acts, two landmarks in environmental legislation. When it became apparent that the study was critically flawed and would not allow paddlers the same access to the river as other wilderness compliant uses, AW filed sued. After 10 years of working within Forest Service processes it is now time to get this issue in front of a federal judge.

By opposing our efforts to be allowed to paddle the upper Chattooga, Georgia ForestWatch is advocating that the USFS can ban a wilderness compliant use with no basis: an admitted violation of the Wilderness Act and Wild and Scenic Rivers Act. We have seen our interests, actions, and proposals misconstrued in the Georgia ForestWatch Quarterly newsletter. We are not sure why this is the case, but we would like to respond to a few things that may help you see our interests more clearly.

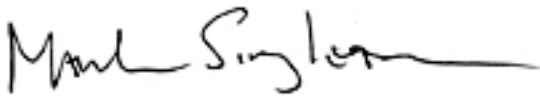
- 1) Paddlers are requesting equal access and treatment. Currently hikers, anglers, swimmers, campers, and other wilderness compliant uses are all "unlimited." We are also requesting standard management for similar streams. We agree with the Chief of the USFS that currently there is no basis for limiting uses in this area. The default policy for the USFS is to allow unlimited Wilderness compliant uses unless data suggests that use should be limited (at which time it must be limited equitably). No such data exists on the Chattooga. Paddlers support use limits on many other rivers where data suggests limits are necessary, and limits are equitable and reasonable. Likewise, upon completion of the user capacity analysis, if it is sound, paddlers will support use limitations on the Chattooga if the data indicates limitations are needed to protect the river corridor and limits are equitably imposed.
- 2) Unlimited use by noncommercial paddlers is occurring on almost every floatable river in the entire USFS system – and on every river in the region. Paddling is a very low impact activity, and the small amount of use the upper Chattooga is expected to receive will have negligible impacts. There are no other similar headwater streams in the region with any limits on use by non-commercial boating because use numbers are low enough to have negligible impacts. There is no reason to expect the Chattooga will be any different.
- 3) The Wilderness Act explicitly states that non-motorized boats are wilderness compliant uses. The Wilderness Act is clear that Wilderness areas are to be managed to allow and encourage backcountry recreation on foot and in boats. As Aldo Leopold wrote in "Wilderness" from A Sand County Almanac in 1949, "Wilderness Areas are first of all a series of sanctuaries for the primitive arts of

wilderness travel, especially canoeing and packing.” The right to paddle down Wilderness rivers is at the very core of the Wilderness Act and the concept of Wilderness.

- 4) The Wild and Scenic Rivers Act specifically requires agencies to protect and enhance recreational uses recognized as valuable during the designation process. Paddling was formally recognized by congress as a public value associated with the upper Chattooga. The USFS, in recommending the river for designation claimed boating was the best way to view the river, and proposed boat launch sites at all bridges over the upper Chattooga, and specific portage trails around major rapids.
- 5) The boating ban is illegal and wholly unjustified, and paddlers should therefore not have to wait for another 3-5 years for it to be lifted. Paddlers urged the Forest Service to allow all users equal access during the user capacity analysis, which was a possible outcome of the Chief’s decision on the AW appeal. Paddlers waited to file their suit until the USFS announced that they would continue to discriminate against paddlers throughout the study period. Maintaining the ban undercuts the validity of the study and all chances for sound future management. Litigation was the paddlers’ last resort. The lawsuit is needed to remedy a current illegal situation, and form the basis for a fair user capacity analysis and future management.
- 6) The US Forest Service is breaking the law. The office of the Chief of the USFS determined that the ban was totally unjustified and thus violated the Wilderness Act and the Wild and Scenic Rivers Act. We agree. The Chief’s office then decided to allow the illegal ban to be continued for 2-5 years. This decision to allow an admittedly illegal action to continue is what paddlers are challenging in court because it is arbitrary and capricious. The greater legal issues remain: primarily that the USFS has been breaking the law for thirty years by banning a use they are mandated to protect and enhance under both the Wild and Scenic Rivers Act and the Wilderness Act.
- 7) Paddlers appealed the illegal boating ban, and on appeal the Chief of the USFS’s office discovered that the Sumter National Forest had never conducted a user capacity analysis, which is a standard management tool on Wild and Scenic Rivers. The Chief asked that a user capacity analysis be carried out so that responsible management could begin on the Chattooga. While paddlers did not request a user capacity analysis, we are glad that our efforts will bring more responsible management to the Chattooga River.

American Whitewater’s lawsuit will strengthen the user capacity analysis. Only with all appropriate uses present and with the same levels of restrictions can a capacity analysis fulfill the functions expected of the study. An illegal baseline for the analysis can only lead to future, likely, successful challenges to the USFS record. The analysis should have a legal, natural, and appropriate baseline – one that includes all user groups present at the time of Wild and Scenic designation.

Sincerely,



Mark Singleton
Executive Director