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Subject:	Chattooga Headwaters
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To Whom It May Concern:

I have had the pleasure of hiking, fishing, camping and boating in and around the Chattooga River wilderness area throughout my life. I have been following the United States Forest Service's review of user access and impacts, and am very disappointed with the proposed outcome of this review.

After five years of meetings, study periods, comments and delays, the USFS has decided to support a management plan that not only unjustifiably discriminates against one user group in favor of another, but also does not go far enough to protect the wilderness area. I have never seen a government agency practice so much blatant discrimination against users and display so much utter disregard for the resources they have been tasked with protecting.

The USFS was charged with providing a VARIETY of alternative management plans for the Upper Chattooga. They provided ten alternatives for public comment.

If you read all ten alternatives, there is only one variable among them: Boating.

Aside from a few minor issues, the variety between plans is based on banning, restricting, or allowing boating. **There are no other variables introduced or attempts to directly manage or mitigate the impact of any other user groups.** Even if other user groups are known to cause significant impact on the environment, such as hiking, camping or fishing. In other words, there is no true "variety" or "diversity" in the USFS's plans.

In short, I think they have not done their job. For example:

- Why wasn't there an alternative to stop stocking trout in the Upper Chattooga and ban boating? Specifically stop stocking non-native trout? This is a great alternative for everyone concerned about impact to the Upper Chattooga wilderness. The anglers would still get to fish, it would increase the likelihood of angler's (24/7-365) "solitude", and most of all, it would return the river to its natural state. The naturally lower fish population would discourage today's current high volume of fishermen trampling the streambed and hiking off established trails. Seems like a win-win for true anglers and environmentalists.

- Why wasn't there an alternative to ban all hiking and fishing during the period of allocated boater usage (12/1 – 3/1)? A lot of USFS Roads are closed during the rainy winter months to reduce seasonal damage. This same principle could be applied to the trail system. This would protect the trail system and improve the water quality of the river by reducing the amount of silt runoff. That would reduce tail maintenance and improve the water quality. And, provide boaters with the same solitude wilderness experience that they crave, and which is so highly valued for other users. It's an environmental and forest management win-win.

- Why wasn't there an alternative to close a few roads, bridges and/or trails to create a greater wilderness corridor? This would create a larger blanket of solitude for everyone. Yes, it would inconvenience some, but that didn't bother the USFS when they implemented the Wild and Scenic River's Act in 1976. If the same principles that banned boating in 1976 can be used today, why not close a few roads and trails to reduce visitor load like they did back then?

- Why wasn't there an alternative to simply ban boating below 2.25 feet and ban fishing above 2.25 feet? That would give equal treatment and access to "conflicting" user groups and thus "zone" them with water level instead of river sections. The USFS could then rely on user groups to report violations so they could then ticket the violators. The largest benefit of this alternative would be that the USFS would no longer have to play "cop on the beat" and free up their time for more pressing matters in the Upper Chattooga.

These are all logical and equitable alternatives, and these issues and solutions have been raised repeatedly in community meetings with the USFS and in letters to the USFS. **Sumter National Forest has blatantly disregarded USFS-ordered instructions and community input, and unfairly targeted one user group for restricted access.**

The following is a list of my concerns with Alternative #4 proposed for implementation:

- Boating in the headwaters is heavily restricted and still banned in the Chattooga Cliffs USFS area and the tributaries of the headwaters. These restrictions and bans are unjustified and should be replaced with unrestricted boating access to all sections of the Chattooga River and its tributaries. I am in favor of justifiable restrictions on user groups in order to protect the wilderness and the wilderness experience as long as it is done in a fair and equitable

manner. **The USFS has failed to complete a competent study of boating and its effects in the Chattooga Headwaters to support any ban or boating restrictions.** Specifically, the USFS has willfully and unjustifiably chosen to ignore proof that boating would have no negative impact on the wilderness or the wilderness experience.

- Unrestricted boating should be allowed on all sections of the Chattooga River and its tributaries because it will not impact other user groups. **The "Chattooga Headwaters User Capacity Study" held on January 5 & 6 of 2007 proves boating on the headwaters does not impact other users. In two days of boating the entire stretch of the Chattooga Headwaters at near minimum water levels, the boaters didn't see a single angler, hiker, camper, bird watcher or swimmer.** It's obvious that boating takes place in weather conditions and water levels unfavorable to most user groups. Thus, boating will have little to no impact on other user groups' wilderness experience.

- Unrestricted boating should be allowed on all sections of the Chattooga River and its tributaries because it will have negligible impact on the environment. **Extended studies of actual boating impact on the environment were not done, USFS decision making is based on suppositions, not fact.** Boating is the least invasive user of any river corridor. Boaters don't even leave footsteps. Any environmental damage concerns the USFS has can be eliminated by visiting neighboring Overflow Creek. Overflow is similar in structure and environment to the headwaters. It is considered one of the crowned jewels of boating in the southeast and is boated regularly after heavy rains. With over 25 years of boating use, it shows almost no signs of environmental damage.

- Heavily restricting and banning boating in the Chattooga Headwaters is also legally dubious. No other federally managed river has such bans or restrictions on boating. Therefore, this decision is out of step with the management principles of similar federally managed rivers. **Unjustified restrictions and bans are illegal according to the Wild and Scenic Rivers Act and the Wilderness Act.** Restricting and banning boating without similar measures being applied equally to other user groups is simply unfair and discriminatory. Boaters deserve equal protection under the laws.

- For over a decade the USFS has had time to research the effects of boating on the environment and the wilderness experience in the Chattooga Headwaters. **To date, the USFS has released no quantifiable data or user capacity analysis to prove why boating should be restricted or banned.** If the USFS has significant quantifiable data to support boating restrictions and bans in the headwaters, please release this information to the public. Otherwise, without proof to the contrary, unrestricted boating should be allowed in the headwaters and its tributaries.

- Heavily restricting and banning boating in the headwaters is also not in keeping with USFS management standards. The Office of the Chief of the USFS stated that the original boating ban was baseless and needed to be reassessed. **If the original boating ban was baseless, as declared by The Office of the Chief, it is logical to assume the new restrictions and bans, without supporting data or analysis, are similarly baseless.** Again, if the USFS has significant quantifiable data to support boating restrictions and bans in the headwaters, please release this information to the public. Otherwise without proof to the contrary, unrestricted boating should be allowed in the headwaters and its tributaries.

In summary, Alternative #4 is simply a continuation of the illegal 30 year-old total boating ban. It essentially makes it impossible to boat the Headwaters of the Chattooga River legally. With an average of less than 10 legal boating days a year, and under severe restrictions of group size, number and daily frequency, only a lucky handful of boaters will ever be able to experience the Chattooga Headwaters legally. For all intents and purposes, this is still a total boating ban.

The many prescribed restrictions for boating the headwaters are, in effect, an undue burden on would-be boaters, as well as an administrative burden to the USFS:

How will the “daily average mean of 450cfs” be quantified?
Who will declare it a boatable day?
What will be the cut-off for publishing the decision?
Will the decision be readily available to all interested persons?
If it is a daily average mean, will the day be declared boatable after it has passed?
How will the permitting system work?
Will permits be available at only one very out of the way USFS station?
Will permits be handed out before the day is declared boatable, thus making the permit itself illegal?
Who will count the number of times a boater runs the river to insure they run it only once? Who will make sure there are less than six boaters in each group?
Who will make sure they don’t run the banned sections?
How will you educate the boating public on the banned and legal sections of rivers?
How will you educate the boating public on the confusing array of restrictions and bans?

The restrictions are so severe that, like in the past, some boaters will continue to boat the headwaters illegally. The USFS will then be faced with administering the confusing array of boating restrictions, while still chasing illegal boaters on legal as well as illegal boating days. Thus, adding to the USFS workload instead of allowing

them to efficiently manage the wilderness.

Clearly, the USFS is implementing a system that will be completely unable to determine if the headwaters reaches a daily mean of 450cfs. Thus, making it almost impossible for a day to be declared “boatable” by the USFS’s own standards.

Obviously, these restrictions were never meant to honestly allow boating. Again, it essentially makes it impossible to boat the Headwaters of the Chattooga River legally.

The USFS’s Preferred Alternative #4 is, in statistical fact, a complete boating ban. The bottom of page 8 states:

> “In this and other alternatives that consider boating at specific flow levels, the term "boatable day" is based on a PREDICTABLE 24-hour flow average rather than on a PREDICTION that the river may reach a certain flow level for a limited amount of time on a given day. For example, in Alternative 4, the corresponding number of "boatable days" is the estimated number of days when the water level would be PREDICTED to average 450 cfs over the course of a 24-hour period, not simply when the flow level is expected to hit 450 cfs for a limited time.”

The USFS estimates there will be an average number of 6 (a range of 0 to 11) boatable days for its Alternative, #4.

A noted statistician completed the following statistical analysis of the number of boatable days on the Upper Chattooga, using the USGS's daily mean flow data for the years 1940-2007, counting the number of days the flows would meet specific criteria under 16 different scenarios.

The criteria included:

- the minimum boatable flow (1000 cfs near Clayton -- a little under the minimum flow during the flow study -- and 1450 cfs -- the USFS's guess as to the flow near Clayton that corresponds to 450 cfs at Burrell’s Ford Bridge)
- the maximum boatable flow (based on experience on similar reaches, approximately three times the minimum flow, or 3000 cfs near Clayton)
- the annual time period in which boating is allowed (all year, as well as the proposed 12/1-3/1)
- and whether a boatable flow occurs a day after a boatable flow has occurred (on the assumption that it is more likely the USFS will recognize, and paddlers will have time to react, to a boatable flow and actually boat it).

The results are damning:

1. If the ban was completely lifted, the expected value of the annual number of boatable days on the Upper Chattooga is 53.1 (this is the mean, AKA "average," of the sample); the median of the sample is 52.5 days (NOTE - half the years in the 68 year sample had boatable days above this number and half were below it), the mode is 56 days (the most common number of boatable days in the years included in the sample). The number of boatable days in a given year ranged from 5 to 165. Obviously there is a lot of variation in the number of boatable days. This is made even more clear by the standard deviation of 35.9, which is quite high relative to the mean of 53.1. **The calculations proposed by Alternative #4 clearly intend to limit a possible 165 boatable days to just 1 day greater than the historical low.**

2. If the ban is modified in the way the USUSFS proposes (1450 cUSFS minimum flow, what boating is allowed is only allowed during the dates 12/1-3/1), the expected value of the annual number of boatable days on the Upper Chattooga is 6.3 days. The median under this scenario is 4.5, the mode 3, the range 0-19 and the standard deviation 5.3 (which is very, very high relative to the mean of 6.3). **Imposing artificial seasonality on actual water flow eliminates over 85% of historical boatable days.**

3. If the ban is modified to allow boaters to choose when to boat within a seasonal window of 12/1 – 3/1, on days of 1000 cUSFS or higher, the expected value of the annual number of boatable days on the Upper Chattooga is 18.6. The median under this scenario is 12.5, the mode 10, the range 1-58 and the standard deviation 14.6 (which is also very, very high relative to the mean of 18.6). **Imposing predictable flows over actual flows effects a 65% reduction in legal boating days.**

4. Adding the assumption that "boatable flows" are most likely to be predicted as boatable when they occur on days following actual boatable flows reduces the number of "boatable days" dramatically. For example, if the ban is modified in the way the USGS proposes, the mean number of boatable days drops from 6.3 to 3.5; the median from 4.5 to 2.0, and the mode (the most frequent event) from 3 to 0. **The extremely low incidence of consecutive day's flow indicates USFS would likely fail to predict boatability on a timely basis more than 50% of the time.**

Remember only 30% of all days are on weekends, so if you have a job (which pays taxes to cover the USFS budget), cut all "boatable days" down by 70% for a practical number of boating opportunities. **The statistics prove that even were the manpower and methods available to accurately and swiftly calculate available boating days, your average employed taxpayer would most frequently have ZERO days available for boating.** This is not an equitable distribution of use for our nation's resources.

The USFS has chosen to control and restrict much more environmentally damaging user groups with indirect, and quite lenient, measures. Only boaters are so discriminated against. **Hikers who blaze their own trails; campers who trample an area; and fishermen who damage the river banks, leave fishing line in trees, and hatcheries which stock non-native trout are allowed almost unfettered access to the wilderness area.** All this, while the environmentally-friendly, seldom-seen boater is blacklisted with unjustified severe restrictions and bans.

The USFS's recommended management plan, Alternative #4, is heavily flawed and should be withdrawn from consideration in favor of Alternative #8. I find Alternative #8 acceptable, with a few adjustments:

- Allow unrestricted boating on the entire Chattooga River and its tributaries below Grimshawes Bridge.

- Don't allow rafts. Rafts are not an appropriate boat for the tight nature of the headwaters. Restrict boats to more appropriate water craft such as duckies, kayaks and canoes.

- Allow limited removal of LWD. Removing LWD in locations dangerous to boaters and wading anglers, such as in rapids or swift current increases the safety of the runs without affecting the ecology of the river. The USFS has been sent, and has available, a significant amount of data showing that limited LWD removal will not alter the ecology of the river.

- Use a permit, or similar quantifiable tracking system, as the backbone for the "adaptive management approach."

- Include encounter standards based on a valid (actual history, not imagined) user capacity study. This can then be used to fairly limit total use when encounter standards are consistently exceeded.

- If the encounter standards are consistently exceeded use indirect measures to limit encounters before reverting to bans or restrictions.

- **Ban the introduction of non-native species or plant life in the wilderness areas. This is critical:** This Wild and Scenic River is not Disneyland, to be physically altered or added to for the enjoyment of user groups. It is to be protected in its natural state. Please consider banning the introduction of anything non-native into the wilderness area. The introduction of non-native aquatic species artificially attracts thousands of anglers to the headwaters annually. By their sheer numbers, anglers stress the roads and trails in the Upper Chattooga. Anglers trample and destroy the banks and beds of the

river. Anglers are responsible for over 19 miles of unauthorized trails in the wilderness. The non-native trout compete with the native Eastern Brook Trout for food, habitat, eat their fry and have made them virtually extinct on all but a few tributaries. **To the USFS, this destructive practice is acceptable, in order to artificially create and maintain an "outstanding fishery" and "excellent wilderness experience".**

I applaud the USFS for offering Alternative #8. It is a flexible and insightful plan that treats all environmentally friendly user groups equally and complies with the Wilderness Act and the Wild and Scenic Rivers Act. I strongly encourage the USFS to abandon Alternative #4 and approve an adjusted Alternative #8, as the final management plan.

Sincerely,

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