



www.americanwhitewater.org

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August 23, 2012

ChesapeakeAccess@nps.gov

Re: Chesapeake Bay Watershed Public Access Plan

Dear National Park Service and Partners,

Thank you for the opportunity to comment on the draft Chesapeake Bay Watershed Public Access Plan. The content, format, and mapping tool associated with the report are outstanding and we appreciate your efforts. We only recently learned of this process and have shared this comment opportunity with our members. As a general comment, we encourage you to include whitewater rivers (class II-V) in your planning process as these rivers are often high demand, beautiful, ecologically intact, and cherished recreational resources. In addition, we would like to highlight several ideas for improving the report.

1. Planning and Policy Considerations:

We request that an additional section be added to Planning and Policy Considerations that addresses stream access laws and policies – both their actual legal implications but also the lack of clear public understanding of the rights they convey.

We propose this because we see regular conflicts between people owning riparian land and other people seeking to enjoy a river through paddling, fishing, or swimming. Every year this issue leads to criminal charges being filed against people who did nothing more than float down a river in the Chesapeake Bay Watershed. Concerns about encountering such conflicts are a significant recreational deterrent for many families in the Watershed.

At the very least, greater understanding of recreational rights by both landowners and recreationists could help reduce some of these conflicts. What is really needed however, is a commitment by each state in the watershed to actively support responsible, reasonable, and sustainable public use of rivers and streams through legislation, agency policy, and/or active intervention when conflicts arise.

2. Specific River Access Areas

We would like to highlight several new or modified stream access opportunities for consideration and inclusion in your final report.

a. Johns Creek, New Castle, VA

American Whitewater owns a river access area on Johns Creek just upstream of New Castle, Virginia, which we purchased to serve as a takeout for one of the premiere whitewater runs in Virginia.

This site may be referred to in your report as Site ID VA30, which has a Plan Category of 3, and a note discussing shallow water, but we are not certain. We have also added our site with the mapping tool associated with your report (8/22/2012). Our site is in a great location for river access, and river depth is adequate when flows are adequate for paddling.

We purchased the land for the river access area roughly a decade ago and continue to maintain the site. However, we have never been comfortable allowing or encouraging use of the site because an upstream landowner has long had trespassing charges brought against the few paddlers who have attempted to enjoy the river. John's Creek has never been found non-navigable and far exceeds the State policy defining navigability for the purposes of public use. Regardless, where there could be public access to a superb and once-cherished river in the Chesapeake Bay Watershed there is none.

We would like nothing more than to welcome the public to use our stream access site, and would welcome your assistance and partnership in bringing that goal to fruition.

We request that the Johns Creek Public Access Area be changed to a Category 1 in your report. We own the land, have the resources to manage it for public access, and would love to do so immediately.

b. Susquehanna River, Holtwood, PA

While many river access sites are listed on the Susquehanna River we did not see one listed on the river's West side immediately below Holtwood Dam. American Whitewater and our partners have negotiated the construction of two whitewater waves suitable for world class freestyle paddling in that location, 264 hours of releases that optimize those waves (as well as long periods of spill), and an adjacent river access area. The entire project is being built and maintained by PPL Holtwood as mitigation for the impacts their hydropower expansion project is having on natural whitewater opportunities below the dam. The access area will only offer on-site (eg park and play) and downstream travel access during scheduled releases and spill. The remaining time the operation of Holtwood Dam will leave the West side of the river nearly dry.

3. American Whitewater National Whitewater Inventory

American Whitewater maintains a database of well over 5,000 rivers on our website that offer recreational opportunities – a significant number of which are in the Chesapeake Bay Watershed. This database includes reach descriptions, photos, water level information, and spatial information regarding put-in and take-out access areas. These

access sites range from simple bridge crossings with parking to more developed launch sites. We would welcome the opportunity to share this information with the National Park Service to help enhance the Chesapeake Bay Watershed Public Access Plan. The Inventory can be found here: <https://www.americanwhitewater.org/content/River/view/>, and a GoogleEarth (KML) file can be downloaded at the bottom of the page. These spatial data are available in a variety of formats upon request. We feel that a review of our Inventory would result in the addition of well over 100 access sites to the Chesapeake Bay Watershed Public Access Plan.

4. Consultation and Review

The press release regarding the Chesapeake Bay Watershed Public Access Plan states “With the Public Access Plan as a guide, federal, state, local and non-profit organizations will prioritize and allocate available funding for development of access to the Bay and rivers.” We would like to be included among the non-profit organizations consulted as part of this effort. We are owners of several river access areas, and both directly and through our affiliate paddling clubs have significant knowledge about which headwater (e.g. whitewater) rivers and streams receive the most use and have the most need of river access enhancements.

Thank you for considering these interests.

Sincerely,



Kevin R. Colburn
National Stewardship Director
American Whitewater