

**Chattooga River Public Comments Dec. 14 - 20, 2005**

**Posted on Wednesday, December 14, 2005 at 11:07 Hours (Server time).**

From: Todd Hoffman  
Email: Pinecriccker@hotmail.com

Telephone Number: 404-388-1015

Street Address:  
4419 Northside Parkway #187, Atlanta GA, 30327

Message Subject: Visitor Capacity Analysis, Upper Chattooga River

Message Contents:

As both a kayaker and a flyfisher, I would like to express my support for lifting the ban on boating above hiway 28 in the Chattooga Headwaters area. I understand the concerns of fishermen, but I don't believe that giving them exclusive access to the Chattooga Headwaters is a fair use of public land. The reality of the situation is that the potential for conflicts is lower than what most might imagine. As an avid fishermen, I know that the prime boating waterlevels on ythe Chatooga Headwaters are not condusive to good fishing. That being said, I do believe that some regulation of boating in the headwaters might help to ensure that all user groups are treated equally, and that the opportunities to enjoy one activity are not diminished by another activity or user group. To this point I believe that the Forest Service shold require proper equipment and safety precautions for all boaters on the Headwaters and should also issue guidelines for interaction between groups.

Many thanks and best regards,

Todd Hoffman

**Posted on Wednesday, December 14, 2005 at 21:07 Hours (Server time).**

From: David Mitchell  
Email: David Mitchell [mitchellsmw@bellsouth.net]

Telephone Number: 864-949-8037

Street Address:  
130 Millwood Lane  
Wellford SC 29385

Message Subject: Visitor Capacity Analysis, Upper Chattooga River

Message Contents:

I enjoy whitewater kayaking and would like to see access opened up for this stretch of river. Why should one group be singled out and unfairly excluded? We are less likely to damage the environment than any other group would be. Trails for getting to or from the river, no need to explore the forest or shores except near IV, V, and VI rapids to scout or portage. Thanks for your consideration.

David

**Posted on Wednesday, December 14, 2005 at 21:24 Hours (Server time).**

From: Edgar Peck  
Email: yespe@aol.com

Telephone Number: 336-749-5993

Street Address:  
314 Lake Ridge Drive  
Kernersville, NC 27284

Message Subject: Upper Chattooga River

Message Contents:

To protect our limited wild areas, people have to care about them. The best way to get people to care is to have them get out there and experience the fantastic thing that is a wild and scenic river. Lands/ivers should never be "off limits."

**Posted on Thursday, December 15, 2005 at 12:31 Hours (Server time).**

From: ken kinard  
Email: ken@tompkinskinard.com

Telephone Number: 803 799 0059

Street Address:  
po box 11458 columbia sc 29211

Message Subject: Visitor Capacity Analysis, U\////////////////////////////////\r  
Chattooga River

Message Contents:

I enjoy the quiet and solitude of the river above Hwy 28. I believe that resources need to be shared but there is ample water for floating below hwy 28. Your consideration in this matter is appreciated-ken kinard

**Posted on Thursday, December 15, 2005 at 14:15 Hours (Server time).**

From: Mike Harvell  
Email: Rollcaster@hotmail.com

Telephone Number: 787 529 8556

Street Address:  
(enter your mailing address)

Message Subject: Visitor Capacity Analysis, Upper Chattooga River

Message Contents:

Reasons for the ban of boaters above the Highway 28 Bridge:

1. Special place for wilderness experience for current legal use, many uses are banned on this section of the river. If boating use was legalized on the reason that it is currently banned then the other banned uses would be entitled to be included as legal use. This would include but not limited to the rafts, tubes and other vehicular boats.
2. Acceptable practice for limited use for protection of a special and valuable resource. (See the partial list of five super special and valuable fishing rivers below that limit use of the public lands and waters).
3. Section II and III are managed to discourage fishing due to documented user conflicts between intense boat traffic and the fisher. (Pre 1974 Stocking Points below Long Bottom are no longer stocked per request of the Forest Service Management Plan. The section II and III with in proper range winter and spring water temperature and quality would be a wonderful Delayed Harvest Regulated Area for November to June for catch and release fishing, followed by fish harvesting in Mid May and June).
4. Administration and enforcement of use becomes more impossible as the number of uses increases and as limits are imposed on the use.
5. Zoning as a river management tool works!

Five Public Land/Water areas with control use:

Yellowstone Park Waters are closed to boats part of these waters are closed to fishing, The world famous fly fishing river Madison River above Highway 87 launch site to Quake Lake is closed to boats, the West Branch of the AuSable River (catch and release section) New York is closed to boats, Beaverkill River New York is closed to boats and section of Chattooga River SC /GA / NC above the Highway 28 Bridge is closed to boats.

**Posted on Thursday, December 15, 2005 at 15:15 Hours (Server time).**

Hi John,

I left you a voicemail yesterday and look forward to talking when you have a moment. The purpose of this email is to request that you please post the analysis plan on the USFS website that AW proposed to the Southern Regional Office just days after the Chief's decision. I have attached that letter proposal here in pdf.

If possible, please link this proposal on the main site as opposed to buried in the weekly "comments."

I think it will be helpful for stakeholders to see that AW proposed a workable plan for collecting the necessary data more than 6 months ago. It will also provide a means of comparison in the event an incongruent method of collecting data is proposed by another party.

Many thanks,

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J. Nathan Galbreath  
Patton Boggs LLP  
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Dallas, TX 75201-8001  
214-758-1500 (main)  
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[www.pattonboggs.com](http://www.pattonboggs.com)



[Jacobs Ltr.pdf](#)



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May 11, 2005

Nathan Galbreath  
(214) 758-6602  
[ngalbreath@pattonboggs.com](mailto:ngalbreath@pattonboggs.com)

VIA OVERNIGHT COURIER AND ELECTRONIC MAIL

Mr. Robert Jacobs  
Regional Forester  
Peachtree 25th Building  
7th Floor  
1720 Peachtree Road NW  
Atlanta, GA 30309

Re: Decision for American Whitewater's (AW) Appeal of the Sumter National Forest Land and Resource Management Plan Revision, No. 04-13-00-0026 (the "Decision")

Dear Mr. Jacobs:

The purpose of this letter is to set the stage for collaborative discussions regarding implementation of the above-referenced Decision.<sup>1</sup> As you know, our firm represents AW in its ongoing effort to restore floating access on the Headwaters section of the Chattooga Wild and Scenic River for non-commercial, hand-powered, canoes and kayaks.<sup>2</sup>

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<sup>1</sup> As described more fully below, the Decision requires that unless you determine the ban should be lifted immediately, a use capacity analysis will be required that will involve up to two years of data collection, data analysis, and an amended RLRMP. Yet the ROD (defined *infra*) already determined that the Headwaters corridor is a "remote and spectacular natural setting... *with relatively low visitor use.*" (ROD, Appendix H-5). All who have visited the Headwaters corridor know it to be a pristine wilderness with few visitors. It is extremely unlikely that a user capacity analysis will determine that the Headwaters are overused or that use limitations are warranted. Accordingly, both parties may divert valuable time and effort to other important issues if an agreement is reached at this early stage.

<sup>2</sup> Capitalized terms not defined herein have the meaning ascribed to them in AW's Appeal (No. 04-13-00-0026).

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### **Background**

On January 30, 2004, your office published the *Record of Decision, Final Environmental Impact Statement and Revised Land and Resource Management Plan* for the Sumter National Forest (the "ROD"). The ROD re-instituted a total ban on all primitive floating on the northernmost one-third of floatable river miles of the Chattooga Wild and Scenic River (WSR)—including banning access to the only stretch of river that traverses the Ellicott Rock Wilderness.

On April 12, 2004, John Austin, Kevin Colburn and I traveled to your Atlanta offices to meet with you, Jerome Thomas, and Chris Liggett regarding the portion of the ROD that banned primitive floating.

On April 15, 2004, AW timely filed its Notice of Appeal of the portion of the ROD that re-instituted the floating ban on the Chattooga Headwaters.

On April 28, 2005, Gloria Manning, as Reviewing Officer for the Chief of the United States Forest Service, issued the Decision. Upon issuance, the Decision became the final decision of the USFS regarding AW's appeal.

On May 13, 2005, the Decision will become the final administrative decision of the Department of Agriculture, thus becoming subject to judicial review, provided that the Secretary does not elect to discretionarily review the Decision before that date. 36 C.F.R. §§ 217.7 and 217.17.

### **The Decision**

The Decision requires AW and the Regional Forester to collaborate "in the design and execution of the capacity analysis" referenced in the Decision. (Decision Section, ¶ 2(2)). AW is eager to assist in this effort. AW believes that a collaborative implementation effort can only be successful if AW and the Southern Regional Office have a mutual understanding of what the Decision says.

To that end, AW's interpretation of the Decision is set out below. To the extent you understand any portion of the decision differently, we hope you will alert us promptly so that we can come to a consensus and move on to the important work of implementation.

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AW interprets the Decision as having two main parts: (1) the Reviewing Officer's findings and conclusions (listed under the "Discussion" section of the Decision); and (2) the Reviewing Officer's Order (issued under the "Decision" section). The Reviewing Officer's findings and conclusions are the basis for the Order and are therefore helpful in clarifying any ambiguities in the Order's mandate.

We understand the Chief's findings and conclusions as follows:

- Whitewater boating (canoeing and kayaking) is specifically recognized as one of the recreational opportunities available on the Chattooga Headwaters. Recreation is one of the outstanding remarkable values (ORVs) of the Chattooga Headwaters, not merely on the Chattooga as a whole. Section 10(a) of the WSR requires the river-administering agency to protect and enhance ORVs like recreation, which includes whitewater boating. Thus whitewater boating should be protected and enhanced on the Headwaters. If it becomes necessary to limit use on the Headwaters, the agency must ensure that all potential users, including whitewater boaters, have a fair and equitable chance to obtain access to the Headwaters. Any use limitations should apply equally to all users of the Headwaters river corridor (e.g., hikers, horseback riders, anglers, swimmers, floaters, etc.). (Discussion Section, ¶ 2, 3 and 4).
- The Wilderness Act and related regulations require that the Ellicott Rock Wilderness must be made available for human use to the optimum extent consistent with the maintenance of primitive conditions. Thus whitewater boating must be permitted on the Headwaters up to the point that all uses combined begin to degrade the primitive conditions of the Ellicott Rock Wilderness. (Discussion Section, ¶ 5).
- USFS policy relating to wilderness requires that direct controls and restrictions, such as banning or limiting use: (1) must be minimized; (2) must be necessary to protect the wilderness; and (3) are only appropriate after indirect measures, such as education, have failed. Further, in the drastic instance where limitation is required, visitor use must be based on periodic estimates of user capacity. Thus whitewater boating cannot be limited on the Headwaters, much less banned, unless a limitation is absolutely necessary to protect the

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wilderness--and even then, only after indirect measures, such as education, have been exhausted and valid determinations of over-capacity have been made. (Discussion Section, ¶ 6).

- If nonmotorized floating, combined with all other uses on the Headwaters begins to degrade the primitive conditions of the Ellicott Rock Wilderness, or degrade other ORVs on the Chattooga WSR, and if indirect measures have proven ineffective, the Regional Forester may, in conjunction with similar restrictions on all users contributing to the degradation, (1) disallow or restrict the number of on-river and in-corridor recreation users to the extent necessary to rectify the problem; (2) limit certain types of recreation uses to rectify the problem; or (3) limit recreation uses by time of day or time of year to rectify the problem. Before the Regional Forester takes any of these drastic measures, however, there must be adequate evidence of their necessity. (Discussion Section, ¶ 8).
- Claims of general resource impacts, such as “more users equals less solitude” cannot justify singling out boating, or any other *type* of use, for a use restriction. Any restriction imposed on a type of primitive use of the Headwaters must apply equally to all types of primitive use. Any limitations imposed specifically on primitive floating must be justified by specific evidence of the negative impacts of primitive floating, and primitive floating alone, on the Headwaters corridor. (Discussion Section, ¶ 9).
- There is no basis in law, regulation or policy to ban whitewater boating on any river managed by the USFS due to concerns relative to safety, and search and rescue. (Discussion Section, ¶ 10).

The Order. We understand the essence of the Chief’s Order to be that within two years the Regional Forester should issue a new decision opening the Headwaters to unrestricted, year-round floating unless interim user-capacity analyses demonstrate that limitations on floating and other uses are necessary to ameliorate substantial degradation of the Chattooga’s ORVs or the Ellicott Rock Wilderness’s primitive characteristics. Further, in the unlikely event that the analyses show some use limitations are necessary, those limitations must apply equally to all primitive recreationists (unless the user capacity problems are clearly specific to floating). Specifically, we understand the Chief’s Order as follows:

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- The ROD's ban on boating the Headwaters is reversed. There is no empirical evidence to single out primitive floating for an all-out ban, particularly when other primitive users enjoy unrestricted access to the Headwaters. Limiting primitive boating on the Headwaters violates the WSRA and the Wilderness Act absent failed attempts at indirect measures and specifically tailored empirical evidence that such limitation is necessary. (Decision Section, ¶ 1).
- The Regional Forester must study the visitor use capacity along the Headwaters corridor. This study must include primitive floating on the Headwaters. (Decision Section, ¶ 2).
- Barring unforeseen circumstances, the Regional Forester must, within two (2) years, adjust or amend the RLRMP's decision regarding access on the Headwaters. (Decision Section, ¶ 2).
- Because Issue #13 of the ROD was reversed, management of the Headwaters reverts back to the former LRMP (1985). Since that LRMP also banned floating on the Headwaters, the Headwaters will remain officially closed to boating. However, as a practical matter, boating should be permitted during the two-year study period in conjunction with the required user capacity analysis since it is impossible to analyze total use with one use artificially absent from the study area. The Chief specifically directs the Regional Forester to "conduct the appropriate use capacity analysis, including non-commercial boat use," and further points out that the Regional Forester has the authority to permit boating on sections of the river that are currently closed. (Indeed, how could boating use on the Headwaters be studied vis-à-vis other primitive uses unless boating is permitted.) (Decision Section, ¶ 2(1)).
- The Regional Forester must involve AW (the only other party to this Appeal) in the design, implementation and interpretation of the user capacity analysis. (Decision Section, ¶ 2(2)).

Hopefully AW's understanding of the Decision comports with your own. To the extent your understanding of any of the above portions of the Decision differs from ours, please notify us immediately so that we can discuss the issue, and if necessary, seek the guidance of the Chief.

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### **Implementation of the Decision**

So long as we have a mutual understanding of what the Decision says, implementation of the Decision should be relatively straightforward. AW's proposal is simple. It is outlined below in the categories of Scope, Issues, Proposed Format and Timetable.

Scope: The scope of the analysis, and resulting management decision, will be limited to the area at issue in the Decision: the corridor of the Chattooga WSR north of Highway 28. It will address total user capacity with all potential uses present.

Issues:

- (1) How many total primitive recreationists used the Headwaters corridor during the study period (broken down by month and season);
- (2) What percentage of the total users is attributable to each type of primitive recreation: day-hikers, backpackers, horsepackers, campers, anglers, boaters, hunters, and other forest users;
- (3) Is the Headwaters corridor used beyond its capacity;
- (4) If so, what measures could be instituted to establish use at its optimum capacity;
- (5) Are any management activities artificially increasing the number of users accessing the resource;
- (6) How do river flows and the seasons impact use patterns;
- (7) What cumulative effects are inflicted upon the physical environment of the Headwaters corridor by total use and the various uses;
- (8) Which effects are common to all user groups and which are uniquely attributable to specific user groups;
- (9) Are the ORVs of the Chattooga Headwaters or the primitive conditions of the Chattooga Headwaters corridor threatened by the level of human use;
- (10) Other issues as agreed by the parties.

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Proposed Format

**Goal:** To determine whether primitive recreational use exceeds the biophysical and/or socially desired conditions for the Chattooga Headwaters corridor (and what level of use limitation would likely meet those objectives if any limitations are needed).

**Methods:**<sup>3</sup>

- (1) *Spot counts:* User numbers will be observed and recorded at various times and locations. At a minimum, spot counts should occur in parking areas, on trails, at campsites and on the river. Users should be identified by type (angler, hiker, boater, etc.) where possible, or noted as “unclear/general” when not possible. Spot counts should occur at times of low, medium and high river flows, as well as during all seasons.
- (2) *User Registration:* A system of registration will be implemented for all users similar to the registration requirements employed in other parts of the adjacent forests. Users will be required to identify name, address, date, number in party, entrance point, exit point, estimated start and end times, and vehicle identification.
- (3) *User Surveys:* In conjunction with the spot counts, user surveys should be distributed by the spot counter. User surveys should also be distributed to those persons who register pursuant to #2 above. The survey should focus on the number of other visitors encountered, and impressions regarding the physical and social environment.

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<sup>3</sup> “[N]o one has yet produced a universally accepted method for determining a finite, objective capacity of wild lands.” (USFS Outfitting Guide). Nevertheless, it is well established that use capacity analyses involve:

inventories of physical capacity (i.e. trailhead, parking lots, places to camp, environmental impacts, etc.) and/or social capacity (desirable maximum numbers of people, numbers of encounters, etc.).

(USFS Outfitting Guide).

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(4) *Field Observations*: persons with the requisite expertise should deploy once each season to observe the physical conditions of the corridor. To the extent unsustainable effects are discovered, the expert should re-visit the affected area to determine and document the cause of the undesirable effect and recommend possibilities for amelioration.

(5) *Other methods*: as agreed by the parties.

**Peer Review**: To ensure fairness to all parties, independent third-party experts, from within or without the USFS (as agreed by AW and the Regional Forester), will review all aspects of the analysis, including the design, implementation, and interpretation of the user capacity study. In addition, specialists from all affected forests should be involved throughout the process.

Timetable:

5/11/2005 – 6/1/2005	Affected Forests collaborate with each other and with AW to understand the Decision and to cement a plan for conducting use capacity analyses on the Chattooga Headwaters corridor.
7/1/2005 – 4/28/2007	Restoration of unrestricted, year-round floating access on the Headwaters for the purpose of equalizing wilderness use in conjunction with the use capacity analysis. <sup>4</sup>
1/1/2006 – 12/31/2006	User capacity study period.
1/1/2007 – 4/28/2007	Parties evaluate the data and collaborate regarding a revised decision.

<sup>4</sup> No accurate test of user capacity on the Headwaters is possible unless all primitive users enjoy the same access to the resource. Since other primitive recreationists currently enjoy unrestricted access to the Headwaters, it makes the most sense to allow boaters that same access rather than to limit all other users to the same extent as boaters (which would mean no one would have access) or to create some median artificial use limitation on all users. However, AW is open to an equitably apportioned use limitation during the study period so long as it is designed to produce accurate user capacity data that includes all potential users. Opening the Headwaters to floating on July 1, 2005 will allow several months for the “newness appeal” of floating access to wear off and for floating use to level off at average levels for meaningful analysis during the study period.

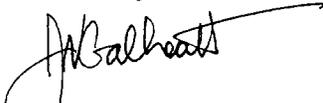
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4/28/2007	Regional Forester publishes new decision regarding floating access on Chattooga Headwaters.
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We look forward to discussing the decision and its implementation with you at your earliest convenience. We hope that we can discuss these issues with you (at least generally) on or before May 27, 2005. I will contact your office again soon regarding a mutually convenient time for an informal discussion.

In the meantime, please do not hesitate to call me for any reason at 214-758-6602.

Sincerely,



J. Nathan Galbreath

cc: John Austin

**Forest Service Response:**

**File Code:** 1920/1570

**Date:** June 1, 2005

Mr. J. Nathan Galbreath  
Patton-Boggs, LLP  
2001 Ross Avenue  
Suite 3000  
Dallas, TX 75201

Dear Mr. Galbreath:

I have received your letter dated May 11, 2005, regarding the Chief's decision on American Whitewater's appeal of the Sumter National Forest revised forest plan. You provided a description of the events leading up to the decision, your interpretation of the meaning of the decision, and a proposal for implementation of the decision. I appreciate your desire to help design and implement sound management of the Chattooga River.

I intend to utilize my discretion to conduct the appropriate level of analysis and planning that is needed to respond to the Chief's directions. Of paramount importance to me, and to Sumter Forest Supervisor Jerome Thomas, is the Chief's instruction to "involve interested and affected parties" as we move forward. I interpret this as an expectation to conduct broad-based discussions about the need for, timing of, and execution of any further planning activities, including capacity analysis or examination of current or potential user conflicts on the river. I have instructed Supervisor Thomas to take the necessary steps to develop a management scheme that has broad public support and meets legal and regulatory obligations.

Supervisor Thomas has convened a team of Forest Service personnel from the affected National Forests, the Southern Region, and the Washington Office to develop an approach for resolving the issues raised by the Chief's appeal decision. They will begin their work in June and will function until a new decision is reached. One of their tasks will be to identify all the pertinent issues, including those put forth by your client, American Whitewater. From this point forward, Supervisor Thomas has the responsibility to address the instructions in the Chief's decision and complete the revision of the Sumter National Forest plan by using a process open to the public including American Whitewater and other user groups interested in management of the Chattooga River, members of academia, recreation managers from the Forest Service and other agencies, etc. Once the team has developed an approach they will contact all the parties to schedule appropriate activities.

Your letter contains numerous statements and characterizations regarding the Chief's decision which differ from my own. Rather than debate these at this time, I will simply state that the Chief's decision constitutes the final administrative determination of the

Department of Agriculture regarding appeal #04-13-00-0026. Further planning, including any analysis and, if necessary, adjustments or amendments to the forest plan, will be done in a multi-party, interdisciplinary environment.

Mr. J. Nathan Galbreath

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Again, thank you for your thoughtful comments and analysis. They will be considered by the team and our collaborating partners as we move ahead.

Sincerely,

***/s/ Thomas A. Peterson (for)***

ROBERT T. JACOBS

Regional Forester

cc: Forest Supervisor, FMS; Forest Supervisor, Chatt-Oconee; Nantahala-Pisgah NFs; Director of Recreation; Matt Tilden, OGC; Cheryl Herbster, Appeals/Litigation Coordinator; Paul Arndt, Regional Planner

Dear John Cleeves,

I apologize for sending this message to your personal inbox; however, I received a server error from the web comments form when I attempted to submit my text. Thus I have reconstructed my message as best I could and am

sending it via this medium. Please include these comments in the public record for the Chattooga headwaters issue. Thank you.

As a boater who values the remoteness and beauty of the Chattooga watershed, I strongly urge you to allow unrestricted floating use during the study period. Not only is this consistent with the Chief's decision,

it also is the only way to collect accurate user data over multiple seasons

and varying water levels. In fact, allowing unrestricted floating will be

the best method for studying the indicators developed by the Service at the

LAC meetings.

Cordially,

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Sean O'Malley

Ohio University

Communication Network Services

**Posted on Friday, December 16, 2005 at 2:46 Hours (Server time).**

From: Jon Huhn  
Email: jhuhn@charter.net

Telephone Number: n/a

Street Address:  
n/a

Message Subject: Visitor Capacity Analysis, Upper Chattooga River

Message Contents:

There should be no need for new parking lots for this. However, I do think that new trails for access to the headwaters should be a topic for access without hurting the plants that might be in our way.

**Posted on Friday, December 16, 2005 at 9:41 Hours (Server time).**

From: Ed Waterhouse  
Email: eddwater@aol.com

Telephone Number: 423-870-8270

Street Address:  
3118 Ozark Road  
Chattanooga, TN 37415

Message Subject: Visitor Capacity Analysis, Upper Chattooga River

Message Contents:

I am a boatre but support limiting access for kayakers and canoeist to the river fron Section 2 down. I think that headwater section will be used by a very small minority and should be left to fisherman.

**Posted on Friday, December 16, 2005 at 18:00 Hours (Server time).**

From: Ken Strickland  
Email: (enter your email)

Telephone Number: (enter your phone)

Street Address:  
Morganton, GA

Message Subject: Visitor Capacity Analysis, Upper Chattooga River

Message Contents:

Your mileage may vary...

Several posts on this board have stated that private boaters should go elsewhere to paddle since there are so many other streams available to them. An interesting article ran in our local (Fannin County, GA) newspaper on 11/25/05. The article was provided by the GDNR, Wildlife Resources Divison. The first sentence in the article reads:

"Georgia boasts more than 4,000 miles of trout streams and three species of trout."

Hmmm... I wonder what trout stream mileage the nearby Upstate SC and Western NC boast?

Seems enough to go around to me.

**Posted on Friday, December 16, 2005 at 18:31 Hours (Server time).**

From: Joseph Owensby  
Email: oweji@bellsouth.net

Telephone Number: 864 415 4418

Street Address:  
335 Seven Oaks Lane  
Spartanburg, SC 29301

Message Subject: Visitor Capacity Analysis, Upper Chattooga River

Message Contents:

To whom it may concern, As a taxpaying citizen of the US, I feel it is reasonable to expect access to the upper Chattooga to paddle in a private boat. Paddling does not endanger the environment. It is my understanding that access is provided for fishermen, but not boats. Fishermen need multiple access points, paths, etc. leading to the river banks. Private boaters are good stewards of the river, and leave very little traces of their being on the river. Please open the access to private boaters. Thanks, Joe Owensby

**Posted on Monday, December 19, 2005 at 12:12 Hours (Server time).**

From: David Scull  
Email: dscull@bellsouth.net

Telephone Number: (864)944-5992

Street Address:  
130 Deer Rd.  
Salem, SC 29676

Message Subject: Visitor Capacity Analysis, Upper Chattooga River

Message Contents:

I am in favor of opening the upper sections of the Chattooga to private kayaking/canoeing. I believe I have as much right to enjoy this unique Public resource by boat as a fisherman does by wading. How about if I want to fish it from a kayak?

Posted on Monday, December 19, 2005 at 13:47 Hours (Server time).

From: Spence Lycan  
Email: Dogpaddle8@aol.com

Telephone Number:

Street Address:  
(enter your mailing address)

Message Subject: Visitor Capacity Analysis, Upper Chattooga River

Message Contents:

Amazing to think that the unique floral properties of the Upper Reaches are so fragile that only the softest moccasins, worn exclusively by fly guys in waddling waders, could be tolerated.

In all other Southeastern streams with shared use, fly guys and paddle dippers manage to co-exist in the same streambed, sometimes with mildly cursory respect.

But if these pristinely perfect streams cannot tolerate the footsteps of tax paying paddlers, be sure to present all the relevent information so that even our lawyers comprehend.

If in doubt, let us continue to have decades of detailed and semi-scholarly examination, using the extended administrative process to continue exclusion, intransigence in the face of common sense.

Spence Lycan

**Posted on Tuesday, December 20, 2005 at 14:08 Hours (Server time).**

From: Adrienne Whitt-Woosley  
Email: alwhit4@uky.edu

Telephone Number: (859) 523-0647

Street Address:  
2025 Tara Lane  
Lexington, KY 40514

Message Subject: Visitor Capacity Analysis, Upper Chattooga River

Message Contents:

I am a backpacker, hiker, and angler, and I am interested in the Chattooga headwaters area as a recreational and wilderness experience environment. I am writing because it has come to my attention that some individuals with similar interests are advocating restrictions on the types of activities that should be allowed within the headwaters area. Specifically, I am writing because I wish to distance myself from those persons arguing in favor of restricting paddling activities within the headwaters, and to argue in support of lifting the ban on whitewater paddling in the Chattooga headwaters.

I should first note that I am not opposed to all restrictions on uses within the Chattooga headwaters area. I do think that restrictions on the use of motorized vehicles (off-road trucks, ATV's, dirt bikes, etc.) within the area are completely reasonable, as the noise and pollution from these activities directly affect the environment of the area and the quality of the wilderness experience to be found therein.

However, the same rationales do not apply for restrictions on other user groups (i.e. hikers, anglers, and specifically paddlers), and consequently I believe that any restrictions on these activities should have to survive a high degree of scrutiny. Specifically, any such restrictions should be based only the long standing policies of the Forest Service - restrictions where a resource is in particular danger of being damaged or lost (i.e. a trail being closed to curb erosion or to protect wildlife, plantlife, or artifacts; or permitting requirements, as well as size and quantity limitations on harvesting aquatic life).

In other words, the criteria for restrictions should be based solely on the preservation of the resource, not merely on the protection of a small group's view of what constitutes an experience of solitude. I enjoy a wilderness experience as much as any user of the Chattooga headwaters, however, I recognize that public lands are for the benefit of all individuals that want to experience them. Consequently, I wish for solitude, but I welcome the accompaniment of other users who share the same wish. Only when I and these other users begin to impact the resource to the point of it becoming overburdened do I favor restrictions on use. And, even when restrictions must be in place to protect the resource, these restrictions should be administered as fairly as possible, and any limitation on use should encompass all user groups fairly.

Thus, a blanket prohibition of a particular activity, whether it be hiking, fishing, or kayaking / canoeing is an arbitrary exercise of a restriction with little basis in fairness or the protection of a resource. In other words, if the protection of the headwaters is the goal, and that goal requires restrictions, all similarly situated user groups (i.e. those causing relatively minor degradation to the environment) should be called on to share the burden.

Although I generally prefer unrestricted (non-permitted) use as a matter of convenience, if the Forest Service determines that limitations on use within the headwaters area should be implemented, then a permitting system should be applied equally. For example, if it is determined that a limited number of users per day should be allowed to "impact" the area, all user groups should be placed on equal footing for the available permits on a first-come, first-served basis. Or, each user group should be segregated based on that use and its corresponding impact, and equal numbers of permits for each group should be allowed on a first-come, first-served basis.

These options are simply the most fair manner of allocating a natural resource to all those that wish to enjoy it. A blanket ban on any single activity that does not cause a disparate impact on the resource is simply neither fair nor within the spirit of the Forest Service's administration of our natural resources.

Thank you for your consideration of my views, and I look forward to seeing the outcome of the ongoing review.

**Posted on Tuesday, December 20, 2005 at 15:32 Hours (Server time).**

From: Dan Peschio  
Email: dan@peschiodesign.com

Telephone Number: 828-606-7205

Street Address:  
65 Tremont Street  
Asheville NC 28806

Message Subject: Visitor Capacity Analysis, Upper Chattooga River

Message Contents:

To whom it may concern,

I have been following this debate for some time and have finally felt compelled to chime in. There are many passionate pleas on both sides of this debate and it is obvious that they are driven by a deep love for the unique experience this corridor offers as well as a strong respect for the environment. I have hiked, fished kayaked and rafted the Chatooga from Bull Pen to the lake, the West Fork and Overflow Creek for over 30 years. I have never felt that my experience has been diminished by whitewater boaters in the least, either as a fisherman - boaters have even stopped to inquire how best to conduct themselves so as to have the least impact on my fishing, or as a kayaker when fishermen have invited me into their camp to swap river stories.

We all have a common goal that essentially is not at odds. We want to enjoy what the Chatooga has to offer while preserving it for future generations. The environmental impact of a few kayaks floating a stream

cannot be unfavourably compared to that of fishermen walking it. Nor can the degradation of the banks. I would suggest using Overflow creek as an example. There are only a small percentage of boaters paddling this section of river, and only on the few days a year when the conditions are right. Sections 0 and 00 will only be boatable by this same subset of expert kayakers. I would assume that opening this section will only split the pressure put on these rivers in two, once the novelty has worn off.

If it comes down to regulating usage, I think it is reasonable to restrict kayak usage to high water events with the threshold to be determined via testing. I would also like to use the USGS gage on the Cullsaga for reference, as water levels near Highlands would be more indicative of the levels in sections 0 and 00 than would be the gauge at 76 bridge.

Thank you for your time,

Dan Peschio  
Asheville, NC  
Fisherman, hiker, birder and kayaker

**Posted on Tuesday, December 20, 2005 at 16:13 Hours (Server time).**

From: Richard Bowman  
Email: rfbowman@mindspring.com

Telephone Number: 4045145585

Street Address:  
33 Green St  
Cartersville , Ga. 30120

Message Subject: Visitor Capacity Analysis, Upper Chattooga River

Message Contents:

I have been waiting to get on this fantastic section of the Chattooga for years. It is unacceptable that boaters are the only user group that can't use this section of the river , especially since we are probably the group who has the lowest impact on the river.

We probably are on the water mostly when the water is too high for fishermen.

I'm looking forward to the day when this unfair inequity is changed!

As someone who likes to hike and fish I am aware of the quality of experience the other user groups are looking for and what conditions are most likely to be when I'm doing the other.

When I'm boating I very rarely(almost never) see anyone hiking or fishing. It's usually too cold or rainy for the other groups to be in the river corridor , as I also like to hike and fish when the trails aren't so muddy and the river isn't too swift to enjoy fishing.

Thanks for the opportunity to express my views.

Richard Bowman