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Subject: GCA Chattooga River comments
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U.S. Forest Service
Chattooga River Project
4931 Broad River Road
Columbia, SC 29212.

To Whom It May Concern:

The Georgia Canoeing Association (GCA) is opposed to Alternative 4 as put forth by Sumter National Forest in their proposal for management of the upper Chattooga River. The proposal essentially maintains the 32 year old boating ban. Specifically, it would allow boating on only a third of the upper Chattooga, on only 6 days, only in the winter, for only 4 groups. Other sections up and downstream remain totally banned. All other uses are allowed in unlimited numbers, all year, in all locations. In their boating prohibition, The Forest Service gives no explanation, disregards fact, eschews logic and reason, and ignores science and legal precedent.

Alternative 4 is an alternative that allows boating, but essentially keeps a de facto ban on paddlers. Paddlers are still banned from the upper ½ of the Chattooga Cliffs section, the Rock Gorge section, and the Nicholson Field section. Paddlers are also banned from March 2nd thru Oct 31st of each year. Paddlers are only allowed on the river during Nov 1st - March 1st if the river has a predictable mean flow of 450cfs at Burrell's Ford and is declared a boatable day by Sumter. Basically, the Forest Service threw every restriction short of a total ban at paddlers.

Sumter ignores a directive from a superior compliance officer of the DC Office of The Forest Service that the Chattooga boating ban has "always been unjustified." It disregards state law. In North Carolina there is a state

statute already in place that prohibits any fishing activity from impeding any form of navigation. Just as our founding fathers had established since the birth of our great country, through the most basic of laws, The Public Trust Doctrine, rivers have always been and legally must always be "open highways of commerce and travel." The opinion of the NC Attorney General concerning the issue of navigability on the upper reaches of the Chattooga is that the Chattooga is in fact "legally navigable" in NC.

The forest service justifies this heavy handed regulation in order to minimize conflict between anglers and boaters. Yet, the forest service has failed to show that any such conflict would exist. The 450cfs flow was justified as the highest optimal level for bait fishing. Yet no one in the expert panel fished with bait at this flow, nor are there any numbers of existing use at these flow levels, just guesses. There are plenty of reasons to believe that the expert panel of anglers was biased and that they skewed the flows considerably higher than what was realistic. The forest service had several years to study actual use at various flow levels yet failed to do so.

The anti-boater bias of Sumter is best exhibited in its failure to really look at the activities that impact the WSR corridor the most. The EA doesn't look at the environmental impacts of non-native fish stocking. It introduces a non-native species to the river and is the major attractor of visitors to the Upper Chattooga WSR corridor. What would the environmental impact be of a management alternative the ceased or limited stocking of the river? What would be the environmental impact of applying season, flow, or zone restrictions to anglers? The alternatives evaluated in the EA are supposed to represent a full range of management alternatives; in this case Sumter clearly failed to do so.

We prefer an adaptive management process that uses indirect measures prior to implementation of direct measures. This approach is in line with the Forest Chief's appeal decision that stated that **"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).

The GCA supports an immediate and total lifting of all bans and restrictions

on paddling on the upper reaches of the Chattooga. We are not asking for unlimited access for everyone and everything. We are conservationists that want to the see the river in a natural and beautiful setting for generations to come. We believe that the USFS has the right to limit certain uses in order to maintain and enhance the Outstanding Remarkable Values the led to the Wild and Scenic designation to begin with, but we believe that those decisions should be made equitably and be based on high quality scientific studies. Unfortunately, Sumter has once again chosen to arbitrarily ban and limit boaters, without placing an equitable burden on higher impact, existing users.

Sincerely,

Tom Bishop
President
Georgia Canoeing Association