



www.americanwhitewater.org

Kevin Colburn
National Stewardship Director
2725 Highland Drive
Missoula, MT 59802
406-543-1802
kevin@americanwhitewater.org

June 5, 2012

District Ranger
Andrew Pickens Ranger District Office
112 Andrew Pickens Circle
Mountain Rest, SC 29664
comments-southern-francismarion-sumter@fs.fed.us

Re: Southern Appalachian Farmstead Environmental Assessment

Dear District Ranger Crane,

American Whitewater believes that the preservation of the remaining historical structures at the Nicholson Farm would protect and enhance the historical values of the Chattooga Wild and Scenic River. The proposed action within the Southern Appalachian Farmstead Environmental Assessment however would unacceptably impact historical, recreational, scenic, water quality, and other values. The proposed action is also inconsistent with Forest Service policy and the Wild and Scenic Rivers Act. We are not opposed to the concept of the farmstead, we simply do not feel that it can or should be sited in the Wild and Scenic Corridor on federal lands.

1. The proposed action wrongly grants a private entity the right to charge the public fees for visiting a portion of the Chattooga WSR corridor.

The proposed action would grant a private entity authority to charge fees for visiting a historically and culturally important portion of the federal Wild and Scenic River corridor.¹ Thirty new parking spaces would be signed for visitation of the farmstead only.² We are unaware of any federally owned portion of any Wild and Scenic River corridor in the Country under private control, from which the public is barred from access unless they pay a fee. In fact, we believe this would constitute a violation of USFS policy, the WSRA, and the public trust.

2. The proposed action inappropriately considers and grants additional visitor capacity to the Chattooga WSR, absent a final visitor capacity analysis.

The proposed action would intentionally and significantly increase recreational use of the Upper Chattooga River, including through special events featuring “Appalachian music,

¹ See EA page 19

² See EA page 18

quilting bees, barn raisings, cooking sorghum and farming and lumbering.”³ This increased use would exist in a portion of river where the USFS dramatically and artificially increases use through stocking massive numbers of exotic trout for angling – and where the USFS believes the capacity of the river to support paddling use is zero. Banning paddling (a direct limit) while proposing a large new use (a direct attractant) violates USFS policy (see USFS Manual 2354.4), and is arbitrary and capricious.

Through use of fencing and prohibitions the EA claims that farmstead visitors will be prevented from visiting the Chattooga River and thus claims the capacity for the site should be viewed separately from the capacity of the river corridor. We disagree. First, the farmstead is in the river corridor and thus visitors to the farmstead are visiting the corridor. Second, many visitors to the farmstead will invariably want to visit the river, resulting in increased visitation.

Furthermore, now is an inappropriate time to consider this proposal. The 2004 LRMP as it related to recreation on this section of the Chattooga River was overturned by our (American Whitewater’s) appeal. The Regional Office of the USFS was ordered on appeal in 2005 to conduct a user capacity analysis and issue a new decision. That decision is currently under administrative appeal, and overarching and directly relating capacity decisions are under judicial review. The USFS should not be allocating uses absent a legitimate user capacity analysis – which will not be in place until at least the resolution of pending litigation and administrative appeals. To do so violates the 2005 AW appeal decision, the WSRA and the FSM which require a visitor capacity analysis as the basis for capacity related decisions.

3. The proposed action wrongly supports commercial exchanges within the WSR corridor.

The proposed action grants a private entity the authority to sell commercial goods and services within the Wild and Scenic River Corridor. At least one of the “historic buildings” would include a “sales area” with phone and electrical service.⁴ We see no need for this commercialization of the river corridor, and believe that a gift shop would not protect or enhance the values of the Chattooga Wild and Scenic River.

4. The proposed action wrongly allows construction and inhabitation of a new private residence within the WSR corridor.

The proposed action includes the construction of a new full-time “caretaker residence” in the Wild and Scenic River corridor for an employee of a non-federal entity. This house would be supplied with water, electric, septic, and phone utilities. We do not feel that building a house in the federal WSR corridor for a private citizen to live in for any purpose is consistent with the Wild and Scenic Rivers Act or USFS policy.

³ See EA page 9

⁴ See EA Page 18 and 19.

5. The proposed action wrongly allows riparian area clearing and use within the WSR corridor.

The proposed action includes the creation and maintenance of “gardens, agricultural fields and livestock pastures” within a short (40 feet) distance of the Chattooga WSR.⁵ These activities would “remove stream buffers.”⁶ Removing stream buffers, corralling livestock, and clearing land in such close proximity to the upper Chattooga River are in concert expected to negatively impact water quality and scenic values of the river, and would thus be in violation of the Wild and Scenic Rivers Act.

6. The proposed action wrongly eliminates legitimate recreational access to the WSR corridor, impacting the recreation ORV.

The proposed action would include elimination and privatization of current recreational parking and access. The proposal would create a new recreational use that is not related to the WSR, and in fact farmstead visitors would be prevented from actually visiting the river by: “site management, indirect regulation of use and direct regulation of use (FSM 2354.41a). Actions could include but are not limited to designing the parking lot with a gate that could be closed, information signs and time-limited parking spots for SAF visitors.” In other words, river users would be fenced out and otherwise legally prevented from enjoying the historical site and farmstead visitors would be prevented from visiting the river. In short, the proposed recreational area (farmstead) has nothing to do with the Chattooga WSR and should not be sited on its banks (See FSM 2354.4).

In addition the proposed action would allow the private entity managing the farmstead to appropriate the Highway 28 river access area for special events. This action would likely prevent legitimate river use on peak use or even average use weekends. This effect would impact the recreational ORV.

7. The proposed action wrongly allows impacts to a historical and pre-historical site, impacting the history ORV.

The proposed action would radically impact the historical ORV of the Chattooga River by introducing new buildings to a historically and prehistorically important site (a total of 12-16 buildings). This action would not protect, restore, or enhance the historical values that caused the river to be designated but would instead obscure the historic and prehistoric landscape with buildings shipped in from elsewhere as well as with new construction.

Conclusions:

Creating a private theme park on federal lands on the banks of a Wild and Scenic River is not appropriate. To do so impacts – rather than protects and enhances – the values that

⁵ See EA pages 9 and 17.

⁶ See EA page 9.

caused the Chattooga River to be included in the Wild and Scenic River System. We are not opposed to the farmstead project – it sounds like an interesting celebration of southern Appalachian history – but the project does not need to be, nor should it be, constructed and operated on the banks of the Chattooga Wild and Scenic River.

Sincerely,

A handwritten signature in black ink, appearing to read "K. R. Colburn". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Kevin R. Colburn
National Stewardship Director
American Whitewater