From: Dave Stawicki
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Subject: comments on environmetal assessment for "Managing Recreation Uses on the Upper Chattooga River"
Date: 07/28/2008 10:37 PM

I am writing in response to your environmetal assessment for "Managing Recreation Uses on the Upper Chattooga River". As a boater, I have concerns about many of the alternatives presented, and particularly with the preferred alternative (#4). In fact, it appears that even Alternative A -No Action is not a viable option.

The basis of this issue is whether the USDA-FS can ban users from the river. According to prior U.S, Supreme Court rulings, all running waters, i.e. rivers, are held in trust for the public, and that rivers, and the carrying places between them, shall be forever free. They have also ruled that rivers that are navigable in fact, are navigable in law, regardless of the time frame, season or section. They have held consistently that private recreational use of public rivers can not be denied, by either private or public entities.

In short, all alternatives in the EA that seek to ban or restrict boater's rights to paddle the Chattooga, or their rights to access the river, are a violation of Federal law and statutes, and, as such, can not be considered as plausible management actions. Given the general tone of the EA and its alternatives, it seems all the alternatives are suspect in denying public access to the Chattooga and a violation of our rights.

On this issue, all alternatives that ban or restrict access or use of the Chattooga to boaters (including the No Action alternative which would, preumably, continue the existing restrictions) is a violation of federal law. Given the lack of a memorandum with the various user groups, you could be required to open the river to unrestricted use by the public, with only minimal control over secondary activities that would take place on Forest Service land.

A secondary issue, for me, lies in the concept that the EA and its proposed alternatives claim to be a management action in order to protect environmental resources and address overuse and user conflict. Yet it consistently singles out the boating community for restriction, despite the fact that this user group has been banned from using the Chattooga and has, as such, not contributed to the problems you claim exist.

The USDA-FS has embraced the Limits of Acceptable Change process in other areas facing similar impacts and conflicts. It serves to bring user groups together to

gain concensus on management goals and the means of achieving them. I have participated in such a project in my home state of Kentucky to address issues in the Daniel Boone NF. It is a viable alternative to the proposals submitted in the current EA (which appears legally suspect) and can attempt to resolve many of your stated issues through user input and participation.

I appreciate the opportunity to comment on this Environmental Assessment and hope that you modify it as necessary to protect the public's rights to use the Chattooga as was envisioned by the founding fathers and upheld by the Supreme Court.

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