



August 18th, 2008

VIA ELECTRONIC AND FIRST CLASS MAIL

Mr. Tony White
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Email: comments-southern-francismarion-sumter@fs.fed.us

Re: The environmental assessment titled: "Managing Recreation Uses on the Upper Chattooga River"

Dear Mr. White:

On July 2nd, 2008, the United States Forest Service ("USFS") published an environmental assessment ("EA") titled, *Managing Recreation Uses on the Upper Chattooga River*. For the reasons set forth below, American Whitewater finds the EA grossly deficient in its discussion, analysis and selection of a preferred alternative.

Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Colburn", written in a cursive style.

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**COMMENTS OF AMERICAN WHITEWATER
on the Environmental Assessment Titled:
“Managing Recreation Uses on the Upper Chattooga River”**

Prepared by:

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- d) **Appendix 4.** American Whitewater’s Comments and Suggested Revisions Regarding the Draft *Upper Chattooga River Phase I Data Collection Expert Panel Field Assessment Report, dated February 2007, and first made available to the public on April 2, 2007*
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I. Introduction:

American Whitewater has reviewed the environmental assessment (EA) titled: “Managing Recreation Uses on the Upper Chattooga River” in detail and offers comments in this document. The EA does not comply with NEPA on very basic levels. The EA does not meet the mandate of the Record of Decision (ROD) for our appeal of the 2004 Revised Land and Resources Management Plan (RLRMP), and fails to contain a user capacity analysis as required by the ROD. The EA is deeply biased and makes many massive leaps in logic with no supporting information. The EA and its preferred alternative violate the Wilderness Act and the Wild and Scenic Rivers Act. American Whitewater does not support the EA or its recommendations.

II. Comments regarding procedural problems with the EA

A. The EA does not meet the mandate of the Record of Decision (ROD) in response to American Whitewater’s successful appeal of the Sumter National Forest Land and Resources Management Plan

The EA was mandated by a ROD in response to American Whitewater’s successful appeal of the Sumter National Forest Land and Resources Management Plan. The ROD required that several specific considerations be made in the EA and in future management – the majority of which were not complied with in this EA. Specifically, the EA is deficient in meeting the following orders laid out in the ROD:

- The EA must address the “Chattooga WSR from and to existing access points between and including NC Road 1107 (Grimshawes Bridge) and the Highway 28 Bridge.” (ROD pg. 3) First, the EA fails to analyze the entire length of river required by the ROD. The EA does not analyze the section of river at and immediately downstream of Grimshawes Bridge. Second, the EA, with no analysis, purports to make new extreme management decisions related to Chattooga River tributaries. Such tributaries are outside the scope of the ROD and were neither studied nor properly considered.
- The EA must ensure that “If it becomes necessary to limit use, ensure that all potential users have a fair and equitable chance to obtain access to the river.” (ROD pg. 5) The EA does not even pretend to treat all users equitably, in any of the alternatives.
- The EA must ensure that Wilderness “be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness”(Section 2(a) of the Wilderness Act). The EA does not meet this mandate. Regularly exceeded encounter standards as well as the causes of existing biophysical impacts are left unmitigated in the proposed alternative.
- The EA must ensure that “wilderness will be made available for human use to the optimum extent consistent with the maintenance of primitive conditions” (36 CFR 293.2(b)). The EA does not, as it allows virtually no boating in Wilderness.
- The EA must ensure that ““direct controls and restrictions” be minimized, and that controls are to be applied only as necessary to protect the wilderness resource after indirect measures have failed (FSM 2323.12).” The EA does not, as it proposed unjustified direct boating limits prior to trying indirect measures.
- The EA must ensure that “limitation and distribution of visitor use should be based on “periodic estimates of capacity in the forest plan” (FSM 2323.14).” The reviewing officer states: “I am directing the Regional Forester to conduct the appropriate visitor

use capacity analysis, including non-commercial boat use,” The EA does not include or reference a user capacity analysis. At most it addresses past and current use, with no consideration of capacity. In addition, the EA is limited in scope to addressing the capacity of paddlers – not all users as directed by the ROD.

- The RLRMP was “deficient in substantiating the need to continue the ban on boating to protect recreation as an ORV or to protect the wilderness resource.” (ROD pg. 6) The EA does not address that deficiency as it is just a rewritten version of the same inadequate discussion document and ultimately proposes the same actions.
- The EA attempts to base recommendations on someone’s perceptions of safety, even though the authors were specifically told by the ROD that “there is no basis in law, regulation or policy to exclude a type of wilderness-conforming recreation use due to concerns relative to safety, and search and rescue.” (ROD pg. 6)

Thus, the EA wholly fails to meet the legally required, agency-directed goals for the document. In essence, the USFS has duplicated the discredited Appendix H of the RLRMP in this EA. As such, we hereby incorporate our Notice of Appeal of the 2004 RLRMP part of the official record of this NEPA proceeding. For brevity this 95 page document is not attached as an appendix, but it is in the records of the Forest Service and also can be downloaded from the American Whitewater website and is clearly part of the record for this proceeding.¹ We will provide copies upon request.

B. The EA does not comply with the legal arguments made in our appeal of the Sumter National Forest Revised Land and Resources Management Plan.

American Whitewater previously brought up significant violations of federal laws, regulations, and policies in our appeal of the Sumter National Forest Revised Land and Resources Management Plan. Prominent among these claims were that the boating ban contained in the RLRMP violated the Wild and Scenic Rivers Act and the Wilderness Act. Indeed the highest office of the USFS agreed with these claims and others in our appeal. Now, four years later, the USFS has proposed a virtually identical management plan including total bans on floating numerous sections of the Chattooga River and its tributaries. Just as in the previous RLRMP, the USFS has offered no basis for their management of boating or any other use. We therefore assert, via reference to our appeal, that the claims made in our appeal are as relevant regarding this EA as they were regarding the RLRMP. We incorporate our entire appeal, and specifically our arguments relating to law, policy, and regulation as part of these comments on the EA.

C. The EA is not a user capacity analysis, nor does it reference one

The Record of Decision for our appeal required the Sumter National Forest to conduct a user capacity analysis. Courts have also found that user capacity analyses are mandatory as a basis for managing both the types and levels of use. The EA does not state a total recreational capacity for the Upper Chattooga River, or capacities for individual types of use. Thus, it is not a user capacity analysis. Likewise the Integrated Report (Shelby and Whittaker 2007) is not a user capacity analysis and identifies no capacities for the river corridor. Without a user capacity analysis, the USFS has no basis to limit boating.

¹ <http://www.americanwhitewater.org/resources/repository/Final%20Chattooga%20Appeal%20Document.pdf>

The National Wild and Scenic Rivers System; Final Revised Guidelines for Eligibility, Classification and Management of River Areas (the “Secretarial Guidelines”)² addressed user carrying capacity. The Secretarial Guidelines define “carrying capacity,” as “[t]he quantity of recreation use which an area can sustain without adverse impact on the [ORVs] and freeflowing character of the river area, the quality of recreation experience, and public health and safety.” *Id.* at 39,455.

The Secretarial Guidelines state that:

“[s]tudies will be made during preparation of the management plan and periodically thereafter to determine the *quantity and mixture* of recreation and other public use *which can be permitted* without adverse impact on the resource values of the river area. Management of the river area can then be planned accordingly.” *Id.* at 39,459 (emphasis added).

Friends of Yosemite v. Kempthorne recently held that: “The Secretarial Guidelines also require that a component’s management plan state the *kinds and amounts* of public use which the river area *can sustain* without impact to the values for which it was designated[,] and specific management measures which will be used to implement the management objectives for each of the various river segments and protect esthetic, scenic, historic, archeologic and scientific features.”³

The EA does not define the appropriate kinds and amount of public use that can be sustained in the Chattooga River corridor, and is therefore not a user capacity analysis.

D. The EA does not treat uses equitably or propose an equitable preferred alternative

The Record of Decision on our appeal confirms that if use is to be limited it must be limited equitably. The EA, the alternatives, and the preferred alternative are not equitable. Each alternative proposes to radically limit or ban paddling use while other uses are virtually unlimited. The preferred alternative is predicted by the Forest Service to allow only six days of boating, and acknowledges that only 3 of them would actually be available to paddlers. Three days of paddling versus 365 days for other uses is not equitable. Even worse, the preferred alternative totally bans boating on two thirds of the river, while allowing other uses unlimited access. In addition the only boating that is allowed is in the winter while other uses are allowed year round access.

Inequity and bias permeates the EA, and is stated up front in section 1.1.2. The need for action states that “The unique angling opportunity that exists on the upper Chattooga needs to be carefully managed” whereas “Opportunities on the upper Chattooga for whitewater floating need

² See National Wild and Scenic Rivers System; Final Revised Guidelines for Eligibility, Classification and Management of River Areas, 47 Fed. Reg. 39,454 (Sept. 7, 1982).

³ FRIENDS OF YOSEMITE VALLEY; MARIPOSANS FOR ENVIRONMENTALLY RESPONSIBLE GROWTH (“MERG”), *Plaintiffs-Appellees*, v. DIRK KEMPTHORNE, in his official capacity as Secretary of the Interior; THE NATIONAL PARK SERVICE, Jonathan P. Jarvis, in his capacity as Director of the Pacific West Region, National Park Service, Department of the Interior; MICHAEL J. TOLLEFSON, in his official capacity as Superintendent, Yosemite National Park, National Park Service, Department of the Interior, *Defendants-Appellants*. No. 07-15124. DC No. CV-00-06191-AWI

to be evaluated as an enhancement to the whitewater boating recreation experience and its effects evaluated.” Angling is painted as something “unique” to be “managed” whereas boating is seen as an “enhancement” which needs to be scrutinized. This is not equal treatment and forms the basis for the entire flawed EA. In the end, angling is not limited at all and boating is virtually banned.

Likewise section 1.3 lists the inappropriate and inequitable questions to be addressed by the EA. Boating is addressed as a binary question of whether or not to institute the harshest possible management or not: “Should there be additional boating opportunities in the Chattooga River Corridor (above Highway 28)?” This is misleading in itself, as the word “additional” implies that there is already some boating, when in fact there is none. All other recreation, including larger and more damaging uses, are addressed only through considering indirect limits in the case that boating is allowed. This difference can only lead to inequitable treatment of user groups. The EA does not ask, “should there be hiking, camping, angling, or stocking,” nor does it ask “what is the capacity for each of these individually, or collectively.”

E. The EA does not contain an unlimited boating alternative

The EA does not contain an alternative representing unlimited private boating which is the status quo on every other river in the region. Failing to include an alternative that represents the accepted management protocol for all other rivers is a significant and unjustified omission and is in violation of NEPA. Specifically, the alternative that allows the most paddling still contains a total ban on one section of the river, as well as tributaries.

F. The EA fails to address American Whitewater’s scoping comments

The USFS has failed to respond to our extensive scoping comments, which are included as Appendix 1 in these comments. In fact, of the seven issues that we noted must be addressed by all alternatives in the EA, the USFS has complied with none of them. These seven points are:

1. All alternatives must protect and enhance whitewater boating
2. Alternatives should recognize high use frontcountry areas and low use backcountry areas as different
3. Alternatives must include a range of use limits for all users
4. Alternatives must be based on a capacity for all users and/or individual uses
5. Alternatives must include indirect limits prior to direct limits
6. Alternatives, to the extent they address angling, must address stocking
7. Alternatives should consider impacts of management decisions on recreationists, equally with impacts those recreationists may have on one another

In addition, the USFS wholly disregarded our comments on specific alternatives and gave no reason for doing so. Perhaps most importantly, the USFS failed to consider the reasonable alternatives presented by American Whitewater in our scoping comments. The alternatives we presented are consistent with river management protocols, USFS precedent and regulations, and with federal law. These are attributes that all of the USFS alternatives lack. By failing to consider the alternatives we presented in our scoping comments, or anything even similar, the USFS has violated NEPA. Our scoping comments are hereby incorporated into our comments and become part of the official record.

G. The EA is based on a flawed and unilaterally developed record

Prior to publishing the EA, the USFS created or paid for the creation of several issue-specific reports. Some of these reports are cited in the EA and others are not. These reports were developed unilaterally and contain numerous and serious documented flaws. To the extent that the EA is based on any of these reports, the EA is likewise flawed. For each of these reports, American Whitewater filed detailed comments highlighting the errors, omissions, and often bias that permeated the reports. We have included our comments on these reports as appendices to these comments on the EA. We hereby incorporate our issue-report comments as part of the official record, and part of our comments on the presumed basis of the EA. The related appendices are as follows:

- **Appendix 2.** American Whitewater's Comments on the Chattooga River User Capacity Analysis (note that this document was not actually a user capacity analysis). Submitted on August 2nd, 2006
- **Appendix 3.** American Whitewater's Comments on the "Chattooga River History Project Literature Review and Interview Summary". Submitted on April 17, 2007
- **Appendix 4.** American Whitewater's Comments and Suggested Revisions Regarding the Draft *Upper Chattooga River Phase I Data Collection Expert Panel Field Assessment Report, dated February 2007, and first made available to the public on April 2, 2007*
- **Appendix 5.** American Whitewater's Comments on the USFS Report titled "Capacities on other Wild and Scenic Rivers: seven case studies". Submitted on May 7, 2007
- **Appendix 6.** American Whitewater's Comments on the *Chattooga Literature Review Report*. Submitted on May 7th, 2007
- **Appendix 7.** American Whitewater's Comments on the USFS Report Titled Capacity and Conflict on the Upper Chattooga River and authored by Shelby and Whittaker. Submitted on July 3rd, 2007
- **Appendix 8.** American Whitewater's Comments on the Inventory of Large Wood in the Upper Chattooga River Watershed. Submitted on March 25, 2008

H. The EA offers no basis or discussion of the upper half of the Chattooga Cliffs Reach and thus does not consider a full range of alternatives or meet the mandate of the ROD

All alternatives addressed in the EA propose a ban on the upper half of the Wild and Scenic Chattooga Cliffs reach without any rationale, analysis, or justification. The EA simply states that "The County Line Road Trail was chosen as the uppermost put-in since it provides more suitable access to the river than is available farther upstream." "Suitable" is not defined, nor is there any explanation of the seemingly absurd conclusion that a long hike carrying a kayak or canoe is more suitable than putting in at a road bridge with a parking area? There is no discussion of the basis for this decision. Banning paddling on this reach is without a legal or rational basis and is a significant federal action limiting the public's legal rights.

The USFS has neither conducted a user capacity analysis nor even collected any recreational information on the upper half of the Chattooga Cliffs reach on which to base a decision. Paddlers were forbidden from paddling the reach even during the one-time on-river assessment. Because no rational basis is provided, this decision is arbitrary and capricious. This decision is also in direct violation of the ROD based on our appeal of the RLRMP. This decision also violates NEPA because no alternatives to the action were analyzed.

Alternative 8, while erroneously described by some as unlimited boating, does in fact contain a boating closure. It would ban boating on the upper 2-4 miles of the river and multiple tributaries, and thus does provide the clearly stated legal access being sought by American Whitewater to the entire Chattooga Wild and Scenic River. This closure exists in all alternatives and adversely affects access to the public river as it flows through both public and private lands.

It is worth noting that the USFS specifically addressed the question of “How will the Forest Service be handling the question of private lands within the Upper Chattooga Corridor?” in a frequently asked questions document posted to their website. The answer given includes the following passage:

“As the Forest Service begins to develop and analyze specific alternatives regarding floating and other recreational pursuits in the Upper Chattooga River, the agency will fully consider and evaluate this issue. Where uncertainty exists about the legal status of the river and the potential effects of each analyzed alternative, the Forest Service will document that level of uncertainty as part of its environmental analysis.”⁴

Nowhere in the EA does such documentation exist, and its failure to do so renders the entire EA illegal and inadequate.

I. The EA offers no basis or discussion of the recommended paddling bans on Chattooga River tributaries.

The EA introduces a totally new concept – a ban on floating the tributaries of the Upper Chattooga – in all the alternatives. There is no discussion of the rationale for this decision. Banning paddling on these reaches would impact paddlers. These new floating bans have the same flaws that the previous ban in the RLRMP had. There is no basis for them whatsoever. Thus, this new decision is arbitrary and capricious. This decision also violates NEPA because no alternatives to the action were analyzed, and violates the ROD for our appeal decision by replicating the same type of baseless closure on new reaches.

J. The EA offers no rationale for the preferred alternative.

Nowhere in the EA does the USFS actually state why Alternative #4 is the preferred alternative nor why others are not the preferred alternative. There is no direct comparison or discussion of the actual merits of the alternatives in the EA. Without this explicit justification for one alternative over another the EA is nothing more than a patchwork of observations and opinions. The EA leaves many vital questions totally unanswered and unaddressed. The EA therefore does not provide an adequate basis for the selection of the preferred alternative. It is therefore in violation of the ROD for our appeal of the RLRMP, and of the requirements for lawfully adequate EA.

K. Section 3.3.3 Human Health and Safety (Search and Rescue) should be eliminated.

The ROD for our appeal clearly states: “there is no basis in law, regulation or policy to exclude a type of wilderness-conforming recreation use due to concerns relative to safety, and search and rescue.” (ROD pg. 6) The inclusion of this section of the EA is a blatant violation of

⁴ http://www.fs.fed.us/r8/fms/forest/projects/chattooga_questions_answers_6_14_07.pdf

the law and the Chief's directions. It can only have been included as a means of introducing a subjective factor that the author erroneously believes can justify an illegal action. It had been removed from the scope of analysis and must be removed from the EA.

L. Alternative 8 does not represent paddlers' wishes or a reasonable alternative.

The EA paints Alternative 8 as the paddlers' preferred alternative. It is not. It contains a ban on boating the uppermost several miles of the Wild and Scenic Chattooga River with zero basis or discussion, and also contains a new ban on boating tributaries with zero basis or discussion. Alternative 8 also fails to limit all uses equitably using all indirect measures first followed by direct measures.

M. The EA does not contain a complete or defensible use estimation system and therefore does not form an adequate basis for decision making.

Appendix D of the EA is the kind of statistical house of cards that is typical of the EA and the USFS treatment of Upper Chattooga recreational issues. If standard margins of error were acknowledged for each set of data, the error would surely be enormous, likely exceeding the predicted encounters many times over. We will summarize just a few of the data weaknesses:

- USFS does not know how many hikers, anglers, campers, hunters, or other users visit the river corridor, where they visit, or how long they stay.
- USFS does not know how many paddlers are likely to visit the river corridor.
- "Precise information about trail encounter levels is not available for most parts of the river."
- "Precise use information is not available for most parts of the river, particularly trail users."
- "Precise information about use-encounter relationships is not available."

So, after a three year long multi-million dollar user analysis that completely failed to address capacity, the USFS still does not have recent data indicating how many people are using the river corridor, what they are doing, or how often they encounter one another. In the place of real data, the EA offers a series of guesses in Appendix D and in Shelby and Whittaker 2007. These guesses simply do not, by any standard, form an adequate basis for decision making. The USFS has published specific methods for determining use, and the Sumter National Forest has failed at even attempting to utilize them in the EA. The USFS handbook Wilderness Recreation Use Estimation: A Handbook of Methods and Systems offers the following cautionary advice to managers:⁵

"With little or no reliable wilderness use information, managers cannot adequately judge resource condition trends. Visitor opinions alone are inadequate for evaluation purposes; there may be little agreement between visitor perceptions and the actual condition of the resource, or even on the conditions that determine "primitive and unconfined" experiences. Quality wilderness use information is absolutely essential for examining and testing the various

⁵ Watson, Alan E.; Cole, David N.; Turner, David L.; Reynolds, Penny S. 2000. Wilderness recreation use estimation: a handbook of methods and systems. Gen. Tech. Rep. RMRS-GTR-56. Ogden, UT: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. 198 p. (page 2)

tenets, principles, and dogmas of wilderness management; for optimal management of the resource, it is critical to distinguish management principles which have been empirically verified from those which have never been tested, and are based on nothing more than “authoritative opinions” (Cole 1995).”

The EA falls into the exact trap warned against by the authors of the USFS Technical Report on Wilderness user capacity. In the preparation of the EA, the USFS has collected barely a shred of actual user data, and have instead relied upon the very type of “authoritative opinions” that Cole concludes are inadequate.

The USFS Technical Report lists five essential steps of any use estimation system. They stress that “If any of these elements is missing from the system, the exercise of data collection is of little or no value.” Below we list the five steps and the Sumter National Forest’s treatment of the steps in the EA.

1. A statement of objectives: We are not aware of a specific statement of objectives for the treatment of use estimation in the EA. However, the elements of the statement of objectives are generally found in Whittaker and Shelby 2007.

2. Identification of the specific use characteristics to be measured. No use characteristics were measured relating to use for the EA, except extremely limited presence data and some data on Wilderness condition. In addition to this miniscule amount of data actually collected, the USFS inappropriately relied upon existing use information (which was scant, old, and spatially limited), a problematic “use estimation workshop” and national or regional surveys of use trends (Shelby and Whittaker 2007). Group size, length of stay, method of travel, use of commercial services, types of activity, temporal and spatial use distribution patterns, visitor perceptions, and visitor characteristics were not measured.

3. Choice of appropriate wilderness visitor use measurement techniques. The Technical Report offers the following measurement techniques: external visual observation, stationary internal observation, roaming internal observation, mechanical counters, registration, permits, surveys, indirect estimation⁶, and aerial surveys. The only use measurement techniques actually employed by the SNF were intermittent vehicle spot counts, which were extremely limited in temporal and spatial scope and wholly inadequate. No boating was allowed so no measurement of boating use could occur.

4. Choice of the appropriate strategy for sampling. There was no strategy for sampling that we are aware of, except for occasional vehicle spot counts. The use estimations in the EA are largely based on the “use estimation workshop.” The Technical Report clarifies that such workshops are of little or no value and are inherently biased.

“In reality, convenience or judgment samples are an extremely poor alternative to statistical sampling procedures. The use of human judgment invariably results in biased sample selection; judgment is unavoidably influenced by untested assumptions of how the various properties of the

⁶ While on its face the EA may seem to present “indirect estimation” of use, it does not. “Indirect estimation” is a technique that employs actual data on use-related variables that have known relationships to visitation numbers to estimate visitation. This extrapolation is rigorously tested for statistical and on-the-ground significance before relied upon for decision making. The EA makes no such efforts.

users or visit characteristics, or both, should be related. Furthermore, it is impossible to determine the size of the bias from sampling methods of this kind. *The samples obtained from judgment surveys are therefore not representative of the population as a whole.* Examples are wilderness users that are convenient or easy to survey, vocal supporters or critics of special interest groups at public meetings, users surveyed at easily accessed trailheads. The characteristics of the individuals sampled will invariably differ from those of users who travel into more remote or less-accessible areas, or who do not belong to a special-interest group. *Because standard errors cannot be calculated for such samples, statistical testing procedures and analyses cannot be used (Id. 44).*

It should be noted that the EA attempts statistical analysis of data generated by judgment sampling. The extremely small amount of real data was greatly massaged by SNF judgment and therefore there was no reliable strategy for sampling employed.

5. *Choice of a specific technique and/or procedure for data analysis and summary.* There were few data to analyze or summarize, and those that were analyzed were inappropriately generated through judgment sampling.

Based on these 5 steps, the technical report suggests 10 use estimation systems, none of which remotely resemble the approach taken by the SNF. In essence, the SNF hired consultants to conduct the first step of a use estimation system, statement of objectives, and stopped there. Instead of moving ahead with the other 4 steps as recommended by their own guidance documents, the SNF embarked on a process controlled by their own “authoritative opinions” and based on a near total absence of data. Because the EA fails to include a use estimation system that is consistent with USFS standards and protocols, the EA fails to provide a sound basis for estimating existing, past, or future use. Likewise, decisions made to limit paddling based on the EA’s estimates of use or encounters also lack a sound or defensible basis. As such, decisions based on encounters are without merit, arbitrary and capricious.

N. Applying different standards to different management alternatives makes a comparison of management alternatives virtually impossible and introduces bias

Applying different standards to different management alternatives makes a comparison of management alternatives virtually impossible and introduces significant bias. For example, alternatives 3, 4, and 5 which severely limit boating have relatively loose encounter standards when compared to alternatives 8, 9, and 10 which have relatively tight standards (see table below).

Maximum backcountry encounter standards by alternative and location.					
Alternative & Location	Grimeshawes to County Line Trail	County Line Trail to Bullpen	Bullpen to Burrells Ford	Burrells Ford to Reed Creek	Reed Creek to Hwy 28
Alt # 2 Trails	No Mention	3	3	3	6
Alt # 2 River	No Mention	3	3	3	6
Alt # 3,4,5 Trails	No Mention	4	6	6	8
Alt # 3,4,5 River	No Mention	4	9 we, 4 wd	15 we, 8 wd	15 we, 8 wd

Alt #8,9,10 Trails	No Mention	6	6	6	6
Alt # 8,9,10 River	No Mention	4	6	6	8

The effect can be seen in EA figures 3.3-1 and 3.3-2. These figures show that Alternatives 8-10 have significantly more encounter standard violations than Alternatives 4-5, however what is less clear is that these violations are largely caused by lower standards – not higher use. For example, management of existing users remains unchanged between alternatives 4 and 8, yet the respective differences in encounter standard violations are an average of 25.5 days and 44 days respectively. Thus, the organization of the alternatives artificially make the management variables in Alternatives 8-10 appear significantly less desirable, which they are not. To put a fine point on it, we are unable to answer the question of how many encounter standard violations unlimited boating would have under the standards associated with Alternative 4. Therefore we (and the USFS) can not compare management alternatives on equal footing.

The USFS has constructed the alternatives to mask the real effects of allowing paddling to occur – which are negligible - except for the positive effects which are voluminous. If analyzed under the same standards as Alternative 4, Alternative 8 would surely show a miniscule number of days on which encounter standards are exceeded, if any at all. All of these days could be just as easily attributed to non-paddlers as to paddlers visiting the river corridor. In this way, the EA exhibits significant bias and fails scientific scrutiny.

III. Comments regarding mistreatment of biophysical issues within the EA

A. Boating has no significant and/or cumulative biophysical impacts, while other uses do.

USFS review has consistently found that boating would have no significant or cumulative biophysical impact, yet the EA repeatedly infers otherwise. As an example the EA states that “All other alternatives would have varying degrees of cumulative scenery impacts depending on allowed use-levels and river miles open to boating: more use will result in greater impacts” (EA 125). To the contrary, the EA elsewhere concluded that:

- **Soils:** “...impacts from introducing boating also would be minor.” (EA 37) and “Reductions in erosion are likely under all alternatives with improved recreation management, but would still be minor when placed in context with contributions made from existing roads.” (EA 43)
- **Water and Riparian Corridor:** When all watershed impacts are considered in the Chattooga watershed, as well as associated mitigations, there would be no cumulative effects resulting from any alternative. (EA 36)
- **Plants:** full [Alternative 8] implementation of the monitoring guidelines (see Appendix B), including designating portages if necessary, should alleviate any viability concerns for these species.” (EA 60)
- **Wildlife:** Under alternative 8: “As with other alternatives, although some individuals may be directly or indirectly impacted, it is not likely that this alternative, when combined with other past, present and future management actions on both public and private land, would have a cumulative effect on the population viability of rare species.” (EA 70)

- **Aquatic Organisms:** “There are no federally listed or proposed aquatic species within the analysis area. Under all alternatives, there would be no adverse cumulative impacts to Forest Listed Sensitive aquatic species or Locally Rare aquatic species and no risk to aquatic population viability across the Forests for Management Indicator Species and Communities under any of the alternatives. (EA 87)

The USFS seems to be making the same type of logical error that was made in the discredited RLRMP: asserting that a series of insignificant and unrelated effects can somehow add up to one large significant impact. This is simply not the case. This argument failed on appeal in the RLRMP and should not be relied upon now. There is no data indicating that boating has had or would have any adverse environmental impacts on the Upper Chattooga.

While the EA’s inferred conclusion that paddling will have some level of biophysical impact is based on absolutely no direct evidence (and indeed much evidence to the contrary) the EA’s conclusions regarding the impacts of other users are extremely well supported. The EA states

“Recent studies have shown that current use is already affecting vegetation along the corridor by trampling and clearing vegetation around campsites, erosion and loss of plants along user-created trails, damaged trees, denuded banks at stream crossings and the potential for damage to rare species in sensitive settings along rock cliffs and gorges.” (EA 45)

This conclusion is based on an inventory of campsites, trails, and general conditions within the Upper Chattooga corridor. This inventory found 19.3 miles of user created trails, 91 erosion problems, 141.5 gallons of trash, 26 campsites within 20 feet of the river, and over 500 damaged trees in the Upper Chattooga River corridor.⁷ All of these impacts were most prevalent in areas of intense trout stocking, namely Nicholson Fields, the Rock Gorge, and the area surrounding Burrells Ford Bridge. None of these impacts can be attributed to paddlers, yet the USFS targets only paddlers for use limits. Choosing to manage proven real impacts with indirect management while managing unproven and unanticipated impacts with harsh direct management is not justified within the EA and indeed cannot be justified.

B. Wood impacts are overstated and unjustified

Throughout the EA, “LWD,” standing for “Large Woody Debris” is found 93 times. Pages upon pages are devoted to LWD. Yet, every alternative proposes to allow removal of LWD only in limited cases, and never for boating. Based on this decision – LWD is a non-issue. Still the EA considers the impacts that “unauthorized removal” of wood might have. They do not at the same time consider the impact of unauthorized removal of fish, damage to rare species, camping, trail creation, ATV use, or other recreational misdeeds. The USFS selects only boaters as presumed rule-breakers. This is unfair, inequitable, biased, and indefensible.

We have commented at length on LWD in our comments on the Inventory of Large Wood in the Upper Chattooga River Watershed which were dated March 25th, 2008. We hereby incorporate those comments as part of our comments on the EA. We have found absolutely no justification for limiting boating based on LWD – and neither has the USFS. The USFS has found that The Upper Chattooga (where wood has never been managed by paddlers) has 4,171 pieces of wood and only 2 wood-related portages. Therefore only 0.02% of wood is potentially a

⁷ Shelby and Whittaker 2007, Section 5. Capacity and Conflict on the Upper Chattooga.

recreational issue. The USFS has generated – and in the EA ignored – conclusive data that shows boating would have no impact on wood in the Chattooga River.

To limit boating based on concerns about unauthorized removal of LWD is not justified and to do so would be arbitrary and capricious, just as would be the banning of all angling because some anglers might fish without a license. Furthermore, wood removal was shown in the Inventory of Large Wood in the Upper Chattooga River Watershed to be carried out by non-boaters on the Upper Chattooga—a logical conclusion because boating has been banned. Thus, any decision to ban or limit boating based on concerns about unauthorized removal of LWD by boaters without banning or limiting other uses known to remove LWD would be inequitable. LWD is simply not a significant management issue on the Upper Chattooga.

C. Boats do not mark rocks as the EA claims

The EA claims that “Boating also will introduce another new impact to scenery: boat markings on rocks” (EA 125). Boats are made of extremely hard plastic. We are unaware of any data supporting this claim. Boats do not, so far as we know, leave marks on rocks. Indeed Whittaker and Shelby 2007 conclude regarding boat markings that “This impact does not appear to be a substantial concern on other rivers with whitewater use, and we have not seen it discussed in the literature or at river management symposia.” The EA offers no proof for this asserted impact and thus any decisions based on the assertion that boats mark rocks is arbitrary and capricious.

D. The EA overlooks the ecological threats of stocking large numbers of exotic predatory fish

The EA does not consider the environmental and social impacts of stocking massive numbers of exotic rainbow and brown trout in the Wild and Scenic Chattooga River. The fact that stocking is not adequately addressed in the EA is a further indication of its bias. The EA contains numerous references to the unique experiences for anglers and the high quality of the fishing as justifications for banning boating so as to not interfere with those anglers. If the EA took into account the number, age and size of the fish that are stocked, the methods by which they are stocked and that fact that the fish being stocked are non-indigenous, the EA would have to reach a far different conclusion about the value of the angling on the Upper Chattooga. American Whitewater does not believe there is any evidence to indicate that any lawful uses should be banned on the Upper Chattooga. However, if the Forest Service were to conclude that it is necessary to ban some uses on the Upper Chattooga, it would be a very logical step to conclude that boating should be allowed and fishing should be restricted to catching indigenous fish.

American Whitewater’s May 7th, 2007 Comments on the Chattooga *Literature Review Report* clearly outline numerous proven ecological impacts associated with stocking. We further brought this issue up in our scoping comments and elsewhere in the record and it has not been dealt with in the EA, thus violating NEPA.

In addition to the direct impacts of stocking on the ecology of the river the EA also failed to analyze the impacts of the hatchery maintained for this purpose on the East Fork of the Chattooga River. The EA notes that the east Fork of the Chattooga River downstream of the fish hatchery is listed as only partially supporting intended uses (EA 23) but fails to link the impacts with the operation of the fish hatchery. Studies have shown a direct and measurable link

between the operation of salmonid hatcheries and diminished water quality⁸. Other states have determined that:

“All fish culture stations discharge wastewater that contains a limited set of metabolically generated waste products. The major waste products include phosphorus, nitrogen, solids and carbon dioxide. Fish metabolic activity also consumes oxygen and increases the biochemical oxygen demand in the wastewater.”⁹

Ignoring these collateral impacts of the artificial Chattooga River fishery fails to protect the river from these recreational impacts and places other recreational impacts in a false context. The EA is deficient in not addressing these known recreational impacts. We would not at this time recommend that the hatchery be closed, but rather require that all recreational impacts be analyzed and managed in the same context in this EA and in any future management plan for the Upper Chattooga.

Lastly, Whittaker and Shelby 2007 report on major biophysical impacts such as user created trails, erosion problems, and litter that are focused in intensely stocked areas. One can only conclude that stocking increases recreational use of riparian corridors and thus increases biophysical impacts to those areas.

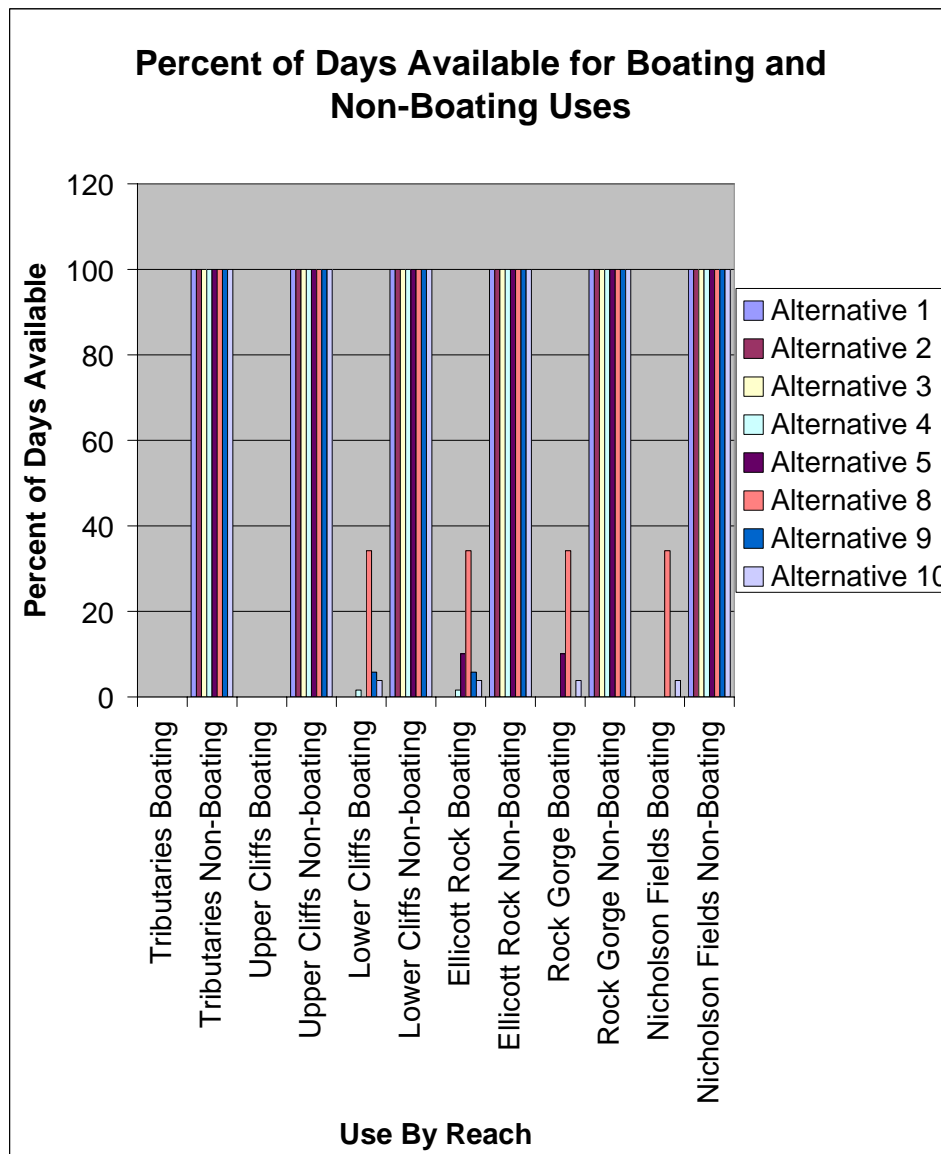
IV. Comments regarding mistreatment of social issues within the EA

A. The EA, by focusing on boating as the only management variable, does not consider a full range of alternatives and introduces inherent inequity

The EA considers paddling limitations as the only direct management tool, while all other larger and more damaging uses are allowed in every location, in every time, in unlimited numbers. *This would be the same as only considering managing a small dog in a china shop while there is a bull running around.* Paddling is anticipated to be the smallest and lowest impact use on the river, and it is nonsensical, arbitrary, and capricious to manage environmental or social impacts by managing only the smallest and lowest impact use. The record of decision on our appeal ordered a user capacity analysis – not a paddling capacity analysis. Thus the EA does not meet the mandate of the appeal decision or of Forest Service guidelines. The USFS has biased the entire EA and left the river corridor and user experiences at risk of harm by analyzing the effects of various levels of paddling without simultaneously analyzing the effects of other uses.

• ⁸ Kendra, W. Quality of Salmonid Hatchery Effluents during a Summer Low-Flow Season. Article in Transactions of the American Fisheries Society 120:43-51, 1991. Abstract “Ecology assessed the quality of salmonid hatchery effluents and receiving water streams in Washington State during the 1988 summer low-flow period. Relative to hatchery influent waters, effluents showed significant increases in temperature, pH, suspended solids, ammonia, organic nitrogen, total phosphorus, and chemical oxygen demand. Wastewater discharges sometimes violated state water quality standards; effects were exacerbated by low dilution. Hatchery nutrient loads equaled or exceeded receiving water loads; effects of enrichment were most evident in oligotrophic waters. Benthic invertebrates sensitive to organic waste were often replaced by pollution-tolerant forms in the vicinity of hatchery outfalls. Survey findings necessitated revision of existing hatchery wastewater discharge permits in Washington.”

⁹ http://www.fish.state.pa.us/promo/fishpro/execsumm_15-22.pdf

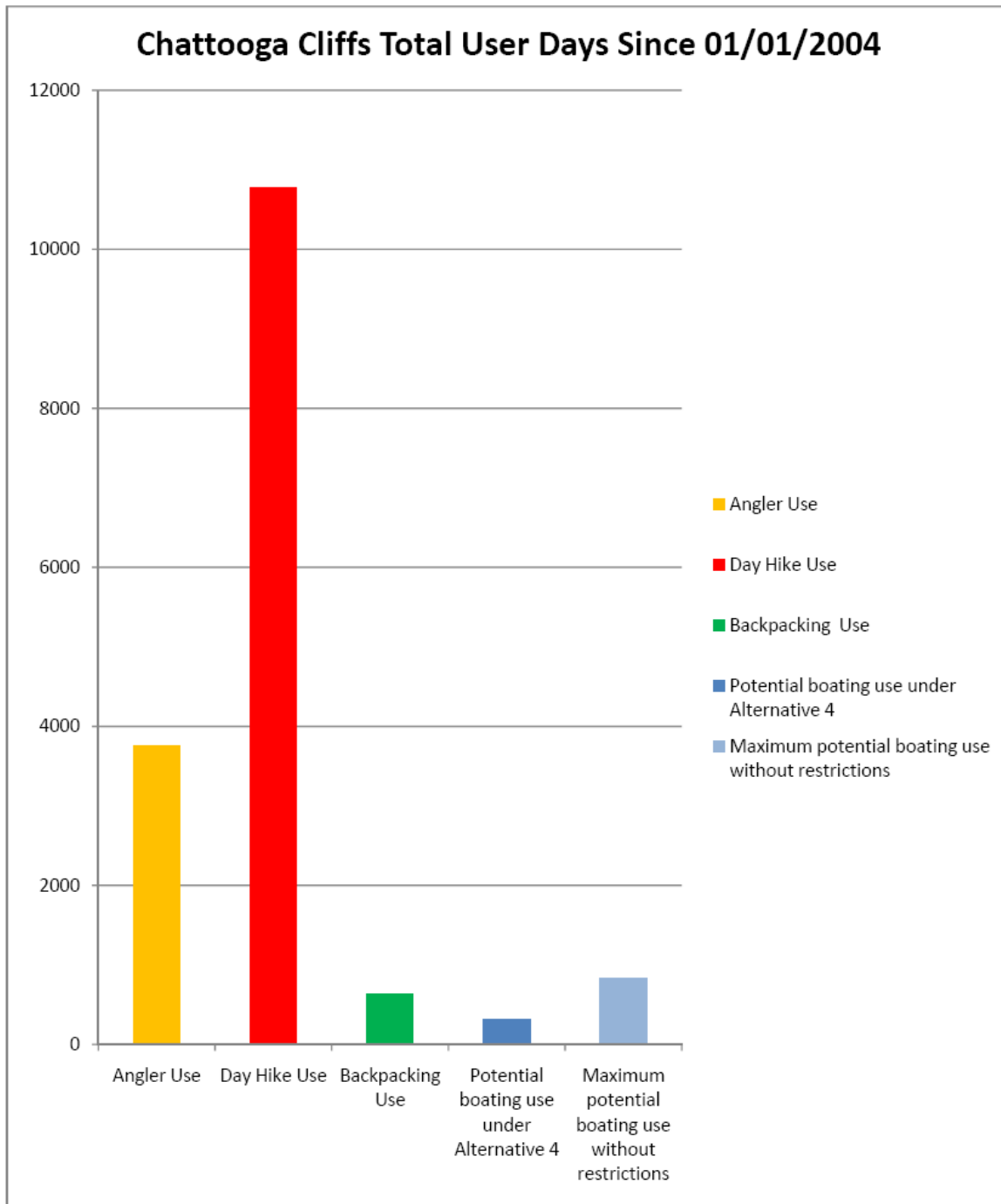


While it may be true that increasing numbers of boaters may have increasing impacts, the USFS admits that so too will increasing numbers of hikers, anglers, and campers have increasing impacts. The EA admits that “By not restricting [non-boating] use, the inevitable increase in use will continue to create scenery impacts from soil compaction, erosion, vegetation damage and human waste/trash accumulation” (EA 124). If this is the case, then why did the USFS not analyze the effects of all recreationists on the corridor? The EA does allude to an answer to this question: “Although [dispersed and developed recreation opportunities] can have potential impacts to riparian corridors, they are allowed because the majority of forest users prefer to recreate in or near bodies of water. (EA 29). The EA’s answer is essentially that some recreational impacts are OK because recreation is generally good for society – except apparently paddling. This double standard permeates the EA and is arbitrary and capricious.

The elementary argument that more use will result in more impacts, and therefore very little use should be allowed to reduce impacts to a very low level, must be applied to all uses or none. The USFS could change the word “boating” to “hiking” or “angling” for the entire biophysical analysis (as well as many encounter estimates) and the results would remain identical; i.e. more “angling” equals more use (which is undesirable) therefore no additional anglers may access the river.

Day hiking for example is by far the largest use of the river corridor and is anticipated to rapidly grow by 48% by the year 2020 (Shelby and Whittaker 39). This increase of use and its associated impact is vastly larger than predicted levels of paddling that is anticipated to occur if paddling was not limited. Yet, the USFS proposes *absolutely no* direct limits on day hiking. Camping is perhaps the highest impact activity on the forest, yet the USFS proposes *absolutely no* direct limits on camping. The USFS has arbitrarily excluded non-paddling recreation from the action alternatives. In doing so they overlook massive risks, and greatly exaggerate any potential impacts that allowing paddling may introduce.

The following figures are based on USFS estimates of current and potential use (which are problematic), and show the estimated amount of use for each reach and each major type of recreational visitor for the past several years. They do not, of course, address capacity because no capacity study was undertaken. The figures clearly show the enormous amount of other uses compared to the potential paddling that might occur. Choosing to directly limit paddling in this context without limits on other vastly larger uses is indefensible.

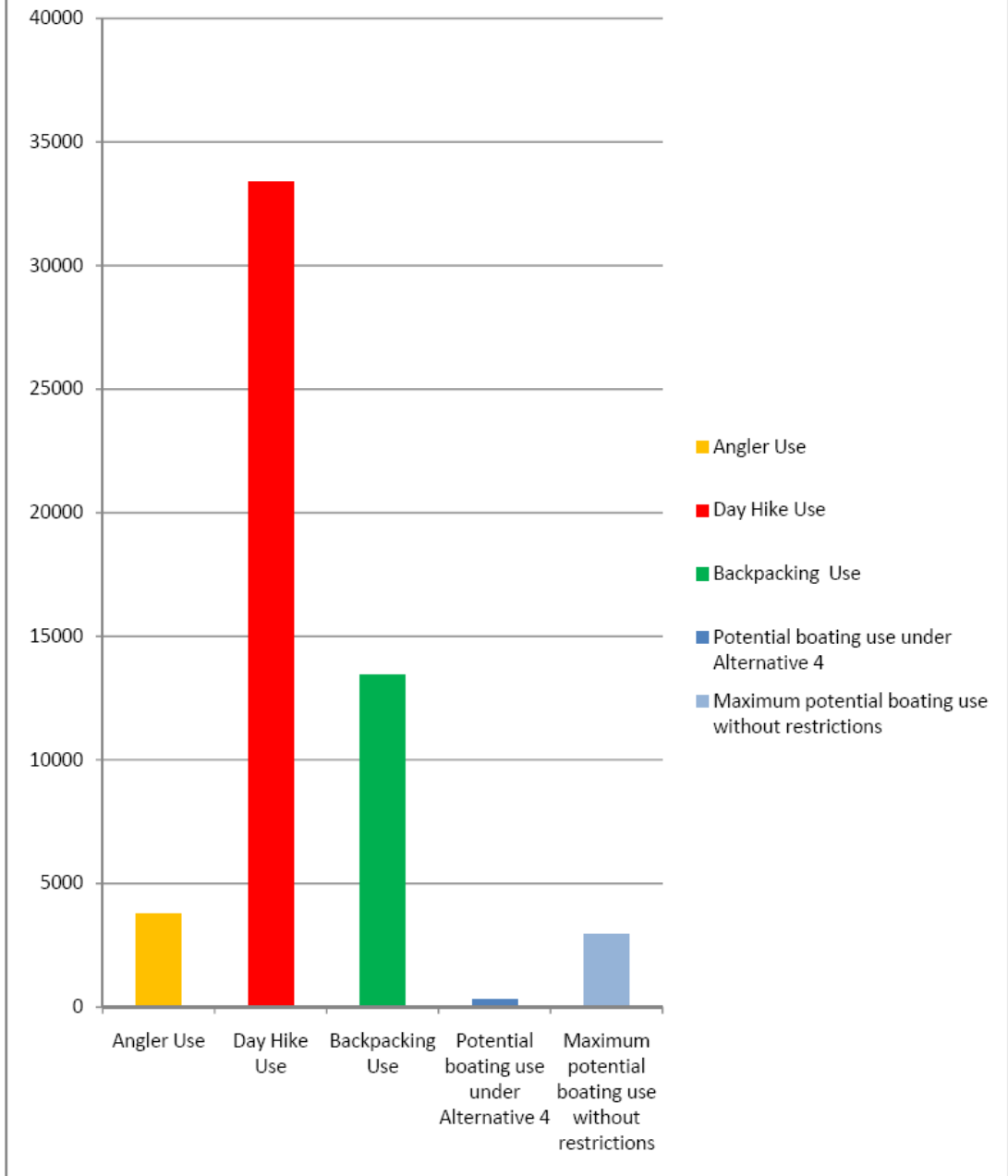


Notes:

Reach: area downstream of Grimshawes Bridge (below private lands) to about ¼ mile above Bull Pen Bridge.

Data: Angler, dayhiking, and backpacking use calculating using data from the Use Estimation Workshop. This data used was for PAOT (people at one time) and GAOT (groups at one time), so actual user days are even higher than these numbers. Potential boating use under Alternative 4 calculated using the actual number of days with mean flows of 1500cfs at US 76 (approximately 450cfs at Burrell's Ford) in the Dec 1- March 1 boating season. Maximum potential boating use without restrictions was calculated using estimates in the Integrated Report (1200 max user days per year with 15% of use on the Chattooga Cliffs segment). Numbers for boating are total users, not PAOT or GAOT.

Ellicott Rock Reach Total User Days Since 01/01/2004

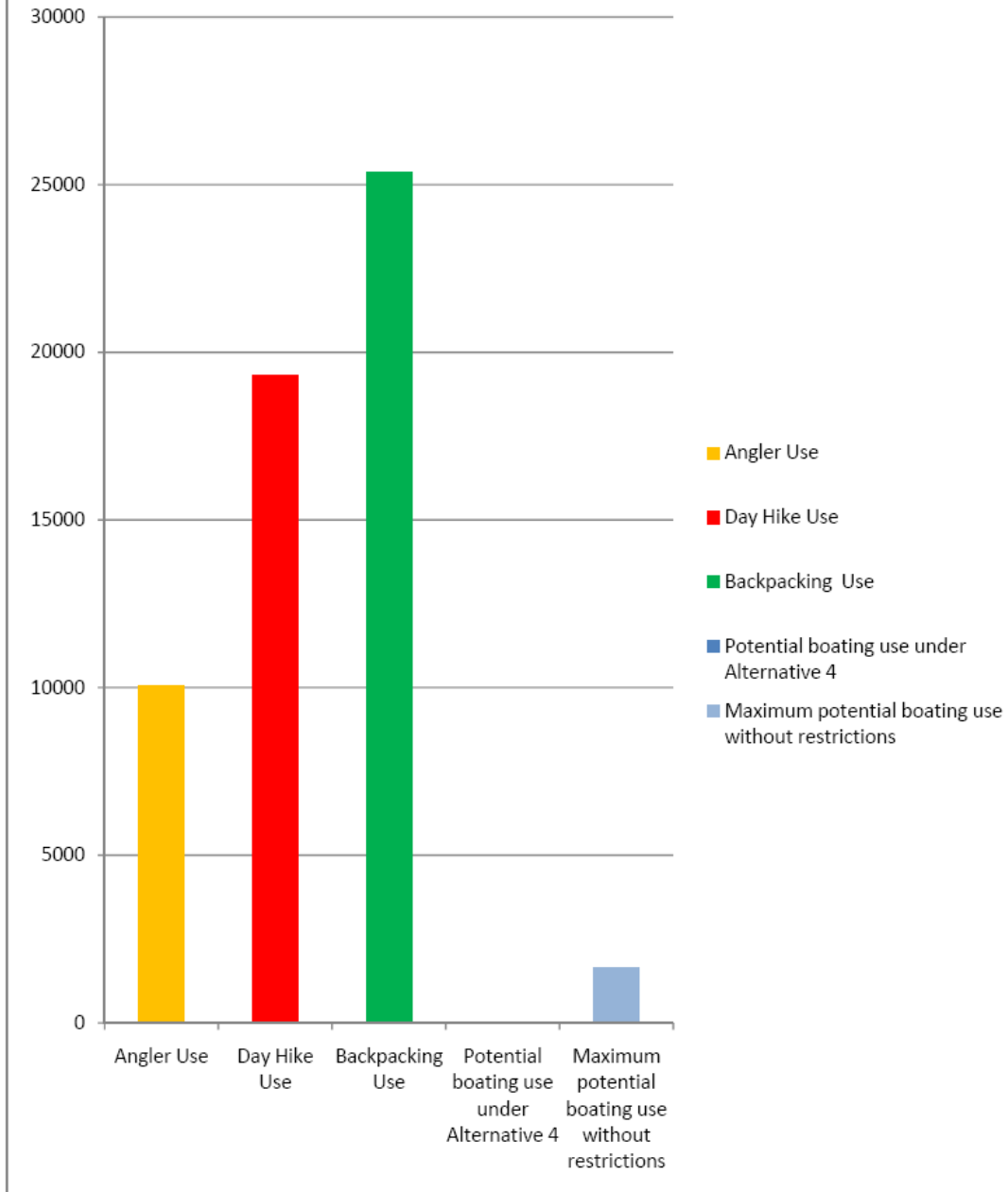


Notes:

Reach: area starting about ¼ mile downstream of Bull Pen Bridge to about ¼ mile above Burrells Ford Bridge.

Data: Angler, dayhiking, and backpacking use calculating using data from the Use Estimation Workshop. This data used was for PAOT (people at one time) and GAOT (groups at one time), so actual user days are even higher than these numbers. Potential boating use under Alternative 4 calculated using the actual number of days with mean flows of 1500cfs at US 76 (approximately 450cfs at Burrell's Ford) in the Dec 1- March 1 boating season. Maximum potential boating use without restrictions was calculated using estimates in the Integrated Report (1200 max user days per year with 53% of use on the Ellicott Rock segment).

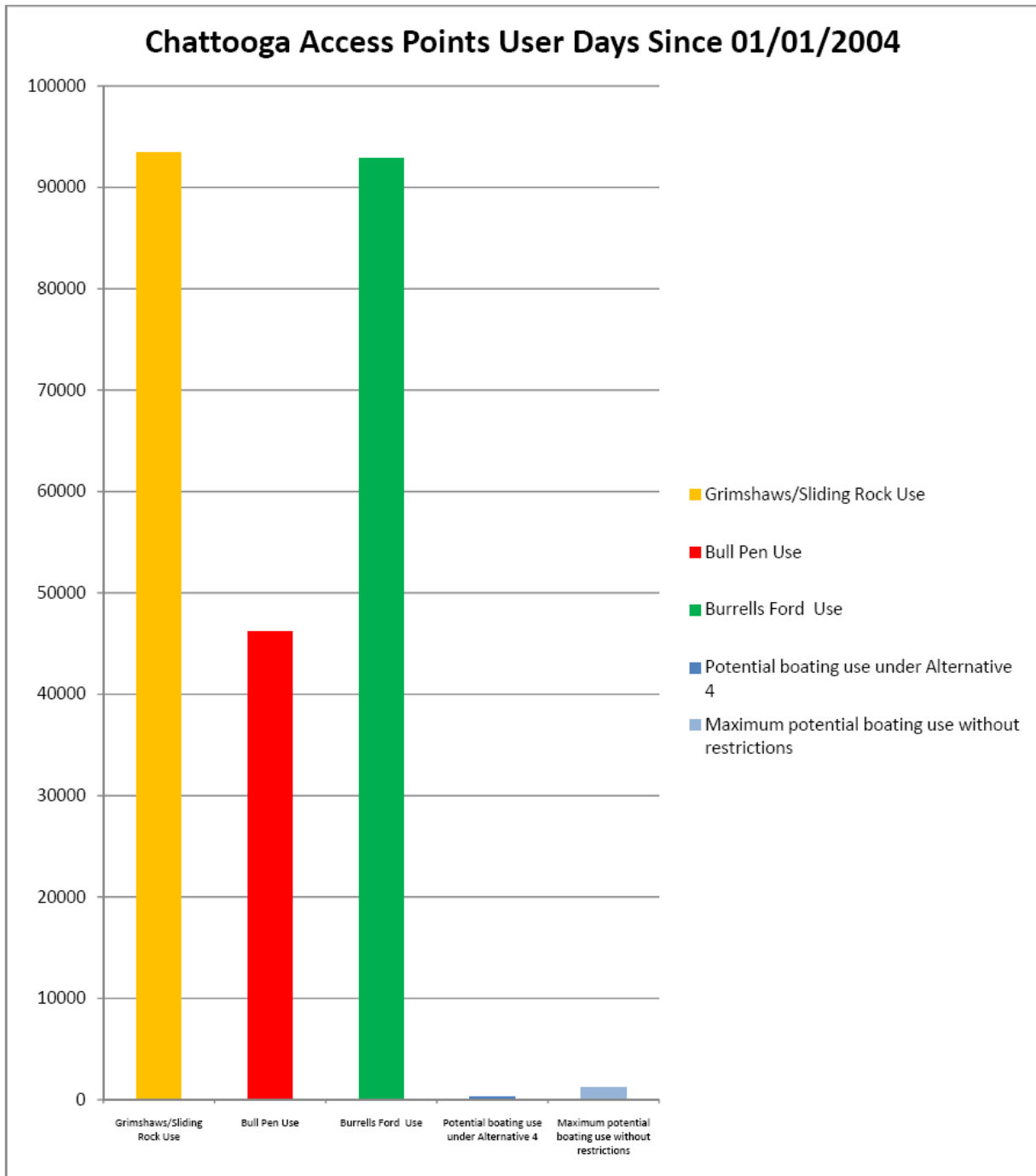
Rock Gorge and Nicholson Fields Reach Total User Days Since 01/01/2004



Notes:

Reach: area below ¼ mile downstream of Burrells Ford Bridge to top of delayed harvest area (Reed Creek) plus area from Reed Creek to ¼ mile above Highway 28 Bridge

Data: Angler, dayhiking, and backpacking use calculating using data from the Use Estimation Workshop. This data used was for PAOT (people at one time) and GAOT(groups at one time), so actual user days are even higher than these numbers. Potential boating under Alternate 4 for this reach is zero since paddling is banned on this reach. Maximum potential boating use without restrictions was calculated using estimates in the Integrated Report (1200 max user days per year with 30% of use on the Rock Gorge and Nicholson Fields segment).



Notes:

Reach: Area upstream of Grimshawes Bridge and right around Sliding Rock, area about ¼ mile upstream and about ¼ mile downstream of Bull Pen Bridge, area within ¼ mile upstream and ¼ mile downstream of Burrells Ford Bridge. Does not include the area around Hwy 28.

Data: Angler, dayhiking, and backpacking use calculating using data from the Use Estimation Workshop. This data used was for PAOT (people at one time) and GAOT (groups at one time), so actual user days are even higher than these numbers. Potential boating use under Alternative 4 calculated using the actual number of days with mean flows of 1500cfs at US 76 (approximately 450cfs at Burrell's Ford) in the Dec 1- March 1 boating season. Maximum potential boating use without restrictions was calculated using estimates in the Integrated Report (1200 max user days per year). Numbers for boating are total users, not PAOT or GAOT.

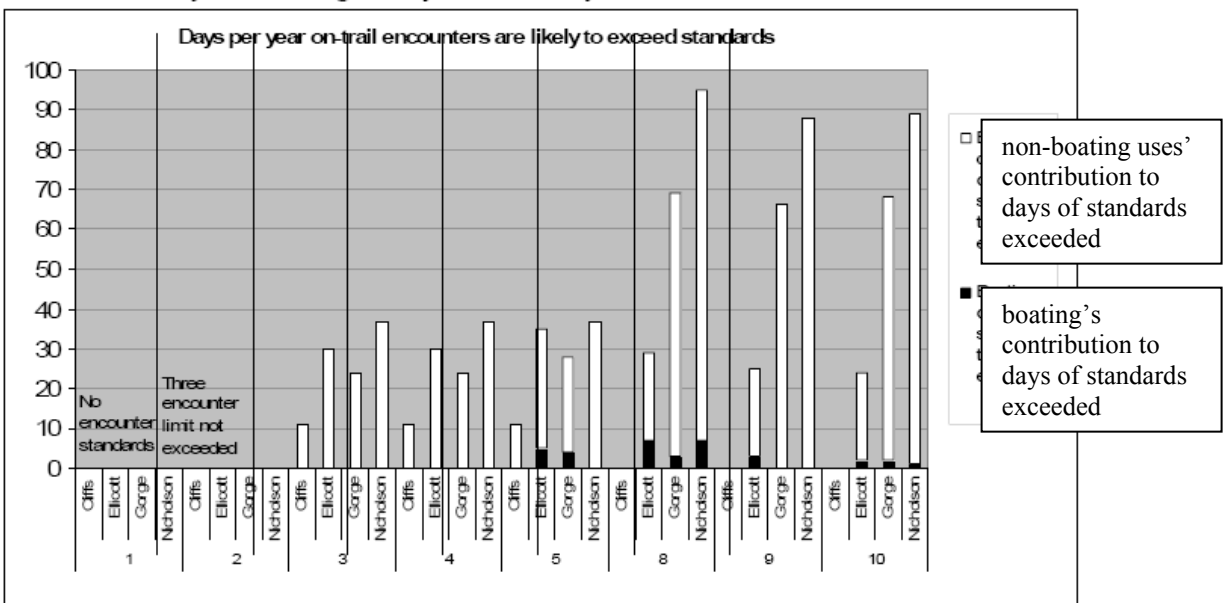
The EA's treatment of this same data is biased and overlooks clear management issues relating to non-boating use. Figure 3.3-1 and 3.3-2 exemplify the EA's misdirected focus on management of only paddling. Figure 3.3-1 for example shows that non-boaters cause encounter standards to be exceeded on 10 to 95 days each year depending on the alternative. Indeed non-

boaters in the preferred alternative exceed encounter standards on 11 to 37 days per year depending on the reach. At the same time, unlimited boating would only cause encounter standards to be met on 0 to 7 days per year (and these numbers are inflated). Boating has a similarly miniscule effect on on-river encounters: 3 to 7 days. The EA does not even try to justify banning the smallest use accounting for the fewest encounters – to do so would be impossible.

The bias of the EA is perhaps nowhere more obvious than Figures 3.3-1 and 3.3-2. These figures label impacts of non-boaters as “boating does not cause standards to be exceeded” while labeling boating’s potential contribution to standards as “boating causes standards to be exceeded.” Instead, the labels should read: “non-boating uses’ contribution to days of standards exceeded,” and “boating’s contribution to days of standards exceeded.” This is critical for two reasons. First, the EA attempts to focus attention exclusively on the (miniscule) role of paddling on causing encounters, while ignoring the (massive) role that existing users play in causing encounters. Second, the EA ignores the fact that no one person, group, or recreational type of use “causes” encounters: encounters occur when two individuals or groups meet. Thus, the “cause” of the encounters are shared equally between these two groups or individuals. An encounter between a boater and an angler for example is no more caused by the boater than by the angler.

Below is the way this figure should appear, and it clearly shows the EA’s misdirected and unjustifiable focus on boating.

Figure 3.3-1 displays the number of days per year on-trail encounters from existing users and boaters are likely to exceed goals by reach and by alternative.

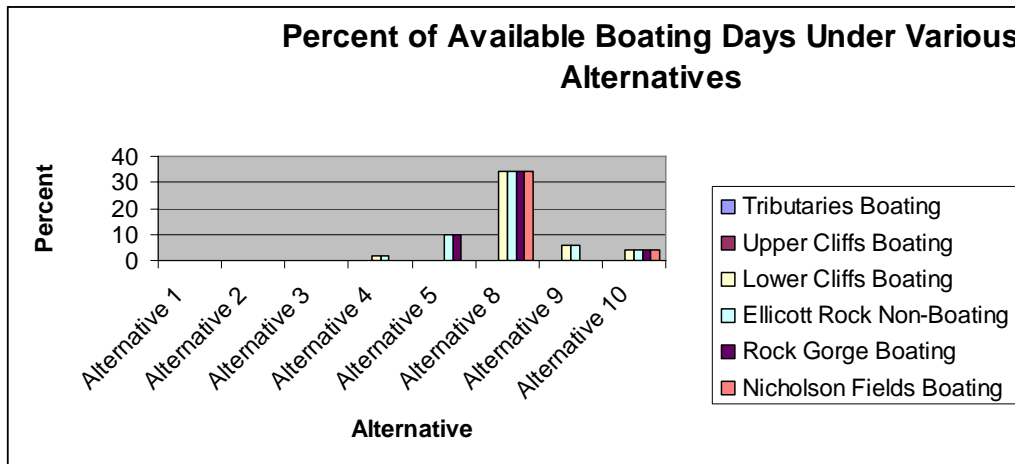


We should also note that these figures introduce significant bias and limit the public and the agency’s understanding of the role recreational uses play in encounters by not showing the contributions of all individual types of recreation in exceeding encounter standards. For example, how would encounters change if boating were allowed but hiking, camping, hunting, or fishing eliminated? Figures 3.3-1 and 3.3-2 should include categories for each individual type of recreation.

Our scoping comments and comments on Whittaker and Shelby 2007 clearly recommended studying all recreational uses. Likewise, the ROD for our appeal recommended a user capacity analysis, not a boating capacity analysis. The ROD also required use to be limited equitably which is an impossible outcome when boating is the only management variable. By not including other recreationists in the action alternatives the EA is in violation of NEPA.

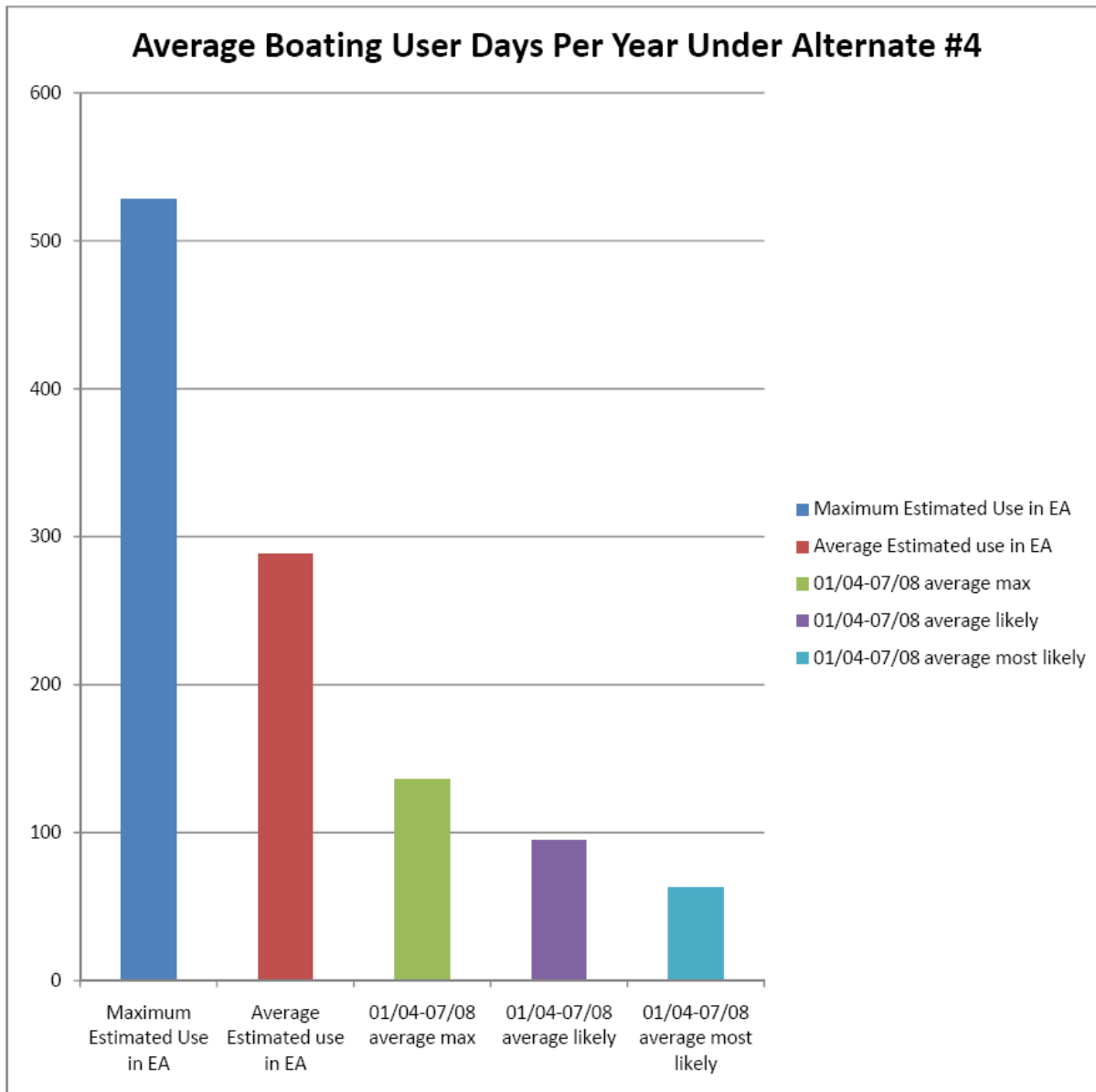
B. The EA, by considering a skewed range of boating alternatives, does not consider a full range of alternatives and introduces inherent inequity

As seen in the graph below, all of the boating alternatives except Alternative 8 provide either zero or very small amounts of boating on any given reach. All alternatives propose zero use on one reach and the tributaries, three alternatives propose zero boating on all reaches, and all but two alternatives propose zero use on additional reaches. Other than Alternative 8, all alternatives consider allowing boating on only 0-10 percent of days.



Essentially, the USFS has considered alternative 8 as a throwaway, and then only seriously considered extremely small amounts of paddling. By limiting analysis in such a skewed manner, the USFS has biased the EA and violated NEPA.

In addition, the EA radically misinterprets the data regarding the actual boating opportunities that alternative 4 would provide. Analysis of the past 4.5 years for example has revealed that extremely few boating days would actually have been available compared with USFS predictions.



Notes:

Maximum Estimated Use in EA: 11 days per year, 2 reaches with 4 groups of 6 per day.

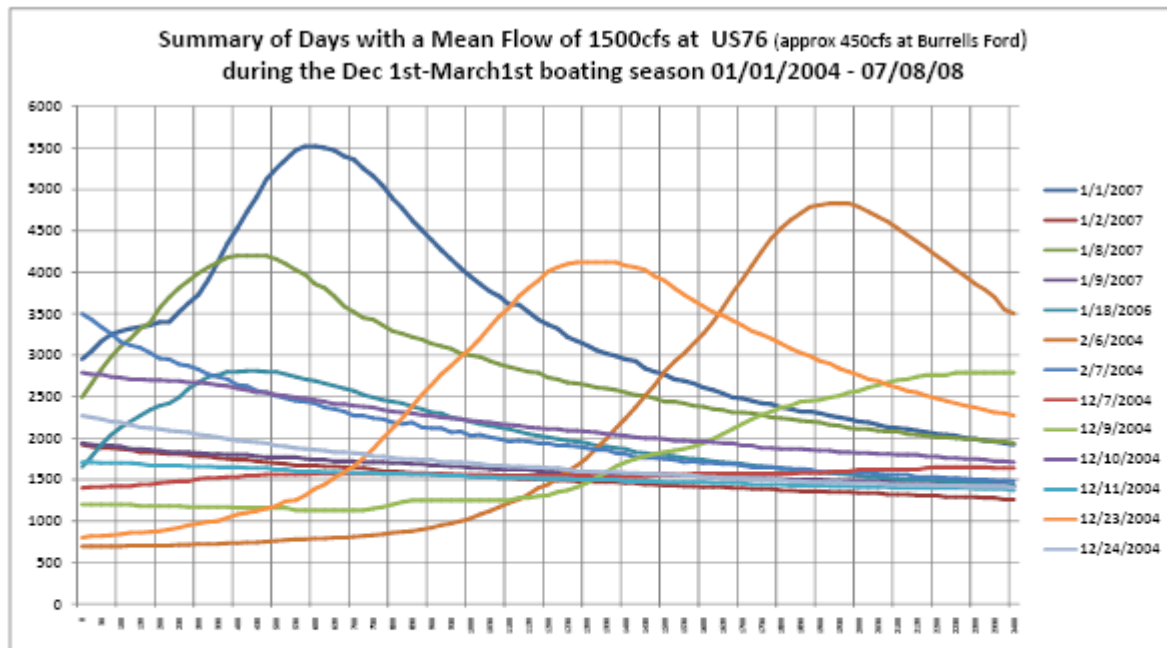
Average Estimated Use in EA: 6 days per year, 2 reaches with 4 groups of 6 per day.

Alternate 4 max , average since 2004- 13 total days (2.84/year), 2 reaches with 4 groups of 6 per day. It is unlikely that all 8 groups will have 6 boaters, so this number would most likely be lower.

Alternative 4 likely, average since 2004- 9 total days (1.97/year), 2 reaches with 4 groups of 6 per day. It is unlikely that all 8 groups will have 6 boaters, so this number would most likely be lower.

Alternative 4 most likely, average since 2004- 6 total days (1.31/year), 2 reaches with 4 groups of 6 per day. It is unlikely that all 8 groups will have 6 boaters, so this number would most likely be lower.

Any serious look at the USFS preferred alternative reinforces that alternative 4 is nothing more than a boating ban requiring USFS staff management. Factoring in all the limitations of Alternative 4 for the past few years, the data shows that roughly 0.2 days per year would be viable boating days. The figure below depicts this grim reality for paddlers.



Total Days: 13 / Days per year: 2.84

Total days with flows starting over 1500cfs*: 9 / Days per year*: 1.97

Total days with falling flows**: 6 / Days per year**: 1.31

Total weekend days: 2 / Weekend days per year: 0.44

Total weekend days likely to be "declared a boatable day***": 1 / Weekend days likely to be "declared a boatable day" per year***: 0.2

*More likely to be "declared a boatable day" **Most likely to be "declared a boatable day" ***Days with flows starting over 1500cfs and/or days with falling flows

C. The entire user conflict section of the EA is nothing more than a “qualitative discussion” and is inadequate for decision making

The ROD on our appeal stated that there was no basis for a boating ban. Apparently, the basis for this newest proposal to ban boating is user conflict. Yet, there is no evidence of user conflicts on the river! Paddling has not even occurred there in 32 years, so how could user conflicts possibly be justification for banning a use? The USFS even agrees in the EA: “Currently, goal interference, and the resulting face to face conflict between existing users and boaters, is mostly "perceived" as there is no on-the-ground mixing of these uses.” (EA 103) Instead of providing any actual evidence of user conflicts the USFS simply opines about user conflicts in a “qualitative discussion of the existing or potential level of goal interference for each alternative...” (EA 103). A qualitative discussion did not adequately justify the decision to ban boating in the RLRMP and it will not adequately justify it in this case. The USFS has offered the same exact evidence for a ban that they did in the RLRMP without a shred of additional evidence. This EA is every bit as inadequate as the previous EIS. A decision to ban a use based on a qualitative discussion of user conflicts that are not occurring, have never occurred, and are not likely to occur is arbitrary and capricious.

D. The preferred alternative inequitably proposes no user limits on uses exceeding encounter standards, while proposes limits on the less impactful use of boating

The EA clearly finds that encounter standards are already exceeded by existing users yet proposed no mitigation for these impacts. The EA states:

“...the number of encounters currently occurring in the upper Chattooga on some days, especially in the wilderness, exceeds the threshold that typically defines solitude in wilderness and primitive backcountry settings.” (EA 99)

The EA also states:

“The solitude experience of existing backcountry users is already being diminished during certain times of the year and in certain locations which may have caused some users to change the timing of their activities to lower use times of the week/season/year or has entirely displaced some users from the river.” (EA 104)

The encounter estimates in the EA are not rigorous enough for decision making, as we have explained elsewhere in these comments. Regardless, we offer the following analysis of the EA’s treatment of encounter standard violations to show the double standard that the EA employs regarding encounters.

Figures 3.3-1 and 3.3-2 clearly show that the proposed management of existing users would exceed standards on up to 37 days per year! How can the USFS justify banning the smallest use, presumably to avoid violation of encounter standards, while actively allowing and even enhancing vastly larger violations by existing users? Not managing the large existing standard violations is arbitrary and capricious and leaves the river corridor and experience of users unprotected. The table below shows that the USFS is choosing to not manage use that is anticipated to violate trail encounter standards on an average of 25.5 days annually while choosing to ban a use that would only amount to only 4.25 days of annual standard violations (under much tighter standards). It is impossible for us to know the number of days on which unlimited boating would exceed Alternative 4’s trail standards, but it is certain to be significantly less than 4.25, and likely less than 3 days. The table below depicts the relationship between the two alternatives.

On-trail backcountry encounter violations by boaters and non-boaters under alternatives 4 and 8.

	Alternative 4		Alternative 8	
	Number of days existing users exceed trail encounter (loose) standards	Number of days boaters exceed (loose) trail encounter standards	Number of days existing users exceed (tight) trail encounter standards	<i>Number of days boaters exceed trail (tight) encounter standards</i>
Chattooga Cliffs	11	0	0	0
Ellicott Rock	30	0	22	7
Rock Gorge	24	0	66	3
Nicholson Fields	37	0	88	7
Average Violation	25.5	0	44	4.25*

** Note that Alternative 8 has much tighter standards to comparing violations between alternatives 4 and 8 are not comparing like items. If the relationship between the two alternatives for boating is the same as it is for existing users the average number of violations caused by boating would be 2.46.*

The table below tells a similar story, only regarding on-river encounters rather than on-trail encounters. This table shows that the USFS is adopting an alternative that allows 12 days of standard violation from existing users but prohibits a use that would result in fewer days of impacts (when differing standards and use estimate flaws are factored in).

On-river backcountry encounter violations by boaters and non-boaters under alternatives 4 and 8.

	Alternative 4		Alternative 8	
	Number of days existing users exceed river encounter standards	Number of days boaters exceed river encounter standards	Number of days existing users exceed river encounter standards	<i>Number of days boaters exceed river encounter standards</i>
Chattooga Cliffs	0	0	0	0
Ellicott Rock	0	0	0	7
Rock Gorge	0	0	0	7
Nicholson Fields	12	0	12	14*
Average Violation	3	0	3	7

** Note that these numbers are inflated by assumed scenic boating use which has never occurred and has never been proposed or requested on the Upper Chattooga, and also by the different standards applied to Alternatives 4 and 8.*

Perhaps most important to acknowledge is that the USFS is proposing to ban a use that even based on their inflated encounter estimates would only result in violations of encounter standards on at most 7 to 12 days each year. At the same time the USFS has supported uses that violate standards on 11 to 37 days each year. The question we have to ask is: how many days of violation are too many, and why are those standards being applied differently to boaters than all other users? How can the USFS justify supporting violations of standards by some users but not by others? What is the real standard here?

E. The EA inequitably and explicitly rules out direct use limits for other users while proposing them for paddlers

The EA suggests that the USFS rejected the potential permit system in alternative 2 because “Use limit systems require administrative effort, require users to plan ahead and compete for limited permits, and would displace some proportion of existing use on high use days” (EA 106). If this is sufficient justification to eliminate alternative 2, it should be sufficient justification to eliminate the preferred alternative and others that would require permits for paddlers.

F. Recreational opportunities foregone assessment is inequitable and flawed

The EA equates 1) the impact on non-boaters of the mere lack of a *guaranteed* boat-free experience while they are enjoying the Upper Chattooga, with 2) the impact on boaters of being totally excluded in their recreational opportunities foregone assessment.

“Boaters who want to float the upper Chattooga year round may experience recreation opportunities foregone because they are only allowed to float the upper Chattooga on an average of six days per year. Also, some hikers, backpackers, and anglers may experience recreation opportunities foregone since they are not guaranteed a boat free experience year-round on the lower river segments...”(EA 112)

This is an indefensible position. The EA insinuates that even if an angler or hiker never sees a boater but thinks they might, they are impacted as much as a paddler who completely forbidden from enjoying the river. In addition, the preferred alternative still contains a total ban on paddling a large majority of the river as well as tributaries – and therefore entire reaches are foregone. Many paddlers will be forced to forgo paddling even the sections that is allowed in the preferred alternative because of the limited permits and administrative hurdles.

G. The EA offers no basis for selecting 450 cfs as a management trigger

The preferred alternative in the EA totally bans boating on several reaches and allows boating on one reach restricted to flows above 450cfs. There is no basis for the selection of that flow. The selection of 450 cfs as a cut off eliminates many optimal boating opportunities (that are not optimal angling flows), and forces paddlers to run the river at higher flows which some paddlers may not prefer to somewhat lower flows. Flows between 350 and 450 cfs for example offer *optimal* boating and *unacceptable* fly fishing. Shelby and Whittaker state that:

“for many days in the “high overlap” period [350-650 cfs], boater-angler conflict and related capacity problems would be unlikely. These are lower quality angling days for all but bait anglers, and they tend to occur in winter when bait angling use is low. Some fly and spin anglers certainly fish these flows...but they have lower quality conditions in comparison to the other 320 days per year that they have lower flows.”

However, the EA states that “At these overlap flows [referring to all overlap – both high and low] some users of each group could be present (if boating were allowed) and encounters could create impacts and conflict.” (EA 95)

Whittaker and Shelby 2007 clearly conclude that if any management of boating and angling would be acceptable it would be required during the “low overlap” period between 225-350 cfs. There is simply no scientific basis in the record for boating (or angling) limits based on a 450 cfs cut-off, or above 350 cfs. Thus the preferred alternative is arbitrary and capricious.

Even when suggesting an alternative that would provide a miniscule amount of time where boating can occur, the Forest Service has unlawfully treated boaters unequally by selecting a flow rate that is at the highest end of the range where fishing can comfortably take place, yet well above the low end of the flow rate where optimal boating can occur.

H. The EA offers no rationale for allowing boating only in the winter

The EA offers no rationale or justification for allowing paddling only in the winter in certain alternatives. Winter days are shorter and colder, making them less desirable for paddling trips. In addition the EA finds that “Angler-boater encounters are more likely to occur in the winter months (December thru February) when both groups are on the river in the middle of the day” (EA 95). Thus, selecting an alternative that allows paddling in the winter and not during the rest of the year is arbitrary and capricious.

I. USFS preferred alternative artificially increases demand in a Wilderness Area

While paying lip service to encounter standards and use limits, the USFS preferred alternative *artificially increases* recreational use by stocking trout adjacent to a Wilderness area and in a Wild and Scenic River, while banning natural floating use. The EA admits that “The angling trends on the Chattooga also depend on stocking and regulation stability” (EA 94), and that “Heavy stocking and institution of a delayed-harvest section in the Nicholson Fields Reach have recently made the fishing experience even more attractive (Samsel 2007). (EA 1).” The agency has reported that they support the *stocking of over 70,000 exotic game fish* annually in the Upper Chattooga River to artificially increase recreational use. At the same time they have banned boating to decrease that use. In a Wilderness area natural conditions should prevail. The upper Chattooga River naturally provides high quality boating opportunities during times of high flow and a moderate quality angling experience at low flows. We see no justification in the EA for artificially increasing one use while effectively banning another wilderness use (paddling). Surely this is not the kind of management the authors of the Wilderness Act anticipated or would approve of. The most Wilderness compliant alternative would have a natural balance of boating and angling – without conflict, with little recreational overlap, and without the collateral impacts of stocking exotic game fish. The EA is deficient in not having analyzed a true natural wilderness alternative.

J. No rationale is given for overlapping limits (season, flow, reach) in the preferred alternative

Several alternatives ban boating in certain reaches at all flows, including the USFS preferred alternative. The USFS offers no rationale for why paddling should not be allowed during flow conditions when other in-stream recreation is not occurring or optimal. In the preferred alternative for example, there would be many boating days available when flow conditions will exclude other in-stream users on the Rock Gorge reach and Chattooga Cliffs reach beginning at Grimshawes Bridge. Likewise, there are high flow conditions outside of the December through February time frame in the preferred alternative that would provide boating when other users were not even present in the river. There is no rationale for banning boating in those conditions. Doing so is arbitrary and capricious.

K. The preferred alternative offers no basis or discussion of the ban on floating the Rock Gorge

The EA offers ample evidence that the Rock Gorge does not provide acceptable fishing opportunities at high flows yet bans boating regardless even at high flows.

“The Rock Gorge stretch down to the Big Bend area is similar to the Ellicott Rock reach below the Ellicott Rock marker in terms of gradient, width and access. It is easily accessible by the Chattooga Trail on the east bank and a user-created trail on a portion of the west bank. Because this reach is stocked, the fishing pressure is relatively high here and higher than in both the Chattooga Cliffs and Ellicott Rock reaches. The steeper gradients starting at Big Bend Falls to about half way down the Rock Gorge reach and extending through the Rock Gorge tend to be difficult to fish during higher flows.” (EA 102)

The EA offers no rationale for banning boating on this reach at all flows at all times of year. The fact that a miniscule amount of use was found acceptable on the admittedly similar Ellicott Rock reach but not on the Rock Gorge reach exhibits the inconsistency of the EA.

L. The EA states and then ignores the *fact* that flows alone adequately separate uses

The EA clearly reports that natural flow alone adequately separates user groups:

“The report provides greater detail about these flow ranges for different opportunities and segments, but overall suggests that the highest quality fishing and boating generally occur in different parts of the hydrograph (the exception is bait fishing, which remains optimal through higher flows). The best fishing flows are not the best boating flows and vice versa.” “However, Whittaker and Shelby (2007) also documents that acceptable but lower quality fishing opportunities would overlap with optimal boating and acceptable but lower quality technical boating would overlap with optimal fishing.” (EA 95)

The EA never justifies why flow alone does not adequately separate boating and angling uses. Specifically, according to the Whittaker and Shelby (2007) report, flow alone would totally segregate fly anglers and paddlers while they are having their optimal experiences. Specifically on average each year anglers would have 247 days of optimal angling with no boating, boaters would have 37 days of optimal boating with minimal or no angling, and there would be 77 days when boaters and anglers would share the river at conditions that are good for both depending on the specific flow. The EA never justifies why the simplest, cheapest, fairest, and easiest to manage solution, unlimited boating, is not acceptable.

M. Assumptions behind encounter estimates are not reasonable or defensible

The EA is based on encounter estimates that are unsupported and irrational. The USFS “assumes that a hiker, angler, camper, etc. will see an average of 75% of all boaters floating a specific stretch on any particular day” (EA 98). Roughly half the days on which flow triggers are reached would be un-boatable because of the timing of the flows, the unpredictability of the

flows, or other conditions. In addition, the vast majority of the Upper Chattooga is not visible from any trail or campsite so non-boaters actually seeing paddlers would be minimal at best – NOT 75%. Boating and other uses typically only occur for 4-hour windows so overlap would be limited by roughly 1/3 of use even co-occurring at the same time. Use estimates of both boating and other uses is absolutely not based on hard data, and is thus unreliable for decision making. The assumption that 75% of visitors would see paddlers has no rational basis and thus is not a reasonable basis for decision making. Decisions based on these unfounded assumptions would be arbitrary and capricious.

N. The EA provides no evidence that “high quality angling” is in any way impacted, or that conflicts would be caused, by allowing boating to co-occur

The USFS selected alternative is “designed to minimize conflict between anglers and boaters” and is focused on “continuing to emphasize, protect and enhance optimal, year-round, high-quality trout fishing.” The very intent of alternative 4 and indeed most of the alternatives that feature boating limits is misdirected and without merit.

First and foremost, there are no conflicts to minimize between boaters and anglers. Boating and angling co-occur on 213 river reaches in North Carolina, 142 in Georgia, and 80 in South Carolina (www.americanwhitewater.org). None of these 435 rivers – not a single one – has a limit on the number of private boaters allowed to float the river. None of these rivers – not a single one – has a documented conflict between anglers and boaters. There is no documentation of conflicts on the Chattooga either – merely a prediction that conflicts may occur. The USFS does not even try to justify their claim that conflicts will occur if boating is allowed even though *there are no current conflicts* and *no conflicts on every other river in the region*. The EA asks readers to take an enormous leap of judgment to assume that conflicts will develop between anglers and boaters. This defies overwhelming precedent. The EA then asks readers to accept that these conflicts will be so severe that one use must be totally eliminated. This is analogous to stating that a ubiquitous species that has never hurt a human being should be wiped out to protect people from attack.

There is no evidence of conflict on the Upper Chattooga, and absolutely no evidence to support any will occur. Conversely, every other river in the region serves as evidence that no conflicts will occur. On page 8 the EA admits that Alternative 4 “is designed to minimize conflict between anglers and boaters...” Making a decision based on speculation that conflicts will arise is arbitrary and capricious.

Likewise the EA at least infers that allowing paddling to co-occur with angling will somehow impact the USFS goal: to “emphasize, protect and enhance optimal, year-round, high-quality trout fishing.” The USFS offers no data whatsoever that this is the case. It has not been shown that paddling on the Upper Chattooga would impact the angling experience in any way. As the EA points out on page 95, “The [Whittaker and Shelby 2007] report ... suggests that the highest quality fishing and boating generally occur in different parts of the hydrograph (the exception is bait fishing, which remains optimal through higher flows). The best fishing flows are not the best boating flows and vice versa.” Thus, paddling will seldom if ever occur during “high quality” angling flow conditions based on the USFS’s own data. A use that is not occurring during high quality angling times cannot possibly impact high quality angling. Furthermore, and perhaps most importantly, the EA offers no evidence that any impact would occur even if a paddler does float by an angler on the Upper Chattooga River.

The EA states that boating limits are required to minimize conflicts and protect high quality angling. However, there are no conflicts to minimize, and no evidence that allowing paddling would impact high quality angling. While the USFS may have the authority to zone uses, they must have justification for doing so and have exhausted other opportunities first (see the ROD for our appeal).¹⁰ In the EA, the USFS offers neither justification, nor evidence that other management techniques have been attempted – let alone exhausted. The entire premise of the boating closures throughout the EA is a construct based on no evidence and pure, biased speculation.

O. The EA admits that managers created disagreements, and require boaters alone to pay for it

The EA makes the obvious finding that USFS managers have created the current disagreements and hard feelings about how the Chattooga should be managed. By instituting a policy that gave privileged access to one user group while removing another they essentially created a microcosm of prejudice. The EA states: “As documented previously, boating has been absent on the upper Chattooga for 30 years and has created an expectation and experience unique to the upper Chattooga (no boating, outstanding trout fishing)...” (EA 101). While managers have created this inequity, they seek now to maintain it rather than clean up their mess. It was likely easier to keep schools segregated in the middle of the past century than to integrate them – but it was not the right thing to do. Our nation is based on remedying past wrongs by restoring equity – even if it is difficult. A US federal agency seeking to institutionalize bias is not acceptable.

P. The Upper Chattooga is not a unique or outstanding natural trout fishery that rivals boating resources

The EA attempts on its first page to declare that the Chattooga River is an outstanding and unique trout fishing resource while boating is just something that used to happen. Regarding angling, the Chattooga is managed more like a grocery store than a Wild and Scenic River, with over 70,000 exotic fish stocked annually for anglers to catch. Without this artificial enhancement the river would just be a good stream to fish. As it is, it is attractive largely because of the stocking program. Even still, anglers do not rate the Upper Chattooga highly among local substitutes, which is a glaring omission from the EA’s glowing review of the angling resource. In our appeal of the RLRMP we noted that:

“The Bixler Study, a survey of 202 members of the “Rabun” and “Chattooga” Chapters of Trout Unlimited, revealed that of the eighteen most common substitutes for the Chattooga River, eleven were rated as offering a better trout fishing experience than the Chattooga. Statistically, four of the substitutes were significantly better.¹¹ The study concludes that “the highest rated river was the Chestatee indicating that anglers rated the trout fishing experience better than the Chattooga National Wild and Scenic River.” Furthermore, while the ROD/FEIS claims that “the section of river upstream of Highway 28 is considered to be the best trout fishing waters in South Carolina,” respondents to the Bixler Study *disagreed* with the statements: “the Chattooga is the best place for trout fishing,” that

¹⁰ See section IV.B.5 of our 2004 appeal of the RLRMP for additional discussion of why zoning is not justified on the Upper Chattooga.

¹¹ Bixler, R., Backlund, E. 2002. *Chattooga National Wild and Scenic River Trout Angler Substitution Study*. Clemson University, Dept of Parks, Recreation and Tourism Management. 46

“Trout fishing on the Chattooga is more important to me than trout fishing any other river,” and that “I get more satisfaction out of trout fishing the Chattooga than from trout fishing any other river.”

Thus the only empirical evidence relating to the importance of the upper Chattooga as an angling resource strongly disagrees with the EA’s premise, conclusions, and preferred alternative. The EA lacks even the most basic description of the Upper Chattooga River as a boating resource. The reaches that the USFS allowed to be paddled during the one-time, two day assessment were rated very highly by paddlers, and all the same scenery and solitude opportunities appreciated by anglers are also appreciated by boaters. Perhaps the main difference is that the experience of boaters is of a natural river, where as artificially stocked fish are critical to angler’s experiences. The USFS has no basis to claim that the Upper Chattooga provides an angling experience that is any more unique, powerful, or important than a paddling experience. To make such a claim – especially on page 1 - is inequitable and arbitrary and capricious. It is not only offensive, it is wholly unsupported by the record.

Q. The EA fails to consider the concept of resource substitutability, even though the USFS provided funding to study this concept amongst Trout Unlimited anglers and private boaters who recreate on the Chattooga River and the data are readily available

The concept of recreation substitution is said to encompass activities, experiences, locations/resources, species, and temporal distributions (R. Manning, 1999)¹². In a study of anglers, Shelby and Vaske (1991)¹³ indicated that for resource managers, identifying resource substitutes is likely more helpful than identifying activity substitutes. Thus, the USFS should consider the availability of resource substitutes for recreationalists when considering future management on the Upper Chattooga River.

To more fully understand the concept of substitutability amongst frequent users of the Chattooga River, the USFS provided funding in 2001 to Clemson University Parks, Recreation, and Tourism (PRTM) Graduate Student Erik Backlund and PRTM faculty members William Hammitt and Robert Bixler. This study examined Trout Unlimited (TU) Anglers from two local chapters, Rabin and Chattooga River (n=203), and private boaters on the lower Chattooga River (n=237) (Backlund, 2002¹⁴; Bixler & Backlund, 2002¹⁵). These data have been made readily available to the public in the form of a graduate thesis (Backlund, 2002), activity report (Bixler & Backlund, 2002), conference proceedings (Hammitt, Backlund, & Bixler, 2004b)¹⁶, and several refereed journal articles (Backlund, Hammitt, & Bixler, 2006)¹⁷; Hammitt, Backlund, &

¹² Manning, R. (1999). *Studies in outdoor recreation: Search and research for satisfaction* (2 ed.). Corvallis: Oregon State University Press.

¹³ Shelby, B., & Vaske, J. (1991). Resource and activity substitutes for recreational salmon fishing in New Zealand. *Leisure Sciences, 13*, 21-32.

¹⁴ Backlund, E. A. (2002). *Resource substitutes, activity involvement, and place bonds of Chattooga National Wild and Scenic River trout anglers*. Unpublished master's thesis, Clemson University, Clemson.

¹⁵ Bixler, R. D., & Backlund, E. A. (2002). *Activity or resource substitutes: Paddlers using the Chattooga River*. Clemson: Clemson University.

¹⁶ Hammitt, W. E., Backlund, E. A., & Bixler, R. D. (2004b). *Stream attributes for selecting substitutable fishing resources*. Paper presented at the Northeastern Recreation Research Symposium, Bolton Landing, New York.

¹⁷ Backlund, E. A., Hammitt, W. E., & Bixler, R. D. (2006). Experience use history and relationships to the importance of substitute stream attributes. *Human Dimensions of Wildlife, 11*, 411-422.

Bixler, 2004a)¹⁸ however none of these valuable and telling empirical evaluations are mentioned in the EA.

Of particular relevance to the current EA are the following data: All respondents (anglers & boaters) were asked “how many other rivers would provide a similar experience as angling/boating the Chattooga?” Respondents were required to write in an answer and then rate their choice on a scale of 1=not as good, 4=equivalent, 7=better.

As evident in the below table (reproduced from Backlund, 2002; and from Bixler & Backlund, 2002), of the n=203 TU anglers sampled, eleven (11) specific southeastern streams were identified that respondents (TU) felt exceeded the Chattooga in terms of substitutability as a fishing resource. In other words, TU anglers identified 11 streams they felt exceeded the Chattooga as a trout fishing experience. Of the 237 boaters surveyed, only two (2) streams, the Green and Talluah, were listed as ‘better’ substitutes for the Chattooga.

The Tallulah River typically only has sufficient flow for ‘runs’ five weekends per year and in drought years sometimes not at all. These data suggest that private boaters actually have far less substitutes for the Chattooga River than do TU anglers and that banning boaters from the upper river serves to only further to limit the availability of quality recreation resources for this recognized and lawful user group (G. Manning, 2005¹⁹; Wild and Scenic Rivers Act," 1974²⁰; Wilderness Act," 1964²¹).

Table X.
Rivers/Streams Indicated as Substitutes for the CNWSR; Mean Similarity Rating (only streams exceeding mean score of '4' are listed)

	Stream	Similarity Rating ¹	
		Mean	SD
Anglers	Chestatee	7.00	0.0
	Esopus	6.50	0.7
	Hazel Creek	6.00	1.0
	Watagua	6.00	1.2
	Deep Creek	5.00	1.4
	Wilson Creek	5.00	1.4
	Davidson	4.96	1.3
	Tuckaseegee	4.64	1.7
	Mills	4.60	1.5
	Nantahala	4.47	1.2
	Other	4.40	1.8
	Little River	4.25	1.9
Boaters	Green	4.11	1.6
	Tallulah	4.25	1.2

¹ 1=not as good, 4=equivalent, 7=better

¹⁸ Hammitt, W. E., Backlund, E. A., & Bixler, R. D. (2004a). Experience use history, place bonding and resource substitution for trout anglers during recreation engagements. *Journal of Leisure Research*, 36(3), 356-378.

¹⁹ Decision for appeal of the Sumter National Forest Land and Resource Management Plan revision (2005).

²⁰ Wild and Scenic Rivers Act 16 USC 1271 - 1287 (1974)

²¹ Wilderness Act, P.L. 88-577(1964)

Finally, the abovementioned empirical evidence directly counters the observation of Regional Forester Robert Jacobs who commented in the Record of Decision for the RLRMP that there are currently “adequate opportunities for (other) ‘creek boating’ experiences in the area” (Jacobs, January 2004, p. 13)²². This report also demonstrates that there are not other adequate opportunities for creek boating in the area while adequate opportunities do exist for angling.

R. The EA fails to consider the concept of place bonding, even though the USFS provided funding to study this concept amongst Trout Unlimited anglers and private boaters who recreate on the Chattooga River and the data are readily available.

The idea that individuals develop emotional bonds to a ‘place’ (Tuan, 1977)²³ has become a powerful tool for land managers in the planning and allocation of recreation resources. The notion of ‘place’ suggests that through repeated visits to an area or location, strong psychological bonds form from the person towards the place. Research into the construct of place has shown individuals consider such resources as ‘the best place,’ the ‘only place,’ or ‘my favorite place’ to recreate (Hammitt, Backlund, & Bixler, 2004a²⁴; Korpela, Hartig, Kaiser, & Fuhrer, 2001²⁵). In the academic literature, the phenomenon of place goes by several names, perhaps the two most prominent descriptors are ‘place attachment,’ and ‘place belonging’ (Hammitt, Backlund, & Bixler, 2006²⁶; Williams, Patterson, Roggenbuck, & Watson, 1992²⁷). In the current controversy over the Chattooga River, it is easy to see how the various user groups have developed strong levels of attachment and belonging to the river and its corridor and why it is important to assess such levels of attachment. It is equally important to recognize the impacts of denying this experience to some users.

In 2001, Sumter National Forest provided funding to the Parks, Recreation and Tourism Management (PRTM) Department at Clemson University to assess levels of place bonding amongst Trout Unlimited (TU) anglers from the two local chapters, Rabun and Chattooga, and private boaters who utilize the river. These data have been made readily available to the public in the form of a graduate thesis (Backlund, 2002²⁸), activity report (Bixler & Backlund, 2002)²⁹, conference proceedings (Hammitt, Backlund, & Bixler, 2004b³⁰; Vagias, Powell, & Hayne, 2006³¹), and several refereed journal articles (Backlund, Hammitt, & Bixler, 2006³²; Hammitt, et

²² Record of Decision; Environmental Impact Statement for the Sumter National Forest Land and Resource Management Plan § 13 (January 2004).

²³ Tuan, Y. F. (1977). *Space and Place*. London, UK: Arnold.

²⁴Hammitt, W. E., Backlund, E. A., & Bixler, R. D. (2004a). Experience use history, place bonding and resource substitution for trout anglers during recreation engagements. *Journal of Leisure Research*, 36(3), 356-378.

²⁵Korpela, K. M., Hartig, T., Kaiser, F. G., & Fuhrer, U. (2001). Restorative experience and self-regulation in favorite places. *Environment and Behavior*, 33(572-589).

²⁶Hammitt, W. E., Backlund, E. A., & Bixler, R. D. (2006). Place bonding for recreational places: Conceptual and empirical development. *Leisure Studies*, 25(1), 17-41.

²⁷Williams, D., Patterson, M., Roggenbuck, J., & Watson, A. (1992). Beyond the commodity metaphor: Examining emotional and symbolic attachment to place. *Leisure Sciences*, 12, 29-46.

²⁸Backlund, E. A. (2002). *Resource substitutes, activity involvement, and place bonds of Chattooga National Wild and Scenic River trout anglers*. Unpublished master's thesis, Clemson University, Clemson.

²⁹Bixler, R. D., & Backlund, E. A. (2002). *Activity or resource substitutes: Paddlers using the Chattooga River*. Clemson: Clemson University.

³⁰ Hammitt, W. E., Backlund, E. A., & Bixler, R. D. (2004b). *Stream attributes for selecting substitutable fishing resources*. Paper presented at the Northeastern Recreation Research Symposium, Bolton Landing, New York.

³¹ Vagias, W. M., Powell, R. B., & Hayne, L. T. (2006). *Recreational use in the headwaters of the Chattooga River*. Paper presented at the Northeastern Recreation Research Symposium, The Sagamore; Bolton Landing, NY.

³²Backlund, E. A., Hammitt, W. E., & Bixler, R. D. (2006). Experience use history and relationships to the importance of substitute stream attributes. *Human Dimensions of Wildlife*, 11, 411-422.

al., 2004a³³, 2006³⁴) however none of these valuable and telling empirical evaluations are mentioned in the EA.

Utilizing data from the Backlund (2002) masters thesis, Vagias, Powell, and Haynie (2006) directly examined levels of ‘place bonding’ amongst TU anglers (n=187) and private boaters (n=239) who had recently floated the Chattooga. Bonding was operationalized according to Hammitt and Cole’s taxonomy of Recreational Place Bonding, conceptually presented in Figure 1.

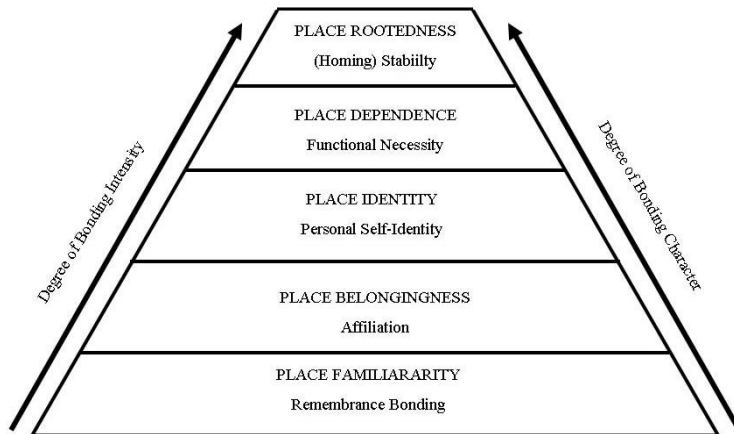


Figure 1 – Taxonomy of Place Bonding (Hammitt & Cole, 1998)

Multiple items were written to assess each level of the taxonomy. Each item was then scored on a Likert-type scale from 1=strongly disagree, 3=neutral, and 5=strongly agree (see Hammitt, et al., 2006 for complete treatment and development of items).

Vagias, et. al. (2006) developed construct specific mean scores for each of the five subscales in the taxonomy. T-test analyses, presented in Table 1 below, indicated highly statistically significant mean differences ($p \leq .001$) between groups (TU Anglers and Boaters) at each level of the taxonomy. Review of mean scores further illuminates that in every instance boaters have higher levels of bonding intensity and bonding character to the Chattooga River than TU Anglers.

For example, on the ‘Place Dependence’ subscale, TU anglers had a mean score of 2.55 (less than neutral, indicating the sample disagreed that they ‘depend’ on the resource), conversely, boaters scored a 3.53 (higher than neutral, indicating they agreed that they ‘depend’ on the river). Example items measuring ‘place dependence’ read: “The Chattooga is the best place for trout fishing/whitewater boating” and “No other place can compare to the Chattooga for trout fishing/whitewater boating.”

³³ Hammitt, W. E., Backlund, E. A., & Bixler, R. D. (2004a). Experience use history, place bonding and resource substitution for trout anglers during recreation engagements. *Journal of Leisure Research*, 36(3), 356-378.

³⁴Hammitt, W. E., Backlund, E. A., & Bixler, R. D. (2004b). *Stream attributes for selecting substitutable fishing resources*. Paper presented at the Northeastern Recreation Research Symposium, Bolton Landing, New York.

Table 1 - Place Bonds

	<u>TU Members</u>		<u>Whitewater Boaters</u>		t	df	p
	N	Mean	N	Mean			
Place Familiarity *	187	3.48	235	4.29	-9.70	420	<.001
Place Belongingness *	188	3.53	238	4.16	-9.38	424	<.001
Place Identity *	188	3.51	237	4.16	-8.99	423	<.001
Place Dependence *	189	2.55	235	3.53	-12.66	422	<.001
Place Rootedness *	189	2.06	237	2.50	-6.29	424	<.001

*p<.05

In commenting on the potential reasons for these statistically significant discrepancies in scores, Vagias et. al. commented that “fishermen could fish other streams while the Chattooga is the only Wild and Scenic whitewater river in the Southeast for intermediate boaters. Therefore this resource is not replaceable” (2006, p. 212). Finally, it seems TU anglers are actually not all that dependent on the Chattooga as a trout fishery. Consider the comments of Backlund, who stated (regarding place dependence) “a mean score of 2.55 with a standard deviation of .78 suggests that the respondents are fairly place independent, that is, they do not totally rely on the CNWSR for trout angling” (2002, p.53).

S. The USFS proposal to allow boating based on predictions of mean daily flow will not work.

USFS does not state how it intends to manage use, or expects paddlers to plan future trips based on a statistical analysis of past conditions? Mean daily flow may make sense to analyze as an indicator of potential use based on past data, but it is unworkable and invalid as a management technique aimed at directly limiting future use. As the EA acknowledges, the Upper Chattooga is extremely flashy and many boatable flows occur as spikes in the hydrograph. Paddlers cannot know, nor be expected to know, on Friday what the mean flow will be on Saturday. When a paddler arrives at the put in, and finds a boatable flow, there is no rational way to know whether the river is legal to paddle under this alternative. Are USFS staff members going to predict and publish flows every day? How would they do so? Based on what standards of accountability? The management problems and resulting questions are endless. If the flow is at the target level a paddler should be able to launch regardless of the daily average. Any limit based on flow, and none are justified, would have to be tied to *real-time* instantaneous stage at a gage that is readable both onsite and online in order for them to be even remotely workable. Regardless, no limits based on flow are needed, because flows alone act as indirect limits on use.

V. Conclusion:

The EA does not comply with NEPA on very basic levels, and all alternatives violate the Wild and Scenic Rivers Act and the Wilderness Act. The EA does not meet the mandate of the ROD for our appeal of the RLRMP, and is not, nor does it incorporate, a user capacity analysis. The EA is deeply biased and makes many massive leaps in logic with no supporting information. The EA follows closely in the footsteps of the discredited RLRMP in that it offers few facts, many opinions, much discussion, finds no significant impacts of allowing unlimited paddling, and then proposes to ban virtually all boating anyway. Also like the RLRMP, the EA is not equitable in its treatment or proposed management of Wilderness compliant recreational uses. American Whitewater does not support the EA or its recommendations.

Of the alternatives presented, Alternative 8 is the closest to a legal or equitable decision. Alternative 8 would be more acceptable and more legal if it allowed boating on the entire Chattooga River and its tributaries. We have been proposing this alternative for several years, and the USFS has yet to analyze it. We ask that the USFS adopt a nationally consistent management plan for the Chattooga for the first time ever and adopt a modified Alternative 8, which allows boating in the same locations, seasons, and amounts as all other existing uses, and protects public enjoyment of the *entire* Chattooga River.

VI. Appendices

**COMMENTS OF AMERICAN WHITEWATER
TO
UPPER CHATTOOGA NEPA SCOPING PACKAGE,
AND PROPOSAL OF REVISED MANAGEMENT ALTERNATIVES**

Submitted September 13th, 2007



September 13, 2007

VIA ELECTRONIC AND FIRST CLASS MAIL

Mr. John Cleeves
4931 Broad River Road
Columbia, SC 29212-3530

Email: comments-southern-francismarion-sumter@fs.fed.us

Re: August 24, 2007 "NEPA Scoping Package"
File Code 1920-2
Upper Chattooga River Management

Dear Mr. Cleeves:

On August 14, 2007, the United States Forest Service ("USFS") published a scoping letter containing a package of proposed management alternatives ("USFS Alternatives") relating to the Chattooga Wild and Scenic River above Highway 28 ("Headwaters"). American Whitewater's comments to the USFS Alternatives and scoping letter are enclosed herewith.

Thank you for considering these comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Colburn", written in a cursive style.

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**COMMENTS OF AMERICAN WHITEWATER
TO
UPPER CHATTOOGA NEPA SCOPING PACKAGE,
AND PROPOSAL OF REVISED MANAGEMENT ALTERNATIVES**

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September 13, 2007

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Exhibits

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River Management Society Interagency Conference.

I. Brief Background

A. Pre-Administrative Appeal

Critical to formulation and evaluation of these alternatives is the fact that the portion of the Chattooga River north of Highway 28 (the “Headwaters”) is part of the federally protected Wild and Scenic River System. The Headwaters was protected in 1974 expressly because it provides unique and outstandingly remarkable opportunities for whitewater recreation. In fact, the Congressional Wild and Scenic River study even found that the best way to see and experience the Headwaters is “from a boat,” and labeled Grimshawes Bridge as “the beginning of rafting water.” See figure 1.

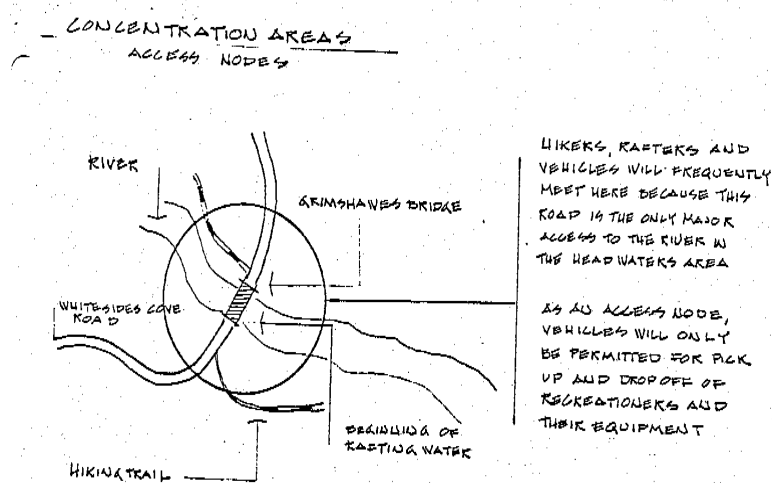


Figure 2 – USFS WSR Report: Grimshawes Bridge, “Beginning of Rafting Water”

Because whitewater boating was among the “Outstandingly Remarkable Values” that caused the Headwaters to be included in the Wild and Scenic Rivers System, federal law requires this administrative agency to “protect and enhance” hand-powered floating on the Headwaters.

Nevertheless, in 1976 and 1985 the United States Forest Service (“USFS”) inexplicably banned all whitewater boating on the Chattooga Headwaters.³⁵ Before the USFS banned paddling on the Headwaters in 1976, hand-powered floating had occurred without limitation on the Chattooga Wild and Scenic River for more than 200 years. The reason for the 1976 and 1985 bans remains a mystery. The USFS itself recently attempted to uncover the basis for the 1976 and 1985 bans. However that attempt was unsuccessful because the historical records “failed to provide data or analysis.”³⁶

On January 30, 2004, Bob Jacobs, in his capacity as Regional Forester for the USFS’s Region Eight (Southern Region), published a *Record of Decision, Final Environmental Impact*

³⁵ Ironically, just six years earlier, adjacent landowners and the USFS had launched in canoes to study the suitability of the Chattooga River for protection under the Wild and Scenic Rivers Act.

³⁶ From “Capacity and Conflict on the Upper Chattooga River” 2007, page 16.

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Statement and Revised Land and Resource Management Plan for the Sumter National Forest (the “ROD”). Over the written objections of American Whitewater and more than 1000 private whitewater boaters, the ROD re-instituted a total ban on all canoeing, kayaking and rafting on the Headwaters—including the portion of the Headwaters flowing through the Ellicott Rock Wilderness, a spectacular natural wilderness that is also protected under the Wilderness Act for wilderness compliant uses like hand-powered floating.

B. Administrative Appeal

On April 15, 2004, American Whitewater administratively appealed a discrete portion of the ROD, known as “Issue 13,” which prohibited boating on the Headwaters.

On April 28, 2005, Gloria Manning, as Reviewing Officer for the Chief of the USFS, issued an administrative appeal decision favorable to American Whitewater. Reasoning that the ROD had demonstrated *no basis* for the floating ban, the administrative appeal decision “reversed” the discrete portion of the ROD that banned floating on the Headwaters, and ordered the USFS to conduct a “user capacity analysis” on the Headwaters. The decision further ordered the Regional Forester to include whitewater boating in the study, and to issue a new ROD within two years.

C. Post-Administrative Appeal

In an effort to comply with the order to conduct a “user capacity analysis,” the USFS hired several outside consultants to conduct various analyses of the Headwaters corridor. Confusingly, the bulk of these “user capacity analysis” efforts have focused on issues other than whitewater boating, despite the limited focus of American Whitewater’s appeal. For example, the USFS has expanded the scope of its analysis to include a variety of issues related to the Headwaters corridor generally, such as the location and condition of official and user-created trails and campsites, trash, parking, angling studies, woody debris and other general management issues.

In addition, a portion of the “user capacity analysis” focused on a perceived “conflict” between boaters and anglers despite the fact that the relevant USFS studies found no empirical evidence of any such conflict. Instead of simply restoring floating access for two or more years to determine whether any conflicts or capacity issues actually exist (as American Whitewater had recommended), the USFS has instead spent untold amounts of time and money hypothesizing about conflicts and capacity issues that “might” occur.

Amazingly, out of more than 800 days of purportedly studying the Chattooga Headwaters in response to American Whitewater’s appeal of the boating ban, the USFS has only permitted (or studied) whitewater boating on the Headwaters on two days. On January 5-6, 2007, the USFS conducted a boating trial to determine whether whitewater boating remains an outstandingly remarkable form of recreation on the Chattooga Headwaters.³⁷ The results of that trial, as embodied in the relevant USFS study report, overwhelmingly confirm that whitewater

³⁷ In connection with these comments, please consider the comments submitted by American Whitewater in connection with the USFS boating report, as well as the other American Whitewater comments referenced on [Exhibit 2](#) hereto, which comments are incorporated herein for all purposes.

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boating remains a viable, important and outstanding form of recreation on the Headwaters, and must therefore be protected and enhanced under the Wild and Scenic Rivers Act³⁸:

- The Chattooga Cliffs Reach received an overall rating from paddlers of 6.4 on a scale of 1-7.
 - “The boaters found that the advantages of the Chattooga Cliffs reach include: incredible aesthetics, narrow canyon, waterfalls, challenging rapids, expedition-style boating more than a typical whitewater trip, and to be physically challenging.”
 - “The panel members stated there were no similar rivers with these characteristics in the region.”
 - “The boaters found Chattooga Cliffs to be a unique slot canyon.”
- The Ellicott Rock Reach received an overall rating from paddlers of 6.7 on a scale of 1-7.
 - “The boaters stated that the advantages of the Ellicott Rock run included: lots of read-and-run Class 4 ledges and boulder gardens, continuous rapids, no portages required, few scouts, great scenery, available at a broad range of flows, and an easy shuttle ... The boaters stated that overall the run is unique for its wilderness and other attributes...”
- The Rock Gorge Reach received an overall rating from paddlers of 6.5 on a scale of 1-7.
 - “The boater panel characterized advantages of the Rock Gorge/Nicholson run at these flows to include: exploratory wilderness feel, safe, easy rescues, easy portages, and that the hydraulics were not very powerful.”
 - “The boater panel members stated that important attributes of the run include: wilderness setting, aesthetics, little evidence of visitor use, beautiful canyon walls/cliffs, length (long), remote feel, and easy access.”
 - “The boaters considered the reach to be a very unique run...”

Restoration of boating access was also supported by the following conclusions reached by the boating study:

- The entire Upper Chattooga River is safely navigable and boatable
- The paddling experience provided by the Headwaters is truly outstanding and remarkable

38 Bulleted points from the: UPPER CHATTOOGA RIVER PHASE I DATA COLLECTION: EXPERT PANEL FIELD ASSESSMENT REPORT, February 2007, by Louis Berger Group.

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- Existing river access is adequate to support public use, i.e. there is no need to create new parking, access points or trails to restore whitewater boating access
- Boating use is anticipated to be minimal, especially relative to other uses
- Boating use is anticipated to have no unique measurable impacts on the resource
- Boating use will potentially overlap with other recreational use on less than 20% of days, while actual backcountry encounters will occur on vastly fewer days still, i.e., restoration of unlimited whitewater boating access would not change the status quo *at all* 292 of 365 days out of the year
- On days with boatable flows, boaters are unlikely to see other users in the backcountry of the Headwaters, and other users are similarly unlikely to see boaters

In short, the boating study concluded that there is absolutely no justification for limiting, much less prohibiting, boating on any section of the Chattooga Headwaters.

D. USFS Alternatives

Having decided that sufficient data had been collected to make a new management decision on whitewater boating, on August 14, 2007, the USFS published a scoping letter containing a package of proposed management alternatives (“USFS Alternatives”) relating to the Headwaters. Notwithstanding that the boating trial unequivocally established that floating access remains a recreation value to be protected and enhanced on the Headwaters, five out of six proposed USFS Alternatives fail to protect or enhance whitewater boating. In fact, half of the alternatives (3 of 6) *completely ban* whitewater boating on all sections of the Headwaters, and two more completely ban boating on some sections of the Headwaters. To make matters worse, the proposed USFS Alternatives confusingly intermingle a host of other complex management issues with no semblance of order. For example, each of the six proposed USFS Alternatives attempts to tackle the issue of boating access along with the location and condition of official and user-created trails and campsites, trash, parking, woody debris, permitting for other recreation opportunities, and other management issues. American Whitewater addresses these and other deficiencies below in its critique of the proposed USFS Alternatives.

II. Critique of Proposed USFS Alternatives

A. Problems Associated with all USFS Alternatives

All of the proposed USFS Alternatives are deficient for the following reasons:

1. All alternatives must protect and enhance whitewater boating

Federal law requires the USFS to “protect and enhance” the values that caused the Chattooga Headwaters to be protected under the Wild and Scenic Rivers Act. The USFS was deficient in complying with applicable law between 1976 and 2004 because, during that time period, it banned one of the very outstanding recreation opportunities it was required to protect

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and enhance: whitewater boating. The USFS has now found that the reason it was deficient in complying with applicable law is unknown because the public record relating to management during that period is insufficient and the anecdotal evidence collected is conflicting and in many cases unreliable.

Citing a handful of “unknowns,” such as *possible* problems with safety and solitude, the USFS again purported to ban boating on the headwaters in 2004. However, in 2005, the USFS Chief reversed the 2004 boating ban, reasoning: “After careful review of the record ... I am reversing the Regional Forester’s decision to continue to exclude boating on the Chattooga WSR above Highway 28. I find the Regional Forester does not provide an adequate basis for continuing the ban on boating above Highway 28. Because the record provided to me does not contain the evidence to continue the boating ban, his decision is not consistent with the direction in Section 10(a) of the WSRA or Sections 2(a) and 4(b) of the Wilderness Act or agency regulations implementing these Acts.”

More than two years and two million dollars later, the USFS has made two critical determinations related to boating: (1) the USFS’s January 2007 boating trial confirmed what Congress knew in the early 1970’s: whitewater boating remains a viable, important and outstanding recreation opportunity on the Chattooga Headwaters; and (2) there is no data indicating that any direct limits on whitewater boating are currently warranted (beyond general limits that might be placed on all users of the Headwaters corridor, such as group size and self-registration permitting).

Based upon the USFS’s own capacity analysis study, therefore, all alternatives relating to whitewater boating access must restore, protect and enhance whitewater boating on the Headwaters.

2. Alternatives should recognize high use frontcountry areas and low use backcountry areas as different

Several areas in the corridor have relatively high levels of use because of easy access, camping availability, and fisheries management designed to increase use. The USFS should recognize that the management goals, user expectations, standards, and capacities in these locations are different than backcountry areas. For example, visitors to a campground, bridge, or delayed harvest reach expect to see significantly more users than visitors to a backcountry area. We therefore propose that these higher use areas be delineated and managed differently than the rest of the corridor.

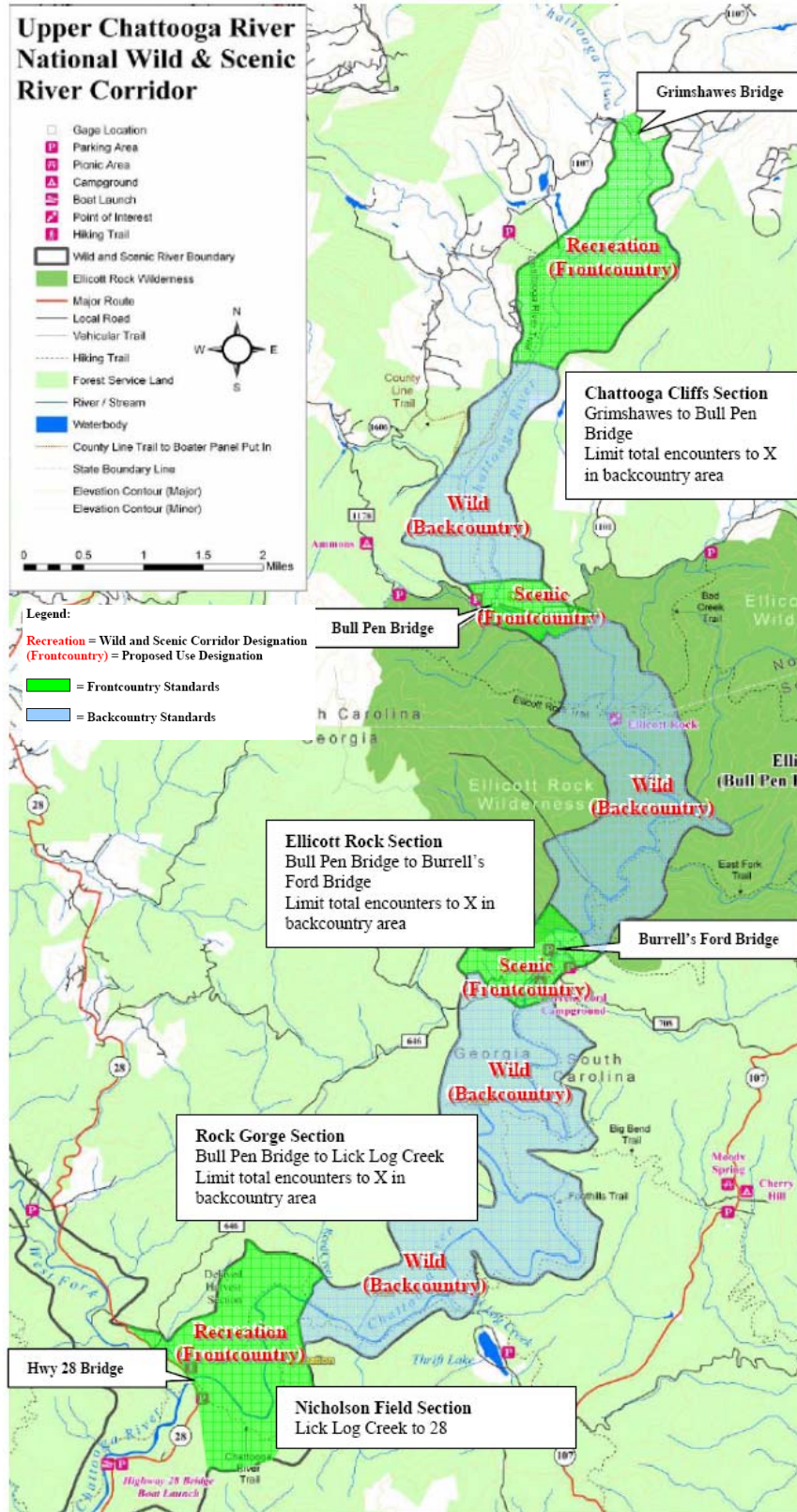
We propose higher use “frontcountry” areas at:

- Grimshaws Bridge, within the designated “Recreation” Wild and Scenic River Corridor;
- Bullpen Bridge, within the designated “Scenic” Wild and Scenic River Corridor;

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- Burrell's Ford Bridge, within the designated "Scenic" Wild and Scenic River Corridor; and
- Within the designated "recreation" Wild and Scenic River Corridor more commonly referred to as the "Delayed Harvest Reach," ending at Highway 28.

These zones would be managed in a manner consistent with management elsewhere of access areas, campgrounds, and natural attractions. See [Figure 2](#) below for a geographic representation of American Whitewater's proposed Frontcountry and Backcountry areas:



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3. Alternatives must include a range of use limits for all users

Every USFS Alternative proposes inequitable limits on users without any basis. In fact, the USFS has not proposed a single alternative that treats whitewater boating as equal to all other wilderness compliant uses. In USFS Alternatives 1-5 paddling is limited more than all other uses. Even Alternative 6 limits group sizes for paddlers more than other users. There is no basis in the record for this distinction. Absent data demonstrating a need to directly limit a particular type of use, the USFS Chief has already directed the USFS to apply any use limits equitably among users: “If it becomes necessary to limit use, ‘ensure that all potential users have a fair and *equitable* chance to obtain access to the [Headwaters].’” The USFS Chief also instructed the USFS as follows:

While there are multiple references in the record to resource impacts and decreasing solitude, these concerns apply to all users and do not provide the basis for excluding boaters without any limits on other users.

Therefore the manner in which the USFS Alternatives discriminatorily treat boating is inconsistent with the direction of the USFS Chief and is inconsistent with the federal law cited in the USFS Chief’s administrative appeal decision on this matter. Based upon the results of the Boating Study, boating is unquestionably an outstanding recreational use of the Headwaters that must be protected and enhanced.

4. Alternatives must be based on a capacity for all users and/or individual uses

How many anglers, hikers, boaters, campers, and swimmers are too many? Unless there are too many present, use should not be limited. Period. This core principal of recreational management is totally lost in the USFS Alternatives. Each alternative should clearly state capacities designed to provide different types of experiences, and propose actions for if and when those capacities are exceeded. The USFS Chief has also directed the USFS in this process to comply with the following USFS regulations: “limitation and distribution of visitor use should be based on “periodic estimates of capacity in the forest plan” (FSM 2323.14).”

5. Alternatives must include indirect limits prior to direct limits

USFS policy is clear that indirect measures of limiting use should be implemented prior to implementing direct measures. The USFS Chief has expressly instructed the USFS in this process as follows: “Agency policy for wilderness echoes law and policy relative to maximizing visitor freedom, directing that ‘direct controls and restrictions’ be minimized, and that controls are to be applied only as necessary to protect the wilderness resource after indirect measures have failed (FSM 2323.12).”

6. Alternatives, to the extent they address angling, must address stocking

The Integrated Report notes that over 70,000 exotic fish are stocked into the Chattooga River each year for recreational purposes, mostly in the Headwaters. This activity has been proven to have significant ecological impacts, as noted in our Comments on the Integrated

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Report. The USFS cannot ignore this significant impact. There should be a range of alternatives regarding stocking, and the impacts of continued stocking should be assessed as part of every such alternative. The analysis must include the direct ecological impacts of stocking as well as the ecological and social impacts that result from increased recreational angling use caused by stocking.

7. Alternatives should consider impacts of management decisions on recreationists, equally with impacts those recreationists may have on one another

Imposing harsh limits on recreationists dramatically impacts those users. Paddlers' protected solitude and experience on the Upper Chattooga have been completely eliminated for more than thirty years. The proposed USFS Alternatives fail to adequately weigh the severity of total elimination of a protected use (on any portion of the Headwaters corridor) against the alleged impacts of that use on other users.

B. Problems Associated with Specific USFS Alternatives

1. Deficiencies in USFS Alternative #1 (No-action alternative)

While the USFS may feel compelled to always include a "no-action" alternative in its NEPA processes, the USFS Alternative #1 is nevertheless unacceptable here because:

- It violates applicable law. As set forth in the USFS Chief's decision: "the Regional Forester's decision to continue to exclude boating on the Chattooga WSR above Highway 28 is not consistent with the direction in Section 10(a) of the WSRA or Sections 2(a) and 4(b) of the Wilderness Act or agency regulations implementing these Acts."
- The alternative will not support the USFS's stated desired conditions. By banning one of the primary intended recreational uses, the recreation ORV is not protected or enhanced. By eliminating all ORV's in the upper 1.7 miles of the river the ORV's are not protected. By eliminating boating, boaters' personal sense of solitude away from modern life is eliminated. The solitude felt while floating down a river is special and unique for those who seek it out. This alternative has NO protections for solitude because it has no encounter standards, monitoring, or controls. There is NO evidence that the presence of paddlers will significantly impact the solitude of other users in any unique way, and an overwhelming body of evidence that paddlers will not significantly or uniquely impact the solitude of others. The USFS does not provide a wilderness experience for paddlers – whose true Wilderness experience can only be achieved in a boat, through one of the most low-impact and intimate ways of interacting with nature. The USFS does not provide a true Wilderness experience for any users because boating is a core part of Wilderness where it is possible. The alternative fails to limit or monitor use to assure that Wilderness

encounter standards are maintained. This alternative has had proven detrimental effects to the scenery and setting including trash, huge campsites, erosion, user created trails, tree damage, riparian trampling, and the artificial stocking. This alternative has proven inadequate at protecting the natural resources that make this place special. Nothing in this alternative protects any of the desired conditions in the uppermost 1.7 miles of the corridor.³⁹

- It confuses the issue of restoring boating access by including a random assortment of other management issues.
- Alternative 1 has prevented multiple generations from experiencing the Chattooga River from their canoes, kayaks and rafts. This management has had a devastating effect on Chattooga River paddlers – resulting in a 100% elimination of their experience for more than three decades. While existing users of the upper Chattooga River have had no limits imposed on their activities whatsoever – boating has been totally excluded. There is no basis for a capacity of zero paddlers on any or all sections of the upper Chattooga.
- Alternative 1 has resulted in a 12+ year conflict over the issue, and created one of the most contentious and costly river recreation management issues in history. Alternative 1 has failed every day for over 31 years.
- Alternative 1 fails to provide capacities for total use, capacities for all individual uses, or standards on which management actions will be based. Under Alternative 1, hiking, angling, and swimming could occur in vast numbers with no management triggers designed to protect the river or the recreational experience it provides. Without capacities and standards, Alternative 1 provides no guarantee of protection of the Chattooga’s ORV’s—and completely eliminates one of them (whitewater boating recreation).
- Alternative 1 fails to limit or treat wilderness compliant uses equitably as required by the USFS Chief’s appeal decision.

³⁹ “Throughout this process, the public has expressed agreement on their desire to protect and enhance the outstandingly remarkable values of the Chattooga River (geology, biology, scenery, recreation and history); maintain a sense of solitude away from modern life; offer a remote wilderness experience; preserve the spectacular scenery and setting; and protect the natural resources of the upper section of the Chattooga Wild and Scenic River that make this area a special and unique place. In the NEPA process, these goals collectively are called a “desired condition.” USFS Scoping Package, file code 1920-2

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- Alternative 1 fails to “maximize visitor freedom in wilderness” as USFS policy demands. A ban on boating is the polar opposite of maximizing freedom.
- Alternative 1 fails to implement indirect use limitations prior to implementing the harshest possible direct limit on a single user group.
- Alternative 1 fails to protect any Outstanding Remarkable Values of the uppermost 1.7 miles of the Chattooga River. By banning boating, the alternative eliminates what may be the only option for protecting and enhancing recreation – *or any ORV* - in this reach because recreationists can only enjoy most of this reach by boat due to private property and geographic impediments. We remind the USFS that the Wild and Scenic studies and the congressional intent behind designation clearly intended that Grimshawes Bridge be the put-in for floating down the Chattooga River below that point. Figure 1, from the original USFS WSR studies reflects that fact. Alternative 1 thus fails to follow the congressional intent of designation and the USFS’s own description of the “recreation” ORV in this “recreation” designated river reach.⁴⁰ The USFS has the authority and many would argue the obligation to protect the scenic (i.e., riparian areas and other viewshed areas), water quality, and biophysical conditions in this reach.
- Alternative 1 is unnecessarily divisive in that it maintains gross inequities and entitlements.
- Alternative 1 fails to manage frontcountry and backcountry areas differently, with the exception of one small frontcountry location. The biophysical threats, acceptable biophysical conditions, encounter standards, and management activities differ between designated Wilderness, frontcountry areas, recreation river sections, and wild river sections.
- Alternative 1 is deficient for the reasons set forth in the section above entitled “*Problems associated with all proposed USFS Alternatives.*”

⁴⁰ See also “In the management of the Chattooga River as a unit of the National Wild and Scenic River System, one objective will be to provide a recreation experience where a feeling of adventure, challenge, and physical achievement is dominant. In addition a maximum of outdoor skills, without comfort or convenience facilities will be provided. **To provide this experience, river access will be primarily by trail, including canoe launch sites. Only three points will have road access—Grimshawes Bridge, Highway 28 bridge, and Highway 76 Bridge**” emphasis added, from: USDA Forest Service—Southern Region. (1971). *Chattooga River as a Wild and Scenic River*.

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2. Deficiencies in USFS Alternative #2

Alternative 2 is the only alternative that includes an actual standard that presumably reflects some concept of capacity. However, the 3 encounters per day standard is highly limiting and would trigger an all-user permit system almost immediately, especially if it was applied strictly on every day of the year. In theory this is a worthwhile concept to analyze, however there are significant problems with this alternative that render it unacceptable. Specifically:

- It violates applicable law. As set forth in the USFS Chief's decision: "the Regional Forester's decision to continue to exclude boating on the Chattooga WSR above Highway 28 is not consistent with the direction in Section 10(a) of the WSRA or Sections 2(a) and 4(b) of the Wilderness Act or agency regulations implementing these Acts."
- The alternative will not support the USFS's stated desired conditions. By banning one of the primary intended recreational uses, the recreation ORV is not protected or enhanced. By eliminating all ORV's in the upper 1.7 miles of the river the ORV's are not protected. By eliminating boating, boaters' personal sense of solitude away from modern life is eliminated. The solitude felt while floating down a river is special and unique for those who seek it out. There is NO evidence that the presence of paddlers will significantly impact the solitude of other users in any unique way, and an overwhelming body of evidence that paddlers will not significantly or uniquely impact the solitude of others. The USFS does not provide a wilderness experience for paddlers – whose true Wilderness experience can only be achieved in a boat, through one of the most low-impact and intimate ways of interacting with nature. The USFS does not provide a true Wilderness experience for any users because boating is a core part of Wilderness where it is possible.
- It confuses the issue of restoring boating access by including a random assortment of other management issues.
- Alternative 2 provides no boating opportunities on the Upper Chattooga. This management alternative would have a devastating effect on Chattooga River paddlers – resulting in a 100% elimination of their experience. There is no basis for a capacity of zero paddlers on any or all sections of the upper Chattooga.
- Alternative 2 would continue the 12+ year conflict over the ability of citizens to float the river, and one of the most contentious and costly river recreation management issues in history.
- Alternative 2 fails to limit or treat wilderness compliant uses equitably as is required by the binding and relevant Record of Decision.

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- Alternative 2 fails to “maximize visitor freedom in wilderness” as USFS policy demands. A ban on boating is the polar opposite of maximizing freedom.
- Alternative 2 fails to implement indirect use limitations prior to implementing the harshest possible direct limit on paddlers and other direct limits on other users.
- Alternative 2 fails to protect *any* Outstanding Remarkable Values of the uppermost 1.7 miles of the Chattooga River. By banning boating, the alternative eliminates what may be the only option for protecting and enhancing recreation in this reach because recreationists can only enjoy most of this reach by boat due to private property and geographic impediments. We remind the USFS that the Wild and Scenic studies and the congressional intent behind designation (see figure 1) clearly intended that Grimshawes Bridge be the put-in for floating down the Chattooga River below that point.⁴¹ Alternative 2 thus fails to follow the congressional intent of designation and the USFS’s own description of the “recreation” ORV in this “recreation” designated river reach. The USFS has the authority and many would argue the obligation to protect the scenic (i.e., riparian areas and other viewshed areas), water quality, and biophysical conditions in this reach.
- Alternative 2 is unnecessarily divisive in that it maintains gross inequities and entitlements.
- Alternative 2 fails to manage frontcountry and backcountry areas differently, with the exception of one small frontcountry location. The biophysical threats, acceptable biophysical conditions, encounter standards, and management activities differ between designated Wilderness, frontcountry areas, recreation river sections, and wild river sections.
- We are unsure of what “enhance woody debris recruitment” means specifically, however such a management objective could have significant negative ecological and recreational impacts. Active falling of trees into the river would damage vital riparian function, create stream bank erosion, threaten nearby trees to wind-throw and

⁴¹ See also “In the management of the Chattooga River as a unit of the National Wild and Scenic River System, one objective will be to provide a recreation experience where a feeling of adventure, challenge, and physical achievement is dominant. In addition a maximum of outdoor skills, without comfort or convenience facilities will be provided. **To provide this experience, river access will be primarily by trail, including canoe launch sites. Only three points will have road access—Grimshawes Bridge, Highway 28 bridge, and Highway 76 Bridge**” emphasis added, from: USDA Forest Service—Southern Region. (1971). *Chattooga River as a Wild and Scenic River*.

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destabilization of roots, and leave unaesthetic stumps and cut logs in what should be a natural appearing stream. Use of chainsaws or other motorized equipment should not take place in the backcountry. Trees fallen intentionally into the river would also pose a serious risk of death to generations of anglers, swimmers, hikers, and boaters. We support the natural process of trees entering and exiting the river. We cannot support the unnatural addition of wood by human action to a fully functional, natural bedrock and boulder controlled channel with ample complexity and habitat.

- Alternative 2 is barely an alternative at all since the only other option is unlimited use by all non-paddler recreationists. If the USFS is going to analyze a standard of 3 encounters per day, they must also analyze a range of standards that should include at least standards of 6 and 10 encounters.
- We fully support the registration of all users in the W&S corridor. This information will be critical in future management decisions.
- We are not opposed to closing parking lots in the corridor although we see little need or value in doing so, except as a passive measure to limit use naturally.
- While Alternative 2 is aimed at limiting encounters, it also takes the same biophysical measures as Alternative 3 and others. Alternatives should be different.
- Alternative 2 is also deficient because the reasons set forth in the section above entitled “*Problems associated with all proposed USFS Alternatives.*”

3. Deficiencies in USFS Alternative #3

This is a radically flawed alternative. Alternative 3’s stated objective is to manage biophysical impacts, yet bans floating in the entire river while allowing all other uses to go unlimited and unchecked. This runs counter to all reason and counter to the record.⁴² How does banning the lowest impact and smallest use while allowing all other uses to exist unlimited and untracked lead to strong biophysical protection?

Camping is unlimited yet has demonstrated biophysical impacts noted throughout the IR including ground clearing, vegetation damage, fire risk, soil compaction, erosion, human waste, wildlife attraction, and wildlife disturbance.

Hiking and angling are unlimited yet have demonstrated biophysical impacts including vegetation damage, riparian area clearing, soil compaction, user created trail creation,

⁴² The USFS Integrated Report (i.e. Capacity and Conflict on the Upper Chattooga River) states on page 57 that “It is relatively rare (because it is usually less effective) to address biophysical impacts through use limits.”

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erosion, human waste, wildlife attraction, and wildlife disturbance. Furthermore, angling use is encouraged and enhanced through stocking of 70,000 exotic fish which likely have an enormous biophysical impact in and of themselves.

Yet, somehow, this alternative limits only floating use which has so little biophysical impact that it is anticipated to be scarcely measurable.

In addition, Alternative 3 is deficient because:

- It violates applicable law. As set forth in the USFS Chief's decision: "the Regional Forester's decision to continue to exclude boating on the Chattooga WSR above Highway 28 is not consistent with the direction in Section 10(a) of the WSRA or Sections 2(a) and 4(b) of the Wilderness Act or agency regulations implementing these Acts."
- Alternative 3 provides no boating opportunities on the Upper Chattooga. This management alternative would have a devastating effect on Chattooga River paddlers – resulting in a 100% elimination of their experience. There is no basis for a capacity of zero paddlers on any or all sections of the upper Chattooga.
- The alternative will not support the USFS's stated desired conditions. By banning one of the primary intended recreational uses, the recreation ORV is not protected or enhanced. By eliminating all ORV's in the upper 1.7 miles of the river the ORV's are not protected. By eliminating boating, boaters' personal sense of solitude away from modern life is eliminated. The solitude felt while floating down a river is special and unique for those who seek it out. This alternative has NO protections for solitude because it has no encounter standards, monitoring, or controls. There is NO evidence that the presence of paddlers will significantly impact the solitude of other users in any unique way, and an overwhelming body of evidence that paddlers will not significantly or uniquely impact the solitude of others. The USFS does not provide a wilderness experience for paddlers – whose true Wilderness experience can only be achieved in a boat, through one of the most low-impact and intimate ways of interacting with nature. The USFS does not provide a true Wilderness experience for any users because boating is a core part of Wilderness where it is possible. The alternative fails to limit or monitor use to assure that Wilderness encounter standards are maintained.
- Alternative 3 would continue the 12+ year conflict over the ability of citizens to float the river, and one of the most contentious and costly river recreation management issues in history.
- It confuses the issue of restoring boating access by including a random assortment of other management issues.

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- Alternative 3 has no physical carrying capacity or standards for any user group and is therefore flawed.
- Alternative 3 fails to limit or treat wilderness compliant uses equitably as is required by the binding and relevant Record of Decision.
- Alternative 3 fails to “maximize visitor freedom in wilderness” as USFS policy demands. A ban on boating is the polar opposite of maximizing freedom.
- Alternative 3 does not track use to determine trends and therefore leaves biophysical resources at risk of overuse.
- Alternative 3 fails to implement indirect use limitations prior to implementing the harshest possible direct limit on paddlers.
- Alternative 3 fails to protect *any* Outstanding Remarkable Values of the uppermost 1.7 miles of the Chattooga River (including biophysical conditions). The USFS has the authority and obligation to protect the scenic (i.e., riparian areas and other viewshed areas), water quality, and biophysical conditions in this reach.
- Alternative 3 is unnecessarily divisive in that it maintains gross inequities and entitlements.
- Alternative 3 fails to manage frontcountry and backcountry areas differently, with the exception of one small frontcountry location. The biophysical threats, acceptable biophysical conditions, and management activities differ between designated Wilderness, frontcountry areas, recreation river sections, and wild river sections. This should be factored into any alternative.
- We are unsure of what “enhance woody debris recruitment” means as referenced in Alternative 3, however this alternative element could have significant ecological and recreational impacts. Active falling of trees into the river would damage vital riparian function, create stream bank erosion, threaten nearby trees to wind-throw and destabilization of roots, and leave unaesthetic stumps and cut logs in what should be a natural appearing stream. Use of chainsaws or other motorized equipment should not take place in the backcountry. Trees fallen intentionally into the river would also pose a serious risk of death to generations of anglers, swimmers, hikers, and boaters. While we support the natural process of trees entering and exiting the river, we cannot support addition of wood to a functional, natural, and largely bedrock and boulder controlled channel with ample complexity and habitat.

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- Alternative 3 is also deficient for the reasons set forth in the section above entitled “*Problems associated with all proposed USFS Alternatives.*”

4. Deficiencies in USFS Alternative #4

- It violates applicable law. As set forth in the USFS Chief’s decision: “the Regional Forester’s decision to continue to exclude boating on a portion of the Chattooga WSR above Highway 28 is not consistent with the direction in Section 10(a) of the WSRA or Sections 2(a) and 4(b) of the Wilderness Act or agency regulations implementing these Acts.”
- This alternative totally bans boating on the Rock Gorge, Delayed Harvest, and private reaches – making it wholly unacceptable. There is no justification for these boating bans whatsoever, and no evidence that there is a zero capacity for recreational boating on these reaches.
- The alternative will not support the USFS’s stated desired conditions. By banning one of the primary intended recreational uses on several sections and on most days, the recreation ORV is not protected or enhanced. By eliminating all ORV’s in the upper 1.7 miles of the river the ORV’s are not protected. By eliminating boating, boaters’ personal sense of solitude away from modern life is eliminated. The solitude felt while floating down a river is special and unique for those who seek it out. This alternative has NO protections for solitude because it has no encounter standards, monitoring, or controls. There is NO evidence that the presence of paddlers will significantly impact the solitude of other users in any unique way, and an overwhelming body of evidence that paddlers will not significantly or uniquely impact the solitude of others. The USFS does not provide an adequate wilderness experience for paddlers – whose true Wilderness experience can only be achieved in a boat, at flows and seasons of their choosing, through one of the most low-impact and intimate ways of interacting with nature. The USFS does not provide a true Wilderness experience for any users because boating is a core part of Wilderness where it is possible. The alternative fails to limit or monitor use to assure that Wilderness encounter standards are maintained. Nothing in this alternative protects any of the desired conditions in the uppermost 1.7 miles of the corridor.
- Alternative 4 would continue the 12+ year conflict over the ability of citizens to float the river, and one of the most contentious and costly river recreation management issues in history.
- Alternative 4 has no physical carrying capacity or standards for any user group, except group size for paddlers on 2 of 5 reaches, and is therefore flawed.

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- It confuses the issue of restoring boating access by including a random assortment of other management issues.
- Alternative 4 fails to limit or treat wilderness compliant uses equitably.
- Seasonal and water level based closures on this section do not “maximize visitor freedom” as should occur in wilderness areas.
- Alternative 4 fails to implement indirect use limitations prior to implementing harsh direct limits on paddlers.
- Alternative 4 fails to protect any Outstanding Remarkable Values of the uppermost 1.7 miles of the Chattooga River. By banning boating, the alternative eliminates what may be the only option for protecting and enhancing recreation – *or any ORV* - in this reach because recreationists can only enjoy most of this reach by boat due to private property and geographic impediments. We remind the USFS that the Wild and Scenic studies and the congressional intent behind designation clearly intended that Grimshawes Bridge be the put-in for floating down the Chattooga River below that point. Figure 1, from the original USFS WSR studies reflects that fact. Alternative 4 thus fails to follow the congressional intent of designation and the USFS’s own description of the “recreation” ORV in this “recreation” designated river reach. The USFS has the authority and many would argue the obligation to protect the scenic (i.e., riparian areas and other viewshed areas), water quality, and biophysical conditions in this reach.
- Alternative 4 is unnecessarily divisive in that it maintains gross inequities and entitlements.
- Alternative 4 fails to manage frontcountry and backcountry areas differently. The biophysical threats, acceptable biophysical conditions, and management activities differ between designated Wilderness, frontcountry areas, recreation river sections, and wild river sections. This should be factored into any alternative.
- Alternative 4 limits boating to single capacity craft. The USFS has no information that indicates tandem canoes, tandem inflatable kayaks, or 2-4 person rafts are unacceptable on these reaches. This limit is arbitrary.
- Alternatives 4 and 5 limit paddling to four groups per day. The only other alternative is zero groups per day. We expect a broader range of group numbers for analysis.

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- This alternative limits floating to only December through March in the Ellicott Rock section. This limit is without basis. It does not prevent overlap with other in-stream river users, and forces paddlers to only enjoy the river on relatively cold, short days.
- This alternative limits paddling the Ellicott Rock section to above 400 cfs at Burrell's Ford. This limit totally eliminates significant boating opportunities without basis, and forces paddlers to explore a river under unnatural constraints that may reduce personal safety.
- The alternatives state that group number will be managed through "self-registration only until records indicate the maximum number of groups is exceeding four; then permits in advance." The alternative fails to mention the number of days per year on which groups exceed four that will actually trigger permits. 1 day per year, 20 days per year, 20 days per year for 3 consecutive years?
- This alternative has a trigger for permits to be required, however offers no details on these permits. We are aware of no other permit system on a small flashy headwater creek run – and cannot envision one that would not result in lost paddling opportunities purely due to delays within the system. The alternative should describe this in greater detail.
- This alternative includes "limited wood removal." We are unsure of what this means but we are concerned. There are ways of responsibly managing wood in rivers to support ecological and recreational values but they are not captured under the title "limited wood removal." We would prefer that two wood alternatives be analyzed, 1) allow natural processes to manage wood (prohibit removal and additions), and 2) actively manage wood to protect and enhance ecological and recreational values. Boating does not require wood removal and alternatives should not infer this.
- Alternatives that allow boating should acknowledge that portaging and scouting may occur in some predictable locations. In these locations, the IR confirms that boaters only exited the river channel once during the expert panel study, and predicts that less than 500 feet of trail would be necessary to support paddling.
- Alternative 4's stated objective is to manage biophysical impacts, yet bans floating on three river reaches while allowing all other uses to go unlimited. This runs counter to all reason. Camping is unlimited yet has demonstrated biophysical impacts noted throughout the IR including ground clearing, vegetation damage, fire risk, soil compaction, erosion, human waste, wildlife attraction, and wildlife disturbance. Hiking and angling is unlimited yet have demonstrated

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biophysical impacts including vegetation damage, riparian area clearing, soil compaction, user created trail creation, erosion, human waste, wildlife attraction, and wildlife disturbance. Angling is enhanced through stocking of 70,000 exotic fish which likely has an enormous biophysical impact. Yet, somehow, this alternative limits only floating which has so little biophysical impact that it is anticipated to not even be measurable. This is a radically flawed alternative. How does banning the lowest impact and smallest use while allowing all other uses to exist unlimited and untracked lead to strong biophysical protection? How is the paddling ban part of this alternative? There is simply no logical rationale for including a boating ban in this alternative.

- Alternative 4 would allow some reaches to be floated but would prohibit a complete run of the entire Chattooga River which is a unique 50+ mile multi-day paddling opportunity that is possible nowhere else in the region.
- We fully support the registration of all users in the W&S corridor. This information will be critical in future management decisions.
- Alternative 4 is also deficient for the reasons set forth in the section above entitled “*Problems associated with all proposed USFS Alternatives.*”

5. Deficiencies in USFS Alternative #5

- It violates applicable law. As set forth in the USFS Chief’s decision: “the Regional Forester’s decision to continue to exclude boating on a portion of the Chattooga WSR above Highway 28 is not consistent with the direction in Section 10(a) of the WSRA or Sections 2(a) and 4(b) of the Wilderness Act or agency regulations implementing these Acts.”
- It confuses the issue of restoring boating access by including a random assortment of other management issues.
- We are aware of no reason to ban floating below Lick Log Creek, especially given that congress clearly intended for this use to be protected and enhanced.
- The alternative will not support the USFS’s stated desired conditions. By banning on one reach and at some flows throughout the river, one of the primary intended recreational uses, the recreation ORV is not protected or enhanced. By eliminating all ORV’s except recreation in the upper 1.7 miles of the river the ORV’s are not protected. By eliminating the freedom of paddlers to select their own preferred

flows, their Wilderness experience is damaged. By eliminating boating on one reach, boaters' personal sense of solitude away from modern life is eliminated from that reach. The solitude felt while floating down a river is special and unique for those who seek it out. This alternative has NO protections for solitude because it has no encounter standards, monitoring, or controls for users. There is NO evidence that the presence of paddlers will significantly impact the solitude of other users in any unique way, and an overwhelming body of evidence that paddlers will not significantly or uniquely impact the solitude of others. The alternative fails to limit or monitor use to assure that Wilderness encounter standards are maintained.

- Alternative 5 would continue the 12+ year conflict over the ability of citizens to float the river, and one of the most contentious and costly river recreation management issues in history.
- Alternative 5 has no physical carrying capacity or standards for any user group, except group numbers for paddlers on 2 of 5 reaches, and is therefore flawed.
- Alternative 5 fails to limit or treat wilderness compliant uses equitably as is required by the binding and relevant Record of Decision.
- Alternative 5 fails to implement indirect use limitations prior to implementing the harsh direct limits on paddlers.
- Alternative 5 does protect a portion of one Outstanding Remarkable Value of the uppermost 2 miles of the Chattooga River. We remind the USFS that the Wild and Scenic studies and the congressional intent behind designation clearly intended that Grimshaw's Bridge be the put-in for floating down the Chattooga River below that point. Alternative 5 thus partially follows the congressional intent of designation and the USFS's own description of the "recreation" ORV in this "recreation" designated river reach.
- Alternative 5 is unnecessarily divisive in that it maintains gross inequities and entitlements.
- Alternative 5 fails to manage frontcountry and backcountry areas differently. The biophysical threats, acceptable biophysical conditions, and management activities differ between designated Wilderness, frontcountry areas, recreation river sections, and wild river sections. This should be factored into any alternative.
- Alternative 5 limits boating to single capacity craft. The USFS has no information that indicates tandem canoes, tandem inflatable kayaks, or

2-4 person rafts are unacceptable on these reaches. This limit is arbitrary.

- Alternatives 4 and 5 limit paddling to four groups per day. The only other alternative is zero groups per day. We expect a broader range of group numbers for analysis.
- This alternative limits paddling the river to above 350 cfs at Burrell's Ford. This limit totally eliminates significant boating opportunities without basis, and forces paddlers to explore a river under unnatural constraints that may reduce personal safety.
- The alternatives state that group number will be managed through "self-registration only until records indicate the maximum number of groups is exceeding four; then permits in advance." The alternative fails to mention the number of days per year on which groups exceed four that will actually trigger permits. 1 day per year, 20 days per year, 20 days per year for 3 consecutive years?
- This alternative has a trigger for permits to be required, however offers no details on these permits. We are aware of no other permit system on a small flashy headwater creek run – and cannot envision one that would not result in lost paddling opportunities purely due to delays within the system. The alternative should describe this in greater detail.
- This alternative includes "limited wood removal." We are unsure of what this means but we are concerned. There are ways of responsibly managing wood in rivers to support ecological and recreational values but they are not captured under the title "limited woody debris removal." We would prefer that two wood alternatives be analyzed, 1) allow natural processes to manage wood (prohibit removal and additions), and 2) actively manage wood to enhance ecological and recreational values. Boating does not require wood removal and alternatives should not infer this.
- Alternatives that allow boating should acknowledge that portaging and scouting may occur in some predictable locations. In these locations the Integrated Report confirms that boaters only exited the river channel only once during the expert panel study, and predicts that less than 500 feet of new trails would be needed to support paddling. The boating alternatives should consider construction of these trails if needed, but also acknowledge that they are not necessary.
- This alternative totally bans boating on the bottom section of the Upper Chattooga below Lick Log Creek - making it wholly unacceptable. We are aware of no justification for this boating ban

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whatsoever, and no evidence that there is a zero capacity for recreational boating on this reach. Requiring a long hike-out would unnecessarily impact canoeists, and other paddlers unable to carry a boat up the hill for any reason.

- Alternative 5's stated objective is to manage biophysical impacts, yet bans floating on one river reach while allowing all other uses to go unlimited – and in fact attracting other uses through stocking and fishing regulations. This runs counter to all reason. Camping is unlimited yet has demonstrated biophysical impacts noted throughout the IR including ground clearing, vegetation damage, fire risk, soil compaction, erosion, human waste, wildlife attraction, and wildlife disturbance. Hiking and angling is unlimited yet have demonstrated biophysical impacts including vegetation damage, riparian area clearing, soil compaction, user created trail creation, erosion, human waste, wildlife attraction, and wildlife disturbance. Angling is enhanced through stocking of 70,000 exotic fish which likely has an enormous biophysical impact. Yet, somehow, this alternative limits only floating which has so little biophysical impact that it is anticipated to not even be measurable. This is a radically flawed alternative. How does banning the lowest impact and smallest use while allowing all other uses to exist unlimited and untracked lead to strong biophysical protection? How is the paddling ban part of this alternative? There is simply no logical rationale for including a boating ban in this alternative.
- Alternative 5 combines the Chattooga Cliff's reach and the Rock Gorge with regards to group numbers, which erroneously assumes paddlers will always run both of these sections together. These should be considered 2 reaches.
- Alternative 5 would allow some reaches to be floated but would prohibit a complete run of the entire Chattooga River which is a unique 50+ mile multi-day paddling opportunity that is possible nowhere else in the region.
- We fully support the registration of all users in the W&S corridor. This information will be critical in future management decisions.
- Alternative 5 is also deficient for the reasons set forth in the section above entitled "*Problems associated with all proposed USFS Alternatives.*"

6. Deficiencies in USFS Alternative #6

- Alternative 6 does not single out paddlers for different treatment than other users (except for group sizes) and is more equitable. This is a

good thing and is consistent with the Record of Decision that is the root of this environmental analysis. However we see no reason or data to suggest different group sizes.

- It confuses the issue of restoring boating access by including a random assortment of other management issues.
- The alternative will not support the USFS's stated desired conditions. By eliminating all ORV's except recreation in the upper 1.7 miles of the river the ORV's are not protected. This alternative has NO protections for solitude because it has no encounter standards, monitoring, or controls. The alternative fails to limit or monitor use to assure that Wilderness encounter standards are maintained.
- Alternative 6 is not divisive and would begin the process of eliminating the senseless conflicts over the Chattooga's management.
- Alternative 6 would end the 12+ year conflict over the ability of citizens to float the river, and one of the most contentious and costly river recreation management issues in history.
- Alternative 6 would allow the entire Chattooga River to be floated and would allow complete runs of the entire Chattooga River which is a unique 50+ mile multi-day paddling opportunity that is possible nowhere else in the region.
- Alternative 6 does protect a portion of one Outstanding Remarkable Value of the uppermost 2 miles of the Chattooga River. We remind the USFS that the Wild and Scenic studies and the congressional intent behind designation clearly intended that Grimshaw's Bridge be the put-in for floating down the Chattooga River below that point. Alternative 6 thus partially follows the congressional intent of designation and the USFS's own description of the "recreation" ORV in this "recreation" designated river reach.
- However, Alternative 6 has no physical carrying capacity or standards for any user group and is therefore flawed.
- Alternative 6 limits boating to single capacity craft. The USFS has no information that indicates tandem canoes, tandem inflatable kayaks, or 2-4 person rafts are unacceptable on these reaches. This limit is arbitrary.
- This alternative includes "limited wood removal." We are unsure of what this means but we are concerned. There are ways of responsibly managing wood in rivers to support ecological and recreational values but they are not captured under the title "limited woody debris

removal.” We would prefer that two wood alternatives be analyzed, 1) allow natural processes to manage wood (prohibit removal and additions), and 2) actively manage wood to enhance ecological and recreational values. Boating does not require wood removal and alternatives should not infer this.

- Alternatives that allow boating should acknowledge that portaging and scouting may occur in some predictable locations. In these locations the Integrated Report confirms that boaters only exited the river channel only once during the expert panel study, and predicts that less than 500 feet of new trails would be needed to support paddling.
- Alternative 6’s stated objective is to manage biophysical impacts and encounters, yet offers not a single capacity or standard for any user group or total use. This runs counter to all reason. Camping is unlimited yet has demonstrated biophysical impacts noted throughout the IR including ground clearing, vegetation damage, fire risk, soil compaction, erosion, human waste, wildlife attraction, and wildlife disturbance. Hiking and angling is unlimited yet have demonstrated biophysical impacts including vegetation damage, riparian area clearing, soil compaction, user created trail creation, erosion, human waste, wildlife attraction, and wildlife disturbance. Angling is enhanced through stocking of 70,000 exotic fish which likely has an enormous biophysical impact. There is a capacity of the Chattooga River to support recreation, and Alternative 6 totally ignores this most basic principle.
- Alternative 6 fails to distinguish between frontcountry and backcountry areas. The biophysical threats, acceptable biophysical conditions, and management activities differ between designated Wilderness, frontcountry areas, recreation river sections, and wild river sections. This should be factored into any alternative.
- We fully support the registration of all users in the W&S corridor. This information will be critical in future management decisions.

C. Deficiencies in the Scoping Document Generally

- The Scoping Document (SD) provides that “Dispersed camping occurs at least 50 feet from lakes and streams to protect riparian areas, 50 feet from trails and ¼ mile from a road on the Andrew Pickens District.”⁴³ It says nothing of the other districts, and fails to recognize that according to the Integrated Report, “Of the 97 [camp] sites on the Upper River, about 26 (27%) are within 20 feet of the river,” and that “The median amount of cleared area was 1,000 square feet” for those sites. Therefore, while the

⁴³ USFS Scoping Document, Page 2

USFS explanation of their current management indicates protection of the river and management of camping, the reality is quite different. A large number of generally large campsites have been created by users in the riparian corridor without USFS management.

- The SD fails to mention that historical lack of management has resulted in over 19 miles of user created trails in the Upper Chattooga Corridor, which is appalling given that the Headwater is only 21 miles long.⁴⁴ Worse yet, these trails have over 90 erosion problems associated with them, and almost 2 miles of the user created trails are within 20 feet of the river.⁴⁵ Alternative 1 has created this dire situation – and will not remedy it.
- The SD fails to mention that historical management has included stocking of over 70,000 exotic, non-native, fish each year to the Chattooga River. While this action has benefited anglers interested in catching such fish, it may impact anglers that seek native fish, as well as native organisms including macroinvertebrates, fish, salamanders, and spiders.⁴⁶ Moreover, such stocking artificially attracts visitor use, which impacts capacity.
- The SD fails to mention that historical management has resulted in rampant litter of which 142 gallons, or 6.7 gallons per river-mile was found while collecting data for the Integrated Report.⁴⁷
- The SD fails to mention the impacts of existing recreational use on fish and wildlife, or the potential impacts of continued unlimited recreational use.⁴⁸
- The SD fails to mention that the USFS has little to no data on past or existing recreational use levels, encounters, or competition impacts. Absent these data, one cannot reasonably conclude that encounter and competition impacts are not (or are) occurring.

III. American Whitewater's Proposal

It is simply not feasible to combine the myriad complex management issues currently under consideration by the USFS into one set of integrated alternatives. *See generally, the issue-by-issue organization of the 2004 ROD.* There are so many variables, that it would require hundreds or thousands of alternatives to account for all of the various combinations (as the USFS unsuccessfully attempted to do in only six integrated alternatives).

⁴⁴ Integrated Report, Page 42

⁴⁵ Integrated Report, Page 43

⁴⁶ AW Comments on the Integrated Report

⁴⁷ Integrated Report, Page 46

⁴⁸ Integrated Report, Page 51-56

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American Whitewater proposes that the USFS address important management issues on an issue-by-issue basis, as is the USFS's custom in Land and Resource Management Plans. The USFS should provide sets of alternatives, organized by issue, that relate to other management changes it seeks to include in this NEPA process; for example the location and condition of official and user-created trails and campsites, trash, parking, angling and hiking access, fish stocking and treatment of woody debris.

Below, American Whitewater proposes a set of three alternatives related to the issue of recreational use. These alternatives are essentially identical with the exception of the standards relied upon for management. Thereafter, American Whitewater briefly outlines other potential alternatives on an issue-by-issue basis.

A. American Whitewater's Proposed Alternatives Related to Recreational Use

1. Nationally Consistent River Management Alternative #1 (high encounter standard)⁴⁹

- Restore private, self guided boating on the Headwaters.
- Monitor and mitigate existing and ongoing biophysical impacts of recreational use throughout the Wild and Scenic River Corridor. This action includes standard river resource protection and restoration initiatives including fixing erosion problems, closing or formalizing user created trails, and bringing all campsites and trails up to USFS standards.
- Manage river reaches designated as "Scenic" or "Recreation" as frontcountry areas. Manage river reaches designated as "Wild" as backcountry areas. (See Figure 1)
- Create no new river access parking, roads, or trails.
- Require registration of all corridor visitors.
- Educate users on "Leave No Trace" (LNT), low impact encounter protocols, difficulty of floating reaches, rules and regulations, and water level preferences.
- Implement standard boating safety regulations similar to those in force below Woodall Shoals (life jackets, helmets, appropriate craft).

⁴⁹ In alternatives 2 through 4, American Whitewater proposes a simple and commonly used method of protecting the river and assuring that biophysical and recreational standards are not exceeded. This basic concept involves implementing a range of protection and restoration initiatives, as well as recreational regulations, and then allowing wilderness compliant uses to occur until one or more standards are exceeded. Use will then be limited as needed through indirect measures first, followed by direct measures as needed.

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- Prohibit the use of single chamber inflatable craft in backcountry areas.
- Prohibit commercial floating use on the entire river above Highway 28.
- Construct up to 500 feet of boating portage trails as needed for resource protection, while closing existing user created trails that are actively eroding or causing other impacts.
- Implement congruent group size limits for all uses.

Allow capacities of **frontcountry** areas to be defined passively by parking and camping availability. If or when **backcountry areas** exceed **10 group encounters on more than 5% of days** per year, for 3 consecutive years, initiate *Use Reduction Management*, as follows:

Survey visitors to ensure encounter standards represent actual encounter tolerances. If this is the case, then limit use by indirect measures in those specific areas. If not, adjust standards to reflect user tolerances.

If total use or encounter standard violations are primarily attributable to one or more groups, target indirect efforts at those groups first. Indirect measures may include reducing group sizes, altering stocking or fisheries management, education on alternative recreational opportunities, instituting voluntary temporal, spatial or water level based avoidance periods (ie voluntary closures), changing access areas, and/or changing camping opportunities.

If after 2 full years of implementing aggressive indirect measures, standards are still exceeded in specific frontcountry or backcountry areas, limit use by direct measures in those specific areas. If total use or encounter standard violations are primarily attributable to one or more groups, target efforts at those groups first. The most appropriate direct means of limiting use is the requirement of limited permits for entry by all users or for participation in specific activities in specific areas during specific times as justified.⁵⁰

2. Nationally Consistent River Management Alternative #2 (**moderate encounter standard**)

- Restore private, self guided boating on the Headwaters.
- Monitor and mitigate existing and ongoing biophysical impacts of recreational use throughout the Wild and Scenic River Corridor. This action includes standard resource protection and restoration initiatives including fixing erosion problems, closing or formalizing user created trails, and bringing all campsites and trails up to USFS standards.

⁵⁰ See [Exhibit 1](#) for an example of a permitting system that could be applied to boating if data ultimately demonstrates a need for implementation of direct limits on whitewater boating.

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- Manage river reaches designated as “Scenic” or “Recreation” as frontcountry areas. Manage river reaches designated as “Wild” as backcountry areas. (See Figure 1)
- Create no new river access parking, roads, or trails.
- Require registration of all corridor visitors.
- Educate users on “Leave No Trace” (LNT), low impact encounter protocols, difficulty of floating reaches, rules and regulations, and water level preferences.
- Implement standard boating safety regulations similar to those in force below Woodall Shoals (life jackets, helmets, appropriate craft).
- Prohibit the use of single chamber inflatable craft in backcountry areas.
- Prohibit commercial floating use on the entire river above Highway 28.
- Construct up to 500 feet of boating portage trails as needed for resource protection, while closing existing user created trails that are actively eroding or causing other impacts.
- Implement congruent group size limits for all uses.

If or when individual **frontcountry** areas meet or exceed **parking and/or camping capacity on more than 10% of days** per year, for 3 consecutive years, limit use by indirect measures in those specific areas. If or when **backcountry areas** exceed **6 group encounters on more than 5% of days** per year, for 3 consecutive years, initiate *Use Reduction Management*, as follows:

Survey visitors to ensure encounter standards represent actual encounter tolerances. If this is the case, then limit use by indirect measures in those specific areas. If not, adjust standards to reflect user tolerances.

If total use or encounter standard violations are primarily attributable to one or more groups, target indirect efforts at those groups first. Indirect measures may include reducing group sizes, altering stocking or fisheries management, education on alternative recreational opportunities, instituting voluntary temporal, spatial or water level based avoidance periods (ie voluntary closures), changing access areas, and/or changing camping opportunities.

If after 2 full years of implementing aggressive indirect measures, standards are still exceeded in specific frontcountry or backcountry areas, limit use by direct measures in those specific areas. If total use or encounter standard violations are primarily attributable to one or more groups, target efforts at those groups first. The most appropriate direct means of limiting

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use is the requirement of limited permits for entry by all users or for participation in specific activities in specific areas as justified.⁵¹

3. Nationally Consistent River Management Alternative #3 (low encounter standard)

- Restore private, self guided boating on the Headwaters.
- Monitor and mitigate existing and ongoing biophysical impacts of recreational use throughout the Wild and Scenic River Corridor. This action includes standard resource protection and restoration initiatives including fixing erosion problems, closing or formalizing user created trails, and bringing all campsites and trails up to USFS standards.
- Manage river reaches designated as “Scenic” or “Recreation” as frontcountry areas. Manage river reaches designated as “Wild” as backcountry areas. (See Figure 1)
- Create no new river access parking, roads, or trails.
- Require registration of all corridor visitors.
- Educate users on “Leave No Trace” (LNT), low impact encounter protocols, difficulty of floating reaches, rules and regulations, and water level preferences.
- Implement standard boating safety regulations similar to those in force below Woodall Shoals (life jackets, helmets, appropriate craft).
- Prohibit the use of single chamber inflatable craft in backcountry areas.
- Prohibit commercial floating use on the entire river above Highway 28.
- Construct up to 500 feet of boating portage trails as needed for resource protection, while closing existing user created trails that are actively eroding or causing other impacts.
- Implement congruent group size limits for all uses.

If or when individual **frontcountry** areas meet or exceed **parking and/or camping capacity on more than 5% of days** per year, limit use by indirect measures in those specific areas. If or when **backcountry areas** exceed **2 group encounters on more than 5% of days** per year, for 3 consecutive years, initiate *Use Reduction Management*, as follows:

⁵¹ See [Exhibit 1](#) for an example of a permitting system that could be applied to boating if data ultimately demonstrates a need for implementation of direct limits on whitewater boating.

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Survey visitors to ensure encounter standards represent actual encounter tolerances. If this is the case, then limit use by indirect measures in those specific areas. If not, adjust standards to reflect user tolerances.

If total use or encounter standard violations are primarily attributable to one or more groups, target indirect efforts at those groups first. Indirect measures may include reducing group sizes, altering stocking or fisheries management, education on alternative recreational opportunities, instituting voluntary temporal, spatial or water level based avoidance periods (ie voluntary closures), changing access areas, and/or changing camping opportunities.

If after 2 full years of implementing aggressive indirect measures, standards are still exceeded in specific frontcountry or backcountry areas, limit use by direct measures in those specific areas. If total use or encounter standard violations are primarily attributable to one or more groups, target efforts at those groups first. The most appropriate direct means of limiting use is the requirement of limited permits for entry by all users or for participation in specific activities in specific areas as justified.⁵²

B. Basis for USFS Inclusion of American Whitewater's Proposed Alternatives:

- It will protect both the Headwaters itself and the experience of visitors to that resource
- It is equitable and fair
- It will promptly begin easing tensions between user groups
- It is administratively and legally defensible assuming there is support for the standards selected, and will thus save time and money for all involved.
- It is consistent with proven river management on other rivers nationwide.
- It is consistent with USFS policy, the Wild and Scenic Rivers Act, and the Wilderness Act.
- It is consistent with the USFS Chief's administrative appeal decision directing the USFS in this process
- It treats problems that currently exist, and provides a formula for dealing with issues that could arise in the future.
- It is inexpensive, easy, and straightforward to implement.
- It is flexible to highly variable flows, seasons, and other factors.

⁵² See [Exhibit 1](#) for an example of a permitting system that could be applied to boating if data ultimately demonstrates a need for implementation of direct limits on whitewater boating.

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- It will provide high quality experiences for all users, including providing angling experiences with no boaters present on an average of 80% of days, opportunistic and hassle free boating on days of acceptable flows, camping at clean, private sites, hiking without seeing too many other groups, swimming in un-crowded pools of clean water, and visiting a wild and natural river on which man has a small influence.

IV. Other Important Management Issues and Proposed Alternatives

Based upon the USFS's lines of inquiry during the user capacity analysis process, American Whitewater briefly outlines the following additional management issues related to the Chattooga Headwaters corridor and a range of alternatives for each:

A. Fish Stocking:

- Continue existing stocking rates, species, and locations
- Stock only native species, but continue existing rates⁵³
- Reduce stocking rates, and prioritize native species.
- Eliminate helicopter stocking⁵⁴
- Expand stocking to entire river

B. User Created Trails:

- Continue existing management
- Close 33% of user created trails of highest impact and/or lowest use, formalize the remaining 67%
- Close 66% of user created trails of highest impact and/or lowest use, formalize the remaining 34%
- Close all user created trails within 50 feet of the river
- Close all user created trails.

C. In-stream Wood Management:

- Continue current policy
- Promote wood recruitment

⁵³ See our extensive comments on the impacts of stocking nonnative fish such as rainbow and brown trout in our comments on the USFS Report Titled "Capacity and Conflict on the Upper Chattooga River.

⁵⁴ An analysis of the recreational impacts of vehicular intrusion into the corridor via helicopter must be conducted.

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- Prohibit all wood removal or addition
- Publish new guidelines on wood management that allow movement of only ecologically low-functioning and recreationally high risk wood pieces only to the degree that allows passage. Educate users on guidelines.
- On the Chattooga, several stakeholders seem to feel that paddling and wood in rivers is inconsistent. Nothing could be farther from the truth. Assessing, paddling, and portaging wood is a fundamental part of the paddling experience on *every* whitewater river. The Boating study showed that current conditions support paddling with limited interaction with in-stream wood. Changes in the amount or distribution of wood cannot be anticipated within the timeframe of the current forest plan, and therefore management must be based on current conditions and be flexible enough to address changes. Current and anticipated conditions do not require active management of wood. The most appropriate management is to educate paddlers on the ecological value that wood plays and either discourage or prohibit wood removal. We should note also that much of the Chattooga Headwaters is high-gradient and bedrock and boulder controlled, and therefore many areas are simply wood transport zones. Impacts of movement of an extremely small percentage of the wood in the system would not be found to have a significant ecological or social impact.⁵⁵

D. Parking

- Maintain existing parking opportunities
- Increase parking capacity by 30%
- Decrease parking capacity by 30%
- Move all parking out of corridor

E. Private Land Corridor

- Continue existing management
- Legally establish USFS right to manage floating through the reach
- Negotiate a recreation easement along the river
- Condemn a recreational easement along the river
- Negotiate a scenic easement along the river

⁵⁵ See [Exhibit 3](#) (discussing management of wood in rivers).

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- Condemn a scenic easement along the river

V. Conclusions

The proposed USFS Alternatives are deficient in many respects. American Whitewater asks that the USFS analyze both the framework and the specific alternatives it has presented in these comments. American Whitewater further asks the USFS to modify its proposed USFS Alternatives relating to whitewater boating access to conform to American Whitewater's proposed alternatives, as set forth above. Of the alternatives presented by the USFS, we prefer #6.

Exhibit 1

Direct Limits on Boating Access: Special Permitting System⁵⁶

The special permitting system outlined below would only be appropriate if, after a sufficient period of data collection on actual boating use, the data shows that the capacity of the Chattooga Headwaters cannot accommodate existing levels of boating use (as opposed to total use of all users), and that indirect measures have failed. The following temporary permitting system could be used by the USFS to directly limit whitewater boating use:

- Paddling trip leaders would have to secure a free permit from the USFS online or via phone for the day they wish to paddle a specific section of the Headwaters (Chattooga Cliffs, Ellicott Rock, and/or the Rock Gorge/Delayed Harvest Reach). Trip leaders may secure permits for multiple sections on the same day.
- The permits will become available at 8am on the day prior to the desired paddling day, and will remain available until filled.
- Permits will be nontransferable and awarded to individual trip leaders and cover that individual's group, the members of which do not have to be named on the permit.
- Group size will be limited to 8 people, and group members must travel together.
- The permit itself will simply be an 8 digit number that paddlers must write on their registration form, which will be available online and/or at the put-in.
- Identity of permit applicants will be positively identified using some means (Driver's License Number, Social Security Number, Valid Credit Card Number, Etc) upon application.
- The USFS will make every effort to detect and prosecute fraudulent permit applications by individuals not actually intending to paddle the river. To this end, individuals may incur two no-shows per year at which point permit applications will no longer be accepted for that year, filing fraudulent permit applications must be made a punishable offence, paddlers must register at access areas as well as securing a permit, the USFS must do spot counts, and the names of trip leaders must be published on the Sumter National Forest website on a monthly basis.

Potential variations to this permit system based upon number of trips include:

Variation A: Permit 12 boating trips per day. (all flows)

Variation B: Permit 8 boating trips per day. (all flows)

⁵⁶ Limits should not be imposed on users until standards are reached or exceeded. Doing so causes significant and undue burdens on both the administrating agency and the public. This certainly applies to boating on the Chattooga which we expect to be among the smallest uses in the Headwaters corridor with the smallest impacts.

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Variation C: Permit 4 boating trips per day. (all flows)

Variation D: Permit 2 boating trips per day below 285cfs at Burrells Ford, and 8 boating trips per day above 285cfs. In addition to the methodology above, the following permit elements would also be required for Variation D:

- A flow trigger would be set at 285 cfs, roughly the median of the shared flow range.
- The Burrell's Ford gage would have to be online as well as physically readable, and the stage representing 285 cfs would have to be clearly marked on both versions. The gage would have to update online in 15 minute increments.
- The first two permits issued for a given day would be guaranteed, and the remaining 6 would be conditional on flows.
- Conditional permit holders may run the river on the permitted day if the river is running at least 285 cfs at 8am on the permitted day, or if/when it reaches 285 cfs at some point during the day.
- Conditional permit holders that do not run the river on the permitted day will not be penalized with a no-show penalty unless the flow is at or above 285 at 8am on their permitted day.

Exhibit 2

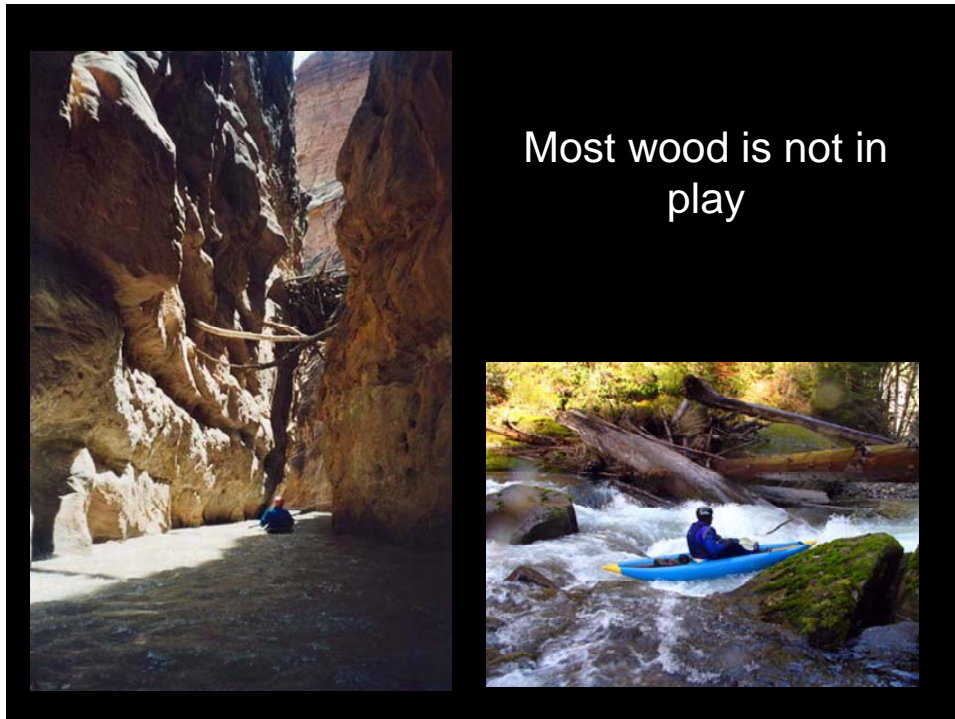
Additional Resources to Consider in Formulation of Final USFS Proposed Alternatives

- American Whitewater's Comments and Suggested Revisions Regarding the Draft Upper Chattooga River Phase I Data Collection Expert Panel Field Assessment Report, dated February 2007, and first made available to the public on April 2, 2007, Respectfully Submitted on April 6, 2007
- American Whitewater's Comments on the "Chattooga River History Project Literature Review and Interview Summary", Respectfully Submitted on April 17, 2007
- American Whitewater's Comments on the USFS Report titled "Capacities on other Wild and Scenic Rivers: seven case studies", Respectfully Submitted on May 7, 2007
- American Whitewater's Comments on the Chattooga Literature Review Report, Respectfully Submitted May 7, 2007
- Comments on the USFS Report Titled "Capacity and Conflict on the Upper Chattooga River", Submitted on July 3rd, 2007
- American Whitewater's Notice of Appeal of the Record of Decision (ROD) for the Sumter National Forest Revised Land and Resource Management Plan (RLRMP) and its accompanying Final Environmental Impact Statement (FEIS).
- DECISION FOR APPEAL OF THE SUMTER NATIONAL FOREST LAND AND RESOURCE MANAGEMENT PLAN REVISION, #04-13-00-0026 American Whitewater, Dated April 28th, 2005.

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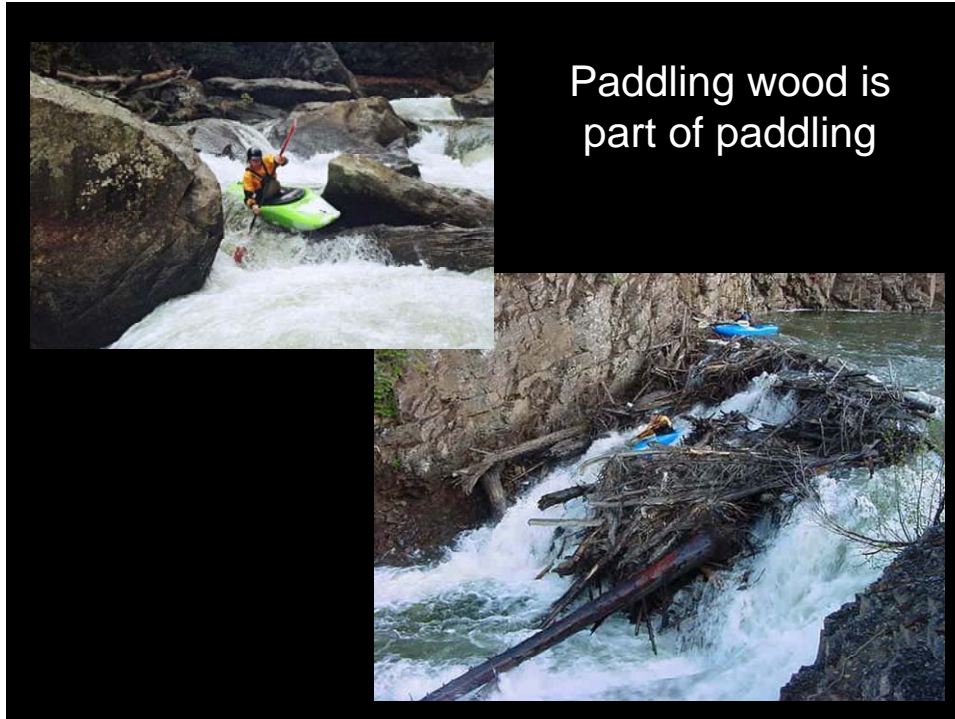
Exhibit 3

On May 22nd, 2007, American Whitewater's National Stewardship Director, Kevin Colburn participated on a panel discussion at a River Management Society conference that focused on management of wood in rivers. The talk was well attended by river managers from across the country. The following is a synopsis of the talk.



Most wood is not in play: The vast majority of wood pieces in river and riparian systems are not recreationally problematic or especially dangerous to paddlers. Paddlers generally refer to these non-problematic pieces as being “not in play.” In general, wood is not in play when it can be paddled under, over, around, or beside without exposing paddlers to unacceptable risks.

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Paddling wood is part of paddling: Portaging (or moving) wood requires a significant amount of time and energy, and is avoided by paddlers whenever possible. Therefore many paddlers, especially skilled paddlers, are highly adept at avoiding in-channel wood pieces. When approaching and assessing a piece of wood or accumulation of wood pieces, paddlers are faced with a variety of options:

- Most often a clear route around the wood can be taken, since the majority of wood pieces and accumulations do not completely span the full channel or all channels.
- If at least part of the wood piece or accumulation is partially or fully submerged, paddlers can often paddle over the piece of wood.
- If at least part of the wood piece or accumulation is partially or fully at least two feet above the water level, paddlers can often paddle or push under the piece of wood.

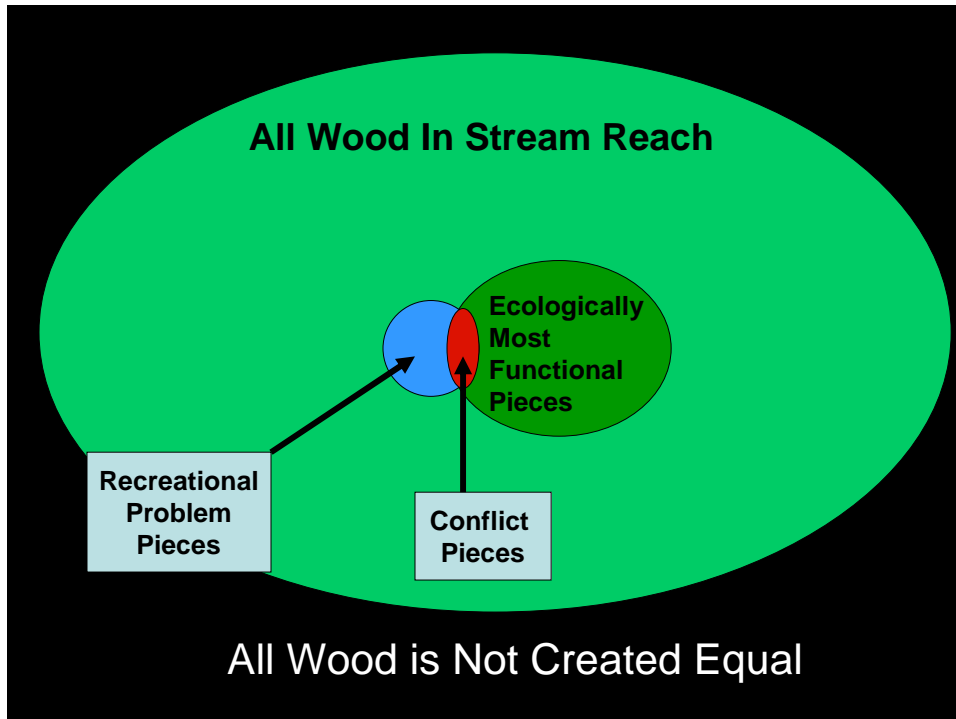
Oftentimes, wood creates interesting and enjoyable challenges for paddlers. Negotiating wood in rivers is viewed as part of the paddling experience. The presence of wood often increases risk, but is viewed as part of the natural ecosystem and natural challenge. Paddling is not inconsistent or in conflict with wood in rivers, rather wood in rivers is a fundamental element of paddling.

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Portaging wood is part of paddling: There are situations where for some period of time (ranging from minutes to decades or longer) that wood pieces or accumulations totally block recreational passage. These instances represent a very small percentage of wood pieces in a river system. In these cases, paddlers typically either portage the obstruction or avoid the reach until the obstruction naturally changes enough to allow passage. Portaging wood obstructions is an expected and integral part of the paddling experience, particularly on narrow streams. Wood portages can often be very short and accomplished within the channel.

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All wood is not created equal: Occasionally, based on a wide range of variables, river managers or users will move wood to allow passage, partially remove wood to allow passage, or fully remove wood to allow passage. Only wood pieces that require portage or pose a serious risk to paddlers' safety are candidates for being moved, partially removed, or fully removed for recreational reasons. In the figure above, these wood pieces are depicted in light blue. River managers and users prefer to alter wood as little as possible due to the significant amount of work that moving wood requires, and due to a shared commitment to maintaining a naturally functioning river environment. Therefore no movement is preferred over any management, movement is preferred over any type of removal, and partial removal is preferred over full removal.

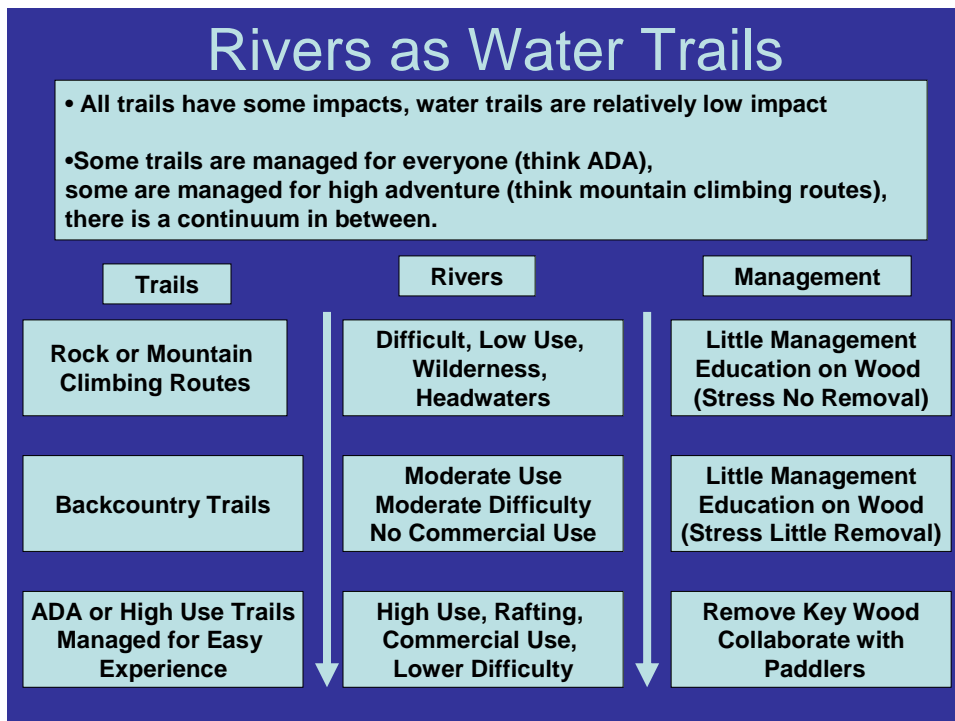
A small percentage of wood pieces in rivers are disproportionately ecologically functional and important. The body of literature describing the factors that contribute to a wood piece or accumulation's ecological value is robust and proven. Wood pieces can provide a variety of stream functions depending on their size, shape, and location in the channel. These functions include sediment trapping, habitat complexity formation, and flow modification. Wood is not a significant food source to aquatic ecosystems as some stakeholders have claimed. In general, wood is most important and functional when the wood piece is large and long, when the log is actively trapping sediment, when the log is adjacent to floodplains, and when the bed and adjacent banks are of a fine substrate. In the figure above, these wood pieces are depicted in dark green.

There may be some pieces that are both ecologically vital and recreationally problematic - but this is a very small percentage of wood pieces - and should be the subject of careful management. In the figure above, these wood pieces are depicted in red.

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The light green wood pieces in the figure above are not a concern to recreational river managers because there is no cause for movement or removal by river managers or users. The dark green wood pieces in the figure above are likewise at no risk of removal, but may deserve special attention or management because of their ecological value. The light blue wood pieces in the figure above may be best managed through public education, collaboration, and through typical agency action decision pathways. These pieces may be candidates for movement or removal in some situations as described later in this report. The dark red wood pieces in the figure above may be best managed by agency personnel following defined wood management protocols. These pieces should not be removed except in cases where agencies have formally deemed it the preferred alternative for ecological and/or recreational reasons.

All wood within the effect of a river exists in a dynamic state of decay, wear, and movement. Wood pieces may play a variety of ecological roles throughout their transition from a freshly fallen tree to assimilated molecules. The premise behind the above concept is that the subtle effect of moving as few of the light blue pieces as little as possible, while the light green, dark green, and red pieces remain unmoved, will allow this natural process to proceed at all relevant scales without any significant ecological effects.

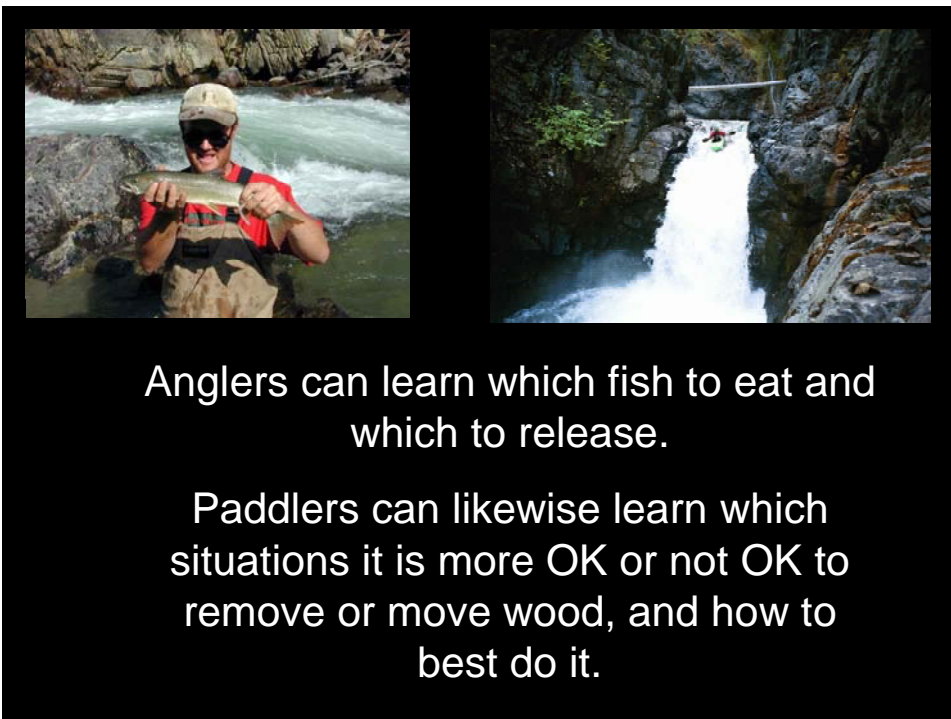


Rivers as water trails: River managers may find it useful to think of rivers as extremely low impact trails. Trails are corridors through which people experience nature. It is widely accepted that some form of land trails – while they have some environmental footprint - are suitable in all settings from roadside picnic areas to remote Wilderness areas. With that said, ADA or high use trails are managed very differently from

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Wilderness trails. Likewise rivers are managed on a continuum of standards aimed at providing different types of experiences that are appropriate for the setting.

This may be a useful analogy in determining wood management practices. Rivers that are difficult, low use, Wilderness, and/or small in size may be analogous to rock or mountain climbing routes. River managers may wish to manage wood in these rivers primarily through educating user groups, and stressing no removal. Moderate use, moderate difficulty, rivers with no commercial use may be analogous to standard backcountry trails. River managers may wish to manage wood in these rivers primarily through educating user groups, and stressing little removal. River managers may also wish to apply some direct management of wood to these reaches. High use, commercially used, rafted, and/or easier rivers may be analogous to ADA or high use managed trails. River managers may wish to work collaboratively with the paddling community to remove wood pieces that are recreationally problematic and not highly ecologically functional. This concept was proposed primarily for discussion purposes. Discussion following the talk pointed out that this is a very oversimplified framework, and that these types of decisions must be made on a case by case basis.



The role of education: There is often hesitance on the part of river and land managers to encourage the public to participate in active management projects. This has been the case with management of wood, on which there has been little work to educate or include the public in management activities ranging from protection of all wood pieces to limited removal efforts. It is a management hot potato.

With this being said, there is ample precedent for agencies educating the public on how to participate in active management activities in cases where there is little oversight and

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some basic ecological knowledge required. One example is in the left hand picture above. This man is holding up a federally threatened bull trout, which he will presumably release. Agencies trust anglers to be able to differentiate between game fish and which they can kill and eat, and extremely similar endangered fish which must be handled appropriately and released. Hunters likewise must be able to tell the difference between game and non-game (coyote and wolf for example) at long distances with lives of endangered species on the line. Even community weed-pulls are examples of agencies educating the public on the value of some organisms while working with them to manage others.

Paddlers are certainly capable of likewise learning which situations it is more OK or not OK to move or remove a piece of wood, and how to do it with the smallest ecological footprint. Educational efforts could be targeted at any chosen wood management practice, including policies enforcing no movement, collaborative movement, or movement of certain types of pieces.

Do Not Move/Remove Log	↔	More OK to Re/move Log
Ecological Considerations		
Sand, Gravel, Cobble Banks	↔	Bedrock Banks
Floodplain Adjacent to Channel	↔	Cliffs Adjacent to Channel
Log Trapping Sediment	↔	Log Above Water Level
Log is Large and Long	↔	Log is Small and Short
Stream has Endangered Species	↔	No Endangered Species
No Riparian Vegetation	↔	Dense Riparian Vegetation
Heavily Impacted Watershed	↔	Intact Forested Watershed
Paddling Considerations		
Log is Obvious	↔	Log is Hidden
Log is Avoidable While Paddling	↔	Log is Unavoidable
Log is Easily Portaged	↔	Log is Impossible to Portage
Log Unlikely to Entrap Paddler	↔	Log Likely to Entrap Paddler
Log in Seldom Paddled Reach	↔	Log in Popular Reach
Class V	↔	Class II/III
Wilderness	↔	Urban

An educational model: Paddlers currently have such a policy that they operate under that was developed in 2001 by Kevin Colburn, and published by American Whitewater on their website and in their journal. The policy educates paddlers on the ecological role that wood plays in river ecosystems, strongly discourages any wood movement, while offering an educational decision model for paddlers considering the movement of a piece of wood. This model offers continuums of both ecological and recreational considerations.

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American Whitewater's Comments on the Chattooga River User Capacity Analysis.

[note that at the time of drafting these comments we assumed that the user trials would be combined with other data to form a user capacity analysis. This was not done.]

Submitted on August 2nd, 2006



American Whitewater's Comments on the Chattooga River User Capacity Analysis.

Submitted on August 2nd, 2006

American Whitewater was told by Jerome Thomas at the July 27th, 2006 meeting regarding the Chattooga River User Capacity Analysis (UCA) that we were welcome to submit comments on the study design, however the design is final and our comments will not be incorporated. Still, the current design of the UCA will not yield the intended result and is irresponsibly unsafe, and we feel we must file comments. The USFS appears intent to deviate from standard methods and safety protocol and has thus doomed at least portions of the UCA to failure. We have accepted that the USFS will carry out the UCA with an illegal study design unless the courts intervene, however we cannot accept a study design that is unscientific, unlikely to work, and unsafe. Therefore we offer these comments with the hope that reason will prevail, and the study design will be improved.

We would like to remind you that you define collaboration as “just another way to describe the two-way communication that is our public involvement process⁵⁷.” Yet, your agenda⁵⁸ for the only meeting held to “discuss” the UCA study plan clearly stated in bold font: “The intent of the meeting is for the Forest Service to share information with the public on the data collection process. This meeting will not be a hearing or formal comment session.” There has been and will be no opportunity to offer comments on the study design. Thus, there has been no two-way communication and no collaboration on the study design. You have not granted our resource professionals the opportunity to work with you or even comment on the study design during its preparation and as a result the product of your efforts does not meet our interests in a fair, scientifically rigorous, and workable study. While you may have “involved interested parties” per the Appeal ROD, you have certainly not created a collaborative process.

As a general comment, we disagree with the statement made by Roberta Willis at the meeting that the goal of the UCA is to collect information for making a decision, and is not a long-term research project. User capacity analyses are in their very essence designed to be replicable at regular intervals for long term management direction – in short: a long term research project. We still have never heard the USFS state the research question being asked of the UCA – and this is a critical missing point of information. If the USFS is simply studying whether or not to allow boating – without addressing the full suite of recreational uses of the corridor – then the study is inherently

⁵⁷ From the FAQ's recently published on the SNF Chattooga webpage:
<http://www.fs.fed.us/r8/fms/forest/projects/faq.shtml>

⁵⁸ Agenda is at: <http://www.fs.fed.us/r8/fms/forest/projects/AgendaJuly27.pdf>

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biased and unsupportable. We request clarification of what questions and hypotheses the USFS will be using the UCA to analyze.

In addition we request an actual study plan for review. All we have to base our assessment on is a few presentations and meeting hand-outs. We request that the USFS make available a comprehensive study plan complete with objectives, methods, and research questions. We feel that a million-dollar analysis should have a publicly available study plan, so that at least the public can gage success of the work. We should note that we proposed a more affordable, robust, and timely study plan in May of 2005, less than 2 weeks following the Record of Decision.

We hope that you remain open minded enough to change selected methods of the UCA so they do not fail abysmally from meeting your needs and ours. Please consider these ideas, we offer them to improve the study and reduce future administrative challenges and hurdles.

Expert Panels:

The current plan for using expert panels will not work and will expose paddlers to unacceptable risks. An on-water study has never been carried out with the methods the USFS has selected, for several very good reasons. While we are certain the consultants have explained this and were disregarded, we feel we must object with the hope that the USFS will change the study design. In general, the USFS has is recklessly proposing to seriously alter paddlers' normal decision making process and offering incentives to take risks. The problems with the expert panels as designed are as follows:

- **Paddlers will be exploring uncharted Class V waters with strangers.** Paddlers are very particular about who they run difficult whitewater with, and typically have a core group of friends they pursue challenges with. These groups have unique communication skills using hand signals and other means, have practiced rescue techniques together, gage rapid difficulty by watching others with known skill levels, and most importantly have the level of personal care and trust essential for any backcountry challenge. Forcing people to tackle the Headwaters with strangers severely diminishes the safety of each individual, the group, and the UCA. It also significantly erodes the experience and perception of difficulty, risk, and enjoyment of the river corridor for paddlers. It is reckless, and significantly weakens the study by deviating from normal use patterns.
- **Paddlers will have only one or possibly up to three specific days to experience the headwaters.** All athletes and adventurers have good days and bad days regarding their physical, emotional, or mental fitness. On any given day individuals may be sick or recovering from an injury, or overexerted from previous activity, or may have slept poorly, or may have experienced a loss or emotional trauma, or intuition may tell the person not to paddle. The list goes on... However, if there is only one single day on which this person will be

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allowed to paddle the Chattooga headwaters *in their entire lives*, it is very likely that they will choose to paddle regardless of virtually any external factor. Forcing people to paddle the river on a single day, *or never again*, creates an artificially dangerous incentive for paddlers to choose to paddle when they might otherwise choose to not paddle. The USFS is recklessly creating this situation. A group of cooperative river managers accidentally created the same incentive by instituting a system of difficult to obtain permits on the Tallulah River, and subsequently lifted the permits for this very reason.

Furthermore, artificially deviating from likely preferred use patterns significantly weakens the study.

- **Paddlers will not have their choice of flow conditions.** Some paddlers prefer higher flows, while others prefer lower flows, and most are especially particular about the flow conditions they prefer for an exploratory descent. In this case however the USFS will be selecting the flow which paddlers will have their one chance to experience the river. Once again the USFS has recklessly set up an incentive for paddlers to deviate from their normal decision making process – and to tackle the headwaters at conditions on which they may otherwise chose not to run the river.

In addition, it is very likely that each section of the headwaters will have different ranges of optimal, minimal, and safe flows. By forcing paddlers to tackle all sections at once, as is presumably the plan, paddlers will not be able to self-select preferred flows for each reach. While controlled flow studies offer specific flows; those flows are chosen by paddlers and it is highly likely that paddlers choosing not to paddle can return at a different flow or future date. Furthermore, artificially deviating from self-selected preferred flows significantly weakens the study.

- **Paddlers will have to run 21 consecutive miles of Class IV-V whitewater.** The average southeastern Class V run is roughly 3-5 miles long. By asking paddlers to run 21 miles of difficult and uncharted whitewater in a single day (*or potentially not run it at all for their entire lives*) creates an artificially dangerous situation. It encourages paddlers to accept the challenge and move fast – without adequate time to scout rapids – and also fosters physical and emotional exhaustion. There is no doubt that it can be safely done by some individuals, especially after routes are learned – but it is totally inappropriate as part of the study.

This is the longest flow study of a drop-pool river we are aware of, a fact made more onerous by the fact that the river is a total unknown. Furthermore, artificially deviating from likely preferred use patterns significantly weakens the study.

- **Paddlers, anglers, consultants, agency staff, and observers will have to travel to the river on a moment's notice.** Lets face it, the proposed plan is

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just not going to work. All headwater streams in the southeast are very flashy, particularly during times of leaf-out, low base flows, and drought. It will take a miracle to get all these people to the river at the same time when the flows are in an appropriate window, and once amassed there will be incredible pressure for paddlers to run the river regardless of weather, water, or personal conditions. This is further complicated by the very long length of the run(s), and the different preferred flow ranges for each reach. There has never been a study to our knowledge that has required a select group to mobilize so fast on a moment's notice, let alone such a diverse group. While pulling off one such trip will take a miracle, pulling off two or three will be virtually impossible. This method needs to be discarded.

- **Flow information will, by design, be inadequate for future management decisions.** The opinions of 5-8 individuals running (or fishing) a river under highly artificial conditions, one, two, or three times is an inadequate basis for decisions regarding the management of a Wild and Scenic River. Expert panels are acceptable for reconnaissance trips – but not in most cases for determining the full range of flow preferences. It is acceptable for these groups to document the resource with video and still images, map significant features, characterize reach difficulty and access needs, and to generally discuss flow preference ranges. This will be very helpful and indeed necessary information, but should not be substituted for a complete flow study.
- **Study elements are needlessly and erroneously being combined and truncated.** The study plan calls for boaters and anglers to analyze the same flows on the same days, which is completely unnecessary and counter productive. Both anglers and paddlers need to experience flows that are at least marginally too high and too low for their preferred experience in order to begin to draw flow preference curves. It is unreasonable to only study flows in the 2.0-2.5 foot range (or higher), since those flows present very different recreational conditions for paddlers and anglers. Both user groups need to experience a suite of flows in their own acceptable range and possibly beyond that range. Overlap is needed, but not 100% by design. Creating 100% overlap biases the study in well documented ways: If boaters and anglers both use one flow or the same flows only – they will likely enjoy it – since it is better than the alternative of not fishing or not boating. This design is radically flawed, biased, and totally unacceptable. We are aware of no other study designed this way – and for good reason.

Coupling the two groups on the same days is also totally irrelevant, since the expert panels cannot be – should not be – and are not - designed to address encounters between the two user groups. Coupling the study dates serves no purpose, and in fact distracts study participants from the true questions they are charged to answer.

- **Non-paddlers are shooting a paddling video.** The Chattooga River is not easily viewed or filmed from shore along its entire length. We have never

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experienced a reconnaissance video shot by land-based consultants that was affordable, aesthetic, comprehensive, or representative. Certainly in this case it would be impossible. Only a paddler with videography experience can capture the paddling experience on the Chattooga, and capture a comprehensive documentary on the rapids, portages, and scenery of the river. The USFS is wasting money by hiring anyone but a paddler with the appropriate skills to shoot and edit the video, and the USFS will not meet its goals. Only through hiring a paddler can we get this information in a timely and professional manner. We have specific recommendations on paddlers with professional videography experience, and have recommended them in the past – to no avail.

- **A reach has been erroneously eliminated from the analysis.** Congress did not eliminate the uppermost 1.7 miles of the Chattooga River from designation under the Wild and Scenic Rivers act, and the USFS therefore cannot arbitrarily eliminate it from study or management for the Chattooga River’s designation values. The USFS claims that they will not study this reach – but will then recommend management alternatives regarding the reach. On what will these alternatives be based, given the near complete lack of knowledge of that resource? How will they endure scrutiny?

In the Frequently Asked Questions pages recent published on the SNF website the USFS states that navigability is beyond the scope of the UCA and too complicated to deal with at this juncture. The reviewing officer of our appeal did not grant the SNF the latitude to throw 1.7 miles of the Chattooga River out of the UCA – and it is impermissible for them to do so. We would remind the SNF that navigability is completely irrelevant in this case – and that they have an obligation under the Wild and Scenic Rivers Act to manage – and thus study – this reach. Importantly the SNF has every right to do so, and indeed in this case *must act*.

[PHOTO]

Above Photo: Misleading sign welcoming the American Public to their Wild and Scenic Chattooga River at it beginning at Grimshawes Bridge.

[PHOTO]

Above Photo: Sign strung over the Wild and Scenic Chattooga River.

Recently new signs have been placed at Grimshawes Bridge that indicate all public recreational use is being prohibited by the private land-owners (some signs have existed for several years). By allowing this to occur, the USFS is in violation of the WSRA, which charges the USFS to protect and enhance

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recreation throughout the WSR corridor. The WSRA is very clear that the USFS has the tools at its disposal to remedy this egregious disregard for congressional intent and the public trust. Section 6(b) of the WSRA reads:

“If 50 per centum or more of the entire acreage outside the ordinary high water mark on both sides of the river within a federally administered wild, scenic or recreational river area is owned in fee title by the United States, by the State or States within which it lies, or by political subdivisions of those States, neither Secretary shall acquire fee title to any lands by condemnation under authority of this Act. Nothing contained in this section, however, shall preclude the use of condemnation when necessary to clear title or to acquire scenic easements or such other easements as are reasonably necessary to give the public access to the river and to permit its members to traverse the length of the area or of selected segments thereof.”

Forest Service policy closely follows the WSRA. Section 2354.51a of the Forest Service Manual states: “Condemnation may be used to clear title or acquire scenic easements or other such easements deemed reasonably necessary to provide public access to the river and to permit the public to traverse the length of the river or selected segments.”

It further clarifies in Section 2354.51: “Work with private landowners to minimize incompatible use and to prevent other potential problems.” In the same section it states that these actions may include “Acquiring key private land in fee title or partial interests. Acquire lands and interests in lands only to the extent necessary to protect, maintain, and/or enhance the river area and the established recreation objectives.”

The USFS’s mandate is clear. They must manage the entire Chattooga WSR for the public benefit, and specifically for the values that lead to designation. These values are being totally eviscerated on 1.7 miles of the Chattooga River. The USFS must work with the owners of this land to resolve this issue. If a mutually agreeable solution cannot be reached, the USFS has an obligation to condemn at least, a recreational easement along the Chattooga River to support floating, fishing, swimming, and other recreational pursuits.

A proposal for a safer and more scientifically rigorous study plan:

This study plan is illegal⁵⁹, but is vastly safer and more scientifically rigorous than the “final” plan decided upon by the USFS. Because we are certain that the USFS is unwilling to adopt a legal study plan that meets our interests, we ask the USFS to adopt this plan for the Expert Panels which will at least result in gathering of relevant data.

⁵⁹ It is illegal because any study plan that does not allow unlimited paddling is in violation of a number of federal laws and regulations.

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1. Permits will be issued to as many individuals as the SNF is willing to accept, which contain the following provisions:
 - Permit holders may run each section of the headwaters of the Chattooga up to 3 times, and must report each run to the SNF.
 - Permit holders may paddle the Headwaters of the Chattooga on any day within the study period, which begins with the date of permit issuance and expires on February 28th, 2007. This period may be extended as needed.
 - Up to 4 paddlers may accompany permit holders on each run of each section. These paddlers must fill out a sub-permit given to them by the permit holder.
 - Each permit holder and sub-permit holder must complete their post-run assessment form as a condition of their permits. These assessment forms will be filled out and mailed to the SNF. Permit and sub-permit holders must be willing to participate in phone interviews as a condition of their permit.
 - Permit holders are encouraged – but not required - to select a range of flows.
 - Permit holders are encouraged – but not required – to fulfill the maximum number of runs allowable under their permit.
 - Permit holders receive a package of information regarding the river.
 - Permits are non-transferable.
2. One additional permit will be issued to a paddler with suitable experience that is hired by the SNF to film and edit a video documentary of paddling the Upper Chattooga River.
3. Floating access through the private lands along the Headwaters of the Chattooga River should be negotiated by the USFS for the time period of the study, and/or a recreational easement should be acquired promptly for perpetuity.
4. We recommend that the angling expert panels are operated in a very similar manner – with the acknowledgement that permits are not required for angling at this time.

Discussion:

Our recommended study plan fosters safe backcountry decision-making through eliminating incentives to attempt the river during sub-optimal personal or environmental conditions. It creates a safer study by allowing paddlers to select their group, their water levels, the days on which they paddle the river, and the sections they choose to paddle. It eliminates many of the divergences from normal paddling behavior, which allows the study to capture a more realistic analysis of the resource. It more closely follows accepted scientific methodologies and concepts. It eliminates bias caused by angling and boating flows that overlap 100%. It will capture data on a wider range of flows. It addresses the entire headwaters rather than an arbitrarily truncated portion. It eliminates the notoriously bad practice of hiring land-based consultants to attempt to film the paddling experience through dense rhododendron in favor of more accepted and favorable option of hiring a paddler to fill this role. It will save massive resources by not requiring last minute travel by consultants and agency staff, not to mention future successful challenges to a faulty record. It will actually result in a completed study with data in hand – without requiring any miracles. It will uncouple the unrelated angling and

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paddling expert panel analysis in the UCA. In short, it is a better study: it is cheaper, safer, more scientifically rigorous, and will yield vastly better results.

Literature Review:

We fully support the USFS conducting a literature review regarding User Capacity Analyses and other relevant topics. We have already contributed considerably to the record through our appeal, and will likely contribute further. One study of note is the 2003 study titled “Use and Economic Importance of the Chattooga River⁶⁰” which was published by American Rivers and the National Park Service. This study probed many of the specific issues that stakeholders have brought up regarding on the upper river, and have tested them on the lower river. Thus, it is a treasure trove for this analysis. One example is how seeing paddlers impacted non-paddling visitors’ experience. The study reports the following:

“A number of questions probed how various issues might be affecting users’ experiences for better or worse. The first related to boaters’ interactions with others on the river. Most users saw 5 or fewer people kayaking the river during their visit. The average number of kayakers seen was 7 (table 20). Most users reported that seeing kayakers that day had no effect on their enjoyment. On average seeing kayakers increased user’s enjoyment slightly overall. Only 6% of users reported that seeing kayakers had somehow decreased their enjoyment that day (Table 21). When asked in an open-ended format *how* the kayakers had affected their enjoyment, the vast majority of comments were positive. The most common responses were that kayakers were fun and interesting to watch and that it was enjoyable to see their skill (Table 22).”

The USFS also requested information on proxy, or similar rivers to study. There are multiple rivers in the region that share some but not all of the Upper Chattooga’s characteristics as a paddling resource. We provided detailed analyses of these resources during the preparation of the DEIS. In general there are very few other whitewater rivers in the region that are 1) Wild and Scenic, 2) Wilderness, 3) as long as the Chattooga’s runs (5, 10, 21, 50+ miles), 4) that have good water quality, 5) are protected, 6) are not roadside, or 7) have similar ecological, scenic, geologic, and geomorphological characteristics. More importantly, no other river flows through the incomparable valley of the Chattooga, and no other river offers the same unique rapids. The Chattooga is a unique paddling experience. Our comments on the list developed by the USFS is in Appendix 1. We have not commented on the river’s “importance” because the concept is highly personal and totally moot.

From a management of floating perspective the Upper Chattooga should be no different from scores of other regional USFS managed headwater streams, including several that flow through Wilderness and at least one designated as a WSR. However, from the individual paddler’s perspective (and certainly the same is true for anglers and hikers) – the Chattooga is unique.

⁶⁰ http://www.americanrivers.org/site/DocServer/final_report_chattooga.pdf?docID=532

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The literature review must address all users and their impacts – not just paddlers. Specifically, the review must address the impacts of lead sinkers and tackle lost by anglers⁶¹, monofilament line left behind, user created trails, unregulated camping, stocking, and other impacts associated with hiking, camping, and angling.

With regards to safety, search and rescue, data and statistics must be collected on all forest users (hikers, anglers, swimmers, campers, etc) if they are to be addressed for any one use. There is no rationale for analyzing these issues at all given the mandate of the USFS and the ROD from the Chief's office regarding our appeal. It is a non-actionable and therefore moot issue and should thus be removed from the analysis.

Biophysical Conditions:

American Whitewater was deeply concerned by Berger's description of biophysical data collection as collection of "baseline data." The reviewing officer was clear that biophysical impacts are shared by all users, and indeed these users and their impacts have been totally unmanaged for at least 3 decades (with the exception of the unjustified paddling ban). Current conditions are not baseline conditions, 1974 is baseline: the date of the Wild and Scenic designation and beginning of the USFS's non-degradation mandate.

Any impacts associated with paddling must be studied, analyzed, and weighed equally with ongoing impacts associated with other users. We remain concerned that paddling as a use is being presumed guilty until proven innocent, and is being "tested." This should not be the case. All uses should be treated equally – since paddlers are not a new use and our artificial absence was proven to have *no basis whatsoever*.

Existing Use Observations:

Along with counting existing users pursuing different uses, the USFS must look at the timing of this use on an hourly, daily, and seasonal scale. These data must be then correlated with specific management events such as fishing seasons, hunting seasons, and stocking dates. They should also be correlated with weather and holidays. Current USFS policies that attract users artificially to the resource must be analyzed in this context, including fish stocking with trucks, and helicopter stocking throughout the corridor.

Flow Data:

We feel certain that the USFS consultants and/or hydrologists are more than capable of synthesizing flow information, and look forward to reviewing this work.

Conclusion:

⁶¹ See Appendix 2.

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Thank you for considering this proposal for a much better study design relating to expert panels, and our comments regarding other study elements. We request a formal response to this proposal, including justifications for the acceptance or denial of our points and suggested plan.

Respectfully Submitted By:

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VII. Appendix 1: Boating Proxy Rivers Proposed by the USFS

River Segment	Comments
Upper Yough	The Yough is a 9 hour drive from the Chattooga, is dam release, and is unprotected. It is commercially rafted. A very different resource. AW manages the put-in cooperatively with the State of MD.
Tallulah	Tallulah is only 2-3 miles long, only runs 10 days each year on dam release, requires a long carry in and reservoir paddle out. It contains at least one rapid larger than anything on the Chattooga. AW collaboratively manages releases with the state of GA and GA Power.
Green Narrows	The Green Narrows is dam release, only 3 miles long, and is vastly steeper than the Chattooga.
Little River Canyon	Little River Canyon is a much larger river than the Chattooga headwaters, with very different characteristics.
Obed	Much larger easier river
Big South Fork	Much larger easier river
Watauga	Watauga is much shorter than the Chattooga. AW owns the public river access area on the Catawba. Unprotected river corridor.
Wilson Creek	Wild and Scenic River under USFS management. Some commercial floating use. Significant roadside swimming and angling along several reaches, as well as more backcountry opportunities on upper reaches. Several hour drive from Chattooga.
Ocoee	Totally beyond comparison. High commercial use, roadside, dam release, ecologically unhealthy (mining).
Tellico	USFS managed river with significant private use and no public floating, angling, and swimming use. Roadside. Several hour drive from the Chattooga, and much easier. AW affiliates assist USFS with Stream clean-ups.
New River	6 hour drive from Chattooga. Large river under NPS management with relatively short whitewater section and significant commercial use. Railroad.
Gauley	7 hour drive from Chattooga. Large dam release river under NPS management with significant commercial use.
Nolichucky	Larger, shorter, easier, commercially boated.
Chauga	Shorter and less protected but close.
Chattahoochee	Flat and urban. No Comparison
Big Laurel	Shorter and far easier and less protected and more polluted.
French Broad	N fork has similar whitewater for short length. Polluted by hatchery.
Nantahala	No Comparison. Roadside, dam controlled, commercially boated in large numbers. Some sections by dam dewatered.
Linville	Similar length but no road incursions at midpoints. Much more difficult than the Chattooga. Wilderness, USFS. Very different scenery.
Big Creek	NPS managed. Shorter than the Chattooga, and hiking access only for

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	upper run. Very pretty, but very different ecologically and geomorphologically.
Cullasaja	Poor water quality, more difficult, close to road.
Doe	Shorter, litter, easier?, very different scenery.
Elk River	Shorter, difficult to catch with water, difficult portage, much larger drops (45 feet, 55 ft, 20 ft, etc). Several hours from Chattooga.
Pigeon Dries	Dewatered by hydro dam. Polluted.
Overflow	Shorter with large drops. Possibly comparable to one section of the Chattooga.
Cheoah	Roadside, dam release, larger, continuous, USFS managed. AW collaborates with USFS on management.
Tuckasegee	Big, flat, roaded, unprotected, polluted, dam release.
Rocky Broad	Two unprotected sections of potentially similar difficulty to the Chattooga. One urban roadside, and one more remote. 96 flood diminished quality and frequency of paddling experience.
Russel Fork	5 hours away, short, dam release, polluted, very different rapids.
MF Saluda	Seldom if ever paddled, tiny
Slickrock	Long hike in and no way to check water levels limits use. Wilderness, USFS, shorter, possibly comparable to one section of the Chattooga – but with very different ecology and geology.

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[Download supplemental fragmentation data and radiograph images PDF](#)

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**American Whitewater's Comments on the
"Chattooga River History Project Literature Review and Interview Summary"**

Respectfully Submitted on April 17, 2007

2.



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**American Whitewater’s Comments on the
“Chattooga River History Project Literature Review and Interview Summary”**

Respectfully Submitted on April 17, 2007

American Whitewater staff and volunteers have reviewed the Chattooga River History Project Literature Review and Interview Summary and have found several significant errors and weaknesses. We offer these comments to the USFS with the expectation that the Report will be corrected, with the goal of making a stronger and more accurate report. In these comments we will refer to specific sections of the Report, point out the errors contained in those sections, and request changes. The History Report may in fact tell the story of the original decision to ban paddling, however that decision and its rationales have already been discredited by the USFS’s highest office. The History Report offers no new factual information, and if anything simply clarifies that the original decision was an unjustifiable mistake.

Specific Errors and Omissions

Report Section 1.1: The statement: “the Forest Service (USFS) agreed to reassess that decision as part of broader examination of visitor capacity issues on the Upper Chattooga River” is not appropriate or sufficient to describe the results of the AW appeal. The reviewing officer specifically found that the existing record was insufficient to justify limiting any use, let alone a total ban on paddling⁶². Ms. Manning also stated that safety⁶³ and solitude⁶⁴, which are discussed throughout the History Report, are not adequate justifications for a boating ban. This is a critical point to make in the introduction of the History Report because much of the content of the Report was already reviewed and found inadequate. Even in the interviews, no new historical information was presented, and the justification for the boating ban remains inadequate. The History Report is deficient and misleading without the context of the AW appeal decision.

⁶² “I find the Regional Forester does not provide an adequate basis for continuing the ban on boating above Highway 28.” “No capacity analysis is provided to support restrictions or a ban on recreation use or any type of recreation user.” AW Appeal ROD.

⁶³ “In addition, there is no basis in law, regulation or policy to exclude a type of wilderness-conforming recreation use due to concerns relative to safety, and search and rescue.” AW Appeal ROD.

⁶⁴ “While there are multiple references in the record to resource impacts and decreasing solitude, these concerns apply to all users and do not provide the basis for excluding boaters without any limits on other users.” AW Appeal ROD.

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Report Section 1.2.1: We question the sources and validity of the following statement: “In addition, conflicts between boaters and anglers apparently began to develop about this time. Forest Service law enforcement responded to several verbal and physical confrontations (USDA Forest Service 2006), probably on the lower river (although documents do not specify their location or the number of specific incidents).” Presumably the citation “USDA Forest Service 2006” refers to the affidavits listed Table 1.1. We would point out that these affidavits are *not* USDA Forest Service sources. The affidavits were solicited by opponents of the boating ban who unsuccessfully sought Amicus status in the lawsuit between the USFS and American Whitewater. Amicus status was not granted and therefore the affidavits were not accepted by the court, and thus have no status beyond personal opinions. Citing these documents at all given their clear advocacy intent is questionable, but citing them as USDA Forest Service sources is wholly unacceptable.

Equally importantly, Jim Barrett states in his interview: “Before the closure no significant conflicts, the river was low and that made for good fly fishing,” and Max Gates states in his interview that conflicts occurred but not specifically between anglers and boaters. He did not claim to have actually witnessed or responded to conflicts directly. Nowhere in the History Report is there actual evidence of conflicts, just vague hearsay that some conflicts happened between some people somewhere on the river. The History Report concludes that conflicts happened and were increasing, yet no evidence of this exists, and no indication of the number, severity, participants, location, or cause of these conflicts is shared.

Report Section 1.2.2: We have serious problems with the following sentence: “Responses from other anglers may have included aggressive displays of frustration over these changes, and may have included shouting, raft-slashing, rock throwing, fistfights, and gunplay (Adams 2002).” First and foremost, the USFS History Report should not be based on a document titled “History of the Boating Ban *from the Angler’s Perspective*” written by the primary opponent to boating on the Upper Chattooga. This is a position document and should not be cited, or should be cited in context. Secondly, the language used that displays *may have* included the listed actions is not worth citing since actions *may have* included virtually anything. The History Report should focus on what definitely happened, not what may have happened.

Report Section 1.2.3: Craig et al. 1979 should not be used as a reference on the basis of the boating ban, since the document was written several years after the ban.

Report Section 1.3: The following paragraph must be removed entirely:

“The solution above Highway 28 presented itself in two parts. First, closing the section of the river that was most dangerous helped with safety concerns. Second, it fostered a higher quality fishing experience and provided users with an experience of solitude on portions of the river not especially suited for floating.”

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This statement is erroneous and inappropriate for many reasons. First, stating that there is a solution above Highway 28 infers that there was a problem there. Nothing in the History Report even suggests a problem above Highway 28 prior to the ban: no conflicts, no paddling deaths, low use, no capacity problems. Second, there has never been a paddling death on the Upper Chattooga so claiming it is the most dangerous section is false. Third, banning paddling on a section with low use and no accidents may have helped with safety *concerns* – but did nothing to improve actual river safety or to decrease deaths on the river as is inferred. Fourth, there is a stated assumption that a prohibition on paddling provides a high quality angling experience while there is no evidence that a high quality angling experience on the upper Chattooga cannot be attained while boating is allowed. Fifth, there is a stated assumption that anglers would not have experienced solitude on the Upper Chattooga without the boating ban which is unjustified and unlikely. Lastly, there is a stated assumption that the upper portions of the river were not especially suited for floating. This is patently untrue, since the Upper Chattooga was - and remains - a unique and treasured wilderness river paddling experience for experienced canoeists and kayakers.

The conclusions state that the basis for the boating ban was for safety, solitude for anglers, and conflicts. This may be the best story there is, but that is all it is, a story. The actual record - even enhanced by interviews that the Report states may have “uncertain motivations” - does not support these conclusions or justify the decision. There were no accidents on the Upper Chattooga, there was very low floating use on the Upper Chattooga, and there is no evidence of conflicts on the Upper Chattooga. The boating ban on the Upper Chattooga may have been a response to accidents, increased use, and possible conflicts on the Lower River as the report suggests. However, there is no hard evidence of conflicts involving paddlers, and the AW appeal decision has clarified that safety and solitude did not justify banning boating.

Importantly, no factual information was included in the History Report that was not part of the record considered during the AW appeal. The interviews are anecdotal, potentially biased, and generally in agreement with existing record and understanding of the basis for the ban. Thus, since the History Report was generated in response to the AW appeal, the History Report should conclude that the original ban was not justified based on the AW appeal decision.

Thank you for considering these comments,

A handwritten signature in black ink, appearing to read 'K. Colburn', written in a cursive style.

Kevin Colburn

2.

**American Whitewater's Comments and Suggested Revisions Regarding the Draft
*Upper Chattooga River Phase I Data Collection Expert Panel Field Assessment
Report, dated February 2007, and first made available to the public on April 2, 2007***

Respectfully Submitted on April 6, 2007

2.



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***American Whitewater's Comments and Suggested Revisions Regarding the Draft
Upper Chattooga River Phase I Data Collection Expert Panel Field Assessment
Report, dated February 2007, and first made available to the public on April 2, 2007***

Respectfully Submitted on April 6, 2007

American Whitewater (AW) would first like to commend and thank the United States Department of Agriculture/United States Forest Service ("Forest Service") for conducting an initial on-river floating study of a significant portion of the Headwaters of the Chattooga River. In connection with the Draft *Upper Chattooga River Phase I Data Collection Expert Panel Field Assessment Report* (Expert Report), both the Forest Service and its consultants have obtained many initial and important floating and angling related data points to inform future management of the Chattooga Headwaters. As the expert boater panel can now attest from personal experience, floating the Chattooga Headwaters is a rare and unparalleled wilderness floating experience, especially when viewed as an integral part of fifty-two continuous miles of pristine and free-flowing Southeastern whitewater.

On April 2, 2007, the Forest Service posted a draft of the Expert Report on its website. AW's staff and volunteers have reviewed that draft and have found certain significant technical errors and deficiencies that AW hopes the Forest Service – in conjunction with its consultants – will correct prior to finalizing the Expert Report or making any management decisions based upon the Expert Report. Below, please find AW's suggested revisions to the draft. Our comments are based on our experience with dozens of other similar studies and the ongoing LAC process, as well as on our membership's significant familiarity with the corridor of the upper Chattooga River. Thank you for considering these comments, and please do not hesitate to contact AW regarding anything contained herein.

2.

Comments and Suggested Revisions Based On Technical Errors and Deficiencies

Report Section 2.0: This section lists the bordering National Forests but makes no mention of the private lands bordering the river. This section should describe the entire Wild and Scenic Corridor, including the Forest Service land at and above the Grimshawes Bridge, the public river downstream, and any private lands that are adjacent to the river and within the Wild and Scenic Corridor.

Report Section 2.1: Footnote 2 states that the upper 1.7 miles of the river were not analyzed. In fact, at least the upper 2.0 miles was not paddled, however Figure 2.2 appears to indicate that more than 2.0 miles was not paddled, and elsewhere in the document the section not paddled is estimated at 3 miles. The distances paddled and not paddled should be noted in section 2.1 and used consistently throughout the document.

It should be explained that a significant portion of the Wild and Scenic Chattooga River was not studied by the Forest Service, its consultants, or the expert panels of anglers and boaters. This upper reach is a federally designated Wild and Scenic river and we know virtually nothing about the state of the reach's Outstanding Remarkable Values, except that the Recreation ORV has been completely eliminated by the Forest Service's failure to clarify and enforce public access provisions. The reasons for excluding this reach from the User Capacity Analysis and the expert panel data collection should be explained in the context of the Wild and Scenic Rivers Act and the AW appeal decision, and documented. See related comments throughout.

Report Section 2.1.1: This section is deficient in that it does not note that the Forest Service owns the boating put in⁶⁵ at Grimeshawes Bridge, and in that it does not share the rationale for excluding this portion of the river from the study. Exclusion of roughly the upper half of the Chattooga Cliffs reach results in a significant data gap and should be justified and accounted for throughout the Expert Report.

Report Section 2.1.4: Section IV of the Chattooga is roughly described but the reach length is not noted, nor is suitability for rafting, commercial use, access, management, larger size than the headwaters, and more regular flows. Section IV is described as currently receiving "heavy private and commercial boating use..." This is an unsupported capacity judgment and should be struck from the Expert Report. Furthermore, Section IV was not studied as part of the expert panel data collection and therefore should not be referenced in this report at all. Section IV receives little or no additional reference as a proxy river in the report, and is therefore not relevant. We recommend removing this section entirely.

Figure 3.1: Please note whether this data is 15 minute, hourly, daily, etc.

Report Section 5.1.1: In this section and the sections that follow, it is impossible to determine the extent of the river that was fished by anglers. Did they fish 1% or 90% of

⁶⁵ Grimshawes Bridge is clearly labeled and referred to as the boating put in for the Chattooga Headwaters throughout the original Wild and Scenic Study documents, as well as in modern guidebooks and websites.

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the river? Did they view and decide not to fish certain reaches of the river? This section needs a map (and numeric data) showing the locations fished, viewed but not fished, and not visited. In addition this map and analysis should include the distances hiked on formal trails and distances hiked on user created or informal trails.

Secondly, this section begins a discussion of spin and bait fishing found throughout the Expert Report. Since no participants actually engaged in these activities we question the validity of these data. At the very least, it should be noted that any references to spin and bait fishing is based on unverified, extrapolated information. Discussion is likely acceptable, but extrapolating the numeric suitability of a wide range of flows for an activity that was not carried out is not defensible. The limitations of these data should be clearly noted, or the data should be removed from the report.

Report Section 5.1.2: No panelist fished the Chattooga Cliffs reach, even though they were asked to do so. This decision is a data point - backed by an angler panelist's hiking report - suggesting that the reach or flow conditions were undesirable, however this is where the discussion of angling on the Cliffs reach should end. However, the Report goes on to predict specific suitable flows and to discuss the merits of the reach even though only a small part of the reach was viewed by only a single panelist who chose to not fish. This should be corrected throughout the document.

Report Tables 5.2: This table should not include the Chattooga Cliffs reach because the reach was not fished and most of it was not visited as part of the data collection. Spin fishing and bait fishing should be excluded, or at least footnoted and/or otherwise highlighted to indicate that this activity was not engaged in as part of the data collection and is based on unverified, extrapolated information.

Report Section 6.1.2: There is an error in the following sentence: "The boatability was rated overall 6.5, the whitewater challenge 5.5, and the overall rating was 5.2 on a scale of 1 being totally unacceptable to 7 being totally acceptable." Based on Table 6.1, the overall rating was actually 6.2, not 5.2 as stated in section 6.1.2.

Report Section 6.2.1: This section and sections that follow erroneously infer that the only Forest Service or public access for the reach is downstream of the private lands. This is absolutely false and *must* be corrected. Grimshawes Bridge is clearly noted as the "start of the rafting water" and as a boat launch in the Wild and Scenic study documents and paddlers would *very* likely prefer to put in at Grimshawes Bridge – on Forest Service land or in the road right-of-way – rather than hike 1.7 miles with their boats. This is a *fact* that is ignored throughout the report. The 1.7 mile hike was required by the Forest Service as an artificial limitation on the study, but has nothing to do with past, desired, intended, or potential recreational use patterns. This must be reflected in the report. See comments to Report Section 2.1.

Report Section 6.2.2: The access section notes: "The decision to put-in at this location was based on the restriction of access at the upper stretches due to private property." This statement is erroneous. There is no restriction on access to the upper stretches due

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to private property. As we have explained and documented in prior written correspondence, the Forest Service has the authority to allow floating on a Wild and Scenic River regardless of ownership, and furthermore the state of North Carolina has a formal Attorney General's opinion stating that the public has the right to paddle any river capable of being paddled. This factual error in the Expert Report must be corrected. The Forest Service should manage and allow public access at or near Grimshawes Bridge, but if the Agency fails to do so, access will be allowed under North Carolina state law. The reality of future use will likely be based on paddlers using Grimshawes Bridge, and the Expert Report should predict and discuss this.

The Forest Service's position on the private property issue, and the basis for that decision, should be made public and defended immediately. The lack of a clear position by the Forest Service is already causing bias in the LAC process as evidenced by the draft Expert Report. *See also*, comments to Report Section 2.1.

Report Section 7.1.2: The Report states a disadvantage as follows: "Accessibility - difficult put-in at the confluence of Norton Mill Creek and the Chattooga River, about 3 miles downstream from Grimshawes Bridge; access via 1.7 miles portage on an abandoned logging road;" This is only true of the study, but not of the river itself. As previously noted, Grimshawes Bridge is the appropriate put in for this reach. Altering past, intended, documented, and preferred recreational use patterns during the study has weakened the results. This must be noted and addressed in all sections. See comments to Section 2.1.

Report Section 7.1.3: These data are highly confusing without converting the experiences of paddlers and anglers to the same gages. Even our staff and volunteers who are very familiar with the river, the Expert Study, and surrounding issues were confused by the lack of correlation between the gages. The final draft of the Expert Report should have correlated gages.

Report Section 7.2.2: Again, there are no access restrictions on the upper Chattooga except those put in place by the Forest Service. Any statement to the contrary should be removed. See comments to Expert Report Section 2.1.

Omission: The surveys filled out by anglers and boaters should be scanned and included in an appendix with the Expert Report. This is standard protocol.

Thank you again for considering these comments. Please do not hesitate to contact me or any of the staff at AW.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Colburn', written in a cursive style.

Kevin Colburn

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**American Whitewater's Comments on the USFS Report titled "Capacities on other
Wild and Scenic Rivers: seven case studies"**

Respectfully Submitted on May 7, 2007

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American Whitewater's Comments on the USFS Report titled "Capacities on other Wild and Scenic Rivers: seven case studies"

Respectfully Submitted on May 7, 2007

American Whitewater has reviewed the report titled: "Capacities on other Wild and Scenic Rivers: seven case studies."

The case studies in the Report were purportedly selected from hundreds of Wild and Scenic River reaches because of their "similarities to issues on the Upper Chattooga." While there are some similarities and some differences between these cases studies and the upper Chattooga, it is important to remember that the purpose of the upper Chattooga capacity analysis is to determine *if* there are *any* issues on the Chattooga that warrant management, and if so what they are. The assumption going into the analysis should be that there are no issues – past, present, or likely once use is restored – relating to whitewater boating on the Upper Chattooga. What should be assumed is that there may be some resource and/or recreational impacts associated with past, present, or potential management that may require a change in management direction. With several exceptions, these case studies confirm that non-commercial, day-use, whitewater boating is seldom singled out for any management action or limits, and when it is, those limits are based on sound data and equitably applied to other users as well. The exceptions, the Upper Rogue, N Umpqua, and Kern "Forks", are simply anomalies. Each is very different from the upper Chattooga, and each has significant problems that may render the boating limitations illegal or inconsistent with the WSRA or other regulatory guidance. Our interests rest in finding solutions on the upper Chattooga which are consistent with river management on a national scale.

Given that very few WSRs in this country have limitations on primitive day-use non-commercial floating, the selected rivers surveyed in the Report does not paint an accurate picture of national river management because it surveys nearly as many rivers with limits as it does rivers without limits. In fact, limitations are so rare, that a more appropriate study might attempt to discover why a handful of rivers (three or less) have parted from the overwhelming WSR management standard which is to *not* limit (much less ban) this form of primitive floating.

Notwithstanding that the Report is unrepresentative of national WSR management, the report is informative on a number of issues. We respectfully offer certain specific comments to the Report which we set forth below. In these comments

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we will point out some similarities and differences between the selected reaches and the upper Chattooga that are not readily apparent in the Report. We will also address the impacts and context of the management actions carried out on each river. We respectfully request that you revise the Report where applicable to reflect the comments in this letter.

Report Omission

The Report is deficient in that it does not contain one or more case studies addressing recreational and ecological management of Wild and Scenic Rivers as they pass through private lands. This is a critical issue on the Chattooga in need of guidance, and we ask that the Report be revised to include this topic. A significant portion of the Chattooga Cliffs Section of the Chattooga Wild and Scenic River flows through private lands. The river at its uppermost access point is posted with menacing No Trespassing signs. Other WSRs are typically posted with large “Welcome” signs. The USFS has totally eliminated recreation (a designated ORV) from this section of the river, has not managed the other ORVs, and has not entered or studied this section of river as part of the user capacity analysis. We have brought this issue up repeatedly, and yet there are no case studies in the Report addressing private lands as they affect the right to float and the rights of the USFS to manage for all ORVs. Are there other examples of where the USFS and the public have essentially been locked out of a designated Wild and Scenic River by private landowners? Alternately, are there examples of situations where the USFS has resolved such issues in a manner that has resulted in active management and protection of the ORVs? Who manages floating on Wild and Scenic Rivers as the flow through private lands: the federal managing agency or the private landowner as limited by state navigability laws?

Comments Regarding the Report’s Introduction

The preliminary conclusions bulleted in the Introduction fail to mention or comply with overarching guidance from the Wilderness Act, the Wild and Scenic Rivers Act and Forest Service Policy guidance documents – which all provide specific direction on how capacity related issues should be addressed. It is clear that several of the case studies which exhibit extreme use limitations are the rare cases in which these policy mandates were pushed to - or beyond - the limits of the regulations and were not challenged administratively or legally.

This section needs to more realistically depict the regulatory and legal arena in which capacity decisions are made – if it is to reach any conclusions at all. First, the Forest Service manual states that indirect limits to use should be exhausted before *any* direct limits are imposed. The Forest Service manual further provides that, in the drastic situations where data support use limitations, such limitations must be implemented in the least intrusive and most equitable way. Second, visitor freedom in Wilderness Areas should be maximized, and only limited when necessary following a specific process. Finally, important recreational values (such as boating on the Upper Chattooga) that lead

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to2007.05.07 AW Case Study Comments Final WSR designation must be protected and/or enhanced on Wild and Scenic Rivers.

This section of the Report simply does not paint a complete picture of the decision space that managers operate in, the best management practices that make sense on rivers, or the appropriate processes managers use to gradually limit uses and manage specific impacts.

Comments Regarding Kern River

On all six of the SF Kern segments, and Segment 2 of the NF Kern, use is low due to rare optimal flows, logs, and perhaps other alternatives. Thus, to the extent the Kern is analogous to the upper Chattooga, it is the SF Kern and Segment 2 of the NF Kern that are most similar to the upper Chattooga (especially in light of how those segments are unique compared to the Kern river as a whole). Importantly, these analogous sections of the Kern have no limits on boating (at least none discussed in the Report).

Also, while the Report references certain “conflicts,”⁶⁶ on the four upper sections of the NF Kern, it is important to note that the FS does not limit private, noncommercial boating on those sections either.

The Forks section of the Kern, where boating limits are in place, is not analogous to the upper Chattooga. The Forks section is a remote multi-day paddling resource that requires camping – making it very different from the Upper Chattooga which is made up of three relatively short day trips.

Moreover, the boating “limits” on the Forks section relate to camping, not boating. The Forks of the Kern has a limit of 15 people per day. This limit is based on perceived camping capacity – not conflicts. The report also fails to mention that this limit has been highly contentious and does not meet the interests of the paddling community – since many have no desire to camp, but rather seek to float the entire reach in a single day. While American Whitewater disagrees with current limits placed on the Forks section for reasons outside the scope of the Report, those limits do not inform management of the upper Chattooga for the reasons stated above, namely that camping is not a logical limitation on use of the upper Chattooga.

⁶⁶ Any such conflicts are most likely attributable to commercial rafting use, which is not present on the Upper Chattooga. Thus any purported connection between “conflicts” on the Kern and “conflicts” on the upper Chattooga are unfounded. In addition, the only “conflicts” on the upper Chattooga are merely anecdotal and not supported by any record. The four reaches of the Upper NF Kern referred to as Segment 4 notes some “conflicts” including noise, crowding, and parking. These “conflicts” are symmetrical with the exception of noise which may be asymmetrical, however there is no indication of the severity of these interactions or capacity issues. We object to the Report stating that boating has caused conflicts including “competition for limited space on land and the river, and congested parking” since these are caused equally by all users. We also question the term “conflict” used in this context, since the severity of the interactions is not adequately described to justify calling them conflicts.

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We do not approve of the following statement: “Establishing a numeric limit for the number of people who may launch in the Wilderness and Forks Run has significantly contributed to protecting the wilderness experience and biophysical resources.” Any limit on any use will reduce biophysical impacts and enhance the wilderness experience for whoever is allowed access – this is not unique to paddling. The Wilderness Act supports non-mechanized recreational use, and specifically paddling. Managers must strike a balance for visitors and the land based on the Wilderness Act and the WSRA. Limiting a low impact use to 15 people per day based on the faulty assumption that their use will require camping, while some other uses are essentially unlimited is not a success or good management that should become a model.

The concept of a formal “quiet zone” is likely not applicable to private boaters, however the concept of noise sensitivity may be a good educational topic for all backcountry users on the Upper Chattooga. Likewise, USFS educational efforts regarding recognizing and respecting private property may also be applicable on the upper Chattooga.

Comments Regarding Metolius River

This river has significant year-long overlapping angling and boating use which is not present on the upper Chattooga. Regardless, there are no problems or limitations on either use by the USFS. This may serve as a good example of a river with more recreational overlap than the Chattooga would have, yet still has no conflicts in an unlimited management setting.

Comments Regarding North Umpqua River

The N Umpqua is a very different river from the Upper Chattooga. First, it is roadside, providing angling and other access along its entire length, which is not discussed in the Report. Second, it is an extremely popular salmon and steelhead fishing destination – likely far exceeding the Chattooga in every measure of visitation. The terms often applied to the river are “combat fishing” or “shoulder to shoulder fishing.” The angling density is so great on the N Umpqua reaches that whitewater paddlers have been displaced – not the other way around. Absent (or with) a specific comparison of angling visitation, density, and capacity data for the two rivers, management actions on the N Umpqua and the Upper Chattooga should not be compared. They are not comparable resources.

Another major difference is that the N Umpqua is one of the few rivers boatable during times of regional low flows – which coincide with the intense peak fall angling season. The Upper Chattooga on the other hand is only boatable during high flows when angling use is likely to be lowest. Thus, the potential for conflict is far greater on the N Umpqua. The 30 year old voluntary closure on the N Umpqua has essentially acted as a warning to paddlers to expect extremely high angling use on a specific reach during a specific time window. This warning is educational and the knowledge of the angling use

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encourages paddlers to seek alternatives. The closure aspect of the management may be less important in reducing conflict as its educational component.

The *voluntary* boating closures on the N Umpqua are unique in our experience. Our regional staff feels that the voluntary closures are generally followed by the paddling community, mostly because the angling use is so intense that paddling the river is not preferable to alternatives. Essentially, unlimited angling has displaced paddlers. Furthermore, there is no reference to real conflicts on the N Umpqua in the Report. The voluntary closures were not challenged administratively or legally by the paddling community to our knowledge and it is uncertain if they would pass either level of scrutiny.

Comments Regarding Pecos River

Boating on the Pecos River has not caused conflicts. The river receives low paddling use and relatively high levels of other uses. This is similar to the Upper Chattooga in that paddling use is likely to make up a miniscule portion of total use and therefore not the most critical use to target in management actions.

Comments Regarding Snake River

Hells Canyon is about as different from the Upper Chattooga as a river could be. It is a dam controlled, massive, multi-day, commercially rafted, desert river that is boatable every day of the year and has jet-boats speeding through the rapids. The Upper Chattooga differs in that paddling use will generally be day-use, use will not include commercial rafting, and flows rarely support paddling. Demand for the Upper Chattooga will be miniscule compared to demand for Hells Canyon for obvious reasons. Importantly, other uses on the Snake River are regulated based upon whether they will adversely impact primitive floating, which is recognized as an outstandingly remarkable recreation value of the river. With regard to the Snake River, the Forest Service has argued in federal court that high levels of *motorized* boating use should be allowed because it would not interfere with the important recreational value of hand-powered floating. Other potential uses of the upper Chattooga should similarly be measured against their potential impact on primitive floating, yet that impact is difficult to measure at this time given that all primitive floating is currently prohibited.

Comments Regarding Upper Rogue River

Perhaps the most important distinction between the upper Rogue and the upper Chattooga is that primitive floating recreation is not an Outstanding Remarkable Value on the Rogue under the Wild and Scenic Rivers Act. This differs from the Chattooga which was designated with a Recreation ORV based largely on the upper Chattooga's documented value as a whitewater boating destination. The USFS is obligated to protect and enhance paddling on the Upper Chattooga under the statute. On the Upper Rogue however, they must simply allow paddling use to occur so long as it does not impact the Rogue's ORVs. This is not mentioned in the Report.

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Second, the Upper Rogue is not considered to be a whitewater resource at all. Essentially the USFS banned a use that did not even exist. This differs markedly from the upper Chattooga which has been congressionally recognized as a high quality whitewater paddling resource. The recent paddling descent of the Upper Chattooga corroborated these findings. Banning enjoyment of a high quality recreational use is very different than banning a use on a river for which there is virtually no demand.

Third, we would also like to address the management of wood in rivers in the context of both the upper Rogue and the upper Chattooga. Wood is one issue discussed in the Report relating to whitewater boating on the Rogue. Wood is a natural component of stream ecosystems, and is a natural part of the paddling experience. Paddlers that prefer remote, narrow, and/or steep sections of whitewater are highly skilled at assessing wood pieces and then either going over, under, or around them. When passage is impossible, portage is often accomplished in the river bed or on rocky shores. It is not considered an acceptable practice for paddlers to disturb the natural ecosystem by removing wood to facilitate passage. Banning paddling to protect logs though would be like banning hunting or hiking to prevent killing of non-game species. All that is needed to prevent log removal is a prohibition of log removal – and accompanying education. Obviously this issue becomes more complex on rivers that attract rafting use or high levels of unskilled users – but on Class IV and V kayaking streams the issue is simple.

Finally, the ban on paddling the Upper Rogue would never pass administrative or legal review and therefore it is not a good example. USFS policy is very clear that floating use should be allowed and not limited unless there is a defined conflict with other resource values at which time use should be limited equitably and first indirectly. Safety is also not an adequate reason for banning paddling, and as stated earlier neither is the mere possibility of unregulated removal of wood. There was no use, no capacity problems, no conflicts, etc. Simply put, this ban has no basis (which is where its similarity to the upper Chattooga ends).

Comments Regarding Wilson Creek

Wilson Creek is a relatively good case study to apply to the Chattooga. It is a modern plan from the same state as much of the Upper Chattooga. The plan recognizes and protects recreational enjoyment, while improving the quality of the recreational experiences for all users and protecting the river. The lower reaches are roadside which obviously differs from Chattooga, but the upper reaches and tributaries including Upper Wilson Creek, the Gragg Prong, North Harper Creek, and Lost Cove Creek are all nice class IV or V steep creeks in remote settings. There are no limits on paddling.

American Whitewater's Conclusions

These case studies exhibit a range of good management to marginal or bad management yet are all presented as good management. They are presented as having similarities to issues on the Chattooga but we are unaware of any real issues involving

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paddlers on the Chattooga. Regardless, there are at least as many differences as similarities between the Chattooga and the rivers in the case studies. With that being said, there are definitely lessons to be learned from these case studies. Limiting non-commercial, day-use, low-use, severely flow limited whitewater boating is *extremely* rare on Wild and Scenic Rivers. The rare examples of this management presented in the case studies each represent questionable decision making. The Kern has a strict and unjustifiable limit based on false assumptions, the Rogue has a senseless ban on a mostly unrunnable section of river for reasons that would fail any scrutiny, and the N. Umpqua has a closure that is merely voluntary. We disagree with any assertion that these closures represent good or defensible river management. We also feel strongly that they have critical differences from the Chattooga that render them poor examples of potential solutions on the Chattooga. Other case studies however that are more similar to the Chattooga show that non-commercial, day-use, low-use, severely flow limited whitewater boating is wholly compatible with other uses and resource protection.

The Report is deficient in that it does not contain one or more case studies addressing recreational and ecological management of Wild and Scenic Rivers as they pass through private lands. This is a critical issue on the Chattooga in need of guidance, and we ask that the Report be revised to include this topic.

Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Colburn', with a stylized, cursive script.

Kevin Colburn

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**American Whitewater's Comments on the Chattooga
*Literature Review Report***

Respectfully Submitted on May 7th, 2007

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**American Whitewater's Comments on the Chattooga
*Literature Review Report***

Respectfully Submitted on May 7th, 2007

The Literature Review Report lacks key concepts in the literature that we have tried to include in these comments. Many of these comments and citations were included in greater detail in our appeal of the Sumter National Forest Land and Resource Management Plan, so their omission in this Report is surprising. Much of the discussion in the Report is accurate and well written and the problems in the report generally stem from omissions rather than errors. We hope these comments can lead to a more robust Final Literature Review Report. Perhaps the most critical failure of the Report comes in the management component. Management actions are listed without any context from the literature – rather than as solutions for specific types of problems in specific settings. A list of actions is meaningless without the context of why, when, and how the actions would be applied. While it may be beyond the scope of the Literature Review, management ideas and actions should also be discussed within the bounds of the regulatory framework found in the Wilderness Act, Wild and Scenic Rivers Act, Forest Service Manual, Forest Service Handbook, and other sources. Management ideas outside of the regulatory arena are just ideas, which may or may not be appropriate or legal.

We have organized our comments based on the organization of the Report, using the same bold titles and numbering, for your convenience.

AW Comments On: 2.1.1 & 2.2.1 Influences of Type of Recreational Use

This section is incomplete because it does not specifically discuss the concept of recreational specialization. This is extremely relevant because the level of specialization and skill required to paddle the Headwaters is quite high. Recreation specialization is characterized by a range of elements related to individual attributes of participation and setting preferences. Recreation specialization research examines widely ranging topics including, locus of control,⁶⁷ privacy orientation,⁶⁸ specialization, experience, social

⁶⁷ Knopf, R.C., Peterson, G.L., Leatherberry, E.C. 1983. *Motives for Recreational Floating: Relative Consistency Across Settings*. Leisure Sciences. 5: 231-255.

⁶⁸ Knopf, R.C. 1987. *Human Behavior, Cognition and Affect in the Natural Environment*. In Handbook of Environmental Psychology. Stokols, D. and Altman, I. New York: Wiley.

McIntyre, N. 1989. *The Personal Meaning of Participation: Enduring Environment*. Journal of Leisure Research. 21: 167-179.

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group structure,⁶⁹ recreation setting preferences, natural setting preferences, equipment,⁷⁰ risk,⁷¹ and safety.⁷² Studies show that one's level of specialization is positively related to one's sense of place.⁷³ Solitude, scenery, small group definition, and sense of place are important to every specialized group.⁷⁴ A review of studies in recreation specialization reveals that both boating and angling take place in the context of limited resources. Both user groups must contend with environmental degradation, and the intensification of legal concerns regarding use of private lands.⁷⁵

Based on the literature, highly specialized paddlers should be seen as a group with strong commitments to environmental stewardship, strong connection to place, high appreciation of wilderness and solitude, and as having a relatively minor environmental impact.

The discussion of interpersonal conflict and social values conflict in the report is generally good. Interpersonal conflict can be defined as the presence of an individual or group interfering with the goals of another individual or group. "Social value conflict can arise between groups who do not share the same norms⁷⁶ and/or values,⁷⁷ independent of the physical presence or contact between the groups."⁷⁸

The alleged conflict on the Headwaters is a social values conflict. For example, an angler representative made the following comment in support of keeping boaters out of the Headwaters: "Obviously they [boaters] just don't understand backcountry

⁶⁹ Roggenbuck, E.J., Williams, D.R., Bange, S.P., et al. 1991. *River Float Trip Encounter Norms: Questioning the Use of the Social Norms Concept*. Journal of Leisure Research. 23: 133-153.

Schuett, M.A. 1995. *Predictors of Social Group Participation in Whitewater Kayaking*. Journal of Park and Recreation Administration. 13: 42-54.

⁷⁰ Block, P.H., Black, W.C., Lichtenstein, D. 1989. *Involvement with the Equipment Component of Sport: Links to Recreational Commitment*. Leisure Sciences. 11: 187-200.

⁷¹ Slovic, P. 1964. *Perception of Risk*. Psychological Bulletin. 61: 220-223.

Slovic, P. 1987. *Perception of Risk*. Science. 236: 280-285.

⁷² Mackay, S. 1988. *Risk Recreation in Wilderness Areas: Problems and Alternatives*. Western Wildlands. 33-38.

McEwan, D.N. 1983. *Being High on Public Land: Rock Climbing and Liability*. Parks and Recreation. 18: 4650

⁷³ Ewert, Alan., Hollenhorst, S. 1994. *Individual and Setting Attributes of the Adventure Recreation Experience*. Leisure Sciences 16: 177-191.

Bixler, R., Backlund, E. 2002. *Chattooga National Wild and Scenic River Trout Angler Substitution Study*. Clemson University, Dept of Parks, Recreation and Tourism Management.

Bixler, R., Backlund, E. 2002. *Activity of Resource Substitutes: Paddlers Using the Chattooga River*. Clemson University, Dept of Parks, Recreation and Tourism Management.

⁷⁴ Ewert, Alan., Hollenhorst, S. 1994. *Individual and Setting Attributes of the Adventure Recreation Experience*. Leisure Sciences 16: 177-191.

⁷⁵ Lee, R.D. *Recreational Use Statutes and Private Property in the 1990's*. 1995; *Journal of Park and Recreation Administration*. 13: 71-83

⁷⁶ Ruddell, E.J., Gramann, J.H. 1994. *Goal orientation, norms, and noise induced conflict among recreation area users*. Leisure Sciences. 16: 93-104.

⁷⁷ Sarembe, J., Gill, A. 1991. *Value conflicts in mountain park settings*. Annals of Tourism Research. 18: 155-172.

⁷⁸ Vaske, J.J., Donnely, M.P., Wittman, K., and Laidlaw, S. (1995). *Interpersonal Versus Social-Values Conflict*. Leisure Sciences, 17, 205-222.

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anglers...and our low tolerance for encounters with others with different beliefs."⁷⁹
Researchers describe social values conflicts as follows:

if people do not observe an event, but believe a problem situation exists,
the type of conflict must stem from a conflict in social values.⁸⁰

Obviously there has not been interpersonal conflict between boaters and anglers (or other users) on the Chattooga Headwaters since there are no boaters allowed on the Chattooga Headwaters. Furthermore there are no studies documenting interpersonal conflicts between boaters and other dispersed recreationists on any of the hundreds of rivers in the region that anglers and paddlers share. Rather the alleged conflict must be based on the perception of a problem rather than on any actual event. Specifically the conflict on the Chattooga is a social values conflict created by the Sumter National Forest, which gave one group exclusive access to the river while discriminatorily banning another. This decision to favor one user group is apparently based on stereotypes of paddlers, and is not based on any studies. Studies show that if an activity is stereotyped, it may result in intolerance, regardless of situational factors.⁸¹

The Literature Review Report does not directly address the concept of stereotyping which is certainly an issue on the Chattooga. It also does not address the role that managers can play in creating or exacerbating conflicts through artificial removing some recreational users to benefit others. We have witnessed significant social values conflicts primarily in situations where a use is artificially removed and then proposed to be allowed once again. On rivers where uses exist with equal footing throughout time conflicts are far more rare – and more likely based on goal interference than on social values.

AW Comments On: 2.1.2, 2.2.2, 2.1.3 & 2.2.3 Recreational Use Encounters and Crowding & Encounter Norms

Several studies have shown that an individual's cognitive belief that a particular backcountry situation is a problem may not correspond with that individual's experience.⁸² In other words, while some users may expect the presence of paddlers to impact their experience, those impacts may not actually occur. This phenomenon is

⁷⁹ Comment to Draft Sumter EIS.

⁸⁰ Id.

⁸¹ Ivy, M.I., Stewart, W.P., and Lue, C. (1992). *Exploring the Role of Tolerance in Recreational Conflict*. Journal of Leisure Research. 24. 348-360.

⁸² Patterson, M.E., and Hammitt, W.E. (1990). *Backcountry Encounter Norms, Actual Reported Encounters, and Their Relationship to Wilderness Solitude*. Journal of Leisure Research. Vol. 22. No. 3. 259-275.

Ditton, R.B., Fedler, A.J., and Graefe, A.R. (1983). *Factors Contributing to Perceptions of Recreational Crowding*. Leisure Sciences. Vol. 5, No. 4. 273-288.

Hendricks, W.W. (1995). *A Resurgence in Recreation Conflict Research: Introduction to the Special Issue*. Leisure Sciences. 17. 157-158.

Owens, P.L. (1985). *Conflict as a social interaction process in environmental and behavior research: The example of leisure and recreation research*. Journal of Environmental Psychology. Vol. 5. 241-259.

critical to predicting the response of other users when paddling is restored to the Upper Chattooga. The results suggest that while some stakeholders claim zero tolerance, the impacts of paddling on their experiences may not be as severe as they anticipate.

We are curious if there are studies that have looked at the distribution of encounter tolerance levels among populations of recreationists. For example, it would seem significant if 5% of a population had a zero tolerance yet the rest of the population was tolerant of a significant number of encounters each day. This type of analysis has direct management implications regarding the target population for management. We are also curious if studies have discussed groups of recreationists exaggerating their own sensitivity for strategic gain in management decisions. It seems that all a group would have to do to justify a monopoly in some or all time and space on public lands would be to present a unified fabricated story of zero tolerance against other recreationists (based on the literature only – not including regulatory guidance to the contrary). Are their examples of this in the literature?

AW Comments On: 2.1.4 Influence of Use Experience and Place Attachment

Kinney explores several topics relating to place and specialization among Class V kayakers.⁸³ His thesis certainly merits discussion and a citation in the Literature Review.

AW Comments On: 2.2.4: Perceptions of Wilderness and Solitude Experiences

The discussion of solitude is incomplete. We suggest the addition of several sources and concepts. Patterson and Hammitt conclude that encounters between recreationists have a minimal impact, if any, on the solitude experienced by those recreationists.⁸⁴ Their conclusion is based on the fact that “solitude has a broader meaning than simply visitor encounters and perceived crowding.”⁸⁵ Their research concludes that “solitude refers to remoteness, primitiveness, nonconfinement, cognitive freedom, and autonomy. In fact, many of these other aspects of solitude appear to be more important than being alone.”⁸⁶

The concept of cognitive freedom is recognized in USFS policy that stresses maximizing visitor freedom in the Wilderness. The boating ban is the opposite of this recommendation and concept of solitude.

⁸³ Kinney, T.K. 1997. *Class V Whitewater Paddlers in American Culture: Linking Anthropology, Recreation Specialization, and Tourism to Examine Play*. Unpublished Graduate Thesis. Northern Arizona University.

⁸⁴ Patterson, M.E., and Hammitt, W.E. (1990). Backcountry Encounter Norms, Actual Reported Encounters, and Their Relationship to Wilderness Solitude. *Journal of Leisure Research*. Vol. 22. No. 3. 259-275.

⁸⁵ “Solitude need not be the opposite of social crowding” (Hammitt, 1983).

⁸⁶ Hammitt, W.E. (1983). *Toward and Ecological Approach to perceived crowding in outdoor recreation*. *Leisure Sciences*. 5. 309-320.

Hammitt, W.E. (1982). *Cognitive Dimensions of Wilderness Solitude*. *Environment and Behavior*. 14. 478-493.

Hammitt, W.E., Brown, G.F. (1984). *Functions of privacy in wilderness environments*. *Leisure Sciences*. 6. 151-165.

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In the Record of Decision regarding our appeal of the forest plan, the reviewing officer stated that: “While there are multiple references in the record to resource impacts and decreasing solitude, these concerns apply to all users and do not provide the basis for excluding boaters without any limits on other users.” Ewert and Hollenhorst confirm that solitude is important to every specialized group.⁸⁷ Solitude should be discussed in the context of being equally important to groups of similar levels of specialization, and differing based on expectations which are in turn based on a number of factors including location and past management.

AW Comments On: 2.3.1 Influences of Type of Recreational Use (Chattooga Specific)

Paddlers on the Upper Chattooga should be considered highly specialized recreationists and discussed in that context. See our comments on recreation specialization elsewhere in this document.

AW Comments On: 2.3.2 Recreational Use Encounters (Chattooga Specific)

The only point that we would like to make regarding this section is that there are no data that include paddlers as part of the mix of users on the Upper Chattooga. This should be mentioned in the Report as a data gap.

AW Comments On: 2.3.3 Influence of Use Experience and Place Attachment (Chattooga Specific)

Chattooga River paddlers exhibited a stronger sense of place than Chattooga River anglers in every category of the studies cited. In fact, one finding of the Bixler study characterized Chattooga River angler’s motivation for fishing on the Chattooga in the following manner: “For a significant portion of the respondents, trout fishing may be a means of expressing their [socio-economic] status,” not finding a sense of place.⁸⁸ This is a significant finding that is not referenced in the Report.

We would like to point out that paddlers have had almost no ability to develop Place Attachment on the Upper Chattooga due to the artificial ban on their preferred activity. Place bonding occurs most strongly through engaging in a preferred activity, especially for highly specialized recreationists. Comparisons of Place Attachment between paddlers and other permitted users must be tempered by this factor. What can be said is that USFS management has eviscerated paddlers’ place attachment on the Upper Chattooga for over a generation. Allowing paddling in the future may or may not occasionally decrease other users’ connection with the place, but it would absolutely and vastly increase paddlers’ connection with the place. Allowing all uses would rebalance an unequitable impact on place relationships on the Chattooga. This concept should be pointed out in the Report.

⁸⁷ Ewert, Alan., Hollenhorst, S. 1994. *Individual and Setting Attributes of the Adventure Recreation Experience*. Leisure Sciences 16: 177-191.

⁸⁸ Bixler, R., Backlund, E. 2002. *Chattooga National Wild and Scenic River Trout Angler Substitution Study*. Clemson University, Dept of Parks, Recreation and Tourism Management.

AW Comments On: 2.4.1 Identification and Selection of Indicators

If the limits of acceptable change methodology is to be applied equitably, the USFS must acknowledge the baseline for any changes must include paddling on the Upper Chattooga (without artificial limits). With that baseline, uses may be limited following protocol. There exists no reason for the current boating ban, and the ban should therefore not be considered part of the baseline. Part of this correction for past management must include acknowledgement that the perspective and stated tolerance levels of existing users are artificially skewed and that some resetting of expectations is totally appropriate. Paddlers' use preferences must also be considered.

AW Comments On: 2.4.2 Use Limits & 2.4.3 Other Factors (including Zoning)

The following statement is erroneous: "Vaske et al (2006) states that zoning incompatible users to different locations can be an effective method of managing conflict that stems from interpersonal conflict. Furthermore, when the source of conflict is a difference in values, education may be required." Vaske did not state that education may be required *in addition to* zoning as the wording "furthermore" infers. They are in fact two different solutions for two different types of conflicts. From Vaske et al:

Understanding these sources of conflict (interpersonal conflict versus conflicts in social values) is important for natural resource managers because the solution to the conflict depends on the cause of the problem. Zoning, for example, may reduce conflicts stemming from interpersonal conflict because the user groups are physically separated. On the other hand, zoning is likely to be ineffective when conflicting values are involved (Ivy, *et al.*, 1992⁸⁹, Owens, 1985⁹⁰). Because social interaction is not necessary for this type of conflict to occur, physically separating users will have little influence. In these situations, education may be more effective.⁹¹

Vaske asserts that "the potential for interpersonal conflict increases with increased visitation. On the other hand, for individuals who fundamentally disagree with an activity..., these conflicts in values should not vary with visitation."⁹² In other words, allowing boating on the Headwaters would not exacerbate the alleged social values conflict that may be present. He concludes that "when the source of conflict is

⁸⁹ Ivy, M.I., Stewart, W.P., and Lue, C. (1992). *Exploring the Role of Tolerance in Recreational Conflict*. Journal of Leisure Research. 24. 348-360.

⁹⁰ Owens, P.L. (1985). *Conflict as a social interaction process in environmental and behavior research: The example of leisure and recreation research*. Journal of Environmental Psychology. Vol. 5. 241-259.

⁹¹ Vaske, J.J., Donnely, M.P., Wittman, K., and Laidlaw, S. (1995). *Interpersonal Versus Social-Values Conflict*. Leisure Sciences, 17, 205-222.

⁹² Vaske, J.J., Donnely, M.P., Wittman, K., and Laidlaw, S. (1995). *Interpersonal Versus Social-Values Conflict*. Leisure Sciences, 17, 205-222.

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differences in values, however, zoning is not likely to be very effective.” “In this situation educational efforts...may be more effective.”⁹³

Recreational specialization research shows that zoning will do nothing to eliminate the perceived conflict on the Chattooga River, and will instead exacerbate conflict. This research also shows that education, not zoning, is the best means of reducing conflict.

Even if a conflict between boaters and other users did exist, education—not zoning—would be the best (and only) way to resolve that conflict.⁹⁴ Dyke and Rule found that people are less likely to experience anger if they are aware of the roots of the behavior that would have otherwise angered or frustrated them.⁹⁵ Ramthun accordingly suggests that “interpretive efforts that help users to understand the behaviors, motivations, and land use needs of other user groups may reduce perceptions of conflict.”⁹⁶ Examples of this type of education on the Chattooga would include educating anglers on paddlers’ river stewardship efforts, the compatibility of paddling use, concern with safety, and paddlers’ enjoyment of solitude. Ramthun also states that “while it is obviously necessary to establish some behavioral protocols, it may be equally necessary to promote understanding and acceptance for the needs and motives of different user groups. If these educational efforts emphasize that different user groups have many similarities, especially regarding relationship to setting, perhaps fewer biased evaluations will occur.”⁹⁷

Ramthun concludes his study as follows:

An emphasis on understanding and acceptance, if successful, would help to redefine the social situation in outdoor recreation settings. At present, other user groups are often viewed by recreationists as a source of interference and competition. By emphasizing tolerance in our interpretive efforts, we may encourage the people in different user groups to see each other simply as fellow travelers in the outdoors.”⁹⁸

This conclusion is consistent with the literature and USFS policy and shows that education, not zoning, is the most appropriate means of resolving any alleged user conflicts on the Chattooga.

AW Comments On: 2.5 Key Findings and Management Considerations

⁹³ Id.

⁹⁴ Vaske et al’s recommendation that education be utilized to resolve social values conflict like those on the Chattooga is critical to the resolution of this issue and is well supported by other literature.

⁹⁵ Dyck and Rule, 1978 as cited in Ramthun, R. 1995. *Factors in User Group Conflict Between Hikers and Mountain Bikers*. 159-169.

⁹⁶ Ramthun, R. 1995. *Factors in User Group Conflict Between Hikers and Mountain Bikers*. 159-169.

⁹⁷ Id.

⁹⁸ Ramthun, R. 1995. *Factors in User Group Conflict Between Hikers and Mountain Bikers*. 159-169.

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The management considerations present a Chinese menu of management options – yet fails to mention that these options exist in a procedural framework clearly defined by the regulatory arena that decisions take place in. These menu items may all exist in the literature, but in a regulatory context - or in their context in the literature - many of them are totally inappropriate in many situations. Without context, this section is meaningless.

AW Comments On: 3.1.2 Flow-Recreation Issues in the Chattooga Corridor

This section is missing the only robust methodology capable of gathering the kind and quality of data sufficient for decision making on the Chattooga. This methodology has been reiterated by American Whitewater numerous times in comments. It simply entails permitting some large number people to paddle the river should they choose to do so, and surveying those paddlers via a mail or online survey tool. This methodology allows paddlers to opportunistically paddle the river during stochastic high flow periods, gathers a large sample size of real users at the conditions they seek, and costs virtually nothing to implement. Studies such as these have been carried out on West Rosebud Creek (MT), the Cheoah River (NC), the Crooked River (OR), the Sultan River (WA), and many others. The lack of this obvious and ideal methodology in the Report is a glaring omission.

Expert panels are often capable of gathering data sufficient for management decisions as stated in the Report. Single flow assessments however are rarely if ever sufficient to base long term management decisions on. Typically, single flow assessments are used to determine if a multiple flow assessment is justified based on reach quality, or needed based on the certainty of responses. Time and time again during flow studies the estimates made during single flow assessments are either found to be wrong or are significantly refined through a multiple flow assessment. The limitations of a single flow assessment should be explained in detail.

AW Comments On: 4.0 RECREATIONAL USE EFFECTS ON TRAIL AND SITE RESOURCES

We would like to see more discussion of the benefits of trail use, or at least an acknowledgement of it. Most of the great conservationists of our time, and most of the voters that have supported great conservation initiatives developed a personal relationship with the natural world on a trail of one kind or another (including water trails, ie rivers). Outdoor recreation is one of the primary drivers of resource protection and trails are the gateway to outdoor recreation experiences including hiking, climbing, paddling, fishing, hunting, and camping. In an era when an increasingly smaller percentage of people are visiting national parks and other public lands, it would serve us all well to acknowledge that people are welcome to responsibly enjoy public lands – not discouraged from doing so.

AW Comments On: 5.1.2 Potential Influences of Recreation Activity Type and Behavior

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There are several omissions in this section. First, there is no discussion of hunting yet hunting is discussed in some detail in other places in the document. Second, the section regarding fishing is incomplete. The Report states that stocking impacts are being debated. In fact, while there is always debate in science, there is a great deal of scientific consensus that stocking has numerous definable and predictable impacts. Please see the following references as a starting point regarding the accepted impacts of fish stocking and other angling related actions:

- Trout stocking impacts amphibians^{99 - 100}
- Trout stocking impacts entire freshwater food webs^{101 - 102 - 103}
- Trout stocking causes loss of genetic diversity and population changes^{104 - 105}
- Trout stocking displaces native trout^{106 - 107}
- Trout stocking can reduce or eliminate other species¹⁰⁸

⁹⁹ Pilliod, David S.; Peterson, Charles R. 2000. Evaluating effects of fish stocking on amphibian populations in wilderness lakes. *In*: Cole, David N.; McCool, Stephen F.; Borrie, William T.; O'Loughlin, Jennifer, comps. Wilderness Science in a Time of Change Conference—Volume 5: Wilderness Ecosystems, Threats, and Management; 1999 May 23-27; Missoula, MT. Proceedings RMRS-P-15-VOL-5. Ogden, UT: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station: 328-335. Leopold Publication Number 406.

¹⁰⁰ Pilliod, David S.; Peterson, Charles R. 2001. Local and landscape effects of introduced trout on amphibians in historically fishless watersheds. *Ecosystems*. 4(4): 322-333. Leopold Publication Number 446.

¹⁰¹ Yang, Y.F. et al. (2005) Effects of fish stocking on the zooplankton community structure in a shallow lake in China. *Fish. Manage. Ecol.* 12, 81–89

¹⁰² Lisa A. Eby, W. John Roach, Larry B. Crowder and Jack A. Stanford. 2006. Effects of stocking up freshwater food webs. *TRENDS in Ecology and Evolution* Vol.21 No.10.

¹⁰³ Scavia, D. et al. (1986) Influence of salmonine predation and weather on long-term water quality trends in Lake Michigan. *Can. J. Fish. Aquat. Sci.* 43, 435–443

¹⁰⁴ Simon, K.S. and Townsend, C.R. (2003) Impacts of freshwater invaders at different levels of ecological organisation, with emphasis on salmonids and ecosystem consequences. *Freshw. Biol.* 48, 982–994.

¹⁰⁵ Dunham, J.B. et al. (2004) Assessing the consequences of nonnative trout in headwater ecosystems in Western North America. *Fisheries* 29, 18–24

¹⁰⁶ Nakano, S. et al. (1998) Competitive interactions for foraging microhabitat among introduced brook charr, (*Salvelinus fontinalis*) native bull charr (*S. confluentus*) and westslope cutthroat trout (*Oncorhynchus clarki lewisi*) in a Montana stream. *Environ. Biol. Fishes* 52, 245–355

¹⁰⁷ Gunckel, S.L. et al. (2002) Effect of bull trout and brook trout interactions on foraging habitat, feeding behavior growth. *Trans. Am. Fish. Soc.* 131, 1119–1130

¹⁰⁸ Simon, K.S. and Townsend, C.R. (2003) Impacts of freshwater invaders at different levels of ecological organisation, with emphasis on salmonids and ecosystem consequences. *Freshw. Biol.* 48, 982–994

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- Trout stocking can impact macroinvertebrates^{109_110_111}
- Trout stocking can impact riparian plants and animals^{112_113_114_115}
- Lead tackle impacts aquatic and terrestrial animals^{116_117_118_119}
- Monofilament line can impact aquatic and terrestrial animals¹²⁰
- Lost fishing hooks can impact aquatic and terrestrial animals as well as other recreationists¹²¹.
- Fishing can result in direct mortality to fish, both intentionally as take, and unintentionally¹²².

¹⁰⁹ Gliwicz, Z.M. and Rowan, M.G. (1984) Survival of *Cyclops abyssorum taticus* (Copepoda, Crustacea) in alpine lakes stocked with planktivorous fish. *Limnol. Oceanogr.* 29, 1290–1299

¹¹⁰ Nakano, S. and Murakami, M. (2001) Reciprocal subsidies: Dynamic interdependence between terrestrial and aquatic food webs. *Proc. Natl. Acad. Sci. U. S. A.* 98, 166–170

¹¹¹ Baxter, C.V. et al. (2005) Tangled webs: reciprocal flows of invertebrate prey link streams and riparian zones. *Freshw. Biol.* 50, 201–220

¹¹² Nakano, S. and Murakami, M. (2001) Reciprocal subsidies: Dynamic interdependence between terrestrial and aquatic food webs. *Proc. Natl. Acad. Sci. U. S. A.* 98, 166–170

¹¹³ Baxter, C.V. et al. (2005) Tangled webs: reciprocal flows of invertebrate prey link streams and riparian zones. *Freshw. Biol.* 50, 201–220

¹¹⁴ Baxter, C.V. et al. (2004) Fish invasion restructures stream and forest food webs by interrupting reciprocal prey subsidies. *Ecology* 85, 2656–2663

¹¹⁵ Knight, T.M. et al. (2005) Trophic cascades across ecosystems. *Nature* 437, 880–883

¹¹⁶ Eisler, Ronald, U.S. Fish and Wildlife Service. "Lead Hazards to Fish, Wildlife, and Invertebrates: A Synoptic Review." Biological Report 85(1.14), *Contaminant Hazard Reviews*, April 1988.

¹¹⁷ Scheuhammer, A.M., Money, S.L., Kirk, D.A., Donaldson, G. "Lead fishing sinkers and jigs in Canada: Review of their use patterns and toxic impacts on wildlife." Occasional Paper Number 108, Canadian Wildlife Service, March 2003.

¹¹⁸ Sidor, Inga F., Pokras, Mark A., Major, Andrew R., Poppenga, Robert H., Taylor, Kate M. Miconia, Rose M. "Mortality of Common Loons in New England, 1987 to 2000." *Journal of Wildlife Diseases*, Vol. 39, No. 2, pp. 306-315.

¹¹⁹ Scheuhammer, A.M., Norris, S.L. "A review of environmental impacts of lead shotshell ammunition and lead fishing weights in Canada." Occasional Paper Number 88, Canadian Wildlife Service, August 1995.

¹²⁰ This is a common issue discussed in the grey literature, and the Report authors should research this in the peer reviewed literature.

¹²¹ This is a common issue discussed in the grey literature, and the Report authors should research this in the peer reviewed literature.

¹²² Aaron Bartholomew and James A. Bohnsack. 2005. A Review of Catch-and-Release Angling Mortality with Implications for No-take Reserves. *Reviews in Fish Biology and Fisheries*. Volume 15, Numbers 1-2 / February, 2005. 129-154

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- Wading may impact macroinvertebrates¹²³.

American Whitewater's Conclusions

We hope that the USFS finds these comments useful, and can enhance their literature review with the sources and information we have shared.

Thank you for considering these comments,

A handwritten signature in black ink, appearing to read "Kevin Colburn". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kevin Colburn

¹²³ Kick-netting is a widely used method for causing unintentional drift in stream macroinvertebrates for the purpose of sampling, inferring that walking and shuffling feet on the stream bottom for any purpose would have the same effect. To learn more about the methodologies, see Cummins, K.W and R.W. Merritt. 1996. Aquatic Insects of North America. Third edition. Kendall Hunt Publishing.

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**Comments on the USFS Report Titled
Capacity and Conflict on the Upper Chattooga River**

Submitted on July 3rd, 2007

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**Comments on the USFS Report Titled
Capacity and Conflict on the Upper Chattooga River**

Submitted on July 3rd, 2007

Introduction and Executive Summary

The USFS report titled Capacity and Conflict on the Upper Chattooga River (Integrated Report or IR) contains a wealth of information useful in managing the Chattooga River and we commend the FS and their consultants for their efforts compiling this report. We are offering these comments as both comments on the Integrated Report itself, and also on the greater process and state of information leading up to this fall's NEPA process. The IR finds that:

- Paddling use is expected to result in at most 1200 additional visits to the Chattooga Headwaters each year – making it among the smallest uses of the area.
- The only impact that paddlers *might* have according to the IR that is not common to all current users is a potential social impact on the recreational experience of a very small number of sensitive, backcountry fly fishermen, on a few days of the year. That is it.
- There is no evidence of similar impacts on the Chattooga or on any river in the region.
- The few anglers present *would not see any paddlers* on at least 80% of the year and that for much of the remainder of days they may or may not see one or two groups of paddlers. The only exception would be a handful of suboptimal angling days when boating use could be unusually high (still only 4, 8, or 14 groups expected depending on the reach).

The IR shows clearly that the result of allowing paddling on the Chattooga amounts only to a couple of highly sensitive anglers seeing a couple groups of paddlers on a small percentage of days when angling is suboptimal. This finding should be the end of the discussion. However, while the report

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clearly offers no evidence of any past or potential conflicts of any significance – it somehow makes the massive leap in logic to conclude that conflicts between boaters and anglers may occur on the Chattooga, may be significant, and may require active management intervention. The IR goes on to present a range of biased “solutions” to this “problem” – which in reality does not exist and will not occur. We fully disagree with these conclusions, and will show in our comments that the IR itself clearly does not support them.

We challenge the USFS to find a management alternative more elegant, fair, protective, responsive to rapid flow changes, and easier to manage than simply allowing the natural flow regime to dictate use on the upper Chattooga River. Quite frankly, it can't be done – the natural flow regime has worked on every other river in the region to eliminate any potential conflicts. The natural flow regime creates an 80:20 split on the Chattooga; 80% of days having angling without boaters present, and 20% of days having potentially shared use. We see this as meeting even the zero-tolerance angler's interests by providing predictable time periods during which no boaters will be present, on over 80% of days. We would add that in reality, based on flow preferences, flow changes, time of day, season, location selection, number of hours fished, and other factors, it is highly likely that an individual angler would actually see paddlers on less than 5% of visits. This management alternative is proven, it is legal, it is regionally and nationally consistent, and it meets our interests. The IR offers no evidence for why this alternative is not the best possible alternative.

We question the title of the report itself. The Chief ordered a capacity analysis, not a “conflict” analysis. Despite the Chief's clear order, the local FS insists on making this issue about conflict between two primary user groups – anglers and whitewater paddlers. Both groups have an equal right to solitude on the river and the IR shows that both groups are complimentary to each other, not in conflict. The IR shows that the natural flow regime provides the preferred recreational experiences for every user group.

The IR contains significant errors and omissions that must be remedied. Especially egregious is the discussion on decision space which excludes vital information such as USFS policy on river management and navigability, an interstate compact securing navigation, and a US Supreme Court statement of navigability of the Chattooga.

Our comments that follow address both the IR itself, and also the greater process and state of information leading up to this fall's NEPA process. We point out a number of factual errors, many significant omissions, errors in interpretation of facts, organizational errors, and errors of judgment regarding management options. We ask that the FS take note of our comments and concerns and address them appropriately as we move forward in the NEPA process. We also ask that the studies underlying the IR, and the IR itself be corrected based on these comments and the comments of other stakeholders. Continuing to create a record of documents that have not been corrected based on public comment does nothing but create a weak and flawed foundation for future decisions. These documents, as they exist, are not defensible.

1. Comments on the Integrated Report chapter titled: “Introduction”

The legend in Figure 1 misrepresents the map and reality.

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The legend in Figure 1 lists 4 reaches open to boating and only one closed to boating, while the map clearly shows the 3 (or 4 if the Delayed Harvest Reach is counted) reaches banned to boating. The legend should be changed to match the map, and include the 3 or 4 reaches banned to boating.

The introduction also fails to point out that the *entire* river corridor is open to angling and every effort is made in the IR to imply that boaters and anglers share the river equitably under current management. This could not be further from the truth. The misleading legend in Figure 1 is just one example of this bias.

Agency “expert judgments” lack boating expertise.

On page 6 among the Report Limitations and Caveats it is noted in the second bullet that agency staff was relied upon for “expert judgments.” None of these “experts” are experts or even novices in whitewater boating. Furthermore none of the “expert” agency staff are experts in the management of whitewater boating on steep mountain creeks and rivers such as the Upper Chattooga. This fact needs referenced in the report, and should temper if not disqualify the assertions made by this group regarding paddling.

2. Comments on the Integrated Report chapter titled: “The Upper Chattooga “Decision Environment”

The IR fails to address user capacity and the outstanding remarkable values on a significant portion of the river.

The upper 2 miles of the Chattooga Headwaters were not addressed at all in the IR other than to dismiss them as private lands and beyond Agency management discretion. The reach was excluded explicitly on page 10 and 11 in a discussion of navigability and private land. This section contains significant errors – though none greater than the resulting omission of this section of river from the remainder of the analysis.

Congress designated this section as Wild and Scenic, it was included in our appeal, and was included in the appeal decision that required a user capacity analysis. The upper 10% of the Chattooga WSR has various OR values. The USFS admittedly has not entered this reach for a long time period, so the public and the agency cannot determine whether or not they are protecting and enhancing those OR values as required by federal law.

On page 52 the IR states that development is not a major concern. It is a major concern for American Whitewater and we have no information regarding development in the top 10% of the upper corridor including information on potential scenic, biological, or water quality impacts. The IR should be revised to include these concerns and specifically state these significant data gaps.

What we do know about this reach is that the Recreation OR value has been eviscerated by the USFS. The FS is has not protected and enhanced public recreation on this reach and are thus, *absolutely and obviously*, violating the WSRA. The one use that the USFS can explicitly allow on this section of river, and thus at least partially fulfill their mandate, is paddling – the only use they have banned. The

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IR is deficient in that it does not describe the recreational resources of the top 10% of the upper river, nor does it propose alternatives for protecting and enhancing the recreation OR value of this reach.

The IR is deficient in omitting key portions of the Wild and Scenic Rivers Act (WSRA) addressing private lands.

The IR fails to mention that the USFS has the right and obligation under the WSRA to negotiate or condemn a floating or scenic easement to assure the rights of the public to paddle, scout, or portage on Wild and Scenic Rivers. This discussion should be added to page 7, under the WSRA section and reiterated under the navigability section on page 11.

SECTION 6 (a) 2 of the WSRA states that:

“Nothing contained in this section, however, shall preclude the use of condemnation when necessary to clear title or to acquire scenic easements or such other easements as are reasonably necessary to give the public access to the river and to permit its members to traverse the length of the area or of selected segments thereof.”

This telling section of the WSRA indicates a clear intent of the authors that the public should be allowed to access and traverse Wild and Scenic Rivers, especially in cases like the Chattooga that have recreation – and boating specifically – mentioned as an OR value.

While condemnation of any easements on the upper Chattooga is not necessary to allow floating (see following discussion on navigability) this element of the act certainly must be referenced in the IR, and its intent and power noted.

The IR omits key USFS policy regarding the management of Wild and Scenic Rivers flowing through private lands.

The IR omits the USFS policy on regulating use on Wild and Scenic Rivers flowing through private lands. The Forest Service Manual directly states that the USFS has the right to regulate use on rivers within the USFS boundaries *or* Wild and Scenic Rivers. Yet, the IR is written as though this document and policy do not even exist. See the excerpt below from the Forest Service Manual:

2354 - RIVER RECREATION MANAGEMENT.

2354.01 - Authority. Administration of the rivers within the National Forest System falls under the general statutory and regulatory authorities, including mining and mineral leasing, laws, that apply to lands. The basic authority to regulate public use of waters within the boundaries of a National Forest or Wild and Scenic River derives from the property clause of the U.S. Constitution as implemented through the laws pertaining to the administration of the National Forests. The authority of the Secretary of Agriculture to regulate the public use of waters found at 16 USC 551 has been upheld in many court decisions. The most notable cases are:

2.

1. *United States v. Lindsey*, 595 F.2d 5 (1979). The court held that within a federally designated area the Federal Government had the authority to regulate camping on State-owned land below the high water mark of a river.

2. *United States v. Richard*, 636 F.2d 236 (1980) and *United States v. Hells Canyon Guide Service*, 660 F.2d 735 (1981). The courts held that the Forest Service can regulate use of a river notwithstanding the fact that users put in and take out on private land.

This discussion should be added to page 7, under the WSRA section and reiterated under the navigability section on page 11.

The IR fails to address Section 13(e) of the WSRA as it relates to the USFS decision space on the Upper Chattooga.

Section 13 (e) of the WSRA states:

“Nothing contained in this Act shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by any States which contain any portion of the national wild and scenic rivers system.”

In 1876 the Supreme Court clarified that the Chattooga (the most northern tributary of the Tugaloo River) is navigable to its source under an interstate compact entered into between the States of South Carolina and Georgia on the twenty-fourth day of April, 1787. The court stated the following, referencing an interstate compact:

“The **navigation** of the river Savannah, at and from the bar and mouth, along the north-east side of Cockspur Island, and up the direct course of the main northern channel, along the northern side of Hutchinson's Island, opposite the town of Savannah, to the upper end of the said island, and from thence up the bed or principal stream of the said river to the confluence of the rivers Tugoloo and Keowee, and **from the confluence up the channel of the most northern stream of Tugoloo River to its source, and back again by the same channel to the Atlantic Ocean, is hereby declared to be henceforth equally free to the citizens of both States, and exempt from all duties, tolls, hindrance, interruption, or molestation whatsoever** attempted to be enforced by one State on the citizens of the other, and all the rest of the river Savannah to the southward of the foregoing description is acknowledged to be the exclusive right of the State of Georgia.(emphasis added)¹²⁴”

Thus, the 30+year ban on paddling under the management plan for the Chattooga Wild and Scenic River has been in direct conflict with Section 13 (e) of the WSRA.

Likewise, the Comprehensive River Management Plan contained in the Land and Resource Management Plan for the Sumter National Forest – now up for amendment - must conform to Section 13 (e) and allow navigation without hindrance, interruption, or molestation. Several management options that limit paddling would directly and *illegally* conflict with this compact.

¹²⁴ *State of South Carolina v. State of Georgia* [93 U.S. 4](http://supreme.justia.com/us/93/4/case.html) (1876) <http://supreme.justia.com/us/93/4/case.html>

2.

The IR wrongly infers that the Chattooga River has not been adjudicated as navigable, as it relates to the USFS decision space on the Upper Chattooga.

Governing regulations for navigability determinations state: “Precise definitions of "navigable waters of the United States" or "navigability" are ultimately dependent on judicial interpretation and cannot be made conclusively by administrative agencies.”¹²⁵

In the case of the Chattooga, judicial confirmation of navigability has occurred and confirms navigability of the reaches in question. In 1876 the Supreme Court clarified that the Chattooga, the most northern tributary of the Tugoloo, is navigable *to its source* (see above). The Chattooga River is absolutely navigable – since it has been adjudicated as such by the *Supreme Court of the United States*¹²⁶.

The IR fails to include relevant references, context and policy regarding the Wilderness Act.

The IR overlooks specific USFS policy that dictates how wilderness should be managed. The Forest Service has promulgated its own regulations to execute Congress’s mandate that: agencies administer wilderness to preserve its wilderness character.

16 U.S.C. § 1133(b) states:

“each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and ... wilderness areas *shall be devoted to the public purposes of recreational ... use*”).

The Forest Service regulations provide the following with respect to wilderness areas:

- National Forest Wilderness shall be so administered as to meet the public purposes of recreational ... uses;¹²⁷
- In carrying out such purposes, National Forest Wilderness resources shall be managed to *promote [and] perpetuate* ... specific values of ... primitive recreation. *To that end:* ... Wilderness will be *made available for human use to the optimum extent* consistent with the maintenance of primitive conditions.¹²⁸

The IR also makes several USFS policies on Wilderness management seem like a passing opinion with little or no relevance to the management of the Chattooga. The first example of this is the forth bullet under the Wilderness Act section on page 9. The Forest Service Manual contains the following policies:

¹²⁵ 33CFR 329.3

¹²⁶ State of South Carolina v. State of Georgia [93 U.S. 4](#) (1876)

¹²⁷ 36 C.F.R. § 293.2

¹²⁸ 36 C.F.R. § 293.2(b)

2.

“Maximize visitor freedom within the wilderness. Minimize direct controls and restrictions. Apply controls *only when they are essential for protection of the wilderness resource* and *after indirect measures have failed*”.

“Use information, interpretation, and education as the primary tools for management of wilderness visitors.”

The USFS Manual also provides that one of the objectives for management of wilderness is to “Protect and perpetuate wilderness character and public values including, but not limited to...primitive recreation experiences (USFS Manual § 2320.2).” It is later clarified in section 2320.5.3, that rafts and canoes are considered primitive devices suitable for use in wilderness. These points should be referenced in the IR – and should be considered fundamental management objectives for the Chattooga River’s Ellicott Rock reach.

The discussion of “grandfather rights” fails to address paddling specifically.

In the final bullet under the WSRA section on page 8, the IR states that:

“In general, types of use and access routes within river corridors at the time of designation receive ‘grandfather rights’ (continued use). However if an access route or type of use adversely impacts an OR Value, it may be closed or regulated.”

The IR is deficient in not specifically discussing how this relates to paddling. Substantial paddling use occurred both prior to and at the time of designation. Furthermore there is absolutely no evidence of that paddling use impacted any other OR value, either then or now.

In fact, eliminating paddling use has impacted and continues impact a grandfathered element of the recreation OR value for the upper Chattooga - paddling. This is a major issue regarding the historic boating ban and future management and must be elaborated upon in a revised draft of the IR. Not doing so leaves a critical element of the decision space essentially blank.

Anecdotal evidence is not evidence – there is no evidence of past conflicts

Anecdotal evidence is inappropriately relied upon throughout the IR. For example in the third bullet on page 15 (6th bullet under the History section), the authors state that anglers “appear” to have had conflicts or been displaced by increased boating use on the lower river – an opinion which they admittedly base on loose anecdotal evidence.

We are aware of no factual evidence or first hand accounts of any such occurrence in the record, and thus ask that this bullet be struck. This report should be based on facts – not speculation by biased sources. Continued reliance on anecdotal evidence of questionable intent is a significant hurdle to resolving issues surrounding Chattooga River management.

The IR misrepresents state navigability law and the disagreement among stakeholders regarding navigability.

2.

The IR uses a misunderstanding of navigability law and USFS policy to conclude that they cannot manage the section of the Chattooga WSR that flows through private lands. This must be corrected.

The public has the right to paddle this river under both state and federal law. As for state law, the IR erroneously states that a 1998 opinion by the NC Attorney general:

“suggested that waters ‘capable of use’ by canoes and kayaks were likely to be determined navigable if adjudicated” (emphasis added).

In fact the AG opinion did not merely suggest, rather firmly stated that rivers capable of being paddled **are** navigable¹²⁹. The Attorney General’s Opinion never mentions adjudication as a requirement of navigability – merely the possibility of floating in a canoe or kayak.

Furthermore, the Attorney General’s opinion definitively answered the question of whether or not the public has the right to float down streams in canoes and kayaks directly with the following statement:

“Yes. Citizens have the right to travel by "useful vessels" such as canoes and kayaks, "in the usual and ordinary mode" on waters which are in their natural condition capable of such use, without the consent of the owners of the shore.”

There is in fact no doubt whatsoever that the Chattooga River is navigable under NC law and legal to float. The IR must be corrected for accuracy on this issue. While it may be clear that the landowners *claim* the reach is not navigable, it is equally clear that the 1998 Attorney General’s opinion states that it is absolutely navigable.

Regardless, *the river was adjudicated as navigable to its source* by the US Supreme Court in 1876.¹³⁰ American Whitewater has provided this documentation to the USFS numerous times yet no mention is made in the IR of this pivotal fact.

The IR fails to include the USFS policy on the navigability of rivers:

¹²⁹ “The controlling law of navigability as it relates to the public trust doctrine in North Carolina is as follows: " 'If water is navigable for pleasure boating it must be regarded as navigable water, though no craft has ever been put upon it for the purpose of trade or agriculture. The purpose of navigation is not the subject of inquiry, but the fact of the capacity of the water for use in navigation.' " Id. at 608-09, 48 S.E. at 588 (quoting [Attorney General v. Woods, 108 Mass. 436, 440 \(1871\)](#)). In other words, if a body of water in its natural condition can be navigated by watercraft, it is navigable in fact and, therefore, navigable in law, even if it has not been used for such purpose. Lands lying beneath such waters that are navigable in law are the subject of the public trust doctrine. [342 N.C. at 301, 464 S.E.2d at 682.](#)

The Court concluded that "navigability in fact by useful vessels, including small craft used for pleasure, constitutes navigability in law." (Emphasis supplied.) [Gwathmey, 342 N.C. at 300, 464 S.E.2d at 681](#), citing [State v. Narrows Island Club, 100 N.C. 477, 5 S.E. 411 \(1888\)](#). "The capability of being used for purposes of trade and travel in the usual and ordinary modes is the test, and not the extent and manner of such use." [Gwathmey, 342 N.C. at 300, 464 S.E.2d at 681](#), quoting [State v. Twiford, 136 N.C. 603, 606, 48 S.E. 586, 587 \(1904\)](#). Further, "the public have the right to the unobstructed navigation as a public highway for all purposes of pleasure or profit, of all watercourses, whether tidal or inland, that are in their natural condition capable of such use." [Gwathmey, 342 N.C. at 300, 464 S.E.2d at 681](#), quoting [State v. Baum, 128 N.C. 600, 604, 38 S.E. 900, 901 \(1901\)](#)." 1998 Attorney General Opinion.

¹³⁰ *State of South Carolina v. State of Georgia* [93 U.S. 4](#) (1876)

2.

Section 2354.14 of the USFS Manual clearly states that:

“The Forest Service retains authority to regulate the use of a river and the National Forest lands on the shorelines whether it is navigable or nonnavigable.”

This USFS policy should form the basis of the USFS response to landowner’s efforts to exclude the public from a USFS managed WSR. The IR is severely deficient in omitting this policy.

Substantial boating use did occur prior to 1971

The IR states on page 14 that substantial boating use had not occurred prior to 1971 on the upper Chattooga. This is a matter of opinion and we disagree. Substantial boating use did occur at the time of designation up until the time of the paddling ban in 1976.

There were people regularly kayaking the Chattooga headwaters prior to 1971 (see the AW co-plaintiff affidavits from the lawsuit over this matter). While not a huge number of people, we consider this substantial use.

Likewise, the USFS considered it substantial enough at the time to recommend the river for Wild and Scenic designation based on its OR value as a paddling resource, and went on to recommend put-ins, take-outs, and portage trails on the upper river in the process. We consider this to be adequate evidence that paddling use was substantial.

The History Section conflicts with the Potential Use section of the IR

The History Section of the IR, on page 15, notes that boating use on the lower Chattooga has fallen over 37% in the past decade. In contrast the Potential Use section on page 40 estimates that whitewater boating has increased a ridiculous 250%. This conflict should be corrected.

Also the use of OIA numbers on page 40 is highly suspect. Many in the sport and business of whitewater boating, including AW, believe these numbers are both bizarre and erroneous.

The History Section confirms that there was never a basis to ban boating.

The documentation of the 1976 boating closure is not limited, it is *completely non-existent* and the History Section confirms AW’s assertion and the Appeal Record of Decision’s findings that there was never a basis, and certainly no record of a basis, for the 30+ year boating ban.

The IR however fails to reach this explicit conclusion, even though it is clearly proven. This should be changed.

70,000 exotic species is *not* Wild and Scenic.

2.

One of the OR values on the Chattooga is “Biology.” We question how stocking 70,000 non-native exotic fish¹³¹ into a Wild and Scenic River is compliant with that OR value, given the proven impacts of stocking such fish on native biology. We ask that the IR deal with this conflict and express how this action is consistent – given the proven conflicts between this recreational measure and the Biology ORV.

Backcountry anglers create and use user created trails (page 20)

The IR is clear that backcountry anglers rely heavily on user created trails to access the river. This specific relationship between such a use and the resulting impacts is never explicitly addressed in the IR.

The amount of user created trails appears to be substantial (page 21)

There are 35.0 miles of designated trails in the upper river corridor and 19.3 miles of user created trails. We feel that this is a significant amount deserving of active management to reduce any erosion or visual impacts.

3. Comments on the chapter titled: “Recreational Opportunities”

The Delayed Harvest reach of the Chattooga is not in North Carolina.

The second to last bullet on page 20 states that the delayed harvest reach of the Chattooga River is in North Carolina. It is not.

Skilled boating does not attract unskilled boaters

The final bullet under the Scenic Oriented Boating / Tubing section contains significant problems. Here the IR asserts that allowing floating could “exacerbate this problem” of inexperienced paddlers putting on the river.

First, there is no evidence of this effect on any river that we are aware of including the lower Chattooga.

Second, the presence of skilled paddlers can actually deter such use through peer pressure and education.

Third, the IR fails to mention that there is virtually no signage or information at any of the upper river access points that the public could use to make a floating decision on. The notion that the ban is “well publicized” is laughable, since a visit to any of the river access areas offers no notice of the closures or what lies downstream.

¹³¹ Page 19 of the IR

2.

We would argue, and the IR should note, that information at the river access areas, along with the presence of skilled boaters, could deter people from putting on the river that lack the skills to safely complete the run.

4. Comments on the Integrated Report chapter titled: “Use Information”

The use estimation workshop estimates differ significantly from real data presented

The IR should explain the basis for inflating use estimates above the real use numbers actually collected. Why are uses estimated, when real use data exists?

“Use Estimation Workshop” Participants lack whitewater paddling expertise.

Each of these workshop participants’ paddling expertise (or lack thereof) and experience with use levels of class IV/V kayaking on steep creeks should be noted.

Furthermore we question why David Hedden, the river ranger with the most on the ground knowledge of the resource was not a participant in the workshop.

Section III of the Chattooga is not acceptable as a proxy river.

The Lower Chattooga Boating Use section on pages 32 and 33 lumps Sections III and IV together for comparison purposes to the upper river. Section III is a very different recreational resource from the Upper Chattooga. It is vastly easier and therefore acceptable to a vastly larger pool of paddlers – and it also runs all year. Comparisons and discussion involving Section III are inappropriate and should be struck from the IR.

Section IV of the Chattooga is not acceptable as a proxy river.

The IR makes a serious error in relying on Section IV of the Chattooga as a reference reach for the Upper Chattooga. Section IV has a long history of use, is commercially rafted, is well known by the community, is predictably free of strainers, is a more open and less intimidating reach, is likely easier than the headwaters, has fewer rapids than the headwater reaches, runs all the time, has more predictable flows, and is generally a much larger river. Many more people are attracted to such well known, bigger, predictable rivers with summer flows than are attracted to steep inaccessible unknown runs that run only on intense rain storms generally in colder weather on shorter days. All told, Section IV is a vastly less intimidating, more approachable river than any headwater steep creek of similar difficulty. Many paddlers run only larger rivers and shy away from the additional challenges faced by creek boating.

Furthermore the Section IV use numbers include use down to Woodall Shoals as well as use below Woodall Shoals. This is inappropriate because many users that would not run the upper river take out at Woodall Shoals yet are counted as Section IV paddlers. The IR is erroneous in considering Section IV, especially the use from Highway 76 to Woodall Shoals as a good metric for demand.

Reservoir access areas *do* include reservoir boaters.

2.

The final bullet under the Other Lower Chattooga Use section of the IR, on page 34, states that spot counts at the Tugaloo Lake access area “may” reflect some reservoir use. We would argue that these spot counts do include reservoir use. These data should not be considered any basis for use estimates of Section IV.

Use of the Lower River is NOT increasing.

The second bullet under the “Estimating potential whitewater boating use” section concludes that private use may be increasing on Section IV (page 35). This assertion is based on comparing 2003 – 2005 medians to 1998-2005 average medians. This is misleading. 2003 – 2005 were high water years. Only a bizarre cherry picked statistic such as the one selected could show that a decrease from 80,000 to 60,000 users is an increase! Use is decreasing, and the IR should acknowledge that. The contribution of commercial use, which will not occur on the upper Chattooga, should also be figured into any comparison.

Use of Overflow Creek is vastly overestimated

We feel that the estimates of use on Overflow Creek found on page 35 are significantly inflated. The “anecdotal information from several sources” should be revealed behind these estimates – and they should be lowered. We were told that there was a permit box placed on Overflow Creek and are curious why those data were not used?

Most days there will be no boating, and on even more days there will be no encounters.

Optimal angling exists on average for 324 days each year, and acceptable angling occurring on 361 days. In that same time period, paddlers have only 34 days of optimal boating flows and 114 days of potentially acceptable flows. Anglers naturally have nearly 10 times more days on which optimal opportunities for their activity exist, and 3 times more days on which their activity is even possible. Each individual day of optimal and acceptable paddling opportunities is therefore far more precious to paddlers than to anglers.

The Report Overestimates Usable Boating Days

The report fails to adequately describe the effects of predictability on the number of available days for both uses. Of the 34 average days on which optimal boating flows occur, many of these flows will be unavailable to the paddling community.

As mentioned in the report, many of these peak flows will occur at night, rendering a significant number recreationally unavailable. Another significant portion will represent very quick flow events that are simply too short for paddlers to make use of. Another portion will occur as the result of flash thunderstorms that result in unpredictable flows that paddlers are unaware of until after they occur (especially without a gage on the upper river). A portion of the flow events will occur on days of very low temperatures or poor weather which act as a boating deterrent. Yet more days on which optimal flows occur will be on the rising limb of the hydrograph when many paddlers avoid flashy steep creeks.

2.

This combination of factors will lead to a true count of optimal and boatable days that are in fact much lower than the 34 and 114 noted respectively. We would argue that the number of truly desirable days of flow may actually be 50% of the stated numbers based on these factors.

Unlike the boating flows which by their nature occur during dynamic flow events, angling flows are much more predictable. This is proven by the very fact that there are 324 optimal angling days and only 34 optimal boating days. The Chattooga River's hydrograph provides long periods of relatively stable or predictable flows in the angling range for most of the year. Thus, the estimated days of optimal and acceptable angling are likely very close to the true opportunities that exist.

The IR likely overestimates boating demand for individual reaches

The IR estimates that likely use of the upper Chattooga will be between that on Overflow Creek and Wilson Creek seems reasonable.

What the report fails to conclude however is that this demand is for the entire headwaters and will be spread across 2 or 3 sections (depending on whether or not boaters paddle both upper sections on the same day). Each of the 3 reaches provide different experiences of similar difficulty and will generally be runnable on the same days – thus paddlers interested in boating the Upper Chattooga will have to choose which section to paddle.

The numbers for the 3 reaches combined (provided in Table 1 on page 36) exceed the demand for Wilson Creek and are thus likely higher than actual likely use. Demand will draw a limited number of paddlers to the Upper Chattooga, and the length of runs will split that demand into several subsets.

Thus, the “guesstimates” of use on page 36 may be overestimated per reach, though are not beyond the range useful for discussion purposes. We feel that they are perhaps 25% inflated. With this being said, we feel that these estimates are useful as high estimates for the purposes of the IR and subsequent discussions. We feel that having some high figures that are “in the ballpark” will contribute to the discussion and therefore support these numbers with the caveat that we expect actual peak use to be significantly lower.

The IR misrepresents angling demand for the Chattooga Cliffs reach

In the management and flow based sections of the IR, the Chattooga Cliffs reach is combined with the other reaches in discussions of angling flow preferences, use encounters, etc.

This should not occur because there is virtually no backcountry angling use of the Chattooga Cliffs reach. During the expert panels no anglers wanted to fish this reach, indicating that in fact angling use may be very low and even approach zero during times of boatable flows.

The IR estimates that backcountry angling (and presumably fly fishing more generally) peaks at 3 PAOT but may average 1 to 2 PAOT for much of the year. It is safe to say that half the reach has no public angling use due to private landowner issues, and the other half has extremely low use.

2.

Discussions of limiting floating in that reach to protect an angling experience that does not even exist should be eliminated from the document, and the lack of even potential conflict made apparent.

Angling use is very low

There will be an average of only 1.5 anglers on the Chattooga Cliffs, 4.3 on the Ellicott Rock reach, 2 in the Rock Gorge, and 6.5 on the DH reach at any given time according to the questionable use estimates – sometimes there will be more, and sometimes there will be none.

Anglers are more likely to be absent or lower in numbers when boating is optimal than when it is suboptimal according to the IR. Likewise, paddlers are more likely to be present when angling is suboptimal than when it is optimal.

Thus, any impact of boating on angling will affect *very few* individual anglers, each of which will have ample opportunities to experience a boater free Chattooga River based on natural flow regimes. The IR fails to make this very critical point.

The report fails to estimate user encounters:

If an angler wishes to fish the Upper Chattooga without seeing any paddlers – he or she would have ample opportunities if paddling were allowed and unlimited. The IR use estimate numbers seem high but may reflect future use reasonably accurately. On an average of 247 days the angler could check the gage and know that he/she would have optimal angling flows and not encounter a single boater. Encounters on these days would be *zero*.

If the flow is a bit higher the angler could anticipate possibly encountering a single group of 5 paddlers on about half of the 77 days when angling is optimal and boating acceptable but not optimal. The other 39 days in that period he/she would have *zero* encounters.

If the river were higher yet, angling would be no longer be optimal, but paddling would be, on a total of 34 days. The angler could expect to encounter paddlers on half of these days (17), and may in fact see several groups of paddlers on about a third of these days (6). The other 17 days in the optimal boating period the angler would encounter zero or very few paddlers. This information from the report can form the basis for some estimates of encounters between paddlers and backcountry anglers¹³².

We have calculated high estimates of use encounters between paddlers and backcountry anglers based on the data in the IR¹³³. Most anglers do not spend the entire day on the river and therefore many anglers will not see paddling groups that are on the river the same day as the angler's visit. For the purpose of this analysis, in an effort to show the extreme case, we assume that anglers will see every group of paddlers – even though this will certainly not be the case – especially given preferences for different parts of the day.

On at least 292 days, anglers will encounter zero paddlers on the Chattooga Cliffs reach. On 67 days anglers may encounter 1 group of paddlers. On 6 days anglers may encounter 4 groups of paddlers.

¹³² IR page 37

¹³³ See Appendix 1 for the assumptions behind this analysis, which all come straight from the IR.

2.

Note that the total range of acceptable flows is narrower on this reach than on others, making the total paddling opportunities fewer than these average numbers suggest.

On at least 292 days, anglers will encounter zero paddlers on the Ellicott Rock reach. On 39 days anglers may encounter 1 group of paddlers. On 17 days anglers may encounter 2 groups of paddlers. On 11 days anglers may encounter 4 groups of paddlers. On 6 days they may encounter 14 groups of paddlers.

On at least 292 days, anglers will encounter zero paddlers on the Rock Gorge and the Delayed Harvest reach. On 56 days anglers may encounter 1 group of paddlers. On 11 days anglers may encounter 2 groups. On 6 days anglers may encounter 8 groups of paddlers. Note also that the Rock Gorge actually has a narrower range of optimal flows than the average numbers used for these calculations, so optimal paddling use would actually be further restricted than these numbers suggest.

What does all this mean? It means that what the IR describes as a significant conflict and impact – is neither. Based on the assumptions of use in the report, which are overestimated with regards to boating, encounters between backcountry anglers and boaters would rarely occur.

The few anglers present would see *no* paddlers on at least 80% of days. The remainder of days they may or may not see one or two groups of paddlers, with the exception of a handful of suboptimal angling days when boating use could be unusually high (still only 4, 8, or 14 groups expected depending on the reach). Anglers would also be able to anticipate the number of paddlers they expect to see based on flows.

Simply put, anglers have ample opportunities (80% of days) to predictably fish the Chattooga River without a single encounter with a group of paddlers *without any limits on either use*.

We ask that the IR provide use encounter estimates. Failing to do so explicitly ignores what the report claims is a significant issue on the river. We feel our estimates are reasonable based on the IR, and will in fact dramatically overestimate actual encounters because of the assumptions that all anglers will see all paddlers and other assumptions of use made in the IR.

5. Comments on the Integrated Report chapter titled: “Biophysical Impacts.”

The USFS should be commended for collecting robust biophysical data

We greatly appreciate the USFS taking a hard look at biophysical impacts on the Chattooga River. The collection of data on user trails, erosion areas, camp areas, fire rings, litter, and tree damage is exactly the kind of information needed to really begin to manage for reduced impacts on the upper Chattooga. We applaud the USFS efforts to collect these data and look forward to working with them on stream clean ups and other management actions designed to mitigate or reduce any unacceptable impacts discovered through this field work.

Boater user created trail estimates are without basis

2.

The estimates of boating related user created trails are not based on any real findings and are therefore not adequate for informing decision making¹³⁴. During the expert panels boaters used bedrock to portage and scout. We would point out however that even these overestimates represent only 1/5th of one percent of the total existing trail miles. Regardless, the amount of trails estimated in the IR is negligible in the context of the total trail mileage in the corridor. Trails could also be formally constructed if a need is present – which we doubt is the case.

Litter is unacceptably high, but would not be exacerbated by paddlers as stated in the IR

The amounts of litter noted on page 46 of the IR are totally unacceptable and we agree that this should be remedied. We disagree however with the assertion on page 46 that boaters would contribute to the litter problem just like any other user. Class IV+ paddlers are highly specialized, highly skilled users and numerous studies have linked specialization with increased stewardship (see our appeal). Furthermore, paddling does not result in the almost obligatory littering that occurs through fishing.

Hunting and fishing should not be beyond the scope of the wildlife impact analysis on page 52

The USFS must have the ability to manage user capacity on their lands as it relates to hunting and fishing - and wildlife and fish. If the IR scrutinizes the impacts of merely walking or floating past fish and wildlife then the IR cannot simply ignore the impacts that result from fishing and hunting. Killing and eating fish and wildlife is an impact that greatly surpasses any impacts from hiking and floating use on those fish and wildlife. This massive omission makes no sense from the resource perspective – and is transparently inequitable.

Page 54 notes that anglers trample riparian areas

The impact of angling on riparian areas receives no suggested remedy in the report. This is both unacceptable and blatantly inequitable.

Encounters between anglers and boaters would not be high as stated on Page 62, nor would they be an important impact

The IR states that:

“Encounters between anglers and boaters could be high on the days when flows are acceptable for both...”

and that these encounters:

“are among the most important impacts associated with allowing boating on the upper river.”

This finding is in direct conflict with the results of the IR.

The IR estimates that on 80% of days anglers will see no boaters, and on all but a few of the remaining days they would see only 1-2 groups if any at all. It is certainly true that the IR

¹³⁴ Page 43 of the IR

2.

anticipates 6 or so days each year on which use could be unusually high - but would it really be *high* when flows are acceptable for both? No.

Excluding only a half dozen sub-optimal angling days when boating would predictably be high, the rest of the year encounters would be *nonexistent or incredibly low*.

We struggle to see the basis for the conclusion that this miniscule interaction is somehow important enough to require management action. Even the IR goes into some detail describing variables that will assure low encounter numbers on the 20% of days when both uses are even possible, including temperature, time of day, location, etc.

Based on these factors outlined in the IR, an angler who randomly selected angling days might see one or two groups of paddlers on 1-2 days out of every 10 they fish the upper Chattooga – however the same angler could easily select days on which no boating would occur. Even with a random selection of angling dates, anglers with a zero tolerance for paddlers would have the experience they desire well over 80% of the time.

How does this translate into “high encounters” that are an “important impact.” This is ridiculous and needs to be revised for consistency.

6. Comments on the Integrated Report chapter titled: “Social Impacts”

Encounter impact analysis is missing key points

The encounter impact discussion on page 65 of the IR misses several critical points. The statement that “the relationship between use levels and river or trail encounters is well established ... so use limits are probably the most powerful tool for addressing them” is not always true or consistent with USFS policy and the Wilderness Act. On the Chattooga for example, hikers rarely would see paddlers. Also indirect measures of limiting use must be exhausted before direct limits are implemented based on USFS policy.

The IR goes on at some length in other sections about how on other rivers and on the upper Chattooga differing flow preferences create different use patterns. On many rivers, and on the Chattooga, boating and angling can increase or decrease in popularity without leading to changes in encounters *because the users are on the river at different times*.

It is ridiculous to presume that increases in boating use would create a level of encounters that merits any limitations whatsoever. Furthermore, this section discusses direct and indirect limits as though they are a menu of random options. Limiting use – based on USFS policy and the Chattooga Appeal decision – must be done indirectly before it is done directly. More importantly though – there must be a problem before the USFS can implement a solution with such massive impacts to users as a total closure or direct limits on use numbers.

The interference with angling section lacks an unbiased look at the issue

2.

The analysis of boats passing over fish and the impacts that has on fishing success¹³⁵ fails to address the similar impacts of catching fish, wading in the river, or otherwise startling fish through angling. While *some* anglers may approach a reach carefully, others do not, and many wade right through fishing habitat on the way to new or other locations.

Likewise, casual sightseeing along the river and swimming in the river may have similar impacts on fish response to lures. Any look at this issue needs to realistically address the impacts of all users on fishing success.

Regardless of this massive oversight, the IR found *no* information linking paddling to reduced fishing success.

The interference with angling section states a bizarre goal without basis

This section states that there is no simple way to “totally eliminate negative effects from boater angler encounters.” Ignoring the fact that there will be no encounters on 80-90% of days or more, we must ask where the goal of totally eliminating all impacts on a single user group came from? How is this even possible? Is this a standard? Is this the USFS goal? What other user group or forest use is this standard applied to?

We firmly object to this language and goal. The IR clearly shows that the USFS can allow paddling while still managing for very high quality angling on the upper Chattooga. The two are not inconsistent in any way whatsoever.

The same section notes several western rivers (Blackfoot, Ruby, Rock Creek, Beaverhead, Big Hole, and Madison) that exhibit boat-based and shore-based angler conflicts. The IR is deficient in that it fails to emphasize that these conflicts are not the result of whitewater boaters at all – but rather other fishermen or summer tubers that seek the same flows as anglers. The Blackfoot for example only experiences conflicts during the warm low-flow summer months when angling and tubing use is extremely high, and whitewater use has subsided with the flows.

The IR discusses separation of users in space and time – even though there is no justification for this whatsoever given the natural flow driven separations. Essentially the IR recommends making management actions that limit use when nature already limits use.

Perhaps most egregiously, the IR goes on to talk about zero capacity management which is wholly unsupported by the remainder of the IR, not to mention a host of laws and regulations. Again, the IR presents the goal of zero encounters – all the time – which would never pass a straight face test of equitability as described in the Chattooga Appeal decision.

The IR must be revised to include alternatives of eliminating all angling and allowing paddling which would also reduce encounters to the ridiculous standard of zero.

Angler – boater interactions is not a consideration in the management of *any* USFS rivers in the region

¹³⁵ Page 67,68 of the IR.

2.

On page 69, the IR notes that after a significant amount of research, the authors did not find any examples of management actions to deal with angler-boater interactions in the region. Somehow they then conclude that such interactions have not become a priority on “most southeastern rivers”.

This should be changed to reflect that it is not a priority on “any other southeastern rivers.” We also question why the IR authors discuss a potential need for management on the Chattooga where there is no evidence of any conflicts ever – given the regional context of a similar lack of conflict.

The search and rescue analysis is OK, but lacks regulatory and management context

This section contains some good information on accident likelihood, but lacks key context. For example, the appeal decision clearly states that the USFS does not ban or limit use for safety or search and rescue reasons.

This comes directly from the USFS policy that states: “The manager's role in safety is advisory and informational. Provide opportunities for the river recreation user to become informed of current river flows, equipment and experience minimums and hazards. The user must make the final decision about whether or not to engage in the recreation activity.”¹³⁶

The analysis also lacks clear records of search and rescue operations related to other uses and the impacts of those uses. Why for example would paddling lead to increased rescues any more than say an additional number of anglers or hikers? If there is a capacity of a resource to withstand rescue operations than either that capacity is the same for all users and/or the rescue operations should be modified for reduced impacts.

Search and Rescue operation estimates are not referenced

On page 71 the IR states that the lower river attracts 6-8 search and rescue operations annually, yet then states that the incidents are not tracked. We question the validity of these data, given the admitted lack of any tracking mechanism.

Rescue skills may or may not be lower in younger paddlers

We question the validity of the statement on page 71 that “some wonder” if rescue training is declining among younger boaters. First, “some wonder” if aliens will land on the Chattooga – but that level of personal inquiry does not belong in a scientific report such as the IR.

Second, we are unaware of any evidence of a decline in rescue skills among any user group.

7. Comments on the Integrated Report chapter titled: “Flow Issues”

There is no basis for the Bait Fishing, and scant basis for the Spin Fishing flow preferences

¹³⁶ USFS manual 2354.41b

2.

Figure 11 presents acceptable flow ranges for bait fishing (which no expert panel member chose to participate in) and spin angling (which was based on very little direct information). There is absolutely no basis for this information and it should not be given the same level of certainty that the fly fishing data are given. Please see our comments on the Expert Panel Report regarding the failures of that report.

Number of Days analysis is critically flawed

The number of days analysis is based on an average of fly fishing, spin fishing (which has an inadequate basis), and bait fishing (which has no basis). This average makes the overlap between boating and angling look far more significant than the real overlap of concern: boating and fly fishing (which makes up the bulk of backcountry fishing according to the IR). The number of days analysis should compare overlap of fly fishing and boating per reach, in order to be relevant.

The IR fails to present use preference curves

The standard method of displaying differing or overlapping flow preferences is by using flow preference curves. The figures on page 80 and 82 do a good job of showing overlap of optimal and suboptimal flows of various uses on various sections, however they do not show the trends within those categories.

For example, the outer ends of the bars in figure 11 are less preferable (and therefore would likely attract less use and provide a less optimal experience) than other locations on the bars that are also rated as acceptable. Displaying these trends, even with rough data, will do a vastly better job of showing the type and level of experiences that are really overlapping in the data – if not on the river as well. The IR should be revised to present these curves.

Usable day information is located in the wrong location in the IR

The IR proposes a reasonable estimate of factors limiting paddling usage on days where flows appear acceptable or optimal when just looking at the flow statistics. The IR displays this information in the bullets on page 37, under the “Estimating Potential Whitewater Boating Use” section. This information belongs at that location but must also be included and discussed in the “Using boating days” section on page 84. Along with the discussion and presentation of the bulleted points, a figure similar to Figure 13 should be constructed showing the likely real use of the boatable days, based on the bulleted assumptions on page 37.

Flow issue conclusions do not match the findings of the IR

The conclusions on page 85 do not logically follow the rest of the IR. The IR concludes that on the 77 days (on average) when suboptimal boating overlaps with optimal fishing (but not fly fishing) management actions may be necessary to protect high quality fishing. This assumption is built on a massive house of cards.

2.

First, and most importantly, high quality fishing is already protected by natural flow preferences which assure boater-free angling on an average of 247 days each year! It is absurd to state that in order to protect high quality angling on the Upper Chattooga the USFS must do it *every day of the year*.

Secondly, this conclusion is based on the bizarre assumption that angling is no longer high quality if an angler sees zero, one or two groups of paddlers each day, which is what the IR predicts will occur during those 77 days. The conclusion that those 77 days justify some sort of active management is without any basis.

8. Comments on the Integrated Report chapter titled: “Management Actions”

The “Conflict and Capacity on the Upper Chattooga” section is missing a key point.

What about the impacts of past and future capacity management on paddlers!? There is no discussion regarding the totally devastating impact the assumed “conflict” has had on paddlers for over 3 decades. The past ban, and any future limits could severely impact paddlers and this impact must be analyzed.

The IR erroneously concludes that boating during “overlap periods” would introduce conflict.

We see no basis for the conclusion on page 88 that the presence of boaters and anglers on the same river at the same time introduces conflict. The authors and the USFS sought evidence of such an effect on other regional rivers and found none. They sought evidence on the Chattooga – going back at least 4 decades – and found none. There is no basis for this conclusion and it should be struck from the report.

Boating may not have been rare on the upper river prior to the ban

Page 89 notes that boating was rare prior to the ban, yet there is no basis for this statement. In fact boating use was substantial enough for the 1971 study to suggest access points, portage trails, etc. Likewise there was some level of use even during the closure that may deserve mention in this section. This is especially true during the 1980’s.

The “Management Action Considerations” section of the IR fails to consider the impacts of management alternatives on paddlers

The Management Action Considerations section of the IR (page 100) completely fails to consider the impacts of management alternatives on paddlers – while it does address impacts to “current users.”

The impacts of a total ban or any limits on paddlers must be weighed against the lack of such restrictions on other user groups. This is a vital error of the IR.

The “Separating uses by space” and “Separating uses by time” sections contain solutions for problems that do not exist”

2.

There is no evidence of past conflicts between boaters and anglers (or hikers, or other users) on the Chattooga or any other regional river. Therefore the proposed remedies are for a problem that does not – and will not – exist.

The “Separating uses by space” sections lacks discussion of the upper 2 miles of river

There is no mention of the current and apparently intended management of the uppermost 2 miles of the Chattooga River for *no use*. Surely this deserves analysis in this section of the report.

The “Separating uses by space” and “Separating uses by time” sections are severely biased

There is no mention whatsoever in the “Separating uses by space” or “Separating uses by time” sections of the IR regarding the use of limits on angling, swimming, hiking, or any other use – except boating. This is absolutely unacceptable.

The “Separating uses by flow” section indicates an unacceptable goal of managing for a small number of zero-tolerance individuals resulting in zero capacity

There is no discussion in this section on the options of limiting angling or other uses. This is significantly biased.

Just as importantly, managing zero tolerance individuals may be the key to the Chattooga River management. After all, if one person says that they have a zero tolerance for seeing all other users, would the USFS ban all other users for this one person? While the answer is clearly “no”, we would point out that this is very possible given that *tolerance levels are a choice that individuals can make*.

Likewise, if 10 individuals have a zero tolerance for another wilderness compliant user group that they will scarcely ever interact with, should the USFS ban the user group – or ban the individuals – or just acknowledge that the overly sensitive individuals may have an impacted experience on a few days each year?

This is essentially what has happened on the Chattooga for the last 30+ years. The USFS has banned an entire user group (paddlers) to suit the stated zero tolerance levels of a very few individuals. The USFS should not be managing for extremely small groups of zero tolerance individuals. The result of managing for zero-tolerance individuals is more similar to privatization or homesteading than it is to the mandates and policies of the USFS as guided by the Multiple Use Sustained Yield Act – or any modern concept of recreational management.

The “Separating uses by flow” section lacks a discussion of natural separation of uses by flow

This section is also deficient in that it does not discuss the *fact* that flows naturally separate uses (particularly angling and boating) to the extent that both user groups have significant opportunities to enjoy the river without seeing one another. Anglers have 80-90% of days without paddlers – so how can the USFS possibly justify restricting boating on those few days? Where is the justification for that in the report or the WSRA?

2.

The IR contains many good resource protection ideas that we support.

We fully support the concepts of trail maintenance, trail redesign, camp rehabilitation, backcountry pit toilets at high use sites, clean up patrols, and various educational actions.

The “fishing regulation changes” section is incomplete.

We fully support angling on the upper Chattooga and elsewhere to the extent that it does not damage the river environment or displace other users. Historically and currently, angling has displaced 100% of paddlers from the upper Chattooga. It now threatens to continue to do so based on a few individuals that claim zero tolerance for one group of other wilderness compliant users.

Angling has contributed significantly to the large number of user created trails and trash in the river corridor. Angling results in roughly 70,000 individual exotic fish being added to the river each year. Angling results in low elevation helicopter stocking operations which certainly has impacts on other users yet is not addressed in this report. Angling undoubtedly impacts other users seeking solitude, fish health, aquatic invertebrates, riparian health, and other factors. Angling has displaced 100% of paddlers.

The IR ignores all these factors and gives no real consideration to limits on angling or management of these impacts. The angling regulation section on page 93 fails to address the very tangible benefits to boating, other users, trails, camping, riparian health, fish health, the native aquatic assemblage, and other resources that reduced or modified angling activity may have.

With all this said, we feel that angling on the upper Chattooga should continue to be fully supported by the USFS so long as its impacts are minimized and mitigated – just like all uses.

The rationale behind limits on boaters is flawed

The IR states on page 93 that limits on boaters are “probably the best way to ensure that boating use (if allowed) does not substantially increase encounter rates in the river corridor.” This may or may not be true of boating – but it is equally or more true of other and all users as well. If limiting the number of encounters is the goal/standard, then limiting far more popular (and increasing) uses like hiking, camping, fishing, etc would do more to limit the number of encounters.

However for some reason this standard is only applied to boating – likely the smallest and most seasonally/flow restricted use in the entire corridor. Applying this standard to boaters only is analogous to stating that limiting the smallest group among minorities’ access to voting is the best way to enhance the voting power of the majority. It is both unethical to apply the standard in this way – and does not make sense.

The IR goes on to list examples of other places where boating has been limited, but fails to mention any real reason for why it is boaters that were limited in these cases – or refer to our significant comments on these case studies (filed in reference to the case study report).

2.

The final paragraph suggesting specific appropriate limits is totally without basis. This paragraph assumes that meeting others' encounter standards *on every day of the year* is a justifiable management priority – in the face of data that says these limits may only be exceeded on a handful of days and only impact a handful of people or less.

The other justifications are similarly bizarre: we fail to see how greater difficulty of the Chattooga Cliffs Reach should trigger more stringent use level restrictions. We also fail to see why more stringent use limits could be justified during the overlap period – when it would be extremely unlikely that an angler would see a group of boaters on those days – and when anglers have at least 80% of days on which there is no chance they would see a paddler.

The “limits on numbers” sections referring to user groups other than boaters are not explored as fully as the limits on boaters section – or at all

There should be an equal amount of detail expressed in exploring limits on each user group (page 93-95). There should also be an analysis of limits on total use – regardless of recreational pursuit.

The “considerations for developing permit systems” section is totally unacceptable and would result in the elimination of nearly all boating opportunities.

The “considerations for developing permit systems” section of the IR, found on page 95, is a ridiculous scenario that is surely intended to show that any permit system on the Chattooga would fail to meet paddlers' interests or be workable for the USFS.

The IR estimates that there are only 34 optimal days of paddling flow each year on average, 17 of which would be utilized – without any permit system whatsoever.

The permit system methodology discussed in the IR would drop that number to virtually zero use by creating unsurpassable hurdles for paddlers. In order to paddle the Upper Chattooga, paddlers have to opportunistically react on literally a moments notice to meteorological information that indicates likely boatable flows. Any impediment to this process would essentially make the Chattooga unrunnable. This is totally unacceptable.

The IR overlooks the most obvious option for a permitting system, and one that we wholeheartedly endorse. This would be a self-issued permit for all users of the Chattooga River corridor. These permits would be unlimited in number and free, but would allow the USFS to track various recreational uses and would provide basic regulations for all users, such as camp spacing, distance to water, etc. See the Cohutta Wilderness LAC for an example.

There is no discussion of the impacts of a ban on paddlers – only on the benefits to anglers

The report discusses at some length the potential negative impacts of the presumed angler-boater conflict on anglers, yet fails to mention the very real past and potential impact on paddlers. Based on this presumed conflict, an entire generation has had no paddling experiences whatsoever on the Wild and Scenic upper Chattooga for over 30 years. One must ask which is a greater impact on users: a slight reduction in quality of experience on up to 20% of days, or the total elimination of an activity.

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It is analogous to comparing a pin prick and a gunshot wound. For 30+ years paddlers have had the gunshot wound so a small number of anglers would not occasionally feel a pin prick. Allowing paddling, and allowing it to be naturally limited by flows, would potentially result in a pin prick to the angling experience for a small number of individuals on a small number of days but would heal the gunshot wound all potential paddlers are currently suffering from.

The IR discusses options of limiting or eliminating paddling through management decisions based on a variety of spatial, seasonal, and flow variables as possible alternatives, yet presents no discussions of the impacts these actions would have on the paddling community. It is analogous to doing a cost-benefit analysis and only analyzing the benefits. The IR must be revised to reveal the very real recreational impacts of past management and alternatives for the future that include permits and limitations on paddling use.

There is no discussion of limiting or banning angling use to reduce or eliminate encounters

If two groups actually conflict – regardless of the direction of antipathy – limiting or eliminating either group would have equal effects on the conflicts. Limiting boating would reduce the already miniscule number of angler-boater encounters, as would limits on anglers.

Eliminating angling for all or part of the year on all or some sections would eliminate encounters altogether. Eliminating boating for all or part of the year on all or some sections would eliminate encounters altogether. The report fails to discuss the effects of limiting angling to reduce encounters. We feel the IR clearly show that no limits are needed for either use, since both uses are low in number and the optimal flow preferences do not overlap.

The “Limits on numbers of anglers” section on page 94 is lacking key benefits

The IR goes on at length about limiting boating to benefit anglers. Thus, boaters’ experiences are totally destroyed, to avoid a rare encounter that detracts somewhat from an angler’s experience. This fails all tests of equity. If the IR or the USFS truly can state that the two uses are incompatible – then there should be an angling ban for part of the year specifically so that paddlers can use the river without impacting anglers. We do not endorse this option as reasonable because we see no evidence of incompatibility.

9. Comments on the Integrated Report chapter titled: “Proceeding with Planning and Decision-making

Flow information is not “precise”

On page 101 of the report, the IR states that “information for flow-dependent activities on the Upper Chattooga is relatively precise for a river with a ‘new’ gage and formal assessment of just one flow.” While this conditional statement may be true, the fact remains that there is a great deal of uncertainty regarding the flow information itself and the user preferences. We state this based on gage translation problems, single flow experience, small sample size, the fact that one reach was not fished at all, the fact that the upper 2 miles was not fished or boated, and other study design flaws.

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Conclusions:

The Integrated Report offers no justification whatsoever for any limits to paddling. In fact the IR confirms our assertions that allowing paddling would have no environmental effects that are not similar to other users, that paddling use would be low and rare, and that interactions between paddlers and other users would be extremely rare based on flows and other factors. Still, there are significant errors and omissions in the IR that must be remedied before this information is incorporated into a NEPA process. Likewise, there are several management options in the report – including limits to paddling – for which there is no basis in the report. We ask that these problems be corrected, and also ask that our comments on the individual studies underlying the Integrated Report be responded to and wrapped into the NEPA report.

We would like to reiterate our challenge to the USFS to find a management alternative more elegant, fair, protective, responsive to rapid flow changes, legal, nationally consistent, and easier to manage than simply allowing the natural flow regime to dictate use on the upper Chattooga River.

Respectfully Submitted On July 2nd, By

A handwritten signature in black ink, appearing to read 'K. Colburn', written in a cursive style.

**Kevin Colburn
National Stewardship Director
American Whitewater**

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Appendix 1. Assumptions behind our use encounter estimates.

Chattooga Cliffs				
	Boaters per day	Boater Groups	Anglers PAOT	Encounters
247 days of no boating optimal angling	0	0	2	0
17 days of optimal boating with 50% weekday use	2.5	1	2	1
11 days at weekday max	5	1	2	1
6 days at peak use	20	4	2	4
38 days of low overlap	0	0	1	0
39 days of low overlap boaters per day.	5	1	1	1
7 days at big water with use	0	0	0	0

Ellicott Rock				
	Boaters per day	Boater Groups per Day	Anglers PAOT	Encounters
247 days of no boating optimal angling	0	0	2.3	0
17 days of optimal boating with 50% week	10	2	2.3	2
11 days at weekday max	20	4	2.3	4
6 days at peak use	70	14	2.3	14
38 days of low overlap	0	0	2.3	0
39 days of low overlap boaters per day.	5	1	2.3	1
7 days at big water with little to no use	0	0	0	0

Rock Gorge and D.H reach				
	Boaters per day	Boater Groups per	Anglers PAOT	Encounters

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		Day		
247 days of no boating optimal angling	0	0	2.3	0
17 days of optimal boating with 50% weekday use	5	1	2.1	1
11 days at weekday max	10	2	2.1	2
6 days at peak use	40	8	2.1	8
38 days of low overlap	0	0	2.1	0
39 days of low overlap boaters per day.	5	1	2.1	1
7 days at big water with little to no use	0	0	0	0

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**American Whitewater Comments on the Inventory of Large Wood in the Upper
Chattooga River Watershed**

Submitted: March 25, 2008

2.

John Cleeves
Project Manager
Sumter National Forest
4931 Broad River Road
Columbia, SC 29212



Kevin Colburn
American Whitewater
1035 Van Buren St.
Missoula, MT 59802
(406)-543-1802

RE: Chattooga Wood Inventory

March 25, 2008

Dear Mr. Cleeves,

American Whitewater noticed the Inventory of Large Wood in the Upper Chattooga River Watershed (Inventory) on the Sumter National Forest's website on February 29th, 2008. This inventory is apparently related to the ongoing User Capacity Analysis, yet we were not notified of the Inventory's preparation or existence. Our staff has significant experience with studying wood in rivers and would have welcomed the chance to participate in this Inventory's development.

The Inventory is just one more of many unilaterally created documents that were issued as a final document without any opportunity for comment by stakeholders. Like other documents developed as part of this process, it contains errors and omissions. The Forest's practice of releasing final documents without opportunity for review and comment runs counter to the Record of Decision for our appeal of the Sumter's Forest Plan, which clearly required involvement with interested parties.

While we disagree with the process that lead to the release of the Inventory, and some of the discussion within the Inventory, the data (with one exception) appear to have been collected and reported properly. Based on the results, we now know that:

- The Upper Chattooga (where wood has never been managed by paddlers) has 4,171 pieces of wood and only 2 wood-related portages. Therefore only 0.02% of wood is potentially a recreational issue.
- Overflow Creek where boating has been popular for decades has essentially the same average amount of wood as the Upper Chattooga (where no boating has occurred).
- Recreationist's (on streams with and without boating) only managed "several" pieces of wood out of 8,322 total pieces. Ecologically, and in the context other accepted recreational impacts, this miniscule effect is not significant.

While no comment opportunity was provided, we are providing our comments on the Inventory to the Forest and the authors. Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Colburn", written over a white background.

Kevin Colburn
National Stewardship Director, American Whitewater

American Whitewater’s Comments on the “*Inventory of Large Wood in the Upper Chattooga River Watershed*”, Including the “*Executive Summary*”

March 25th, 2008

The Inventory of Large Wood in the Upper Chattooga River Watershed (Inventory) reveals several relationships between historical logging, current ecological conditions, and recreational enjoyment in the watershed. The methodologies appear correct and the results appear robust. The discussion of this collection of data however, including the Executive Summary, contains several subtle errors and omissions that could lead to confusion among managers or the public.

As a general statement we find it confusing and inappropriate that the Executive Summary contains photos and information not included in the Inventory itself. It would be helpful if all figures and information in the Executive Summary were also in the Inventory itself. In addition, the Inventory is deficient in that it failed to survey the uppermost 2-3 miles of the Wild and Scenic Chattooga River. Lastly, the Inventory opines about recreational management but fails to quantify recreational impacts to wood.

We offer the following specific comments on the Inventory with the hope that it can be revised to incorporate our comments.

1. Holcomb Creek is not an acceptable reference stream for Overflow Creek:

In several places, the Inventory indicates that Holcomb Creek may be an acceptable reference stream for Overflow Creek. This is not appropriate. Holcomb Creek 1) contains many saw-length pieces left behind by loggers¹³⁷, 2) was and is the site of at least one splash dam¹³⁸, 3) has human placed wood structures not mentioned in the report (see photo in Appendix 1), and 4) is smaller and likely has a lower transport capacity than larger streams like Overflow¹³⁹. Overflow does not share any of these characteristics. In essence, Holcomb Creek’s high number of logs can be directly traced

¹³⁷ “Much of the relatively larger LW load in the West Fork Chattooga appears to be derived from past logging in the West Fork drainage. Many if not most of the LW pieces were logs as evidenced by two saw-cut ends and typical saw-log lengths. These logs tended to form major portions of the banks along the midlower West Fork channel. Although many of the LW pieces found in Holcomb Creek were likely also residual from logging as evidenced by saw-cut ends, none of the cuts were recent.” Executive Summary, pdf page 4.

¹³⁸ “At least some of the pieces in the lower half of Holcomb Creek probably had broken loose from an old splash dam, located about 0.5 km downstream of the bridge on FS road 86b.” Executive Summary, pdf page 4.

¹³⁹ The study reach on Holcomb Creek is 25% smaller than the study reach on Overflow at the upstream ends of the sites, and 44% smaller at the downstream ends. The study reach on Overflow Creek is 23% steeper than the study reach on Holcomb Creek. Combined, these two factors show that Overflow has a much higher transport capacity for wood.

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to morphological differences and historical logging impacts, and therefore Holcomb Creek is not a viable reference stream for Overflow Creek.

As an example of this problem with the report, the Inventory subjectively describes Overflow Creek as having a “dramatically lower LW load” without any comparison of data. Overflow Creek does not have a “dramatically lower LW load” compared to any appropriate reference stream. Overflow’s LW load is only dramatically lower than the very different and impacted Holcomb Creek.

2. Wood distribution and movement is not adequately addressed in the Inventory

Transport of wood varies with the size, discharge, and channel characteristics of the stream, as well as the size and shape of the wood piece. Typically, as channel width increases, the amount of wood present decreases (Bilby and Ward 1991¹⁴⁰). Low gradient reaches also tend to collect and retain wood, whereas higher gradient reaches tend to transport wood. One glance at the maps depicting wood piece abundance per reach reveals this anticipated effect. The smallest reaches at the top of the Inventoried streams are more likely to retain wood simply because of their size relative to the size of wood pieces. With this said, the large accumulation in the uppermost reaches of the Chattooga indicate sufficient stream capacity to transport and organize wood into accumulations. Steep sections of moderate size like Overflow Creek, and much of the Upper Chattooga and the Upper West Fork have the capacity to move logs through those areas during periods of high flow. These logs are deposited when stream gradient decreases as is the case with the lower West Fork and the lowermost reach of the Upper Chattooga. Also in these downstream low gradient reaches, wood pieces entering the stream from the riparian area are less likely to be transported downstream. Stream size and gradient can explain many of the patterns in wood location, yet is largely overlooked by the Inventory. Wood retention and distribution is a complex and dynamic phenomenon and deserves some discussion in the Inventory.

3. The Inventory reveals that wood may be managed by a variety of recreationists

According to the report, minimal recreational management of wood has occurred on Overflow Creek, the West Fork, and the Upper Chattooga. This alteration of “several” pieces of wood out of over 8000 happened on streams both with and without whitewater paddling. Recreational management of wood may be related to swimming, angling, aesthetics, tubing, paddling, or firewood gathering. The Inventory alluded to this result and we would like to reiterate it here.

¹⁴⁰ Bilby, R.E., and J.W. Ward. 1991. Characteristics and Function of Large Woody Debris in streams draining old-growth, clear-cut, and second-growth forests in southwestern Washington. *Canadian Journal of Fisheries and Aquatic sciences* 48: 2499-2508.

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4. Recreational impacts were not ecologically significant

The inventory found a total of 8,322 pieces of wood in the Upper Chattooga Watershed and only “several” that were apparently cut by recreationists. While it is unclear from the Inventory exactly how many “several” pieces are, one must assume that at a watershed scale, it is insignificant. Even if “several” is 80 pieces of wood (which is unlikely); that is still under 1% of the wood in the streams. We ask that the authors provide the exact number of logs cut by recreationists. Assuming that “several” is a relatively small number, one clear result of this Inventory is that recreation has an *insignificant* impact on wood in the Chattooga Watershed, yet that clear conclusion is never stated. In fact the Inventory vaguely seems to indicate that recreation is potential threat to wood.

The extremely small amount of wood that is moved or removed by paddlers is typically above the water line in high quality rapids – where wood has little ecological value in providing complexity, cover, refugia, or sediment retention. Thus, it should not be assumed that recreational wood management is random or especially damaging. It should also be noted that recreational management that lowers a wood piece from above the water to below the water, and/or moves it from a bedrock reach to a reach of finer substrate, may actually improve the immediate ecological functionality of the wood piece. The Regardless, simply prohibiting the removal of wood from the river would mitigate any potential impacts from any recreationist, although the Inventory shows such a prohibition is not justified.

The Inventory states that several wood pieces in Overflow and the West Fork “had been cut into small, easily moved pieces. Some pieces had been placed outside of the bankfull channel. Pieces that are removed from the channel can not function as LW and will not soon be replaced, an unintended consequence that will span generations (Inventory 8-9).” It is clear that the wood pieces and the main bole featured in Figures 6-9 were not in fact removed from the bankfull channel. Photos taken at a modest (lower than bankfull) flow reveal that the main bole and pieces in Figures 6 and 7 are in fact submerged or nearly so even at that flow (see photo in Appendix 1). We feel that the inventory misrepresents the fate of these few pieces of wood.

On a similar note, the Inventory makes the general statement that “Several of the targeted pieces were channel spanners that provide measurable benefit to streams in the form of sediment and organic debris retention (Ex Summary pdf page 8).” We would like to point out that while spanning logs have been shown to have measurable benefits to streams in some situations, that is not true in all locations. Only spanning logs that are in contact with the substrate can trap sediment, and it is extremely unlikely that paddlers would remove logs that they could simply paddle over. The Inventory does not state the elevation above the streambed of the spanning logs. In addition, the Inventory fails to address the different roles that wood plays in various types of stream channels. In steep streams with bedrock channels like the inventoried streams, wood plays a much smaller role in stream function than in lower gradient streams with less stable alluvial channels

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(Murphy and Koski 1989¹⁴¹, Bilby and Wasserman 1989¹⁴²) Figures 6-9 in the Executive Summary clearly show a bedrock and boulder substrate, which is common in these high gradient streams.

All recreational use of Forest Service lands carries some impact. Just as every piece of wood has some ecological value, so too does every inch of land converted to trails and campsites, every animal harvested by hunters and anglers, and every piece of wood burned for campfires – not to mention every tree harvested. These other impacts are vastly larger than any foreseeable impact on wood in the Chattooga Watershed's rivers, are acceptable on a multiple use landscape, and are all managed in a manner that limits the impacts to within an acceptable threshold.

5. The Inventory proves paddling can be allowed on the Upper Chattooga River with no significant impact on wood.

The Inventory revealed that the Upper Chattooga has 4,171 pieces of wood with an average of 205 pieces per mile. This wood has never been managed or manipulated by paddlers to support navigation. In January of 2007, paddlers navigated this entire section with only two wood-related portages. Thus, the maximum potential impact of allowing paddling to occur on existing wood resources would be the removal of 2 pieces out of 4,171. In reality, one of these obstructions is a large accumulation of wood that could not and would not ever be removed by hand. The other piece is in Big Bend Falls and is 1) likely to move on its own, and 2) not ecologically functional in its current location. Thus, the total impact of allowing paddlers access to the river – and not limiting the removal of wood in any way – would be the possibility that one piece of non-functioning wood gets moved. That amounts to 0.02% of the total wood in the river. This is a large sample size, and one of the few data sets of its kind. We can now say with a high degree of certainty that only 1 piece of wood out of every 2,085 pieces on the Upper Chattooga River creates a boating impediment. The Inventory fails to state this extremely important conclusion.

In addition, Overflow Creek and the Upper West Fork, where boating has been popular for decades, have on average essentially the same amount of wood as the Upper Chattooga (where no boating has occurred).

As the Inventory noted at length, impending hemlock deaths may significantly increase the amount of large wood pieces over the next several hundred years. Some percentage of these pieces may be of recreational concern, presumably 0.02% of pieces. Even if the Sumter National Forest makes no effort to curtail recreational management of

¹⁴¹ Murphy, M.L., and K.V. Koski. 1989. Input and depletion in Alaska streams and implications for streamside management. *North American Journal of Fisheries Management* 9: 427-436.

¹⁴² Bilby, R.E., and L.J. Wasserman. 1989. Changes in characteristics and function of woody debris with increasing size of streams in western Washington. *Transactions of the American Fisheries Society* 118: 368-378.

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those few problematic pieces, the death of the hemlocks will lead to significant increases of wood in the Chattooga watershed and only miniscule recreational issues.

We should also note that paddlers have a specific tolerance for portaging on creeks. This tolerance is not zero, and therefore it can be assumed that paddlers will accept a certain number of portages per reach prior to even considering managing a piece of wood.

Conclusions:

The Inventory of Large Wood in the Upper Chattooga River Watershed contains a wealth of data on wood in the system. It paints a vivid picture of the lasting impacts of large scale logging on Holcomb Creek and the lower West Fork. It offers a textbook lesson on how flashy mountain streams transport and deposit wood along their lengths. It reveals that Upper Chattooga River and Overflow Creek have similar amounts of wood, regardless of unique past differences in recreational management. It reveals that recreationists have an *extremely* small effect on wood in the watershed. In concert with the recreational boating study, it proves that paddlers can navigate past, around, under, or over 4,169 logs on the Upper Chattooga, and only have to portage two. In short, it shows that there is no significant conflict between recreational use and protection of wood anywhere in the watershed.

Somehow though, these obvious conclusions are not explicitly stated in the Inventory. The Inventory works well as an ecological analysis. In its selective treatment of recreation, however, it misses several key points. We recommend either fully including a robust discussion of recreation, based on the issues brought forward in these comments, or removing the few vague references to recreation in the Inventory. In addition, we ask that the specific number, characteristics, and location of logs cut by recreationists be shared in the Inventory.

Thank You for considering these comments.

Sincerely,



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Appendix 1. Photos



1. Human placed log v-weir on Holcomb Creek.



2. Logs featured in Inventory photos. Small pieces are submerged or absent, sub-bole is in the water column, and main bole is nearly in the water column at a flow that is significantly below bankfull.

