From:	David Luinstra
To:	comments-southern-francismarion-sumter@fs.fed.us
Subject:	Euitable Access to Upper Chattooga River - EA Analysis
Date:	07/10/2008 04:50 PM

Dear Sumter National Forest,

My name is David Luinstra. I'm a whitewater kayaker living in Grimsley, Tennessee and have paddled in 25 states (including North and South Carolina and Georgia) and Canada. I have had the pleasure of paddling Sections II, III and IV of the Chattooga many times over the past twenty years. I am writing to voice my concerns on the paddling ban on the upper stretches of the Chattooga. The existing ban illegally restricts access to fishermen, hikers, and campers.

I send approximately 120 days each year paddling, many of these are not local and my travel dollars benefit the local economies through food, gas and lodging purchases. More of these dollars will be spent in the Chattooga area if boating is allowed in the headways and tributaries of the Chattooga.

I have reviewed the Environmental Assessment regarding the recreational management of the Chattooga River. I disagree with your analysis and your proposal. I ask you to treat me and the community of river enthusiasts equalably as existing outdoor enthusiast (fishermen, hikers, and campers) utilizing this natural area of Sumpter National.

Please consider the concerns I have regarding the Chattooga Headwaters boating ban:

In their boating prohibition, The Forest Service; without explanation, without fact, without logic, without reason, without science, and without legal merit, has chosen to:

1. disregard Supreme Court rulings
2. ignore the Public Trust Doctrine
3. circumvent federal law
4. fail to recognize state statutes
5. overlook their own federal-issued USFS Manual & USFS Handbook, these being the policies and procedures for all Forest Service activities
6. failed to heed a directive from a superior compliance officer of the DC Office of The Forest Service that the Chattooga boating ban has "always been unjustified"

Boaters, fishermen, campers, hikers co-exist without conflict on rivers across this nation.

The periods where kayakers and whitewater enthusiasts will most likely choose to paddle Sections 00 and 01 are unlikely to interfere with fishermen as boat-able river levels are unsafe for wading or floating in tubes.

The most likely periods for rain in the region of the Chattooga sections mentioned are during the late fall and early spring which are also seasons that experience lower visitation by fishermen, hikers, and campers. Boaters take cold weather rainy as just part of the sport, where as most campers, hikers and fishermen stay indoors during cold rainy weather.

Boaters generally cause less environmental damage due to time spent on the river versus building campfires, trampling vegetation, leaving behind garbage, and bait containers.

Boaters generally carry safety and rescue equipment and watch out for each other. Campers, hikers, and fishermen don't carry rescue equipment and require assistance from Forest Service Rangers or other rescue personnel.

The USFS has spent thirteen years searching for a reason to limit paddling on the Chattooga and has found none. It is time to open the river to boating. The EA is not a user capacity analysis and does not reference one. The AW appeal decision required a user capacity analysis. Where is it?

No alternative is acceptable because they all ban boating without any justification on the upper Chattooga Cliffs reach and tributaries. The EA and preferred alternative are not equitable or protective of the river because they considers boating to be the only management variable, while other larger more damaging uses are not seriously considered for limits.

The USFS preferred alternative includes a total ban on 2/3 of the upper river, a ban on tributary boating, and allows only 0-6 days of limited boating on the remaining reaches - while allowing all other existing uses in unlimited numbers. This is not equitable and not acceptable!

1) The EA offers no basis for the boating bans and limits.
2) The EA lacks a full range of alternatives
3) The EA is no better or different than the last one, is at least a year late and has wasted millions in tax payer money
4) The USFS hired qualified consultants and then ignored their input
5) The 450 CFS average daily flow trigger in the preferred alternative is a flawed measure that should be eliminated from any considerations. There is no way a paddler can know this number and will be an administrative burden for the agency.
6) Let the individual boater decide what is a safe boat-able flow. we do this quite well on thousands of rivers daily.

Paddlers prefer an alternative similar to Alternative 8 that :
1)fully allows boating on the entire Chattooga River below Grimshawes Bridge,
2) allows paddling on tributaries,
3) includes encounter standards based on a real user capacity analysis,
4) will equitably limit total use only when encounter standards are consistently exceeded, and will do so using all available indirect measures first.
5) use restiction will be applied to all user groups equitably.

I will only support an immediate and total lifting of all bans and restrictions on paddling on the upper reaches of the Chattooga. That is the only civil, legal, and sensible outcome to resolve this untenable situation.

The public should have the right to legally float on public Wild and Scenic Rivers regardless of who owns the land
along the river. All aspects of the "Outstanding Remarkable Values" of Wild and Scenic Rivers should be protected on the entire river, not just in some areas.

Please consider conducting a valid user capacity analysis and immediately allow boating in the same numbers, places, and seasons that you allow existing users to enjoy this beautiful, natural resource.

Paddling should be allowed in the entire Upper Chattooga River and its tributaries.

Thank you for considering these comments,

Sincerely

David Luinstra
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