JAMES M. KIMZEY
ATTORNEY AT LAW
39 EAST MAIN STREET
POST OFFICE BOX 506
BREVARD, NORTH CAROLINA 28712

TRIAL AND APPEAL OF CIVIL CASES

TELEPHONE
(828) 883-4200
FACSIMILE NUMBER
(828) 883-4275

May 23, 2007

Ms. Marisue Hilliard, Forest Supervisor
National Forests in North Carolina
160A Zillicoa Street
Asheville, NC 28801

Mr. Jerome Thomas, Forest Supervisor
Francis Marion and Sumter National Forests
4931 Broad River Road
Columbia, SC 29212

Mr. Christopher Liggett, Director of Plannning
USDA Forest Service
1720 Peachtree Road, NW, Room 811N
Atlanta, GA 30309

Mr. John Cleeves, Project Coordinator
Francis Marion and Sumter National Forests
4931 Broad River Road
Columbia, SC 29212

Dear Forest Service Representatives:

Thank you for your time and attention during the meeting on May 18th concerning the NEPA and its relation to the private property of Mr. Rust.

I believe we ali agreed that this section of the Chattooga has been determined to be non-navigable by the Corps of Engineers, the only agency capable of making such a determination, and that the forest service does not intend to make any determination concerning its navigability since it has no jurisdiction to do so. In addition, you have repeatedly stated, both in writing and to us at the meeting, you have no intention to encroach on private property rights.

However, it is our understanding that you consider that the USFS must include all sections of the designated wild and scenic corridor within its NEPA review including in-holdings. Since such a study cannot and will not determine navigability, which is the determining factor as to public access, neither the study nor the management plan that results can affect public access to this private property.

In fact, we repeatedly requested, and continue to request, that the forest service state openly and fairly that the 1.7 mile section belonging to the Rusts is private property, that it is illegal for the public to access this private property and that the forest service cannot and will not change that situation. The public should be notified of the forest service's position on these

Rec'd FS 5-29-07

points and its authority even though the entire wild and scenic corridor is included with the NEPA study or/and perhaps within a management plan for the future.

Since the Chattooga River that flows through Jackson County, North Carolina (particularly the 1.7 mile section belonging to the Rusts) is non-navigable, the river, the riverbed and the banks that are necessary for any boating are on private property and these cannot be accessed or used without the landowner's permission. In the interest of fairness and openness, we believe that it is imperative that the forest service make very clear to the public at every opportunity that "the forest service is in no way interested in taking any measures that may unlawfully infringe upon any private property rights" and that the forest service does "not claim to have the authority to determine whether a water course is legally navigable" (see Hilliard's letter of April 27, 2007) or as stated by Mr. Tilden to me in his January 30, 2006 letter, that "the forest service is not claiming to be the federal agency charged with determining whether a water course is legally navigable and has no intention of assuming any authorities held by the US Army Corps of Engineers" and "the agency is not interested in violating any private property rights held by your client or their lessees." In other words, just as the above quoted positions of the forest service have now been made clear to us, in writing, out of fairness and openness to all parties, we insist that these positions of the forest service should be made clear to the public at all future stages of the process.

Very truly yours,

James M. Kimzey
Attorney at Law

JMK/jm

Cc: Matt Tilden

Chattooga Conservancy
2368 Pinnacle Drive ◦ Clayton, GA 30525
(706) 782-6097 ◦ fax (706) 782-6098
info@chattoogariver.org ◦ www.chattoogariver.org

John Cleeves
Francis Marion and Sumter National Forest
4931 Broad River Road
Columbia, South Carolina 29212

June 3, 2007

John,

On January 6, 2007, I personally delivered to you comments on behalf of the Chattooga Conservancy as per our position on the Forest Service Visitor Use Capacity Analysis being conducted on the upper Chattooga River. That day "expert boater" trials were running the section of the Chattooga River from Norton Mill Creek to Burrell's Ford. I gave you these comments at the intersection of Whiteside Cove Road and the County Line Road, where the boater trials were assembling for their carry down to the river.

As per our conversation via telephone a couple of weeks ago, I want to make sure that these comments are officially entered into the public record as follows: 1) The expert boater panel selected by the Forest Service for the Visitor Use Capacity Analysis is biased in regard to the overwhelming number of American Whitewater members, officers and board members on the panel; 2) Access issues have not been adequately addressed in the Visitor Use Capacity Analysis; and 3) The majority of the public has been excluded from meaningful participation in this analysis.

Please attend to entering these comments into the public record. Thank you for your attention to this request.

Buzz Williams

Executive Director, Chattooga Conservancy

Albany
Atlanta
Brussels
Denver
Los Angeles

McKenna Long
& Aldridge LLP
Attorneys at Law
303 Peachtree Street, NE • Suite 5300 • Atlanta, GA 30308
Tel: 404.527.4000 • Fax: 404.527.4198
www.mckennalong.com

New York
Philadelphia
Sacramento
San Diego
San Francisco
Washington, D.C.

ALAN R. JENKINS
(404) 527-4642

EMAIL ADDRESS
ajenkins@mckennalong.com

June 14, 2007

Jerome Thomas
United States Forest Service
Via Facsimile No. (803) 561-4082

Re: *Chattooga River Visitor Use Capacity Analysis*, Chattooga Cliffs Property Issue

Dear Mr. Thomas:

For many months, our client has asked the Forest Service to clarify its position concerning private property issues in the Chattooga Cliffs area. We understand now that the Forest Service intends to announce its position at the upcoming public meetings (concerning the Chattooga River Visitor Use Capacity Analysis) before explaining that position to the landowners whose property would be affected. We trust that the Forest Service is not going to state that the public may traverse private property in order to placate a few vocal critics of the Forest Service's management of federal property and waterways.

We are also surprised at what appear to be legal opinions of Doug Whittaker and Beau Shelby on the private property issue in the June 2007 Capacity and Conflict on the Upper Chattooga River, and Integrated Analysis of 2006-2007 Reports. The legal analysis provided by Dr. Whittaker and Dr. Shelby is particularly surprising given that 1) neither appear to be lawyers, and 2) we understand both were recommended by American Whitewater to provide the Forest Service consulting services. The Whiteside Cove Association has already pointed out many of the irregularities of these consultants' one-sided and obviously biased work in this matter. These irregularities include publishing factually erroneous statements concerning the private property that were based on hearsay statements by boaters who have no legal access to the property. The continued reliance on these biased private consultants, despite the objections of the majority of user groups that oppose unlimited boating, casts serious doubt on the objectivity of the Forest Service visitor use capacity analysis. Reliance on the consultants' "legal analysis" is even more troubling.

For example, on page 10 of the Integrated Analysis, the consultants state that "the U.S. COE Division Engineer has not published a final determination of navigability for this stretch of the river under 33 CFR Part 329.14-Determination of Navigability." There is no reference in that CFR provision of any requirement for "publishing a final determination of navigability." In fact, in response to an inquiry to the US Army Corps of Engineers, the landowner was informed

in writing that "the Chattooga River in Jackson County, NC is not considered navigable" and "[a]ny future changes to our position/determination of navigable waters of the U.S. in western North Carolina would be announced through a public notice process." 33 CFR Section 329.16 describes the tabulated lists of determinations of navigability and non-navigability that the US Army Corps maintains. We understand the Corps also informed the landowner that this portion of the Chattooga is listed therein as not navigable. Section 329.16(c) provides that "deletions from the list are not authorized" without further official determination. We are aware of no such public or internal Corps process that has changed this determination of non-navigability. Notwithstanding the consultants' opinion that the issue is not settled, the North Carolina Supreme Court determined 150 years ago that non-navigable streams in North Carolina "are entirely subject to private ownership ...." *State v. Tyre Glen,* 52 N.C. 321, 334 (1859).

Indeed, this 1.7 mile section of the Chattooga is not, under any reasonable definition, navigable at any normal water level. It could best be described as a small, tight mountain stream. It flows over numerous waterfalls, and through tight passages in the rocks. In some places, the river is no more than ankle deep all the way across, with multiple dry sections of rock. In other places, a person can literally straddle the stream with one foot on each side. It is overhung with countless tree branches, as well as vast sections of mountain laurel, rhododendron and other shrubbery. There are countless dead trees in the stream itself which help maintain the proper ecosystem for protected aquatic organisms, including trout. The 1970 Wild and Scenic River Proposal and the 1971 Chattooga river study described the upper Chattooga River as a "small stream" <u>that requires "frequent portages around difficult cascades and narrow sluices</u>." It stated that the Chattooga River "<u>crashes over a massive precipice and down a 25 foot high Corkscrew Falls.</u>" (<u>See</u> 1971 WSR study, p. 73; 1970 WSR proposal, p.7, Dept. of Agriculture). The same 1971 Study also cited the North Carolina Attorney General's opinion on the non-navigability of the stream/river (pg 13).

We object strenuously to opinions of private consultants on federal and state law in U.S. Forest Service documents, particularly where those consultants advance the interests of private parties seeking to litigate the very legal issues on which the consultants opine. Our client shall also object to any statement by the Forest Service, or these consultants as agents for the Forest Service, at the upcoming public meetings that would result in private parties trespassing on lawfully owned private property. An agency of the U.S. Government must never advocate law-breaking. Instead, the Forest Service must clearly delineate private property within the Wild and Scenic River area and discourage law-breaking by the tiny segment of the public defined as creek boaters.

Finally, to the extent that the Forest Service seeks to placate private parties because of their aggressive litigation against the Forest Service, the Forest Service should understand that our client will not sit idly by if its legal rights are trampled under foot or under boat.

Respectfully yours,

Alan R. Jenkins
Attorneys for the Rust Family

ARJ:trm

Cc: M. Hilliard (Via electronic mail mhilliard@fs.fed.us)
C. Meyers (Via electronic mail clmyers@fs.fed.us)
H. Shuler, U.S. House of Representatives (Via Regular, U.S. Mail)
Stephen H. McClain, United States Attorney (Via Facsimile No. 404-581-6150)

Submitted to Michelle Burnett
Public Meeting 6/18/07

Upper Chattooga River Proposed Action
USDA-Forest Service Public Meeting
Clayton, GA
June 18, 2007

Statement by Edwin Dale

I am opposed to any change in current management direction for the Upper Chattooga River north of the Georgia Highway 28 bridge crossing.

The public lands managed by the USDA-Forest Service along the Chattooga River north of the Georgia Highway 28 bridge crossing represents some of the wildest and most pristine areas in the eastern United States. The Congressional designation of the Chattooga River in this area as a Wild and Scenic River, and the designation of certain lands along the river corridor as The Ellicott Rock Wilderness give dignity and tribute to the existing natural biologic and scenic qualities of this area. The river and surrounding lands attract visitors to hike, camp, hunt, fish, and otherwise challenge and enjoy this natural area on a limited basis of the support of modern day vehicles and boats. It is a rare and priceless area for testing primitive skills in an otherwise ultramodern society.

Thirty years ago the USDA-Forest Service made a decision to retain the "upper" 21 miles of the Chattooga River in a "wild and scenic" state with emphasis on primitive recreation and modes of travel (foot) only in this portion of the river. At the same time the "lower" 36 miles of river were designated as open to more modern types of outdoor recreation, e.g. rafting, kayaking, tubing, vehicle assisted camping, etc. As a result of this past decision user groups have been relatively segregated and, at the same time, have been free to enjoy their chosen recreational outlet in either portion of the river while respecting the different types of activities that occur in the different parts of the river.

During this thirty year time span the character of the river banks and surrounding landscapes have changed dramatically along the lower river. These land changes have occurred as a result of high visitor numbers and user pressures on the supporting lands adjacent to the river. The upper river, meanwhile, has retained its wild, scenic and primeval character due to low visitor numbers and

impacts. Thus, today the river offers two different recreational experiences in two different environmental settings; each experience serving and meeting the needs of different constituent groups.

Today, as a result of a law suit filled by a national outdoor recreation group (American Whitewater) the USDA-Forest Service must decide on whether or not to allow more modern forms of river recreation (kayaking and canoe boating) on the upper river. In this lengthy and expensive study the Forest Service is attempting to reach all the various interest groups and meet their wishes for use of the entire river; a most difficult and challenging task.

In my opinion, a part of this task should be to look at the lower river and see what environmental issues exist today as a result of heavy recreational use. At the same time the Agency should look at the upper river and note the environmental conditions along those 21 miles. After evaluating the differences the Agency needs to ask the question, is this what we want this river to look like in thirty years? If the answer is yes, then maybe the decision made thirty years ago was wrong; if the answer is no, then the river (and the Agency) will continue to serve the public in a manner that, while not perfect, does meet the needs of a large segment of all river users, each on their own portion. No one has ever stated, nor is their legal, policy or regulatory direction that the USDA-Forest Service must offer all users equal opportunities on all acres of agency-managed lands, or on every mile of agency managed rivers and streams.

Thank you for consideration of these comments.

Edwin Dale
561 Lakeland Ct.
Athens, GA 30607-2097
(706) 549-9311

mail2edale@aol.com

Friends of the Upper Chattooga
2368 Pinnacle Drive
Clayton, Georgia 30525

June 19, 2007

Mr. Jerome Thomas, Supervisor
USDA Forest Service, Sumter National Forest
Attn: Mr. John Cleeves
4391 Broad River Road
Columbia, South Carolina 29212-3530

RE: Upper Chattooga River Visitor Capacity Analysis Implementation Plan

Dear Supervisor Thomas,

Friends of the Upper Chattooga individually and collectively wish to bring your attention to the attached white paper. We ask that it be made part of the administrative record in the Upper Chattooga Visitor Capacity Analysis.

Everything contained in these comments is meant to impart *constructive* critical perspective to the "decision environment" for visitor capacity issues and the LAC/NEPA process. Research documented herein seeks to expand understanding and consideration of recreation as an OR value (and recreation impacts) specifically pursuant to Interagency Guidelines which state that public use [of the Chattooga headwaters] should be "regulated and distributed where necessary to protect and enhance…the resource values of the river area." The comments are intended to aid in the identification of *factors to consider in developing direction for recreation visitor use in a wild and scenic (WSR) corridor*, specifically with regard to *the capability of the physical environment.*[FSM2354.41].

This paper expresses particular concern for the inadequate, narrow-gauge appraisal of the unique and rare Chattooga headwaters ecosystem that is apparent in the direction of the current analysis to date. In view of the increasing rarity of undisturbed natural habitats in the rapidly growing southeastern region and across the entire eastern US, the paper emphasizes the critical importance of the Chattooga river corridor (and watershed) as a central, core component in a group of comparatively undisturbed wild areas that lie on or near the Blue Ridge Escarpment, including the Ellicott Rock Wilderness, the Big Mountain Roadless area and other nearby USFS, state and private lands of high value to sensitive wildlife species. Together these remaining wild areas on the BRE comprise a landscape of national, even global conservation significance.

We are therefore concerned herein with some of what we believe are the highest resource conservation values at stake in determining the future management direction of the Chattooga. We believe that wildlife conservation values need immediate, full and comprehensive consideration in order to correct an apparent anthropocentric bias in the current analysis. A

concern for non-degradation of the resource is uppermost in both the Wilderness and Wild and Scenic Rivers Acts, and a similar concern for protection of the resource takes priority in comments of almost all stakeholders. As we approach the key phases of the development of NEPA alternatives, we feel that the concerns expressed here must be addressed if we may hope to protect the unique natural and physical character of the Chattooga headwaters.

Please contact us if there are any questions.

Sincerely,

Butch Clay

Butch Clay
Mountain Rest, S.C.
By JG, with express permission JG 6/19/07

Joseph Gatins

Joseph Gatins
Co-District Leader
Georgia ForestWatch

Doug Adams

Doug Adams,
Newsletter Editor, Rabun Chapter, Trout Unlimited
By JG, with express permission JG, 6/19/07

Charlie Breithaupt

Charlie Breithaupt,
Chairman, Georgia Council of Trout Unlimited
By JG, with express permission JG, 6/19/07

Tom McInnis

Tom McInnis,
Chairman, South Carolina Council of Trout Unlimited
By JG, with express permission JG, 6/19/07

Buzz Williams

Buzz Williams,
Executive Director, Chattooga Conservancy
By JG, with express permission JG, 6/19/07

David Bates

David Bates,
Executive Director, Jackson-Macon Conservation Alliance
By JG, with express permission JG, 6/19/07

Wyatt Stevens

Wyatt Stevens,
Director, Whiteside Cove Association
By JG, with express permission JG, 6/19/07

George Nickas

George Nickas
Wilderness Watch
By JG, with express permission JG, 6/19/07

John Benbow

John Benbow,
President, North Carolina Wildlife Federation
By JG, with express permission JG, 6/19/07

Jerry McCollum

Jerry McCollum
Georgia Wildlife Federation
By JG, with express permission JG, 6/19/07

Attachment

Wilderness, wildlife and procedural concerns in the USFS Visitor Capacity, LAC and NEPA analysis of the Chattooga River headwaters.

By Butch Clay

Introduction

The recently announced completion of the Data Collection phase of the LAC analysis marks an important milestone in the analysis of visitor capacity issues and in the larger LAC/NEPA process for determining the future direction of management for Chattooga headwaters resources.

Hitherto, the undersigned have mostly reserved judgment on agency efforts, trusting that USFS officials should be given ample time to effect a full and fair analysis of the Chattooga headwaters river resource. However, at this important juncture, we find significant cause for concern with regard to the overall management and apparent direction of the analysis, and feel compelled to comment.

Agency Responsibility

Charged with upholding the mandates of the far-sighted public lands protection acts of the 1960s—including the mandates to protect resources contained in the Wilderness and Wild and Scenic Rivers Act—federal agencies as a matter of record have tended to focus more upon the procedural aspects of management actions or challenges to management actions, when reviewing proposed changes to management direction.

Unfortunately, this historical tendency is apparent in the current USFS analysis, in which Important substantive components of the analysis of the ***irreplaceable*** Chattooga headwaters resource have so far been given insufficient consideration. This letter is our attempt to help USFS/Sumter officials achieve a full, comprehensive and fair LAC review and NEPA analysis that is as sound in substance as it is in procedural form.

In view of the historical, ecological, and recreational significance of the Chattooga headwaters physical environment, in view of our patient, respectful investment in the Sumter analysis to date, and in view of the critical importance of these comments to the full, fair, and lawfully rigorous attention to the resource concerns we raise here, we respectfully request that these comments be given immediate attention prior to any further work on the Scoping phase of the NEPA analysis.

Overview

The USDA Forest Service's management to date of the environmental/visitor capacity analysis of the Upper Chattooga, directed as a result of the appeal brought against the existing Chattooga management plan by whitewater paddlers and members of the paddle-sports industry raises three major concerns:

1) Problems and limitations with USFS/Sumter management of a "modified" LAC (limits of acceptable change) methodology

2) Lack of analysis of the ***wilderness character*** of the headwaters, (of both the Chattooga Wild and Scenic Corridor and the Ellicott Rock Wilderness). Specifically, failure to understand and assess the enhancement of wilderness character (and wildness) that has been a direct result of prior zoning on the headwaters reach

3) Insufficient commitment to fully analyze and understand ***the effects of recreation on wildlife*** in the wilderness settings of the headwaters reaches of the Chattooga Wild and Scenic River Corridor, including all lands within the Ellicott Rock Wilderness and the Big Mountain

Roadless Area.

Background

Forest Service management of the initial stages of the LAC process has thus far encouraged the framing of the Chattooga headwaters debate and analysis as one of competing users and user experiences. Due largely to the agency's initial narrow focus on a small subset of users—boaters and fishermen—the public debate over the Chattooga headwaters has been mostly framed in the contentious terms of opposing sets of elite, well-outfitted recreational boaters and fishermen.

This exclusive focus is once again glaringly evident in the recent postings to the USFS web site link for the boating initiative which were attributed to Sumter Supervisor Jerome Thomas:

"We have concluded that the data collected to date is adequate for us to move ahead with the public to develop specific alternatives for management of the Upper Chattooga…We have gathered a considerable amount of data on water flows, user preferences and current on-the-ground conditions. The expert panels we conducted in January gave us useful information about boating and fishing potential of the Upper Chattooga."

We certainly appreciate the efforts of the USFS to make important information available in this ongoing decision making framework, and our early commitment to work with the agency to resolve this important issue is as firm as ever. Nevertheless, USFS reports that Data Collection phase of this analysis is now completed compels us to assert that **critically important components of both the LAC review and the overall environmental analysis have been left out of both the public debate and the agency analysis.**

Lack of Inclusiveness

Ample precedent exists within the LAC methodology for a much more inclusive approach to the social/user aspects of this current debate—that is, to include all stakeholders, not just the most politically powerful, prominent or well-placed. However, management of this analysis has so far been narrowly focused on boaters and fishermen. We feel compelled to ask at this point: What about the other users? Why is such an apparent bias being so resolutely upheld?

Also, ample information available within the historical LAC framework—as well as prior agency experience with LAC—calls for better, closer attention to research of the outstanding biological qualities and natural values of the resource itself, and to the development of adequate indicators and standards to protect the ecology of the headwaters resource from the increase in visitation that might occur in the future because of agency proposals and actions. Yet, so far in the current Chattooga analysis, there appears to be a troubling failure to establish goals, benchmarks and standards for the appreciation and protection of the unique Chattooga headwaters resource.

Comments on the "modified" LAC

Problems with LAC being issue-driven rather than goal-driven

It is a recognized shortcoming of the LAC process that the emphasis in the early stages upon identifying Issues and Concerns (before setting of management **Goals**) can be inherently negative, can pit one group against another, can create a narrow focus and foster conditions in which hot issues cause important ecological conditions to be overlooked. Although plans must address issues that are important to the public, *focusing* on issues tends to be negative and pits user groups against one another. This misdirects too much attention to the most current or inflammatory issue rather than the issues that may have the most impact on the health of the wilderness ecosystem.

This problem has been previously noted, ***in Forest Service Proceedings RMRS-P-15-VOL-4. 2000.***

Manifestly negative at times, and highly polarized, the current situation on this river certainly seems to demonstrate again the already noted problems with the methodology. This unfortunate situation has not been ameliorated by the USFS emphasis upon exclusive "expert" teams of boaters and fishermen. Thousands of taxpayer dollars have been devoted to "expert" recreational paddling consultants, with no similar devotion to research by other "experts" such as expert birders, expert hunters or, most importantly, experts in scientific analysis of the ecology of this unique resource.

Just to present examples: Other activities represent the majority of user-types to the Chattooga. Participation rates for viewing nature or scenery, picnicking, swimming and birding are 60%, 53%,46% and 32% respectively, while cold water fishing has a 14% participation rate and kayaking has a 3% participation rate. (*Oconee & Sumter NF Recreation Realignment Report,* Overdevest and Cordell 2001.) [Also see Sumter 2004 FEIS pg 3-267,8]

The numbers clearly show that this LAC effort is being focused on the minority of users, ignoring the majority of users.

Under NEPA, all publics have a right to equal, meaningful participation in this analysis.

This has demonstrably ***not*** been the case with this "modified" LAC process. However commendable may be the efforts of the USFS to enable communication and cooperation between the two large and highly polarized user groups, boaters and fishermen, and however important may be the study of flow rates and potential encounter rates between these two groups, the Expert Panel trials simply do not represent a sufficiently inclusive involvement of all

Chattooga users and perspectives. FOTUC has previously noted this apparent bias, and noted in that context that ample comments were received to substantiate the basis for expanding the visitor capacity analysis, but to date the problem persists.

Lack of Scientific Perspective

Moreover, the expert panels rightfully should contain biologists, wildlife biologists, botanists, hydrologists, landscape ecologists and other credentialed expert academics and resource professionals. The USFS lopsided approach to the analysis was earlier highlighted in the thoughtful editorial offered by Dr. James Costa, head of the Highlands Biological Station, a letter by now a part of the public record. Given the assertions made by such experts that the Chattooga headwaters is an area that contains critically important and irreplaceable wildlife habitat, and given the scientific interest and available scientific expertise, why has the USFS thus far devoted so much time and funds to an exclusive set of experts, some of whom possess historical and/or obvious current ties to the access lobbyists and recreational advocates that brought the appeal for review of the boating restrictions?

Neither do the "Expert Panels" and the reports represent an adequate assessment of the unusually significant Chattooga headwater resource environment. Forest Service reliance on recreation specialists/advocates to determine appropriate indicators for user experience outstandingly remarkable values of the Chattooga, as has already been pointed out, "…focuses virtually all finances and attention on recreation while dismissing impact to the resource and associated wildlife." In view of the obvious conflict between the goals of protecting wilderness qualities and values versus the demands of recreational access, why have USFS managers thus far seemed to disregard the clear direction in the Wild and Scenic Rivers Act that mandates a non-degradation priority to resource protection above all else?

And, most of what about the resource itself, ostensibly protected under the strong mandates against resource debasement inherent in both the Wilderness Act and the Wild and Scenic Rivers Act, which has been clearly stated as one overriding concern by many stakeholders?

In final effect, all of the foregoing only restates what has been stated elsewhere by others in letters of concern, but which ***still*** seems not to be sufficiently regarded by this agency:

The LAC process to date has failed to adequately and comprehensively appreciate the biophysical conditions of the Chattooga headwaters. Under Section 10(b) of the WSRs Act, the Forest Service must protect the WSR environment above all competing demands or conflicting laws.

[Please also note: USFS action is also contrary to the resource values reported in the 2004 FEIS:

"A public survey was conducted through the Southern Research Station in conjunction with the Human Dimensions Research Lab at the University of Tennessee (Cordell et. al. 2002). [The] findings of this public survey for the Sumter NF include a high value to market area residents for the protection of

sources of clean water; the legacy of passing along natural forests to future generations; the protection for wildlife and habitat, healthy forests, maintenance of places that are natural in appearance, and for protection of rare or endangered species." (Pg-3-363 Sumter 2004 FEIS) In this study the "legacy of passing along natural forests to future generations (85)" and "the protection for wildlife and habitat (75)" were rated far more important than providing "outdoor recreation (45)" pg 3-364.] Pg-3-363 Sumter 2004 FEIS]

Importance of Biophysical Aspects

When the Chattooga was recommended for inclusion within the Wild and Scenic River system, the whitewater sports industry was still nascent. Some notable early whitewater enthusiasts did figure importantly in appreciating the potential of the river as a whitewater playground, and figured as well in helping to effect protection. Nevertheless, it required a passionate and diverse chorus of voices, ultimately, to propel through Congress the far-sighted protections for this river that have allowed it to become the unique national treasure that it is. The common, unifying thread that bound together this diverse assemblage of believers was the recognition of the unique ***biophysical*** aspects of the Chattooga. The river was the longest, un-dammed, finest remaining free flowing mountain river available for preservation in the Southeast.

That recreational pressures now threaten the very qualities that made this river so outstanding is no surprise. The problem has been elsewhere recognized, in our burgeoning natural literature of wilderness and wildlands conservation. Though it is often (or usually) the biophysical characteristics of protected areas that constitute the basis for their special designation, "it has become quite clear that the values for which these areas were initially protected can be threatened by unmanaged or poorly managed recreational use." ***[McCool: Limits of Acceptable Change: A Framework for Managing National Protected Ar***eas, 1996]

Recreational demand and resource protection are conflicting goals. It is the absence of humans that define wilderness and therefore wilderness values. Section 10(b) mandates priorities for managers of WSRs; it is clear the resource related values must be protected above all others.

Protective restrictions are the basis for the Wilderness and WSR acts. Without associated limitations there would be no purpose for such legislative acts. Protective limitations can legitimately preclude certain types of craft and vehicles, for the protection of the resource. The USFS must be equitable to all users, though not to all activities.

Under Section 10 (b) of the Wild and Scenic River Act, statutes clearly require protection of the resource over all other values. Given the outstandingly unique biophysical/ecological values of this resource, why has not an expert team to study the non-recreation-related values at stake been identified and appointed, to decide what goals should be in place, as well as to

recommend science-based indicators and standards to asses decisions tiered to those values, and to produce an analysis to indicate effects of increased human visitation in the headwaters?

Is LAC methodology appropriate for this analysis?

Some have questioned the appropriateness of the LAC methodology for the current USFS Chattooga analysis. This seems altogether understandable, given that the Chattooga would seem to be guaranteed the strong protections against resource degradation within the mandates of the Wild and Scenic Rivers Act (*WSR ACT sec 10(b)*.) And also in view of the Chief's language in the Appeal Decision (#04-13-00-0026) concerning the interpretation of Agency Guidelines (1982) for a "*non-degradation and enhancement policy for all designated rivers, regardless of classification*."

Nevertheless, since the USFS has apparently tied its Chattooga capacity analysis to the LAC process, some comments are needed. In this context, it is worth reviewing the circumstances surrounding the inception of the LAC process. There are clear correlations between FOTUC concerns about current USFS employment of a "modified" LAC and similar concerns raised about resource impacts *by those who developed the LAC process*. It was Forest Service agency personnel who developed the LAC methodology, scientists with the Forest Service's Wilderness Management Research Unit in Missoula, Montana.

Notably, they were concerned that "constantly growing" recreational use was resulting in "increasing impact and other management problems." Specifically, they were concerned with the "incremental nature of human induced change in wilderness and felt that inadequate attention to management planning was a poor way to protect the investment American Society had made in wilderness through the designation process." They were "particularly concerned that problems were expanding into parts of wilderness that had been relatively unused and undisturbed."

One of the shared beliefs among the USFS personnel that developed LAC had been that "objectives needed to be specific and achievable and that they "should describe ends rather than means—conditions rather than management actions." In other words, "ends"—objectives—should provide reliable descriptions of desired conditions (DFCs) that could be the basis first of identifying and providing viable management strategies, and secondly provide standards by which management actions could be monitored and evaluated.

Relative to desired [future] conditions, they were also concerned about the "inadequate knowledge of both existing conditions and trends…"

Fundamental to their concept of the LAC process was to "focus management on achieving specific management objectives, defined as staying within maximum acceptable deviations from (1) the 'natural range of variation' in ecological conditions and (2) a "pristine wilderness experience."

Cole and Stankey report the "shared belief" of early LAC development was originally in the

concept of limits of acceptable change as a way to "define a compromise between resource/visitor experience protection and recreation use goals." They believed that "Recreation use has to be allowed, ***but only to the extent that it is consistent with a high degree of resource protection."*** [emphasis added]

The unique value of the LAC approach, they report, was as "a method to compromise between goals." But their shared vision about the management of compromise with the framework of LAC processes implicitly embraced concepts that were important at the inception of the LAC process—in tandem with "agency policy and much of the writing about wilderness" "which generally expressed the belief that wilderness conditions should provide the 'bottom line'—not recreation." They noted, by way of comparison, the 1977 amendments to the Clean Air Act, "in which air quality was to be maintained by not allowing the violation of 'standards,' defined as maximum allowable incremental deviations fm established baselines for clean 'air'."

To conclude reference to LAC developers Cole and Stankey : "To be called LAC, therefore, a process must (1) contain standards that express minimally acceptable conditions, (2) require monitoring capable of determining whether or not standards have been met, and (3) base management prescriptions on evaluations of whether or not standards have been met."

Historical Precedence for Zoning

Zoning, in the view of these LAC developers, was indeed controversial. Nevertheless, after much debate, they concluded that "zoning was useful in most wilderness situations, particularly as a means of guarding against the incremental degradation of conditions in the most remote and pristine portions of wilderness."

In this context, it is worth noting that Cole and Stankey were concerned about the need at the time of the development of the LAC concept for the employment of "terminology of opportunity classes—derived from the Recreation Opportunity Spectrum—rather than zones, " because it "***gave greater emphasis than we intended to visitor experiences, as opposed to environmental preservation.***" [emphasis added.] In sum, though controversial then as now, zoning was seen as being viable and perhaps necessary to preserve fragile natural resource environments.

Need for Accountability

In addition, according to Cole and Stankey, management plans "needed to provide accountability, through the specification of explicit and visible objectives that were essentially contracts, with success at meeting objectives evaluated with objective monitoring data." These authors were also concerned that management plans sometimes appeared "arbitrary and capricious."

(All of the foregoing quotes and references taken from Cole and Stankey: ***Historical Development of Limits of Acceptable Change: Conceptual Clarifications and Possible Extensions***, 1998)

LAC is designed to help managers manage for desired resource and social conditions, and is designed to define what kind of resource conditions and social conditions are acceptable. It is supposed to focus on maintaining desired future conditions in resource, social and managerial conditions. It requires setting standards and monitoring conditions.

Accordingly to Cole and Stankey, Frissell (1963) had concluded in one of the first articulations of the LAC concept, "that if recreational use is to be allowed, deterioration is inevitable and must accepted. Even low uses of recreational use will cause some impact. Impact must be accepted, but a 'limit should be placed on the amount of change to be tolerated. When a site has reached this pre-determined limit of deterioration, steps should be taken to prevent further adverse change."

LAC and Principle of Non-Degradation

Another early concern within the LAC process was whether or not it was [is] valid in proceedings where Wilderness and the Wild and Scenic River carry the force of mandates that adhere to the Principal of Non-degradation. This disagreement cuts right to the very heart of the current situation we find ourselves in, with regard to USFS/Sumter administration of the LAC process.

In their treatment of this issue, McCool and Cole ***(The Limits of Acceptable Change Process Modifications and Clarifications, Cole and McCool, 1998)*** discuss the important LAC component of the development of standards, and the extent to which the violation of standards have important implications for the principle of nondegradation.

They note: "In its strictest form, the nondegradation principle asserts that no place in wilderness should be allowed to degrade from its present state or its state when it entered the wilderness system." The LAC process does "provide a ready mechanism for enforcing this principle": LAC standards simply need to be developed that are always at least as stringent as the current condition or some more 'pristine' state." (Cole and McCool, 1998) "This implies, however, that most wildernesses must adopt a use limitation system to keep currently increasing use (Cole 1996) from causing further degradation." They go on, "If a management regime based on use limitations is considered unacceptable, then it is important for decision makers to realize that they will be violating a strict interpretation of the principle of nondegradation."
[Documents pertaining to this problem derived from the same Limits of Acceptable Change workshop that other documents referenced above derived from. ***(Proceedings—Limits of Acceptable Change and related planning processes: progress and future directions; 1997 May 20-22;Missoula, MT. Gen. Tech. Rep. INT-GTR—371. Ogden, UT: U.S.Department of Agriculture, Forest Service, Rocky Mountain Research Station)]***

The statements referenced above are best appreciated in view of the central purpose of both the workshop and the paper originating out of the workshop "to identify procedural modifications, if needed, to clarify LAC terminology and concepts, and to make recommendations about implementation details." (Cole and McCool, p.61.)

After noting that the traditional LAC process is to identify issues and concerns (as in the current Chattooga analysis) without necessarily specifying management goals and desired future conditions, Cole and McCool state that the original omission of goals and DFCs was simple oversight, not an intentional procedural specification. As has been noted previously here, these authors thereby recommended the addition of a new step to the LAC process—to involve defining goals and desired conditions upfront. ***"This step involves assembling the legal and policy mandates that will guide management of the area and developing a perspective on the significance of the area, its uniqueness, and its regional or national 'niche.'"*** [emphasis added]. They note that such broad goals might stress "natural conditions, maintaining outstanding opportunities for solitude, and avoiding restrictions on recreation access and freedom of behavior." These goals—which might vary from area to area—"would constitute the statements of desired conditions that are largely absent from the original description of the LAC process."

Only after the goals are articulated can standards and indicators—the heart of LAC process—be developed.

In the author's view, this recommended step has been conspicuously missing from the current Chattooga LAC process underway. It further can be argued that the management goals for the sections of the Chattooga above Highway 28, especially the Rock Gorge Roadless Area and the Ellicott Rock Wilderness Area, are explicit both within the Sumter management plan as well as in the Wilderness Act and the Wild and Scenic Rivers Act.

Any LAC process that ignores these management provisions fails to incorporate a recommended addition to the LAC methodology that has been called for by officials within the USFS itself. Furthermore, such omissions ignore the clear management direction explicit in the nondegradation clauses of the Wilderness and Wild and Scenic Rivers Act, as well as the management direction provided within the Chattooga management plan that originally zoned the river into separate sections.

Problem of inadequate inventory data

The LAC process, to be viable, credible and acceptable must incorporate all the values and uses, both recreational and non-recreational, must be founded on strong science and be managed with procedural rigor that comprehends and upholds the high standards and high-minded ideals that underlie creation of the Wilderness and the Wild and Scenic Rivers Acts, both of which represent investments and public capital for all US citizens, not just recreationists

LAC was originally conceived as a process to manage recreation in wilderness, and its main premise is that recreation is the major source of impact to conditions. We believe that LAC does offer sufficient capability for increasing the compatibility between recreational and non-recreational wilderness values, but only if managed by a task force of impartial, rigorous professionals who can articulate and represent both recreational and non-recreational values. We believe that an independent task force is needed, to include the scientists, conservationists educators and others who understand and appreciate values beyond the anthropocentric focus

which has so far dominated this debate. The employment of a "modified" LAC must be expanded beyond its current parameters, which is clearly based on a carrying capacity mindset that considers how many people could use the wilderness without causing damage. We need a new way of thinking, in keeping with the thinking of those that created the LAC approach, to focus on what wilderness conditions are present, which ones are desired, and how much change can be tolerated *on different portions* of the wilderness.

As stated by Stankey and others (1985), the LAC process should "recognize that the real concern is the effects of use, not how much use is occurring."

"LAC is designed to help managers manage for desired resource and social conditions, and is designed to define what kind of resource conditions and social conditions are acceptable. It is supposed to focus on identifying and maintaining desired future conditions in resource, social and managerial conditions. It requires identifying and inventorying area concerns, unique features of the area, setting standards and monitoring, and comparing conditions with standards. ***In order to accomplish this, managers must explicitly describe the setting in "terms of all wilderness values."***

Additional valuable perspective on this issue is available in Reed and Merigliano, in ***"Managing for Compatibility Between Recreational and Non recreational Wilderness Purposes"***:

"The wilderness resource is too valuable and too threatened by a multitude of human activities to let ourselves think that we are truly managing an enduring resource of wilderness if just campsite conditions or trail encounters are monitored. By doing so, we perpetuate the idea of wilderness as nothing more than a special type of recreation area…"

"Managers must develop baseline inventory information and monitor changes in conditions. So far too little attention has been paid to conducting comprehensive inventories of wilderness resources, with major emphasis so far expended on describing items relative to "boating and fishing potential."

Inventories should include characteristics that contribute to indices of biodiversity. This has been done in only a very general way so far for the current analysis. However, it should be done in a way that recognizes the specifically unique biological and ecological attributes of *this river* and *this wilderness,* with reference to qualified scientists and resource professionals who can operate outside the political parameters that have constrained this analysis so far.

To summarize, the USFS is deficient in their responsibilities for data collection and will not be able to accurately assess an adoptive management approach.

Lack of Data

In 1988 oversight hearings on Forest Service wilderness management, Congress requested that the GAO document the extent of resource damage in USFS wilderness areas. However, the GAO "found that they could not accurately document the extent or seriousness of problems because wilderness areas did not have any baseline data inventory and monitoring system in

place to track changes in conditions (Government Accounting Office 1989)."

According to Reed and Merigliano, the LAC process was originally conceived a way to manage recreation use in wilderness, based on the premises of its developers (Stankey and others 1985) that recreation use figures primarily in causing change. The same authors state that "as the importance of non recreation wilderness values grows, there is increasing interest among managers to ***expand the LAC concept to address nonrecreational wilderness values***."

The same authors recommend the formation of task forces whose members "can articulate and represent recreational and nonrecreational wilderness values."

Further: "Because nonrecreational wilderness values have received little attention, managers will have to actively seek out scientists, educators, conservationists, archeologists, etc...."

(Managing for Compatibility Between Recreational and Nonrecreational Wilderness Purposes, Reed and Merigliano, pp. 95-107, in Preparing to Manage Wilderness in the 21st Century, proceedings of the Conference, Athens, GA, 1990; General Technical Report SE—66.

Sumter managers must be able to explicitly describe the resource setting in terms of ***all*** of its wilderness, ecological and biological values. However, as noted, this analysis to date has narrowed its focus to recreational fishermen and boaters, without a similar interest and effort to put in place the baseline data needed to describe, understand and protect the resource.

Though significant efforts have been made toward assessing easy-to-quantify variables that have to do with boater/fishermen use of the headwaters trails and campsites, not enough interest and effort has gone into hard-to-quantify variables such as the ecological form and function of the headwaters reach. A central question remains: Have Sumter officials met their responsibilities to appreciate baseline resource conditions beyond the obvious ones of recreational fishing and boating? In our view, the record shows by now that they have not. We need far better representation of the headwaters ecosystem than we have seen. And toward that end, we need a careful selection of umbrella and habitat indicator focal species.

Effects of recreation on wildlife

Conspicuously absent from the USFS analysis to date is any adequate effort to gauge the historical biological importance and current national (even global) significance of the Chattooga headwaters as comparatively ***undisturbed wildlife habitat***.

Perhaps the best way to introduce this issue is via the following quote, which is concerned with the effects of recreation on the larger goals of wildlife and habitat protection:

INTRODUCTION

The large increase in outdoor recreation activity over the last 50 years has been recognized as a potentially serious threat to North American wildlife populations. Threats to wildlife in wilderness are a concern to backcountry recreationists as well as the American public. The protection of wildlife habitat and the protection of endangered species was one of the most highly valued benefits of wilderness according to a telephone survey of approximately 1,900 people in the United States (Cordell and others 1998). Many backcountry recreation users cite the opportunity to view wildlife as an important part of their wilderness experience. Threats to wildlife in wilderness are also a concern for wildlife preservation. Wilderness often provides a refuge for wildlife amid a matrix of more intensively developed lands, and is especially valuable for wide-ranging species that are sensitive to human disturbance and those that depend on special habitats found predominantly in wilderness (Hendee and Mattson 2002).

Impacts of recreation on wildlife include increased energetic demands during critical periods of the year, loss of habitat through avoidance of areas of human activity, exposure to predators when avoiding humans, and loss of habitat through the alteration of vegetation by recreation activities (Knight and Gutzwiller 1995). If widespread, cumulative impacts on individuals of a species may ultimately affect local and regional populations. Changes in species' populations may affect wildlife communities, especially if the impacted species have strong interactions with other species.

The management of wilderness recreation impacts on wildlife in designated wilderness is complicated by the potentially conflicting mandates of The Wilderness Act of 1964 [Public Law 88-577]. The Act mandates the preservation of natural conditions in wilderness, while also requiring managers to provide opportunities for primitive recreation. However, when recreation affects wildlife species, populations, or communities, it can hinder the preservation of natural conditions. To address the dual mandates, appropriate wilderness recreational activities must be provided but they must also be managed to minimize their impacts to wildlife, and more broadly, to wilderness ecosystems. Wilderness managers can use direct approaches such as restricting visitor numbers, activities, or access in some areas; in backcountry areas outside of designated wilderness, manipulating wildlife and wildlife habitat may be appropriate. Indirect approaches may also be used such as visitor education and the careful location and design of trails, trailheads, and adjacent roads and campgrounds.

Tempel, Douglas; Wright, Vita; Neilson, Janet; Mildenstein, Tammy. In Prep. Linking wilderness research and management—volume 5. Backcountry recreation impacts to wildlife: an annotated reading list. (Wright, Vita, series ed.) Gen. Tech. Rep. RMRS-GTR-79-Vol 5. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. XX p.

Elsewhere, wildlife researchers Cole and Knight weigh and in on the issue of recreational impacts to wildlife:

"A number of reasons exist for thinking that recreational impacts on wildlife may be significantly compromising wildland preservation goals. The first reason…is that recreational use of these lands has increased dramatically in recent decades. Second, in contrast to impacts on vegetation and soil, which are highly localized, impacts to wildlife are likely to be more widespread. Since animals are mobile, it is possible for entire populations or entire habitats to be disrupted by recreational use."

"The proportion of an area that is never visited and the proportion of the year that visitation is negligible have shrunk greatly over the last few decades…. The effect is that refuge from disturbance has decreased dramatically—if low levels of recreational use have a significant

impact."

"Wildlands are important to our society and undisturbed wildlife populations are a critical indicator of the quality of wildlands. Managers can only be as effective as the knowledge they bring to bear on problems."

Wildlife Preservation and Recreational Use: Conflicting Goals of Wildland Management, Cole, David N., and Richard L. Knight in Recreational Impacts on Wildlife in Wildlands. Knight and Cole (1991)

The need for more and better data on the impact of recreation on wildlife in wilderness and other high value wildlands

"The twin goals of nature preservation and provision of recreational opportunities inevitably conflict. Recreation causes impacts to the land and wildlife that inhabit the land. Management actions taken to mitigate these impacts *frequently restrict access and recreational activities.* (italics mine) The responsibility of the wildland manager is to determine the optimal mix of preservation and use, and to implement strategies to achieve this mix. To help the manager in this task, research on interactions between recreationists and the environment is needed."

"...our understanding of recreational impacts is still rudimentary. Goldsmith (1974) has commented that most recreational impact studies merely 'record observations of a rather superficial nature and only a few describe specially designed experiments with detailed analysis of the resultant data.'"

Most research continues to merely document the obvious; time frames from studies are short; theory is lacking; few studies utilize experimental designs; and few studies produce results that lead to broader generalizations."

From "Wildlife Preservation and Recreational Use: Conflicting Goals of Wildland Management", paper by David N. Cole (USDA-FS) and Richard L.Knight (CO St. University, presented 1991 at 56th N.A. Wildlands and Natural Reserve Conference, Special Session 4.:

Specific information needs: (from Cole and Knight)

"In order to minimize conflict between recreation use and wildlife preservation goals, we need to: (1) understand the responses of wildlife to recreational activities; (2) understand the factors that influence the nature and magnitude of impacts; (3) improve research methods; and (4) develop and implement new management strategies."

"Previous research has documented numerous cases where wildlife have responded negatively to recreational use: however, it is seldom possible to determine how ***significant*** those impacts are. An ungulate may run from an approaching skier, but does that reduce the fitness of that individual or significantly affect a population—either in the short or long term? We need more

research that documents the various effects of different recreational activities on wildlife: and more attention needs to be paid to impacts other than short term behavioral changes in individuals. Are there long-term impacts? How are behavioral responses by individuals manifested at the population or community levels? This type or research is challenging because it is difficult to distinguish between natural variability in populations and variability that results in recreation use (Boyle and Samson 199850, particularly where the effect of recreation is indirect and the response occurs far from the point of disturbance or after a time lag. (Goldsmith 1974)."

"The ultimate goal of this research is to see that management optimizes the twin goals of wildlife preservation and recreational opportunity."

"Wildlands are important to our society and undisturbed wildlife populations are a critical indicator of the quality of wildlands. Managers can only be as effective as the knowledge and information that they bring to bear on problems. The current, poor level of understanding is clearly an impediment to effective management." (emphasis added)

Vulnerability and Rarity of Headwaters Wilderness Habitat

The following study has much to inform our current headwaters biophysical decision environment:

Indirect Effects of Recreation on Wildlife, David N. Cole and Peter B. Landres in Knight and Gutzwiller, eds. 1995. Wildlife and Recreationists—Coexistence Through Management and Research. Washington DC: Island Press: Chapter 11, 183-202.

"The vulnerability and rarity of the habitat, and its importance to wildlife, should also be considered."

"Changes in habitat that alter living space, whether for breeding, feeding, or any other use, will have a large impact in wildlife communities."

"If recreation affects the density or distribution of species that functionally dominate a community or ecosystem, resulting impacts will be especially severe."

"In sum, the indirect effects of recreation on animal populations are likely to be substantial, but there is little rigorous documentation of these impacts."

"…the relationship between amount of use and amount of impact is highly curvilinear; as use levels increase, additional use has less and less effect on amount of impact. This suggests that limiting recreation is effective in reducing indirect impacts only when usage can be virtually eliminated."

Knowledge Gaps: "Two important questions remain, however: how significant are these impacts to wildlife populations and communities, and which habitat disturbances are most

damaging to wildlife?"

"Significant impacts might be those that are both extensive and severe, those that affect rare or important habitat, and those that affect rare, threatened or keystone species."

"Other examples of significant impacts include those that are long lasting and those that impact populations and communities rather than just the behavior of individuals."

Lack of adequate understanding of wildlife effects evident from USFS Literature Review

We do recognize that your recently released Literature Review is not meant to be exhaustive. Nevertheless, as an "indicator" itself of your apparent management direction in this ongoing analysis, the Literature Review does deserve comment at this point. We are specifically concerned about apparent omissions and problems with your wildlife and biophysical data collection phase in this important formative period prior to NEPA Scoping and the release of a proposed action.

- Your discussion of potential negative effects of different types of recreation to wildlife in Section 5.1.2 fails to acknowledge the extent to which boating facilitates easy access through the heart of Chattooga headwater areas which are otherwise often inaccessible (and sometimes **extremely** inaccessible) to other forms of recreation in your list, all of which otherwise rely on foot travel. This should be recognized as a key consideration with regard to factors of predictability, frequency, timing, location and duration of wildlife disturbances. This is a glaring omission.

- While you do make reference to the potential for wildlife to avoid preferred habitat areas due to human disturbance ***within*** "refuge" areas, nowhere do you discuss the potential for long term negative effects to populations or viability of wide-ranging wildlife species due to human disturbance in habitat that is rare, critical or irreplaceable at regional or landscape scales. [I.e.: there is no discussion of the potential negative effects to highly mobile species such as black bear, a keystone species, (and a USFS Management Indicator Species) which need the kind of core refuge habitat currently available in numerous places along the river in the headwater reaches, but increasingly at a premium outside of public lands.] This is hinted at under 5.1.3 where you briefly discuss "reduced use of refuge." However, no note is made of the specific geographical realities of wildlife habitat on the Blue Ridge Escarpment and/or on surrounding Chattooga watershed areas. Geographical specificity is key here.

- While you do note the potential for potential disturbance to breeding populations, no note is made of the key importance for areas of low human

disturbance for the breeding success of some species—i.e., for instance: black bear.

- No mention is made of what is surely one of the most constant refrains to be noted in the literature of wildlife/recreation effects: the need for more information on the effects of recreation on wildlife, as well as the known difficulty in designing studies with adequate controls, that yield conclusive results. In short, there is much that we do not know and it is well known that there is much that we do not know about the effects of recreation on wildlife. Yet I see no reference to this research/data problem in your literature review.

- No reference to the ongoing research question that lies beyond the simple fact that wildlife may or do respond negatively to human recreation impacts—that is, the ***significance*** of these impacts.

- No mention made of another frequent refrain found throughout the literature on the effects of recreation on wildlife (and on wildlife studies in general), which is the potential scientific and ecological value of areas of low human disturbance to wildlife, as benchmarks for further study of natural ecosystems and their variability. The area in question--the headwater reach of the Chattooga watershed—is a critically important *core* study area within a larger, already existing study area, the Blue Ridge Escarpment.

Failure to Adequately Assess Wilderness Character of Headwaters

Here the word "wilderness" is used to refer both to designated Wilderness, which enjoys the protections of the Wilderness Act, and as the wilderness river environment, protected by the non-degradation clauses of the Wild and Scenic Rivers Act.

This section deals with the failure (within the overall USFS analysis of the Chattooga to date) tc assess, or even acknowledge the ***wilderness character*** of the headwaters reach, values which are primary among those values which caused this river to be protected in the first place. Here, we refer to the Ellicott Rock Wilderness, but not only to the designated wilderness, but also the Rock Gorge Roadless Area, which is de facto wilderness at least as wild and viable as wildlife habitat as the Ellicott. The recently released USFS Literature Review mentioned the words "wilderness character" twice: both of those references were found in the bibliography/ sources section. No mention of the term or concept in the text of the Literature Review.

An understanding of the importance of wilderness character was underscored by House member Bruce Vento in 1988, who as Chairman of the House Subcommittee on National Parks and Public Lands stated, "Congress does not designate wilderness primarily for recreation":

"To date wilderness has often been treated as if recreation were the primary and sometimes

only purpose of wilderness. However the Wilderness Act describes with equal status a variety of wilderness purposes, specifically, recreational, scenic, scientific, education, conservation and historical use. It does not acknowledge recreation as the most important purpose." (Vento)

A fundamental mandate of the 1964 Wilderness Act is that "each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area." Furthermore, Section 2(a) in the Wilderness act Statement of Policy states that wilderness areas "shall be administered for the use and enjoyment of the American people in such a manner as will leave then unimpaired for future use and enjoyment as wilderness, and *so as to provide for the protection of these areas, the preservation of their wilderness character.*" [emphasis added].

Elsewhere, Rohlf and Honnold (1988) and McCloskey (1999) "assert that Section 4(b), Use of Wilderness Areas, gives the primary management direction for wilderness that 'each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area.'" Furthermore, "the Congressional Record (U.S. Congress 1983) reinforces this assertion, stating, 'The overriding principle guiding management of all wilderness areas…is the Wilderness Act (section 4(b)) mandate to preserve their wilderness character.'" The same sections states that "even when the agency administers for other purposes, the agency must also 'preserve its wilderness character.'"

Also, Forest Service policy relative to the Wilderness Act in the Forest Service Manual (Chapter 2320.2, No.4) states that the agency should "protect and perpetuate wilderness character" and to evaluate via monitoring whether wilderness character is being degraded, sustained or improved over time. Still further, the Government Performance and Results Act of 1993 requires federal agencies to show accountability "by providing…information about program results and service quality."

(***All references taken from Monitoring selected conditions related to wilderness character: a national framework. Gen.Tech. Rep. RMRS-GTR-151. Fort Collins, CO: U.S.D.A. Forest Service, RMRS, p.38).***

All of the foregoing are referenced in the document from the Forest Service Wilderness Monitoring Committee, which was designed to provide tools to managers to monitor their actions relative to wilderness character and stewardship in a "conceptual foundation for a national assessment of how wilderness character is changing over time" (Monitoring selected conditions…). This monitoring "uses Section 2(c) Definition of Wilderness from the Wilderness Act to identify four statutory qualities of wilderness:

"Although wilderness character is not defined in the Wilderness Act or its meaning discussed in the legislative history of this Act, it may be described as the combination of biophysical, experiential and symbolic ideals that distinguish wilderness from all other lands." Section 2(c) of the act, in which is contained the definition of wilderness, states:

"An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements of human

habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable;"

In order to uphold this definition of the statute, managers must understand and appreciate the status and trends of biophysical conditions and ecological systems and processes that are sensitive to human threats, both intended and unintended.

To quote from the USFS document referenced above:

"One of the major themes running through the Wilderness Act is that the "earth and its community of life" in wilderness should be free from the effects of "an increasing population, accompanied by expanding settlement and growing mechanization" (Section 2(c) and 2(a) respectively, Wilderness Act of 1964). In today's terms this means that the native species composition, structures and functions of ecological systems in wilderness are protected and allowed to function on their own, without the planned intervention or even the unintended effects of modern civilization."

Management actions that cause ecological impacts should adhere to the Forest Service national policy (FSM 2320.6) which directs managers to improve or at least maintain wilderness character. A knowledge of baseline conditions and careful monitoring should be in place that should focus on these key questions:

- What is the current state of wilderness character?
- How is the wilderness character changing over time?
- How are stewardship actions affecting wilderness character?
- What stewardship priorities and decisions would best preserve wilderness character?

So far, there is no evidence that the USFS, in the current Chattooga analysis, is aware of the critical importance of "selecting and monitoring indicators of conditions and actions related to wilderness character. Information on wilderness character that is consistently gathered and reported offers managers a powerful tool to evaluate if wilderness character is stable, degrading, or improving over time, and to communicate progress towards fulfilling this central mandate of the Wilderness Act."

(Above reference from Executive Summary, "*Managing Wilderness Character*" Peter Landres, Aldo Leopold Wilderness Institute (http://leopold.wilderness.net/htopics/monitor.htm)

FAILURE TO ASSES ECOLOGICAL CAPACITY: No apparent effort to understand the Rarity, Uniqueness and Significance of Chattooga headwaters wilderness habitat

There seems also to be no equal or adequate devotion to the stand-alone resource concerns identified by many Chattooga users, including those intrinsic values of wild and scenic wilderness character and ecology that have been the substance of many comments entered into the public record for this analysis. These concerns represent enduring, intrinsic,

irreplaceable Chattooga values which have been allowed to subside beneath a din and uproar that has drowned out

ANY increase in human traffic on the river headwater reaches now in question, largely isolated for the past thirty years, would clearly represent a fundamental change in the character of those sections and thus must be subject of a full, comprehensive environmental impact analysis.

Importance of Chattooga Core to the Blue Ridge Escarpment Complex of natural areas

The Chattooga flows through the heart of one of the largest blocks of forest interior habitats remaining on the Blue Ridge Escarpment. The Ellicott Rock Wilderness and the Rock Gorge Roadless area together comprise a wilderness reserve core of more than 15,000 acres, strategically as a reserve anchor within the larger wildlands habitat block on the Escarpment.

This block of high quality interior forest habitat is in turn the heart of the 187,000 acre Chattooga watershed, nearly 70% of which is in public ownership, one of the only watersheds remaining in the Southeast that presents the opportunity for restoration to native ecological conditions. Moreover, this wilderness core, in combination with nearby wild areas including the Sarah's Creek Roadless area to the west and the Bee Cove roadless area and the Jocassee Gorges complex to the east, comprises a biological archipelago of sufficient size and de facto wilderness character to warrant recognition and analysis. [see Haney, WS, Ecosystems, p129].

Core habitats are unbroken areas of undisturbed natural habitat that can serve as home areas for source populations of animals. The connections between them, called corridors, are important travel zones that ensure both physical and genetic connectivity between different populations. Examples of core habitats might be an established wilderness area, or a large forested area with few or no roads. In either case, the habitat would encompass all the life requisites of the focal species, including water, food, shelter and cover.

From the Nature Conservancy, on the ecological values of the Blue Ridge Escarpment:

"Spanning three states (North Carolina, South Carolina and Georgia) and encompassing 859,000 acres, the Southern Blue Ridge Escarpment contains some of the highest natural diversity of rare plants and animals found anywhere in the world.

The Southern Blue Ridge Escarpment is home to more than 300 rare species and natural communities…"

http://www.nature.org/wherewework/northamerica/states/northcarolina/preserves/art17380.html

Although the Blue Ridge in South Carolina constitutes a small portion of the state's land area (328,500 acres or 1.69 percent of the total area), it supports the most extensive upland hardwood forest complex in the state. The region is rich in floral diversity best expressed in the mixed mesophytic forest vegetation community (Braun 1950), and described as moist broadleaved forests that can harbor over 30 different tree species and many more types of fungi and ferns. Other biological resources unique to the region include a viable black bear (*Ursus americanus*) population extending across the North Carolina, Georgia and South Carolina state lines, sustained nesting of peregrine falcons (*Falco peregrinus*) following reintroduction in the 1980's and self-sustaining populations of native brook trout (*Salvelinus fontinalis*).

Management must appreciate the regional importance of the habitat, as well as the impending threat to the larger habitat area represented by current and projected drastic increases in visitation:

"Although accounts of visitation trends are currently anecdotal, visitation and demand for services is increasing dramatically."

"Managing agencies face competing demands for access by users whose interests are not always compatible."

"Impacts of recreation uses on the resource base vary by intensity and type posing challenges to meeting resource-based management objectives."

http://www.dnr.sc.gov/cwcs/pdf/habitat/BlueRidgeHabitat.pdf

Elsewhere, further information exists to substantiate the importance of the interior forest habitat of the headwaters:

"The Blue Ridge Province is a land of contrast. Not only is there a wide disparity between poor and wealthy residents, there is a sharpening divide between rich and degraded habitats. **On one hand Dr. Kurt Riiters with the USFS Southern Research Station states "the southern Appalachians in eastern North America contain the only extensive region of interior forest at middle latitudes.** Until recently, this area was relatively undeveloped".*** On the other hand the recently released Forest Inventory Analysis (FIA - 2002) shows significant declines in forest land cover over much of the piedmont and mountain sections of North Carolina. Overcutting and land development are primary causes for the decline. This is the seventh such non-judgmental summary of forest conditions released by the US Forest Service since the process began in 1938."

* Rabinowitz, Alan *Ground Truthing Conservation: Why Biological Exploration Isn't History,* Conservation in Practice Fall 2002
** The Nature Conservancy and the Southern Appalachian Forest Coalition *Southern Blue Ridge Ecoregional Conservation Plan: Summary and Implementation Document* March 2000
*** Riiters, Kurt (etc.) *Global-scale Patterns of Forest Fragmentation* Conservation Ecology 4:3 2000

A map of the Blue Ridge Escarpment that shows the spatial relationships of the high biological value tracts may be accessed at: http://www.polarismaps.com/portfoli/sbre.jpg

Global Importance of Appalachian and Blue Ridge Forests

"The large variety of landforms, climate, soils, and geology, coupled with a long evolutionary history, has led to one of the most diverse assemblages of plants and animals found in the world's temperate deciduous forests (Stephenson et al. 1993)."

http://www.worldwildlife.org/wildworld/profiles/terrestrial/na/na0403_full.html

In this context, see especially in the above reference: *Biological Distinctiveness, Conservation Status, Habitat Loss, Degree of Fragmentation ("Fragmentation and isolation of remaining blocks of undisturbed habitat is severe."), Types and Severity of Threats, And Suite of Conservation Priorities.* A suite of "Priority Activities to Enhance Biodiversity Conservation" is recommended, to include:

- Identification and protection of larger blocks (greater than 100 km^2) of relatively unfragmented and undisturbed forests.
- Linkage zones of appropriate habitats between larger blocks should be restored.
- Larger blocks need to be free of roads, powerline corridors, and other avenues for intrusions by cowbirds, raccoons, and other predators of songbirds. Road closures and prohibition of road-building is greatly needed, particularly on public lands.

The Chattooga analysis must appreciate the importance of the current regional system of natural area and wilderness reserves as a means to understand and safeguard the ecological attributes no longer found on surrounding, more intensively occupied and managed lands. Identification and protection of a regional system of large, undisturbed habitat blocks in order to maintain viable populations of migratory songbirds and other sensitive species is urgently needed.

At the same time, this analysis must appreciate the geographic importance of the Ellicott Rock Wilderness and the Upper Chattooga corridor as core areas within this system of reserves. [The Southern Appalachians contain the largest block of protected forest landscapes in the Eastern US, (Simons and others 1999)]. At the same time, the analysis should appreciate the value of these areas as benchmark areas for evaluating the status of natural functioning ecosystems and the long term capacity of the region to support and ensure biological diversity. To the extent that these Blue Ridge Escarpment areas are comprised of comparatively unfragmented, forests interior ecosystems, they are home to several species that are particularly sensitive to forest conditions, including black bear and certain songbirds such as, for instance, Swainson's Warbler.

Moreover, "Due to 'hostile conditions' now prevalent in anthropogenic landscapes (Askins 1995), wilderness area and other large forest reserves are particularly important because these refugial 'sources' promote elevated densities, pairing success and productivity for forest-interior

wildlife that subsidize the 'sink' habitats in more disturbed landscapes (Clark and Pelton 1999, Robinson and others 1995a, Van Horn and others 1995).

(***Gauging the Ecological Capacity of Southern Appalachian Reserves: Does Wilderness Matter?***, Haney, Wilbert, DeGrood, Lee, Thomson, in McCool, Cole, Borrie, O'Loughlin, Wilderness Science in a time of change conference—Volume 2: Wilderness within the Context of Larger Systems, 1999; Proceedings RMRS-P-15-Vol-2).

Lack of Understanding of Unique Ecological Attributes of Chattooga Headwater Core Areas

What is lacking in the Sumter analysis to date is the consciousness of the wild conditions that have developed in the Chattooga headwaters as a direct result of the first zoning measures. These current conditions represent a 30 year investment in the realization of the spirit and letter of both the Wilderness Act and the Wild and Scenic Rivers Act. Unfortunately, we find little evidence of any appreciation within the agency's analysis to date of *what could be lost* if those conditions are diminished by an increase in human traffic. Such wild conditions are now all the more rare in a landscape where wild areas have become islands in rising tide of humanity. It is those conditions which should be recognized as a biological imperative to transcend the wishes of any one "stakeholder" group…fisherman, paddlers or otherwise. This rare opportunity (coupled with the fact that the continued enhancement of wild conditions in the headwaters will come at very low cost) should be prioritized beyond any compromise that satisfies the "users" of any special interest group.

Putting Procedure over Substance

Let us be clear: it is not enough for this agency to simply go through the motions of describing environmental effects in some apparently reasonable way that frees it to make any decision it sees fit, or, similarly, of completing an arbitrarily delimited analysis that incorporates the narrow views of a subset of users but ignores other, critical environmental considerations.

The regulations promulgated by the Council of Environmental Quality (CEQ) under NEPA call for "accurate scientific analysis" [C.F.R. 1500.1(b)] as well as "scientific integrity" (40 C.F.R. 1502.24) in the analytic process.

Right now, what we have is an expensive investment of taxpayer funds in a narrowly delimited analysis based on artificially delimited expert panels, and on the analysis of expensive consultants with expertise in the narrow limits of recreation. The analysis conducted so far is therefore simply not adequate to serve as a legitimate basis to generate alternatives and thereafter disclose the effects of those alternatives.

In addition, if the agency feels that it has to limit its analysis because it can not obtain needed ecological information to accurately define indicators and foresee impacts to the Chattooga River ecosystem environment, regulations (40 C.F.R. 1502.22) direct that the federal agency disclose to both the public and to agency decision makers any "existing credible scientific

evidence" along with the agency's evaluation of adverse environmental impacts "based upon theoretical approaches or research methods generally accepted in the scientific community."

However, ***the letter and intent*** of both the Wilderness Act and the Wild and Scenic Rivers Act enjoin these same agency officials to consider not only experiential factors in their analysis but ecological factors as well—they must fully and adequately consider biophysical factors as well as social. It is vital that USFS officials do this, not only to ensure that the full range of wilderness values of this irreplaceable wild river resource be preserved for all current users, but equally important that their analysis be full and comprehensive in order to ensure that all wilderness values (and future options) in this resource be transferred to future Americans fully, completely, fairly and without diminishment.

INSUFFICIENT DEDICATION TO SCIENTIFIC ANALYSIS

Ample scientific evidence and theory avail to prioritize biological factors that have hitherto gotten short shrift in the current analysis—in studies that highlight the importance of large, core areas of wild land with minimal human impacts and disturbance, as well as in the educated predictions afforded by conservation biology.

Studies that might adequately evaluate the adverse effects to the ecological environment of the Chattooga headwaters could take decades. However, that is no reason for this agency to abdicate its responsibilities, given the rarity of the habitat in question, and given that the habitat can not be replaced. It is absolutely critical that this analysis fully and completely weigh sound scientific predictions concerning the effects of human disturbance on this hitherto undisturbed natural environment. Our failure to appreciate and assess the ecological form and function of the headwaters might result in a permanent degradation of the ecology of the area even before we have even understood what is at stake, the loss coming at a time when such relatively intact landscapes are fast disappearing and can not be replaced.

The foregoing arguments highlight the extent to which a rightful adherence to NEPA regulations not only elevates existing scientific opinion to a position of critical importance, but also specifically addresses instances where environmental effects are hard to foresee. In neither case has the current USFS analysis of the ecology of the Chattooga headwaters so far measured up.

With further respect to inadequacies of the current analysis with respect to NEPA:
The act emphasizes as one of its basic purposes an enrichment of "the understanding of ecological systems…important to the Nation" (42 U.S.C. 4321). Herein NEPA mandates a national environmental policy that recognizes the "profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of resource exploitation…" and the "critical importance of restoring and maintaining environmental quality…" (42 U.S.C. 4331).

In addition, particularly with respect to ecological conditions so far not evaluated in this analysis, CEQ regulations provide for adequate evaluation of the composition, structure, and

function of the [Chattooga] ecosystem:

'Effects and impacts as used in these regulations are synonymous. Effects include ecological (such as the effects on natural resources and on the components, structures and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social or health, whether direct, indirect, or cumulative. (40 C.F.R. 1508.8)

All of the foregoing collectively mandates that NEPA must take a hard look at the cumulative impacts to the Chattooga headwaters ecological environment in assessing the potential biological losses that might accrue to any proposal for increased human impacts in that fragile, unique, irreplaceable area.

The Forest Service Manual at Chapter 2320 (Wilderness Management):

"Manage the wilderness resource to ensure its character and values are dominant and enduring. Its management must be consistent over time and between areas to ensure its present and future availability and enjoyment as wilderness. Manage wilderness to ensure that human influence does not impede the free play of natural forces or interfere with natural successions in the ecosystems and to ensure that each wilderness offers outstanding opportunities for solitude or a primitive and unconfined type of recreation. Manage wilderness as one resource rather than a series of resources." (Sec. 2320.6)

Section 2320.1 of FSM reminds us that the Wilderness Act of 1964 specifies Congressional policy to secure for the American people an enduring resource of wilderness for the enjoyment of present and future generations. It defines wilderness as areas untrammeled by people that offer outstanding opportunities for solitude and directs agencies to manage wilderness to preserve natural ecological conditions. (Sec.2320.6)

Section 2320.2 in Title 36 of the Code of Federal Regulations states the following **Objectives**:

--Maintain and perpetuate the enduring resource of wilderness as one of the multiple uses of National Forest land.

--Maintain wilderness in such a manner that ecosystems are unaffected by human manipulatior and influences so that plants and animals develop and respond to natural forces.

--Protect and perpetuate wilderness character and public values including, but not limited to, opportunities for scientific study, education, solitude, physical and mental challenge and stimulation, inspiration, and primitive recreation experiences.

--Gather information and carry out research in a manner compatible with preserving the wilderness environment to increase understanding of wilderness ecology, wilderness uses, management opportunities and visitor behavior.

At 2320.3, Policy states that "Where there are alternatives among management decisions, wilderness values shall dominate over all other considerations except where limited by the

Wilderness Act, subsequent legislation or regulations.

CHATTOOGA HEADWATERS WILDERNESS AS BENCHMARK:
Critical Importance of Undisturbed Habitat

"Every region should retain representative samples of its original wilderness condition, to serve science as a sample of normality. Just as doctors must study healthy people to understand disease, so must the land sciences study the wilderness to understand disorders of the land mechanism."
Aldo Leopold, as quoted in Aldo Leopold: A Fierce Green Fire, Marybeth Lorbiecki (1996,

We see an acute need to recognize the Chattooga headwaters as Wilderness Wildlife Habitat—to provide an undisturbed setting for plants and animals to thrive without having to compete with human ambitions, where species can survive in a place of refuge.

"Wilderness settings provide habitats that receive a minimal amount of human disturbance while providing the opportunity for natural disturbance and ecological processes to operate with minimal human interference (Starkey and Larson 1985). However, the price of maintaining undisturbed environments includes restrictions on use and access."

"..although wilderness areas seem to be non-essential for a majority of studies on the majority of species, they are essential for furthering our understanding of wilderness dependent species [bear, etc.]"

Before we enact the kind of changes that will ensue with this measure, we need to describe, analyze and map the critical wilderness habitat occupied by wilderness dependent species such as black bear, and assess the population change over time to document ecosystem-wide population trends.

"The presence of large areas with a high degree of integrity and continuity means that a wilderness harbors substantial information of benefit to science and society" ***(Graber 1985, Noss 1991).***

"Although wilderness wildlife research, for all practical purposes, is limited to the study of wilderness dependent wildlife and natural regulation, researchers should be aware of and make greater use of the opportunities to monitor wildlife populations in wilderness settings. Monitoring wildlife in wilderness ecosystems may be used to warn of impending environmental change across broad geographic areas. Davis and Halvorson (1998) considered the national park ecosystems to be 'miner's canaries' and the concept applies to may areas that are relatively undisturbed by human presence. (Peek 1999)."

(The Evolution of Wilderness Wildlife Research in North America. Wright and Garrett, in McCool, Cole, Borrie, O'Loughlin, Wilderness science in a time of change

conference—Volume 3: Wilderness as a place for scientific inquiry; 1999; Proceedings RMRS-P-15-Vol-3).

For example, consider the importance of the Chattooga headwaters to the North American Black Bear. Once numerous over almost the entire North American continent, then almost extirpated from even their last redoubts in the Southern Appalachians, their numbers are now healthier in this region than they have been in decades. Many researchers think that this fact owes to the maturation of the Southern Appalachian forests, which provide mast and escape cover, and to the preservation of breeding zones and other areas that function as biological refuges either by design or default.

Black bear need large tracts of undisturbed habitat to thrive, especially for denning and reproducing. Undisturbed, interior forest habitat is therefore crucial to the species to maintain and increase its numbers. However, given the tidal wave of development rolling over the region, such interior, undisturbed tracts are increasingly few, increasingly fragmented, and increasingly confined to small islands of suitable habitat that are surrounded by human populations and activities. In light of human sprawl on private lands, the public lands—national forests, parks and other preserves—are ever more critical for providing the kind of backcountry where remote, wild conditions provide the high-quality habitat and freedom from human dominance needed to promote the survival and reproduction of species that are negatively affected by anthropogenic disturbance. This is true not only for black bear but also for some species of songbird.

Reproduction is a key process by which a species survives, thrives or becomes extirpated. The dynamics of bear and other wildlife populations are certainly tiered to their reproductive success, and the rate at which the young attain breeding status. Thus, some knowledge of the reproduction/denning ecology and survival of young should be a critical concern of wildlife managers (and river managers) for this area,

As the area population increases, the loss of bear habitat and fragmentation will likely continue. The long-term survival of the black bear depends upon the formulation and implementation of science-based management plans, which depend upon good data for all aspects of black bear ecology, especially the importance of areas of reduced anthropogenic disturbance for denning and reproduction.

Black bear reproductive ecology, cub survival and denning ecology has been investigated, and could be the basis for significant enhancement of our understanding of the importance of remote areas in the maintenance and survival of the species in the Chattooga watershed and on the Blue Ridge Escarpment.

Future long term black bear studies concerned with cub survival rates and rates of bear cub mortality among populations with different densities and various degrees of anthropogenic presence are needed, and would be significantly enhanced by retainment of wild, remote areas of the headwaters as benchmark data sources.

Such areas are key in understanding population dynamics in this area, developing demographic models and population viability analyses. Escape Cover has been recognized as an important component of black bear habitat by several notable researchers (Pelton 1985, Rogers and Allen 1987, McLaughlin and others 1988). "Large expanses of contiguous forest or mountainous, inaccessible terrain serve to insulate bears from human disturbance. However, as forests become smaller and more fragmented, and as human encroachment and disturbance in bear habitat increases, escape cover will become even more vital to insulate bears from human activities.

Areas of dense or impenetrable vegetation that limits visibility and hinders travel by humans and dogs.... can provide high quality shelter for daybeds and escape cover for bears.

Above references from: ***Black Bear Ecology and the Use of Prescribed Fire to Enhance Bear Habitat, Keith M. Weaver: Proceedings: Workshop on Fire, People, and the Central Hardwoods Landscape GTR-NE-27***

The development of such high quality habitat is a slow process requiring decades, even centuries, while the rapid, ubiquitous spread of human infrastructure has diminished such habitat to a small fraction of its original extent. Parks, wilderness areas and defacto wilderness areas such as USFS roadless areas constitute our best and sometimes our only opportunity to provide such habitat.

Protection of Roadless Area Values

In a 1997 letter that grew out of the Interior Columbia Basin Ecosystem Management Project (ICBEMP), 169 scientists signed onto to recognize that roadless area protection is critical "Because they represent the least human-disturbed habitats in an almost universally disturbed landscape."

However, in this current analysis to date, there is little apparent appreciation of, let alone any sense of urgency evident among Sumter managers to understand the core area value of the Ellicott Rock Wilderness and the de facto wilderness that lies immediately south of it, the Rock Gorge Roadless area.

With regard to the Big Mountain Roadless Area, the November 2000 FEIS for the USFS Roadless Area Conservation rule also notes the importance of habitat to species that are sensitive to human disturbance: "Remoteness from human activity is a key characteristic of black bear habitat (Southern Man and the Biopshere 1996c) "Wilderness is vital to the conservation of wildlife species prone to conflict with humans as well as to species that require wilderness to provide an array of seasonal habitats necessary for survival."

Also, from the Wilderness Society's Economic Values of Protecting Roadless Areas in the United States":

"Natural environments such as roadless areas and designated Wilderness are often referred to as living laboratories. They serve as benchmarks of relatively unmodified natural conditions in which to observe unfettered ecological processes at work (U.S. Forest Service 2000). As such, natural environments are often the subject of scientific research and publications. In some case, they are used as controls. In others, they are studies to improve understanding of the influence of natural conditions on flora, fauna, physical attributes in scientific journals related to Wilderness, primitive and roadless areas.

Economic Values Of Protecting Roadless Areas in the United States, John B. Loomis, Ph.D. and Robert Richardson, M.B.A., Department of Agriculture and Resource Economics, Colorado State University, Fort Collins, Colorado (analysis prepared for The Wilderness Societ and Heritage Forests Campaign).

Importance of Roadless Areas as Hunting Reserves

The Theodore Roosevelt Conservation Partnership believes that proper management of roadless areas in our national forests can provide quality hunting and fishing opportunities for all Americans.

According to information found on their website http://www.trcp.org/ch_roadless.aspx:

"Inventoried roadless areas are commonly described as backcountry or unroaded wildlands and are places hunters and anglers know contain the best remaining fish and wildlife habitat. They are the public places on the maps where roads end and quality walk-in hunting and fishing begins.

Roadless areas generally provide large contiguous blocks of the best habitat for big game species like mule deer, elk, moose, bighorn sheep and mountain goats, and the least degraded streams and lakes where trout, salmon and other desirable fish species dependent on clean water, stable streamflows and consistent lake storage can thrive.

The absence of roads prevents fragmentation of secure habitat that big game species need for population survival. Roadless areas in large blocks also reduce the vulnerability of both fish anc wildlife species to excessive harassment and harvest and allow populations to thrive at levels supporting longer hunting seasons and easy-to- purchase tags. "

Economic Values of Inventoried Roadless Areas for Hunting and Fishing

Also, the Wilderness Society makes reference to the value of roadless areas for hunting and fishing:

"Relatively untrammeled lands like unroaded backcountry are increasingly an economic asset, attracting hunters, anglers, new residents and visitors looking for open spaces, majestic scenery and outdoor recreation in pristine settings. A report, Backcountry Bounty: Hunters,

Anglers and Prosperity in the American West, by TRCP and the Sonoran Institute, shows hunters and anglers nationally spend more than $70 billion each year to hunt and fish. Hunting, angling and related industries in the West added nearly $3 billion combined in 2001 to the economies of Arizona, Idaho, New Mexico, Montana, Utah and Wyoming. Hunting and fishing licenses, fees and taxes fund state game and fish departments and their wildlife management programs. Many businesses, large and small, local and national, and hundreds of small, rural Western communities rely on money spent by hunters and anglers. Policies that conserve wildlife habitat protect valuable assets that enhance prosperity and quality of life now and into the future." http://www.wilderness.org/Library/Documents/upload/Factsheet-RoadlessValues-ProtectingWildlife&HabitatinNorthernRockies.pdf

Recreational Ecology of Human Disturbance: Frequency, Magnitude, Significance

According to Franklin (1990), p.250) "human activities can affect several key attributes of ecosystems. First they affect the *functional ability* of the ecosystem, the capacity to perform certain key actions—to fix and cycle energy, conserve and cycle nutrients, and provide suitable habitat for an array of inhabiting species. Second, they can affect the *structure*, or spatial arrangement of the parts, of the ecosystem—whether it is a savannah, meadow, or even-aged or uneven-aged forest, or some other type. Third, they can affect the *composition* and structure and *population structure*, that is, the number of species and their relative abundance as well as densities and age- and size-class distributions of individual species. Finally, human actions can alter the basis *successional patterns*, or trajectories, characteristic or a given site."

The Importance of Ecological Impacts (p 10)

"All of the aforementioned impacts occur, but so what? We can go out and measure most of the impacts, determine the *magnitude* of environmental change. It is a very different matter, however, to assess the *importance* or *significance* of these impacts. We might all agree that 95 percent of the spiders on the forest floor of a campsite have been eliminated by recreation use; we are unlikely to agree about how important a change this is. We might not even be able to agree on whether this is a positive or negative change. In a recreational context, impacts become good or bad, important or insignificant, only when humans make value judgments about them. Those judgments are determined by the type(s) of recreation an area is managed to offer, the objectives of various user groups, and the objectives of resource management."

"The effects of wildland recreation on wildlife have received little systematic attention, resulting in a knowledge base that is disparate and seldom definitive. This is because wildlife is not stationary, as are plants, and the effects of impacts ate immediately obvious, direct, or easily measured. Nevertheless, numerous impacts to wildlife as a result of recreation have been documented, and in some cases well researched (Ream 1980; Boyle and Samson 1985; Knight and Gutzwiller 1995). These studies show that human disturbances result in changes in wildlife physiology, behavior, reproduction, population levels, and species composition and diversity. Studies also show that there are at least six factors of recreational disturbances that influence wildlife responses; type of recreational activity, recreationists' behavior, impact predictability, impact frequency and magnitude, timing, and location (Knight and Cole 1995). In

many cases the major source of wildlife impacts is the recreationist who innocently produces stressful situations for wildlife, primarily through unintentional harassment of wild animals." (p68)

Particular attention should be paid to the effects of *frequency and magnitude* of recreation disturbance on the nesting behavior and reproductive success of birds being negatively influenced when nesting areas are frequently visited. (p69).

Wildland Recreation: Ecology and Management (Second Edition) Hammit and Cole
"Increased use of recreation areas during the off-season may be particularly detrimental to wildlife."

"Only a handful of studies have directly examined the effects of recreation on wildlife (Ream 1980). Because adequate controls are lacking, and because animals are mobile, it is extremely difficult to design studies that will give definitive results. We know that recreationists disturb certain wildlife species, causing displacement and even death (Stalmaster and Newman 1978; Ream 1979; MacArthur and others 1982)

Disturbance during winter may be particularly detrimental, because animals frequently strive to conserve their energy during winter. (Moen 1976).

The following information derives from ***Resource Impacts Caused by Recreation*** *David N. Cole, A Literature Review, President's Commission on American Outdoors]*

"One of the most fundamental rationales advanced for protection of areas as wilderness is their immense potential value as baselines and places for comparing the effects of ever-advancing human development and impact (Brower 1960). In contrast to more developed areas, wilderness is characterized by lack of human development and related disturbances."

"By preserving relatively undeveloped areas, changes in biophysical and ecological conditions wrought by civilization can be better measured, assessed and evaluated. Through management regimes that allow natural processes to occur in a relatively unfettered manner, we will better comprehend their extent and variability."

Wilderness as a Place for Scientific Inquiry, McCool and Cole, in McCool, Cole, Borrie, O'Loughlin, Wilderness science in a time of change conference—Volume 3: Wilderness as a place for scientific inquiry; 1999; Proceedings RMRS-P-15-Vol-3).

The Wilderness Act of 1964 mandates that wilderness areas be maintained in their natural condition and because wilderness areas provide valuable ecological benchmarks by which we can measure environmental change. protected areas provide excellent opportunities to understand naturally functioning ecosystems as well how those ecosystems are influenced by human activities.

As such, the importance of science to inform management decisions affecting the stewardship of protected areas as well as the value of such areas for science

Parsons, David J. 2004. Science and the management of protected areas. Pp. 36-40 in Harmon, D. and G.L. Worboys (eds.), Managing Mountain Protected Areas: Challenges and Responses for the 21st Century. Proceedings of the Mountain Protected Areas Workshop, 5th World Parks Congress, Durban, South Africa, September 2003. Colledara, Italy: Andromeda Editrice. Leopold Publication Number **536**

Concluding Comments and "Collaboration"

The Forest Service understandably solicits "collaboration" and consensus, but appears to do sc even as it apparently ignores the non-degradation mandates of the governing statutes and even as the agency employs a "modified" LAC analyses that appears to focus on a small subset of Chattooga "users." We believe that *all* stakeholders and participants in this analysis have a right to expect rigorous USFS adherence to laws and regulations designed to *protect or enhance* the Chattooga headwaters resource in question. And all deserve to be treated equally—which is demonstrably not the case thus far.

As was reported in the recently released "Situation Assessment," all respondents to the interviews conducted by the Natural Resources Leadership Institute voiced one common concern: "protection of the Chattooga River now and in the future…." As well, the NRLI found that a collaborative process must, among other goals, produce the "Attainment of a higher goal (protection of the resource), while also dealing with the immediate issue of boater access in the upper Chattooga." (p.v, NRLI, *Chattooga Situation Assessment*)

The "higher goal" of protection of the resource is the basis for our concern about the direction o the USFS analysis to date. We do recognize the importance of collaboration. We have cooperated extensively with the USFS throughout the protracted process of seeking an acceptable solution to the very difficult issues before us, and we may be expected to continue to engage this process in a positive, constructive fashion.

Nevertheless, our spirit of willing cooperation notwithstanding, we recognize the essential dilemma of the seemingly incompatible objectives of providing for human access while at the same time protecting a resource that is unique and special precisely because of prior limitations on human access.

Highly relevant to our current dilemma on the Chattooga is a publication by Mr. David N. Cole, Research Biologist, Aldo Leopold Wilderness Research Institute.

To quote from Mr. Cole:

"How we resolve two management dilemmas will determine the future nature and value of wilderness. "

"One dilemma…involves conflict between providing access to wilderness for its "use and enjoyment" [1964 Wilderness Act] and protecting the biophysical conditions and visitor experiences that constitute wilderness but are degraded by recreational use."

"Because compromises between value systems will tend to homogenize wilderness areas, such that no area will fully meet any goal, we should consider allocating separate lands to each goal. Expanding our conception of wilderness will help us develop a diverse system that satisfies multiple needs."

"In seeking resolutions to emerging management dilemmas, perhaps it is appropriate to expand our notions of what wilderness should be. Traditionally, dilemmas have been resolved by compromise. The result of this approach, 100 years hence, might be a system of wilderness lands that are all moderately used and impacted, somewhat wild and somewhat natural, with no lands close to the ideals of pristine, either natural or wild. This result is likely, given the federal land management agencies' decentralized decision-making tradition. In this tradition, [wilderness] conditions are shaped by countless independent decisions made over many years by hundreds of individuals. Buffeted by the polarized arguments of opposing sides on each issue, the system gravitates toward mediocrity and homogeneity.

"*One cost of this compromise will be diminution of the scientific value of wilderness as a reference area*. [emphasis mine] Natural wilderness is useful as a reference for highly altered landscapes…"

Decisions about how to compromise between recreational access and wilderness protection, and between wild and natural ecosystems will determine the future value of the wilderness system.

Postponing these decisions will simply foreclose our options."

(in ***Management Dilemmas That Will Shape Wilderness in the 21st Century***. David N. Cole)

Conclusion

In closing, we would like to emphasize that even as the Friends of the Upper Chattooga welcome every opportunity for collaboration, we will continue to insist that this agency ensure that it is truly managing for ecological values and not political expediencies, that it is managing for a full range of social and physical values above and beyond those of the recreational elite that have dominated this debate, and that it is working to meet the challenge of human use management while diligently working to protect the wilderness resource. This is far from clear thus far.

The analysis must appreciate the importance of the Blue Ridge Escarpment as a critically rare and irreplaceable block of comparatively undisturbed forest habitat, within the first rank of conservation priority, regionally, nationally, even globally. Likewise the USFS must appreciate and attempt to assess the importance of the Chattooga corridor and watershed as a critically important core area within that larger Blue Ridge Escarpment landscape. There is small evidence to indicate that such an appreciation current exists in officials managing this analysis.

Nevertheless, in our view, a full and comprehensive attempt to assess the potential effects of increased recreation on the wilderness character and on the wildlife of the headwaters reaches should be central to the analysis. With that assessment will come, we believe, a greater understanding in all stakeholders of critical conservation values hitherto largely unacknowledged by officials conducting this analysis. Such an enhanced appreciation of those conservation values is absolutely critical to attaining the "higher goal" of protecting the Chattooga resource.

We believe that the original zoning of the Chattooga at its inception as a National Wild and Scenic River was a case where the Forest Service got it right the first time. Though not presented or conceived as such at that time, the decision to zone usage of this finite Chattooga river resource was a fitting and far-sighted accommodation of potentially different kinds of recreation and recreational users. As well, the initial zoning was, in effect, an amazingly prescient apportionment of a limited wilderness resource between social and biophysical, ecological values. The result of Chattooga zoning, in any event, was the creation of a world class wilderness wildlife refuge whose importance, though so far only incompletely appreciated has only grown and will continue to grow as regional populations burgeon.

We owe it to our children (and to ourselves) to take the time and accept the trouble and expense to make full and fair assessments of the impacts that these new measures would have on the wild character and sensitive species of the upper Chattooga. Any compromise of this higher goal of full protection and enhancement of the wild natural values of the Chattooga headwaters is simply not acceptable.

References

1) Forest Service Proceedings RMRS-P-15-VOL-4. 2000.

2) *Oconee & Sumter NF Recreation Realignment Report,* Overdevest and Cordell. 2001

3) Sumter 2004 FEIS pg 3-267,8.

4) Pg-3-363 Sumter 2004 FEIS.

5) **McCool. Limits of Acceptable Change: A Framework for Managing National Protected Areas. 1996.**

6) Wild and Scenic Rivers Act (*WSR ACT sec 10(b)*

7) USFS Appeal Decision (#04-13-00-0026)

8) **Cole and Stankey: Historical Development of Limits of Acceptable Change: Conceptual Clarifications and Possible Extensions. 1998.**

9) **McCool and Cole. The Limits of Acceptable Change Process: Modifications and Clarifications, Cole and McCool, 1998**

10) **Proceedings—Limits of Acceptable Change and related planning processes: progress and future directions.** 1997 May 20-22;Missoula, MT. Gen. Tech. Rep. INT-GTR—371. Ogden, UT: U.S.Department of Agriculture, Forest Service, Rocky Mountain Research Station.

11) **Managing for Compatibility Between Recreational and Nonrecreational Wilderness Purposes.** Reed and Merigliano, pp. 95-107, in **Preparing to Manage Wilderness in the 21st Century.** Proceedings of the Conference, Athens, GA, 1990; General Technical Report SE—66.

12) **Tempel, Douglas; Wright, Vita; Neilson, Janet; Mildenstein, Tammy.** In Prep. **Linking wilderness research and management—volume5. Backcountry recreation impacts to wildlife: an annotated reading list**. (Wright, Vita, series ed.) Gen. Tech. Rep. RMRS-GTR-79-Vol 5. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. XX p.

13) **David N. Cole (USDA-FS) and Richard L.Knight (CO St. University). Wildlife Preservation and Recreational Use: Conflicting Goals of Wildland Management.** Presented 1991 at 56th N.A. Wildlands and Natural Reserve Conference, Special Session 4.:

14) **David N. Cole and Peter B. Landres. Indirect Effects of Recreation on Wildlife,** in Knight and Gutzwiller, eds. 1995. **Wildlife and Recreationists—Coexistence Through Management and Research**. Washington DC: Island Press: Chapter 11, 183-202

15) **Monitoring selected conditions related to wilderness character: a national framework.** *Gen.Tech. Rep. RMRS-GTR-151. Fort Collins, CO: U.S.D.A. Forest Service, RMRS, p.38).*

16) **Wilderness Act, Section 2(c)**

17) **Forest Service Manual**, 2320.6)

18) **Executive Summary, "Managing Wilderness Character" Peter Landres, Aldo Leopold Wilderness Institute** ***http://leopold.wilderness.net/htopics/monitor.htm***

19) **Haney, Wilbert, DeGrood, Lee, Thomson, in McCool, Cole, Borrie, O'Loughlin. Gauging the Ecological Capacity of Southern Appalachian Reserves: Does Wilderness Matter?** in **Wilderness Science in a time of change conference—Volume 2: Wilderness within the Context of Larger Systems**. 1999. Proceedings RMRS-P-15, Vol-2.

20) Nature Conservancy Map:
http://www.nature.org/wherewework/northamerica/states/northcarolina/preserves/art17380.html

21) South Carolina Department of Natural Resources
http://www.dnr.sc.gov/cwcs/pdf/habitat/BlueRidgeHabitat.pdf

22) Rabinowitz, Alan. Ground Truthing Conservation: Why Biological Exploration Isn't History. Conservation in Practice. Fall 2002.

23) The Nature Conservancy and the Southern Appalachian Forest Coalition Southern Blue Ridge Ecoregional Conservation Plan: Summary and Implementation Document. March 2000.

24) Riiters, Kurt (etc.) Global-scale Patterns of Forest Fragmentation Conservation Ecology. 4:3 2000

24) http://www.polarismaps.com/portfoli/sbre.jpg

25) World Wildlife Fund Map

26) Council of Environmental Quality (CEQ) Regulations [C.F.R. 1500.1(b)]
27) Council of Environmental Quality (CEQ) Regulations [40 C.F.R. 1502.24]
28) Council of Environmental Quality (CEQ) Regulations [40 C.F.R. 1502.22]
29) National Environmental Policy Act of 1969 (**NEPA**) [42 U.S.C. 4321-4347]
30) Council of Environmental Quality (CEQ) Regulations [40 C.F.R. 1508.8]

31) **Marybeth Lorbiecki. *Aldo Leopold: A Fierce Green Fire,*** Oxford University Press, USA. 1996.

32) **Wright and Garrett. The Evolution of Wilderness Wildlife Research in North America.,** in **McCool, Cole, Borrie, O'Loughlin, Wilderness science in a time of change conference—Volume 3: Wilderness as a place for scientific inquiry.** 1999. Proceedings: RMRS-P-15-Vol-3.

33) **Keith M. Weaver. Black Bear Ecology and the Use of Prescribed Fire to Enhance Bear Habitat.** Proceedings: Workshop on Fire, People, and the Central Hardwoods Landscape GTR-NE-27.

34) **John B. Loomis, Ph.D. and Robert Richardson, M.B.A. *Economic Values Of Protecting Roadless Areas in the United States.*** Department of Agriculture and Resource Economics, Colorado State University, Fort Collins, Colorado (analysis prepared for The Wilderness Society and Heritage Forests Campaign).

35) **Theodore Roosevelt Conservation Partnership**:
http://www.trcp.org/ch_roadless.aspx

36) **The Wilderness Society**:
http://www.wilderness.org/Library/Documents/upload/Factsheet-RoadlessValues-ProtectingWildlife&HabitatinNorthernRockies.pdf

36) **Hammett and Cole. Wildland Recreation: Ecology and Management** (Second Edition) (Publishing Information Unavailable).

37) **Resource Impacts Caused by Recreation David N. Cole, A Literature Review, President's Commission on American Outdoors.**

38) **McCool and Cole. Wilderness as a Place for Scientific Inquiry** in McCool, Cole, Borrie, O'Loughlin, Wilderness science in a time of change conference—**Volume 3: Wilderness as a place for scientific inquiry**. 1999; Proceedings RMRS-P-15-Vol-3.

39) **Parsons, David J. 2004. Science and the management of protected areas. Pp. 36- 40** in **Harmon, D. and G.L. Worboys (eds.), Managing Mountain Protected Areas: Challenges and Responses for the 21st Century.** Proceedings of the Mountain Protected Areas Workshop, 5th World Parks Congress, Durban, South Africa, September 2003. Colledara, Italy: Andromeda Editrice. Leopold Publication Number **536.**

40) **McCool and Cole. Management Dilemmas That Will Shape Wilderness in the 21st Century.** Aldo Leopold Research Institute Publications: http://leopold.wilderness.net/pubs/419.pdf

****

Author's Note:

Butch Clay, Mountain Rest, South Carolina, has lived in the watershed since 1982. He worked on the Chattooga as guide and/or whitewater photographer for 14 years. A student of the river's natural environment for most of his adult life, he published (on contract for the Chattooga outfitters) the *Chattooga Sourcebook: A Guide to the Human and Natural History* in 1995. As Executive Director of South Carolina Forest Watch and then acting Regional Director for The Wilderness Society, he gained some experience in the statutory and regulatory dimensions of public lands protection as well as in the procedural aspects of USFS management at both the planning and project levels.

The author is a full time teacher and father, not a resource professional or an academic researcher. The long hours needed to generate this paper were expended over several months, with many breaks in the continuity of application to this task. Though every effort has been made to ensure the accuracy of bibliographic references and the correct attribution of quotes, some errors or inconsistencies could have crept into this effort. Any such errors are due to the imperfect efforts of the author and not to any of the signatories.

Friends of the Upper Chattooga
2368 Pinnacle Drive
Clayton, Georgia 30525

June 19, 2007

Mr. Jerome Thomas, Supervisor
USDA Forest Service, Sumter National Forest
Attn: Mr. John Cleeves
4391 Broad River Road
Columbia, South Carolina 29212-3530

RE: Upper Chattooga River Visitor Capacity Analysis Implementation Plan

Dear Supervisor Thomas,

Friends of the Upper Chattooga individually and collectively wish to bring your attention to the attached white paper. We ask that it be made part of the administrative record in the Upper Chattooga Visitor Capacity Analysis.

Everything contained in these comments is meant to impart *constructive* critical perspective to the "decision environment" for visitor capacity issues and the LAC/NEPA process. Research documented herein seeks to expand understanding and consideration of recreation as an OR value (and recreation impacts) specifically pursuant to Interagency Guidelines which state that public use [of the Chattooga headwaters] should be "regulated and distributed where necessary to protect and enhance…the resource values of the river area." The comments are intended to aid in the identification of *factors to consider in developing direction for recreation visitor use in a wild and scenic (WSR) corridor*, specifically with regard t*o the capability of the physical environment.*[FSM2354.41].

This paper expresses particular concern for the inadequate, narrow-gauge appraisal of the unique and rare Chattooga headwaters ecosystem that is apparent in the direction of the current analysis to date. In view of the increasing rarity of undisturbed natural habitats in the rapidly growing southeastern region and across the entire eastern US, the paper emphasizes the critical importance of the Chattooga river corridor (and watershed) as a central, core component in a group of comparatively undisturbed wild areas that lie on or near the Blue Ridge Escarpment, including the Ellicott Rock Wilderness, the Big Mountain Roadless area and other nearby USFS, state and private lands of high value to sensitive wildlife species. Together these remaining wild areas on the BRE comprise a landscape of national, even global conservation significance.

We are therefore concerned herein with some of what we believe are the highest resource conservation values at stake in determining the future management direction of the Chattooga. We believe that wildlife conservation values need immediate, full and comprehensive consideration in order to correct an apparent anthropocentric bias in the current analysis. A

concern for non-degradation of the resource is uppermost in both the Wilderness and Wild and Scenic Rivers Acts, and a similar concern for protection of the resource takes priority in comments of almost all stakeholders. As we approach the key phases of the development of NEPA alternatives, we feel that the concerns expressed here must be addressed if we may hope to protect the unique natural and physical character of the Chattooga headwaters.

Please contact us if there are any questions.

Sincerely,

_____
Butch Clay
Mountain Rest, S.C.
By JG, with express permission

_____
Joseph Gatins
Co-District Leader
Georgia ForestWatch

_____
Doug Adams,
Newsletter Editor, Rabun Chapter, Trout Unlimited
By JG, with express permission

_____
Charlie Breithaupt,
Chairman, Georgia Council of Trout Unlimited
By JG, with express permission

_____
Tom McInnis,
Chairman, South Carolina Council of Trout Unlimited
By JG, with express permission

_____
Buzz Williams,
Executive Director, Chattooga Conservancy
By JG, with express permission

_____
David Bates,
Executive Director, Jackson-Macon Conservation Alliance
By JG, with express permission

_____
Wyatt Stevens,
Director, Whiteside Cove Association
By JG, with express permission

_____
George Nickas
Wilderness Watch
By JG, with express permission

_____
John Benbow,
President, North Carolina Wildlife Federation
By JG, with express permission

_____
Jerry McCollum
Georgia Wildlife Federation
By JG, with express permission

Attachment

Wilderness, wildlife and procedural concerns in the USFS Visitor Capacity, LAC and NEPA analysis of the Chattooga River headwaters.

By Butch Clay

Introduction

The recently announced completion of the Data Collection phase of the LAC analysis marks an important milestone in the analysis of visitor capacity issues and in the larger LAC/NEPA process for determining the future direction of management for Chattooga headwaters resources.

Hitherto, the undersigned have mostly reserved judgment on agency efforts, trusting that USFS officials should be given ample time to effect a full and fair analysis of the Chattooga headwaters river resource. However, at this important juncture, we find significant cause for concern with regard to the overall management and apparent direction of the analysis, and feel compelled to comment.

Agency Responsibility

Charged with upholding the mandates of the far-sighted public lands protection acts of the 1960s—including the mandates to protect resources contained in the Wilderness and Wild and Scenic Rivers Act—federal agencies as a matter of record have tended to focus more upon the procedural aspects of management actions or challenges to management actions, when reviewing proposed changes to management direction.

Unfortunately, this historical tendency is apparent in the current USFS analysis, in which Important substantive components of the analysis of the ***irreplaceable*** Chattooga headwaters resource have so far been given insufficient consideration. This letter is our attempt to help USFS/Sumter officials achieve a full, comprehensive and fair LAC review and NEPA analysis that is as sound in substance as it is in procedural form.

In view of the historical, ecological, and recreational significance of the Chattooga headwaters physical environment, in view of our patient, respectful investment in the Sumter analysis to date, and in view of the critical importance of these comments to the full, fair, and lawfully rigorous attention to the resource concerns we raise here, we respectfully request that these comments be given immediate attention prior to any further work on the Scoping phase of the NEPA analysis.

Overview

The USDA Forest Service's management to date of the environmental/visitor capacity analysis of the Upper Chattooga, directed as a result of the appeal brought against the existing Chattooga management plan by whitewater paddlers and members of the paddle-sports industry raises three major concerns:

1) Problems and limitations with USFS/Sumter management of a "modified" LAC (limits of acceptable change) methodology

2) Lack of analysis of the ***wilderness character*** of the headwaters, (of both the Chattooga Wild and Scenic Corridor and the Ellicott Rock Wilderness). Specifically, failure to understand and assess the enhancement of wilderness character (and wildness) that has been a direct result of prior zoning on the headwaters reach

3) Insufficient commitment to fully analyze and understand ***the effects of recreation on wildlife*** in the wilderness settings of the headwaters reaches of the Chattooga Wild and Scenic River Corridor, including all lands within the Ellicott Rock Wilderness and the Big Mountain

Roadless Area.

Background

Forest Service management of the initial stages of the LAC process has thus far encouraged the framing of the Chattooga headwaters debate and analysis as one of competing users and user experiences. Due largely to the agency's initial narrow focus on a small subset of users—boaters and fishermen—the public debate over the Chattooga headwaters has been mostly framed in the contentious terms of opposing sets of elite, well-outfitted recreational boaters and fishermen.

This exclusive focus is once again glaringly evident in the recent postings to the USFS web site link for the boating initiative which were attributed to Sumter Supervisor Jerome Thomas:

"We have concluded that the data collected to date is adequate for us to move ahead with the public to develop specific alternatives for management of the Upper Chattooga…We have gathered a considerable amount of data on water flows, user preferences and current on-the-ground conditions. The expert panels we conducted in January gave us useful information about boating and fishing potential of the Upper Chattooga."

We certainly appreciate the efforts of the USFS to make important information available in this ongoing decision making framework, and our early commitment to work with the agency to resolve this important issue is as firm as ever. Nevertheless, USFS reports that Data Collection phase of this analysis is now completed compels us to assert that **critically important components of both the LAC review and the overall environmental analysis have been left out of both the public debate and the agency analysis.**

Lack of Inclusiveness

Ample precedent exists within the LAC methodology for a much more inclusive approach to the social/user aspects of this current debate—that is, to include all stakeholders, not just the most politically powerful, prominent or well-placed. However, management of this analysis has so far been narrowly focused on boaters and fishermen. We feel compelled to ask at this point: What about the other users? Why is such an apparent bias being so resolutely upheld?

Also, ample information available within the historical LAC framework—as well as prior agency experience with LAC—calls for better, closer attention to research of the outstanding biological qualities and natural values of the resource itself, and to the development of adequate indicators and standards to protect the ecology of the headwaters resource from the increase in visitation that might occur in the future because of agency proposals and actions. Yet, so far in the current Chattooga analysis, there appears to be a troubling failure to establish goals, benchmarks and standards for the appreciation and protection of the unique Chattooga headwaters resource.

Comments on the "modified" LAC

Problems with LAC being issue-driven rather than goal-driven

It is a recognized shortcoming of the LAC process that the emphasis in the early stages upon identifying Issues and Concerns (before setting of management **Goals**) can be inherently negative, can pit one group against another, can create a narrow focus and foster conditions in which hot issues cause important ecological conditions to be overlooked. Although plans must address issues that are important to the public, *focusing* on issues tends to be negative and pits user groups against one another. This misdirects too much attention to the most current or inflammatory issue rather than the issues that may have the most impact on the health of the wilderness ecosystem.

This problem has been previously noted, ***in Forest Service Proceedings RMRS-P-15-VOL-4. 2000.***

Manifestly negative at times, and highly polarized, the current situation on this river certainly seems to demonstrate again the already noted problems with the methodology. This unfortunate situation has not been ameliorated by the USFS emphasis upon exclusive "expert" teams of boaters and fishermen. Thousands of taxpayer dollars have been devoted to "expert" recreational paddling consultants, with no similar devotion to research by other "experts" such as expert birders, expert hunters or, most importantly, experts in scientific analysis of the ecology of this unique resource.

Just to present examples: Other activities represent the majority of user-types to the Chattooga. Participation rates for viewing nature or scenery, picnicking, swimming and birding are 60%, 53%,46% and 32% respectively, while cold water fishing has a 14% participation rate and kayaking has a 3% participation rate. (*Oconee & Sumter NF Recreation Realignment Report,* Overdevest and Cordell 2001.) [Also see Sumter 2004 FEIS pg 3-267,8]

The numbers clearly show that this LAC effort is being focused on the minority of users, ignoring the majority of users.

Under NEPA, all publics have a right to equal, meaningful participation in this analysis.

This has demonstrably ***not*** been the case with this "modified" LAC process. However commendable may be the efforts of the USFS to enable communication and cooperation between the two large and highly polarized user groups, boaters and fishermen, and however important may be the study of flow rates and potential encounter rates between these two groups, the Expert Panel trials simply do not represent a sufficiently inclusive involvement of all

Chattooga users and perspectives. FOTUC has previously noted this apparent bias, and noted in that context that ample comments were received to substantiate the basis for expanding the visitor capacity analysis, but to date the problem persists.

Lack of Scientific Perspective

Moreover, the expert panels rightfully should contain biologists, wildlife biologists, botanists, hydrologists, landscape ecologists and other credentialed expert academics and resource professionals. The USFS lopsided approach to the analysis was earlier highlighted in the thoughtful editorial offered by Dr. James Costa, head of the Highlands Biological Station, a letter by now a part of the public record. Given the assertions made by such experts that the Chattooga headwaters is an area that contains critically important and irreplaceable wildlife habitat, and given the scientific interest and available scientific expertise, why has the USFS thus far devoted so much time and funds to an exclusive set of experts, some of whom possess historical and/or obvious current ties to the access lobbyists and recreational advocates that brought the appeal for review of the boating restrictions?

Neither do the "Expert Panels" and the reports represent an adequate assessment of the unusually significant Chattooga headwater resource environment. Forest Service reliance on recreation specialists/advocates to determine appropriate indicators for user experience outstandingly remarkable values of the Chattooga, as has already been pointed out, "…focuses virtually all finances and attention on recreation while dismissing impact to the resource and associated wildlife." In view of the obvious conflict between the goals of protecting wilderness qualities and values versus the demands of recreational access, why have USFS managers thus far seemed to disregard the clear direction in the Wild and Scenic Rivers Act that mandates a non-degradation priority to resource protection above all else?

And, most of what about the resource itself, ostensibly protected under the strong mandates against resource debasement inherent in both the Wilderness Act and the Wild and Scenic Rivers Act, which has been clearly stated as one overriding concern by many stakeholders?

In final effect, all of the foregoing only restates what has been stated elsewhere by others in letters of concern, but which ***still*** seems not to be sufficiently regarded by this agency:

The LAC process to date has failed to adequately and comprehensively appreciate the biophysical conditions of the Chattooga headwaters. Under Section 10(b) of the WSRs Act, the Forest Service must protect the WSR environment above all competing demands or conflicting laws.

[Please also note: USFS action is also contrary to the resource values reported in the 2004 FEIS:

"A public survey was conducted through the Southern Research Station in conjunction with the Human Dimensions Research Lab at the University of Tennessee (Cordell et. al. 2002). [The] findings of this public survey for the Sumter NF include a high value to market area residents for the protection of

sources of clean water; the legacy of passing along natural forests to future generations; the protection for wildlife and habitat, healthy forests, maintenance of places that are natural in appearance, and for protection of rare or endangered species." (Pg-3-363 Sumter 2004 FEIS) In this study the "legacy of passing along natural forests to future generations (85)" and "the protection for wildlife and habitat (75)" were rated far more important than providing "outdoor recreation (45)" pg 3-364.] Pg-3-363 Sumter 2004 FEIS]

Importance of Biophysical Aspects

When the Chattooga was recommended for inclusion within the Wild and Scenic River system, the whitewater sports industry was still nascent. Some notable early whitewater enthusiasts did figure importantly in appreciating the potential of the river as a whitewater playground, and figured as well in helping to effect protection. Nevertheless, it required a passionate and diverse chorus of voices, ultimately, to propel through Congress the far-sighted protections for this river that have allowed it to become the unique national treasure that it is. The common, unifying thread that bound together this diverse assemblage of believers was the recognition of the unique ***biophysical*** aspects of the Chattooga. The river was the longest, un-dammed, finest remaining free flowing mountain river available for preservation in the Southeast.

That recreational pressures now threaten the very qualities that made this river so outstanding is no surprise. The problem has been elsewhere recognized, in our burgeoning natural literature of wilderness and wildlands conservation. Though it is often (or usually) the biophysical characteristics of protected areas that constitute the basis for their special designation, "it has become quite clear that the values for which these areas were initially protected can be threatened by unmanaged or poorly managed recreational use." ***[McCool: Limits of Acceptable Change: A Framework for Managing National Protected Ar***eas, 1996]

Recreational demand and resource protection are conflicting goals. It is the absence of humans that define wilderness and therefore wilderness values. Section 10(b) mandates priorities for managers of WSRs; it is clear the resource related values must be protected above all others.

Protective restrictions are the basis for the Wilderness and WSR acts. Without associated limitations there would be no purpose for such legislative acts. Protective limitations can legitimately preclude certain types of craft and vehicles, for the protection of the resource. The USFS must be equitable to all users, though not to all activities.

Under Section 10 (b) of the Wild and Scenic River Act, statutes clearly require protection of the resource over all other values. Given the outstandingly unique biophysical/ecological values of this resource, why has not an expert team to study the non-recreation-related values at stake been identified and appointed, to decide what goals should be in place, as well as to

recommend science-based indicators and standards to asses decisions tiered to those values, and to produce an analysis to indicate effects of increased human visitation in the headwaters?

Is LAC methodology appropriate for this analysis?

Some have questioned the appropriateness of the LAC methodology for the current USFS Chattooga analysis. This seems altogether understandable, given that the Chattooga would seem to be guaranteed the strong protections against resource degradation within the mandates of the Wild and Scenic Rivers Act (*WSR ACT sec 10(b)*.) And also in view of the Chief's language in the Appeal Decision (#04-13-00-0026) concerning the interpretation of Agency Guidelines (1982) for a "*non-degradation and enhancement policy for all designated rivers, regardless of classification*."

Nevertheless, since the USFS has apparently tied its Chattooga capacity analysis to the LAC process, some comments are needed. In this context, it is worth reviewing the circumstances surrounding the inception of the LAC process. There are clear correlations between FOTUC concerns about current USFS employment of a "modified" LAC and similar concerns raised about resource impacts *by those who developed the LAC process*. It was Forest Service agency personnel who developed the LAC methodology, scientists with the Forest Service's Wilderness Management Research Unit in Missoula, Montana.

Notably, they were concerned that "constantly growing" recreational use was resulting in "increasing impact and other management problems." Specifically, they were concerned with the "incremental nature of human induced change in wilderness and felt that inadequate attention to management planning was a poor way to protect the investment American Society had made in wilderness through the designation process." They were "particularly concerned that problems were expanding into parts of wilderness that had been relatively unused and undisturbed."

One of the shared beliefs among the USFS personnel that developed LAC had been that "objectives needed to be specific and achievable and that they "should describe ends rather than means—conditions rather than management actions." In other words, "ends"—objectives—should provide reliable descriptions of desired conditions (DFCs) that could be the basis first of identifying and providing viable management strategies, and secondly provide standards by which management actions could be monitored and evaluated.

Relative to desired [future] conditions, they were also concerned about the "inadequate knowledge of both existing conditions and trends…"

Fundamental to their concept of the LAC process was to "focus management on achieving specific management objectives, defined as staying within maximum acceptable deviations from (1) the 'natural range of variation' in ecological conditions and (2) a "pristine wilderness experience."

Cole and Stankey report the "shared belief" of early LAC development was originally in the

concept of limits of acceptable change as a way to "define a compromise between resource/visitor experience protection and recreation use goals." They believed that "Recreation use has to be allowed, ***but only to the extent that it is consistent with a high degree of resource protection."*** [emphasis added]

The unique value of the LAC approach, they report, was as "a method to compromise between goals." But their shared vision about the management of compromise with the framework of LAC processes implicitly embraced concepts that were important at the inception of the LAC process—in tandem with "agency policy and much of the writing about wilderness" "which generally expressed the belief that wilderness conditions should provide the 'bottom line'—not recreation." They noted, by way of comparison, the 1977 amendments to the Clean Air Act, "in which air quality was to be maintained by not allowing the violation of 'standards,' defined as maximum allowable incremental deviations fm established baselines for clean 'air'."

To conclude reference to LAC developers Cole and Stankey : "To be called LAC, therefore, a process must (1) contain standards that express minimally acceptable conditions, (2) require monitoring capable of determining whether or not standards have been met, and (3) base management prescriptions on evaluations of whether or not standards have been met."

Historical Precedence for Zoning

Zoning, in the view of these LAC developers, was indeed controversial. Nevertheless, after much debate, they concluded that "zoning was useful in most wilderness situations, particularly as a means of guarding against the incremental degradation of conditions in the most remote and pristine portions of wilderness."

In this context, it is worth noting that Cole and Stankey were concerned about the need at the time of the development of the LAC concept for the employment of "terminology of opportunity classes—derived from the Recreation Opportunity Spectrum—rather than zones, " because it "***gave greater emphasis than we intended to visitor experiences, as opposed to environmental preservation.***" [emphasis added.] In sum, though controversial then as now, zoning was seen as being viable and perhaps necessary to preserve fragile natural resource environments.

Need for Accountability

In addition, according to Cole and Stankey, management plans "needed to provide accountability, through the specification of explicit and visible objectives that were essentially contracts, with success at meeting objectives evaluated with objective monitoring data." These authors were also concerned that management plans sometimes appeared "arbitrary and capricious."

(All of the foregoing quotes and references taken from Cole and Stankey: ***Historical Development of Limits of Acceptable Change: Conceptual Clarifications and Possible Extensions***, 1998)

LAC is designed to help managers manage for desired resource and social conditions, and is designed to define what kind of resource conditions and social conditions are acceptable. It is supposed to focus on maintaining desired future conditions in resource, social and managerial conditions. It requires setting standards and monitoring conditions.

Accordingly to Cole and Stankey, Frissell (1963) had concluded in one of the first articulations of the LAC concept, "that if recreational use is to be allowed, deterioration is inevitable and must accepted. Even low uses of recreational use will cause some impact. Impact must be accepted, but a 'limit should be placed on the amount of change to be tolerated. When a site has reached this pre-determined limit of deterioration, steps should be taken to prevent further adverse change."

LAC and Principle of Non-Degradation

Another early concern within the LAC process was whether or not it was [is] valid in proceedings where Wilderness and the Wild and Scenic River carry the force of mandates that adhere to the Principal of Non-degradation. This disagreement cuts right to the very heart of the current situation we find ourselves in, with regard to USFS/Sumter administration of the LAC process.

In their treatment of this issue, McCool and Cole ***(The Limits of Acceptable Change Process: Modifications and Clarifications, Cole and McCool, 1998)*** discuss the important LAC component of the development of standards, and the extent to which the violation of standards have important implications for the principle of nondegradation.

They note: "In its strictest form, the nondegradation principle asserts that no place in wilderness should be allowed to degrade from its present state or its state when it entered the wilderness system." The LAC process does "provide a ready mechanism for enforcing this principle": LAC standards simply need to be developed that are always at least as stringent as the current condition or some more 'pristine' state." (Cole and McCool, 1998) "This implies, however, that most wildernesses must adopt a use limitation system to keep currently increasing use (Cole 1996) from causing further degradation." They go on, "If a management regime based on use limitations is considered unacceptable, then it is important for decision makers to realize that they will be violating a strict interpretation of the principle of nondegradation."
[Documents pertaining to this problem derived from the same Limits of Acceptable Change workshop that other documents referenced above derived from. ***(Proceedings—Limits of Acceptable Change and related planning processes: progress and future directions; 1997 May 20-22;Missoula, MT. Gen. Tech. Rep. INT-GTR—371. Ogden, UT: U.S.Department of Agriculture, Forest Service, Rocky Mountain Research Station)]***

The statements referenced above are best appreciated in view of the central purpose of both the workshop and the paper originating out of the workshop "to identify procedural modifications, if needed, to clarify LAC terminology and concepts, and to make recommendations about implementation details." (Cole and McCool, p.61.)

After noting that the traditional LAC process is to identify issues and concerns (as in the current Chattooga analysis) without necessarily specifying management goals and desired future conditions, Cole and McCool state that the original omission of goals and DFCs was simple oversight, not an intentional procedural specification. As has been noted previously here, these authors thereby recommended the addition of a new step to the LAC process—to involve defining goals and desired conditions upfront. ***"This step involves assembling the legal and policy mandates that will guide management of the area and developing a perspective on the significance of the area, its uniqueness, and its regional or national 'niche.'"*** [emphasis added]. They note that such broad goals might stress "natural conditions, maintaining outstanding opportunities for solitude, and avoiding restrictions on recreation access and freedom of behavior." These goals—which might vary from area to area—"would constitute the statements of desired conditions that are largely absent from the original description of the LAC process."

Only after the goals are articulated can standards and indicators—the heart of LAC process—be developed.

In the author's view, this recommended step has been conspicuously missing from the current Chattooga LAC process underway. It further can be argued that the management goals for the sections of the Chattooga above Highway 28, especially the Rock Gorge Roadless Area and the Ellicott Rock Wilderness Area, are explicit both within the Sumter management plan as well as in the Wilderness Act and the Wild and Scenic Rivers Act.

Any LAC process that ignores these management provisions fails to incorporate a recommended addition to the LAC methodology that has been called for by officials within the USFS itself. Furthermore, such omissions ignore the clear management direction explicit in the nondegradation clauses of the Wilderness and Wild and Scenic Rivers Act, as well as the management direction provided within the Chattooga management plan that originally zoned the river into separate sections.

Problem of inadequate inventory data

The LAC process, to be viable, credible and acceptable must incorporate all the values and uses, both recreational and non-recreational, must be founded on strong science and be managed with procedural rigor that comprehends and upholds the high standards and high-minded ideals that underlie creation of the Wilderness and the Wild and Scenic Rivers Acts, both of which represent investments and public capital for all US citizens, not just recreationists.

LAC was originally conceived as a process to manage recreation in wilderness, and its main premise is that recreation is the major source of impact to conditions. We believe that LAC does offer sufficient capability for increasing the compatibility between recreational and non-recreational wilderness values, but only if managed by a task force of impartial, rigorous professionals who can articulate and represent both recreational and non-recreational values. We believe that an independent task force is needed, to include the scientists, conservationists, educators and others who understand and appreciate values beyond the anthropocentric focus

which has so far dominated this debate. The employment of a “modified” LAC must be expanded beyond its current parameters, which is clearly based on a carrying capacity mindset that considers how many people could use the wilderness without causing damage. We need a new way of thinking, in keeping with the thinking of those that created the LAC approach, to focus on what wilderness conditions are present, which ones are desired, and how much change can be tolerated *on different portions* of the wilderness.

As stated by Stankey and others (1985), the LAC process should “recognize that the real concern is the effects of use, not how much use is occurring.”

“LAC is designed to help managers manage for desired resource and social conditions, and is designed to define what kind of resource conditions and social conditions are acceptable. It is supposed to focus on identifying and maintaining desired future conditions in resource, social and managerial conditions. It requires identifying and inventorying area concerns, unique features of the area, setting standards and monitoring, and comparing conditions with standards. ***In order to accomplish this, managers must explicitly describe the setting in “terms of all wilderness values.”***

Additional valuable perspective on this issue is available in Reed and Merigliano, in ***“Managing for Compatibility Between Recreational and Non recreational Wilderness Purposes”***:

“The wilderness resource is too valuable and too threatened by a multitude of human activities to let ourselves think that we are truly managing an enduring resource of wilderness if just campsite conditions or trail encounters are monitored. By doing so, we perpetuate the idea of wilderness as nothing more than a special type of recreation area…”

“Managers must develop baseline inventory information and monitor changes in conditions. So far too little attention has been paid to conducting comprehensive inventories of wilderness resources, with major emphasis so far expended on describing items relative to “boating and fishing potential.”

Inventories should include characteristics that contribute to indices of biodiversity. This has been done in only a very general way so far for the current analysis. However, it should be done in a way that recognizes the specifically unique biological and ecological attributes of *this river* and *this wilderness,* with reference to qualified scientists and resource professionals who can operate outside the political parameters that have constrained this analysis so far.

To summarize, the USFS is deficient in their responsibilities for data collection and will not be able to accurately assess an adoptive management approach.

Lack of Data

In 1988 oversight hearings on Forest Service wilderness management, Congress requested that the GAO document the extent of resource damage in USFS wilderness areas. However, the GAO “found that they could not accurately document the extent or seriousness of problems because wilderness areas did not have any baseline data inventory and monitoring system in

place to track changes in conditions (Government Accounting Office 1989)."

According to Reed and Merigliano, the LAC process was originally conceived a way to manage recreation use in wilderness, based on the premises of its developers (Stankey and others 1985) that recreation use figures primarily in causing change. The same authors state that "as the importance of non recreation wilderness values grows, there is increasing interest among managers to ***expand the LAC concept to address nonrecreational wilderness values***."

The same authors recommend the formation of task forces whose members "can articulate and represent recreational and nonrecreational wilderness values."

Further: "Because nonrecreational wilderness values have received little attention, managers will have to actively seek out scientists, educators, conservationists, archeologists, etc…."

***(Managing for Compatibility Between Recreational and Nonrecreational Wilderness Purposes, Reed and Merigliano, pp. 95-107, in Preparing to Manage Wilderness in the 21st Century, proceedings of the Conference, Athens, GA, 1990; General Technical Report SE*—66.**

Sumter managers must be able to explicitly describe the resource setting in terms of ***all*** of its wilderness, ecological and biological values. However, as noted, this analysis to date has narrowed its focus to recreational fishermen and boaters, without a similar interest and effort to put in place the baseline data needed to describe, understand and protect the resource.

Though significant efforts have been made toward assessing easy-to-quantify variables that have to do with boater/fishermen use of the headwaters trails and campsites, not enough interest and effort has gone into hard-to-quantify variables such as the ecological form and function of the headwaters reach. A central question remains: Have Sumter officials met their responsibilities to appreciate baseline resource conditions beyond the obvious ones of recreational fishing and boating? In our view, the record shows by now that they have not. We need far better representation of the headwaters ecosystem than we have seen. And toward that end, we need a careful selection of umbrella and habitat indicator focal species.

Effects of recreation on wildlife

Conspicuously absent from the USFS analysis to date is any adequate effort to gauge the historical biological importance and current national (even global) significance of the Chattooga headwaters as comparatively ***undisturbed wildlife habitat***.

Perhaps the best way to introduce this issue is via the following quote, which is concerned with the effects of recreation on the larger goals of wildlife and habitat protection:

INTRODUCTION

The large increase in outdoor recreation activity over the last 50 years has been recognized as a potentially serious threat to North American wildlife populations. Threats to wildlife in wilderness are a concern to backcountry recreationists as well as the American public. The protection of wildlife habitat and the protection of endangered species was one of the most highly valued benefits of wilderness according to a telephone survey of approximately 1,900 people in the United States (Cordell and others 1998). Many backcountry recreation users cite the opportunity to view wildlife as an important part of their wilderness experience. Threats to wildlife in wilderness are also a concern for wildlife preservation. Wilderness often provides a refuge for wildlife amid a matrix of more intensively developed lands, and is especially valuable for wide-ranging species that are sensitive to human disturbance and those that depend on special habitats found predominantly in wilderness (Hendee and Mattson 2002).

Impacts of recreation on wildlife include increased energetic demands during critical periods of the year, loss of habitat through avoidance of areas of human activity, exposure to predators when avoiding humans, and loss of habitat through the alteration of vegetation by recreation activities (Knight and Gutzwiller 1995). If widespread, cumulative impacts on individuals of a species may ultimately affect local and regional populations. Changes in species' populations may affect wildlife communities, especially if the impacted species have strong interactions with other species.

The management of wilderness recreation impacts on wildlife in designated wilderness is complicated by the potentially conflicting mandates of The Wilderness Act of 1964 [Public Law 88-577]. The Act mandates the preservation of natural conditions in wilderness, while also requiring managers to provide opportunities for primitive recreation. However, when recreation affects wildlife species, populations, or communities, it can hinder the preservation of natural conditions. To address the dual mandates, appropriate wilderness recreational activities must be provided but they must also be managed to minimize their impacts to wildlife, and more broadly, to wilderness ecosystems. Wilderness managers can use direct approaches such as restricting visitor numbers, activities, or access in some areas; in backcountry areas outside of designated wilderness, manipulating wildlife and wildlife habitat may be appropriate. Indirect approaches may also be used such as visitor education and the careful location and design of trails, trailheads, and adjacent roads and campgrounds.

Tempel, Douglas; Wright, Vita; Neilson, Janet; Mildenstein, Tammy. In Prep. Linking wilderness research and management—volume 5. Backcountry recreation impacts to wildlife: an annotated reading list. (Wright, Vita, series ed.) Gen. Tech. Rep. RMRS-GTR-79-Vol 5. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. XX p.

Elsewhere, wildlife researchers Cole and Knight weigh and in on the issue of recreational impacts to wildlife:

"A number of reasons exist for thinking that recreational impacts on wildlife may be significantly compromising wildland preservation goals. The first reason…is that recreational use of these lands has increased dramatically in recent decades. Second, in contrast to impacts on vegetation and soil, which are highly localized, impacts to wildlife are likely to be more widespread. Since animals are mobile, it is possible for entire populations or entire habitats to be disrupted by recreational use."

"The proportion of an area that is never visited and the proportion of the year that visitation is negligible have shrunk greatly over the last few decades…. The effect is that refuge from disturbance has decreased dramatically—if low levels of recreational use have a significant

impact."

"Wildlands are important to our society and undisturbed wildlife populations are a critical indicator of the quality of wildlands. Managers can only be as effective as the knowledge they bring to bear on problems."

Wildlife Preservation and Recreational Use: Conflicting Goals of Wildland Management, Cole, David N., and Richard L. Knight in Recreational Impacts on Wildlife in Wildlands. Knight and Cole (1991)

The need for more and better data on the impact of recreation on wildlife in wilderness and other high value wildlands

"The twin goals of nature preservation and provision of recreational opportunities inevitably conflict. Recreation causes impacts to the land and wildlife that inhabit the land. Management actions taken to mitigate these impacts *frequently restrict access and recreational activities.* (italics mine) The responsibility of the wildland manager is to determine the optimal mix of preservation and use, and to implement strategies to achieve this mix. To help the manager in this task, research on interactions between recreationists and the environment is needed."

"…our understanding of recreational impacts is still rudimentary. Goldsmith (1974) has commented that most recreational impact studies merely 'record observations of a rather superficial nature and only a few describe specially designed experiments with detailed analysis of the resultant data.'"

Most research continues to merely document the obvious; time frames from studies are short; theory is lacking; few studies utilize experimental designs; and few studies produce results that lead to broader generalizations."

From "Wildlife Preservation and Recreational Use: Conflicting Goals of Wildland Management", paper by David N. Cole (USDA-FS) and Richard L.Knight (CO St. University, presented 1991 at 56th N.A. Wildlands and Natural Reserve Conference, Special Session 4.:

Specific information needs: (from Cole and Knight)

"In order to minimize conflict between recreation use and wildlife preservation goals, we need to: (1) understand the responses of wildlife to recreational activities; (2) understand the factors that influence the nature and magnitude of impacts; (3) improve research methods; and (4) develop and implement new management strategies."

"Previous research has documented numerous cases where wildlife have responded negatively to recreational use: however, it is seldom possible to determine how ***significant*** those impacts are. An ungulate may run from an approaching skier, but does that reduce the fitness of that individual or significantly affect a population—either in the short or long term? We need more

research that documents the various effects of different recreational activities on wildlife: and more attention needs to be paid to impacts other than short term behavioral changes in individuals. Are there long-term impacts? How are behavioral responses by individuals manifested at the population or community levels? This type or research is challenging because it is difficult to distinguish between natural variability in populations and variability that results in recreation use (Boyle and Samson 199850, particularly where the effect of recreation is indirect and the response occurs far from the point of disturbance or after a time lag. (Goldsmith 1974)."

"The ultimate goal of this research is to see that management optimizes the twin goals of wildlife preservation and recreational opportunity."

"Wildlands are important to our society and undisturbed wildlife populations are a critical indicator of the quality of wildlands. Managers can only be as effective as the knowledge and information that they bring to bear on problems. The current, poor level of understanding is clearly an impediment to effective management." (emphasis added)

Vulnerability and Rarity of Headwaters Wilderness Habitat

The following study has much to inform our current headwaters biophysical decision environment:

Indirect Effects of Recreation on Wildlife, David N. Cole and Peter B. Landres in Knight and Gutzwiller, eds. 1995. Wildlife and Recreationists—Coexistence Through Management and Research. Washington DC: Island Press: Chapter 11, 183-202.

"The vulnerability and rarity of the habitat, and its importance to wildlife, should also be considered."

"Changes in habitat that alter living space, whether for breeding, feeding, or any other use, will have a large impact in wildlife communities."

"If recreation affects the density or distribution of species that functionally dominate a community or ecosystem, resulting impacts will be especially severe."

"In sum, the indirect effects of recreation on animal populations are likely to be substantial, but there is little rigorous documentation of these impacts."

"…the relationship between amount of use and amount of impact is highly curvilinear; as use levels increase, additional use has less and less effect on amount of impact. This suggests that limiting recreation is effective in reducing indirect impacts only when usage can be virtually eliminated."

Knowledge Gaps: "Two important questions remain, however: how significant are these impacts to wildlife populations and communities, and which habitat disturbances are most damaging to wildlife?"

“Significant impacts might be those that are both extensive and severe, those that affect rare or important habitat, and those that affect rare, threatened or keystone species.”

“Other examples of significant impacts include those that are long lasting and those that impact populations and communities rather than just the behavior of individuals.”

Lack of adequate understanding of wildlife effects evident from USFS Literature Review

We do recognize that your recently released Literature Review is not meant to be exhaustive. Nevertheless, as an “indicator” itself of your apparent management direction in this ongoing analysis, the Literature Review does deserve comment at this point. We are specifically concerned about apparent omissions and problems with your wildlife and biophysical data collection phase in this important formative period prior to NEPA Scoping and the release of a proposed action.

- Your discussion of potential negative effects of different types of recreation to wildlife in Section 5.1.2 fails to acknowledge the extent to which boating facilitates easy access through the heart of Chattooga headwater areas which are otherwise often inaccessible (and sometimes **extremely** inaccessible) to other forms of recreation in your list, all of which otherwise rely on foot travel. This should be recognized as a key consideration with regard to factors of predictability, frequency, timing, location and duration of wildlife disturbances. This is a glaring omission.

- While you do make reference to the potential for wildlife to avoid preferred habitat areas due to human disturbance ***within*** “refuge” areas, nowhere do you discuss the potential for long term negative effects to populations or viability of wide-ranging wildlife species due to human disturbance in habitat that is rare, critical or irreplaceable at regional or landscape scales. [I.e.: there is no discussion of the potential negative effects to highly mobile species such as black bear, a keystone species, (and a USFS Management Indicator Species) which need the kind of core refuge habitat currently available in numerous places along the river in the headwater reaches, but increasingly at a premium outside of public lands.] This is hinted at under 5.1.3 where you briefly discuss “reduced use of refuge.” However, no note is made of the specific geographical realities of wildlife habitat on the Blue Ridge Escarpment and/or on surrounding Chattooga watershed areas. Geographical specificity is key here.

- While you do note the potential for potential disturbance to breeding populations, no note is made of the key importance for areas of low human

disturbance for the breeding success of some species—i.e., for instance: black bear.

- No mention is made of what is surely one of the most constant refrains to be noted in the literature of wildlife/recreation effects: the need for more information on the effects of recreation on wildlife, as well as the known difficulty in designing studies with adequate controls, that yield conclusive results. In short, there is much that we do not know and it is well known that there is much that we do not know about the effects of recreation on wildlife. Yet I see no reference to this research/data problem in your literature review.

- No reference to the ongoing research question that lies beyond the simple fact that wildlife may or do respond negatively to human recreation impacts—that is, the ***significance*** of these impacts.

- No mention made of another frequent refrain found throughout the literature on the effects of recreation on wildlife (and on wildlife studies in general), which is the potential scientific and ecological value of areas of low human disturbance to wildlife, as benchmarks for further study of natural ecosystems and their variability. The area in question--the headwater reach of the Chattooga watershed—is a critically important *core* study area within a larger, already existing study area, the Blue Ridge Escarpment.

Failure to Adequately Assess Wilderness Character of Headwaters

Here the word "wilderness" is used to refer both to designated Wilderness, which enjoys the protections of the Wilderness Act, and as the wilderness river environment, protected by the non-degradation clauses of the Wild and Scenic Rivers Act.

This section deals with the failure (within the overall USFS analysis of the Chattooga to date) to assess, or even acknowledge the ***wilderness character*** of the headwaters reach, values which are primary among those values which caused this river to be protected in the first place. Here, we refer to the Ellicott Rock Wilderness, but not only to the designated wilderness, but also the Rock Gorge Roadless Area, which is de facto wilderness at least as wild and viable as wildlife habitat as the Ellicott. The recently released USFS Literature Review mentioned the words "wilderness character" twice: both of those references were found in the bibliography/ sources section. No mention of the term or concept in the text of the Literature Review.

An understanding of the importance of wilderness character was underscored by House member Bruce Vento in 1988, who as Chairman of the House Subcommittee on National Parks and Public Lands stated, "Congress does not designate wilderness primarily for recreation":

"To date wilderness has often been treated as if recreation were the primary and sometimes

only purpose of wilderness. However the Wilderness Act describes with equal status a variety of wilderness purposes, specifically, recreational, scenic, scientific, education, conservation and historical use. It does not acknowledge recreation as the most important purpose." (Vento)

A fundamental mandate of the 1964 Wilderness Act is that "each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area." Furthermore, Section 2(a) in the Wilderness act Statement of Policy states that wilderness areas "shall be administered for the use and enjoyment of the American people in such a manner as will leave then unimpaired for future use and enjoyment as wilderness, and *so as to provide for the protection of these areas, the preservation of their wilderness character.*" [emphasis added].

Elsewhere, Rohlf and Honnold (1988) and McCloskey (1999) "assert that Section 4(b), Use of Wilderness Areas, gives the primary management direction for wilderness that 'each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area.'" Furthermore, "the Congressional Record (U.S. Congress 1983) reinforces this assertion, stating, 'The overriding principle guiding management of all wilderness areas…is the Wilderness Act (section 4(b)) mandate to preserve their wilderness character.'" The same sections states that "even when the agency administers for other purposes, the agency must also 'preserve its wilderness character.'"

Also, Forest Service policy relative to the Wilderness Act in the Forest Service Manual (Chapter 2320.2, No.4) states that the agency should "protect and perpetuate wilderness character" and to evaluate via monitoring whether wilderness character is being degraded, sustained or improved over time. Still further, the Government Performance and Results Act of 1993 requires federal agencies to show accountability "by providing…information about program results and service quality."

(***All references taken from Monitoring selected conditions related to wilderness character: a national framework. Gen.Tech. Rep. RMRS-GTR-151. Fort Collins, CO: U.S.D.A. Forest Service, RMRS, p.38).***

All of the foregoing are referenced in the document from the Forest Service Wilderness Monitoring Committee, which was designed to provide tools to managers to monitor their actions relative to wilderness character and stewardship in a "conceptual foundation for a national assessment of how wilderness character is changing over time" (Monitoring selected conditions…). This monitoring "uses Section 2(c) Definition of Wilderness from the Wilderness Act to identify four statutory qualities of wilderness:

"Although wilderness character is not defined in the Wilderness Act or its meaning discussed in the legislative history of this Act, it may be described as the combination of biophysical, experiential and symbolic ideals that distinguish wilderness from all other lands." Section 2(c) of the act, in which is contained the definition of wilderness, states:

"An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements of human

habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable;"

In order to uphold this definition of the statute, managers must understand and appreciate the status and trends of biophysical conditions and ecological systems and processes that are sensitive to human threats, both intended and unintended.

To quote from the USFS document referenced above:

"One of the major themes running through the Wilderness Act is that the "earth and its community of life" in wilderness should be free from the effects of "an increasing population, accompanied by expanding settlement and growing mechanization" (Section 2(c) and 2(a) respectively, Wilderness Act of 1964). In today's terms this means that the native species composition, structures and functions of ecological systems in wilderness are protected and allowed to function on their own, without the planned intervention or even the unintended effects of modern civilization."

Management actions that cause ecological impacts should adhere to the Forest Service national policy (FSM 2320.6) which directs managers to improve or at least maintain wilderness character. A knowledge of baseline conditions and careful monitoring should be in place that should focus on these key questions:

- What is the current state of wilderness character?
- How is the wilderness character changing over time?
- How are stewardship actions affecting wilderness character?
- What stewardship priorities and decisions would best preserve wilderness character?

So far, there is no evidence that the USFS, in the current Chattooga analysis, is aware of the critical importance of "selecting and monitoring indicators of conditions and actions related to wilderness character. Information on wilderness character that is consistently gathered and reported offers managers a powerful tool to evaluate if wilderness character is stable, degrading, or improving over time, and to communicate progress towards fulfilling this central mandate of the Wilderness Act."

(Above reference from Executive Summary, "*Managing Wilderness Character*" Peter Landres, Aldo Leopold Wilderness Institute (http://leopold.wilderness.net/htopics/monitor.htm**)**

FAILURE TO ASSES ECOLOGICAL CAPACITY: No apparent effort to understand the Rarity, Uniqueness and Significance of Chattooga headwaters wilderness habitat

There seems also to be no equal or adequate devotion to the stand-alone resource concerns identified by many Chattooga users, including those intrinsic values of wild and scenic wilderness character and ecology that have been the substance of many comments entered into the public record for this analysis. These concerns represent enduring, intrinsic,

irreplaceable Chattooga values which have been allowed to subside beneath a din and uproar that has drowned out

ANY increase in human traffic on the river headwater reaches now in question, largely isolated for the past thirty years, would clearly represent a fundamental change in the character of those sections and thus must be subject of a full, comprehensive environmental impact analysis.

Importance of Chattooga Core to the Blue Ridge Escarpment Complex of natural areas

The Chattooga flows through the heart of one of the largest blocks of forest interior habitats remaining on the Blue Ridge Escarpment. The Ellicott Rock Wilderness and the Rock Gorge Roadless area together comprise a wilderness reserve core of more than 15,000 acres, strategically as a reserve anchor within the larger wildlands habitat block on the Escarpment.

This block of high quality interior forest habitat is in turn the heart of the 187,000 acre Chattooga watershed, nearly 70% of which is in public ownership, one of the only watersheds remaining in the Southeast that presents the opportunity for restoration to native ecological conditions. Moreover, this wilderness core, in combination with nearby wild areas including the Sarah's Creek Roadless area to the west and the Bee Cove roadless area and the Jocassee Gorges complex to the east, comprises a biological archipelago of sufficient size and de facto wilderness character to warrant recognition and analysis. [see Haney, WS, Ecosystems, p129].

Core habitats are unbroken areas of undisturbed natural habitat that can serve as home areas for source populations of animals. The connections between them, called corridors, are important travel zones that ensure both physical and genetic connectivity between different populations. Examples of core habitats might be an established wilderness area, or a large forested area with few or no roads. In either case, the habitat would encompass all the life requisites of the focal species, including water, food, shelter and cover.

From the Nature Conservancy, on the ecological values of the Blue Ridge Escarpment:

"Spanning three states (North Carolina, South Carolina and Georgia) and encompassing 859,000 acres, the Southern Blue Ridge Escarpment contains some of the highest natural diversity of rare plants and animals found anywhere in the world.

The Southern Blue Ridge Escarpment is home to more than 300 rare species and natural communities…"

http://www.nature.org/wherewework/northamerica/states/northcarolina/preserves/art17380.html

Although the Blue Ridge in South Carolina constitutes a small portion of the state's land area (328,500 acres or 1.69 percent of the total area), it supports the most extensive upland hardwood forest complex in the state. The region is rich in floral diversity best expressed in the mixed mesophytic forest vegetation community (Braun 1950), and described as moist broadleaved forests that can harbor over 30 different tree species and many more types of fungi and ferns. Other biological resources unique to the region include a viable black bear (*Ursus americanus*) population extending across the North Carolina, Georgia and South Carolina state lines, sustained nesting of peregrine falcons (*Falco peregrinus*) following reintroduction in the 1980's and self-sustaining populations of native brook trout (*Salvelinus fontinalis*).

Management must appreciate the regional importance of the habitat, as well as the impending threat to the larger habitat area represented by current and projected drastic increases in visitation:

"Although accounts of visitation trends are currently anecdotal, visitation and demand for services is increasing dramatically."

"Managing agencies face competing demands for access by users whose interests are not always compatible."

"Impacts of recreation uses on the resource base vary by intensity and type posing challenges to meeting resource-based management objectives."

http://www.dnr.sc.gov/cwcs/pdf/habitat/BlueRidgeHabitat.pdf

Elsewhere, further information exists to substantiate the importance of the interior forest habitat of the headwaters:

"The Blue Ridge Province is a land of contrast. Not only is there a wide disparity between poor and wealthy residents, there is a sharpening divide between rich and degraded habitats. **On one hand Dr. Kurt Riiters with the USFS Southern Research Station states "the southern Appalachians in eastern North America contain the only extensive region of interior forest at middle latitudes.** Until recently, this area was relatively undeveloped".*** On the other hand the recently released Forest Inventory Analysis (FIA - 2002) shows significant declines in forest land cover over much of the piedmont and mountain sections of North Carolina. Overcutting and land development are primary causes for the decline. This is the seventh such non-judgmental summary of forest conditions released by the US Forest Service since the process began in 1938."

* Rabinowitz, Alan *Ground Truthing Conservation: Why Biological Exploration Isn't History,* Conservation in Practice Fall 2002
** The Nature Conservancy and the Southern Appalachian Forest Coalition *Southern Blue Ridge Ecoregional Conservation Plan: Summary and Implementation Document* March 2000
*** Riiters, Kurt (etc.) *Global-scale Patterns of Forest Fragmentation* Conservation Ecology 4:3 2000

A map of the Blue Ridge Escarpment that shows the spatial relationships of the high biological value tracts may be accessed at: http://www.polarismaps.com/portfoli/sbre.jpg

Global Importance of Appalachian and Blue Ridge Forests

"The large variety of landforms, climate, soils, and geology, coupled with a long evolutionary history, has led to one of the most diverse assemblages of plants and animals found in the world's temperate deciduous forests (Stephenson et al. 1993)."

http://www.worldwildlife.org/wildworld/profiles/terrestrial/na/na0403_full.html

In this context, see especially in the above reference: *Biological Distinctiveness, Conservation Status, Habitat Loss, Degree of Fragmentation ("Fragmentation and isolation of remaining blocks of undisturbed habitat is severe."), Types and Severity of Threats, And Suite of Conservation Priorities*. A suite of "Priority Activities to Enhance Biodiversity Conservation" is recommended, to include**:**

- Identification and protection of larger blocks (greater than 100 km^2) of relatively unfragmented and undisturbed forests.
- Linkage zones of appropriate habitats between larger blocks should be restored.
- Larger blocks need to be free of roads, powerline corridors, and other avenues for intrusions by cowbirds, raccoons, and other predators of songbirds. Road closures and prohibition of road-building is greatly needed, particularly on public lands.

The Chattooga analysis must appreciate the importance of the current regional system of natural area and wilderness reserves as a means to understand and safeguard the ecological attributes no longer found on surrounding, more intensively occupied and managed lands. Identification and protection of a regional system of large, undisturbed habitat blocks in order to maintain viable populations of migratory songbirds and other sensitive species is urgently needed.

At the same time, this analysis must appreciate the geographic importance of the Ellicott Rock Wilderness and the Upper Chattooga corridor as core areas within this system of reserves. [The Southern Appalachians contain the largest block of protected forest landscapes in the Eastern US, (Simons and others 1999)]. At the same time, the analysis should appreciate the value of these areas as benchmark areas for evaluating the status of natural functioning ecosystems and the long term capacity of the region to support and ensure biological diversity. To the extent that these Blue Ridge Escarpment areas are comprised of comparatively unfragmented, forests interior ecosystems, they are home to several species that are particularly sensitive to forest conditions, including black bear and certain songbirds such as, for instance, Swainson's Warbler.

Moreover, "Due to 'hostile conditions' now prevalent in anthropogenic landscapes (Askins 1995), wilderness area and other large forest reserves are particularly important because these refugial 'sources' promote elevated densities, pairing success and productivity for forest-interior

wildlife that subsidize the 'sink' habitats in more disturbed landscapes (Clark and Pelton 1999, Robinson and others 1995a, Van Horn and others 1995).

(***Gauging the Ecological Capacity of Southern Appalachian Reserves: Does Wilderness Matter?***, Haney, Wilbert, DeGrood, Lee, Thomson, in McCool, Cole, Borrie, O'Loughlin, Wilderness Science in a time of change conference—Volume 2: Wilderness within the Context of Larger Systems, 1999; Proceedings RMRS-P-15-Vol-2).

Lack of Understanding of Unique Ecological Attributes of Chattooga Headwater Core Areas

What is lacking in the Sumter analysis to date is the consciousness of the wild conditions that have developed in the Chattooga headwaters as a direct result of the first zoning measures. These current conditions represent a 30 year investment in the realization of the spirit and letter of both the Wilderness Act and the Wild and Scenic Rivers Act. Unfortunately, we find little evidence of any appreciation within the agency's analysis to date of *what could be lost* if those conditions are diminished by an increase in human traffic. Such wild conditions are now all the more rare in a landscape where wild areas have become islands in rising tide of humanity. It is those conditions which should be recognized as a biological imperative to transcend the wishes of any one "stakeholder" group…fisherman, paddlers or otherwise. This rare opportunity (coupled with the fact that the continued enhancement of wild conditions in the headwaters will come at very low cost) should be prioritized beyond any compromise that satisfies the "users" of any special interest group.

Putting Procedure over Substance

Let us be clear: it is not enough for this agency to simply go through the motions of describing environmental effects in some apparently reasonable way that frees it to make any decision it sees fit, or, similarly, of completing an arbitrarily delimited analysis that incorporates the narrow views of a subset of users but ignores other, critical environmental considerations.

The regulations promulgated by the Council of Environmental Quality (CEQ) under NEPA call for "accurate scientific analysis" [C.F.R. 1500.1(b)] as well as "scientific integrity" (40 C.F.R. 1502.24) in the analytic process.

Right now, what we have is an expensive investment of taxpayer funds in a narrowly delimited analysis based on artificially delimited expert panels, and on the analysis of expensive consultants with expertise in the narrow limits of recreation. The analysis conducted so far is therefore simply not adequate to serve as a legitimate basis to generate alternatives and thereafter disclose the effects of those alternatives.

In addition, if the agency feels that it has to limit its analysis because it can not obtain needed ecological information to accurately define indicators and foresee impacts to the Chattooga River ecosystem environment, regulations (40 C.F.R. 1502.22) direct that the federal agency disclose to both the public and to agency decision makers any "existing credible scientific

evidence" along with the agency's evaluation of adverse environmental impacts "based upon theoretical approaches or research methods generally accepted in the scientific community."

However, ***the letter and intent*** of both the Wilderness Act and the Wild and Scenic Rivers Act enjoin these same agency officials to consider not only experiential factors in their analysis but ecological factors as well—they must fully and adequately consider biophysical factors as well as social. It is vital that USFS officials do this, not only to ensure that the full range of wilderness values of this irreplaceable wild river resource be preserved for all current users, but equally important that their analysis be full and comprehensive in order to ensure that all wilderness values (and future options) in this resource be transferred to future Americans fully, completely, fairly and without diminishment.

INSUFFICIENT DEDICATION TO SCIENTIFIC ANALYSIS

Ample scientific evidence and theory avail to prioritize biological factors that have hitherto gotten short shrift in the current analysis—in studies that highlight the importance of large, core areas of wild land with minimal human impacts and disturbance, as well as in the educated predictions afforded by conservation biology.

Studies that might adequately evaluate the adverse effects to the ecological environment of the Chattooga headwaters could take decades. However, that is no reason for this agency to abdicate its responsibilities, given the rarity of the habitat in question, and given that the habitat can not be replaced. It is absolutely critical that this analysis fully and completely weigh sound scientific predictions concerning the effects of human disturbance on this hitherto undisturbed natural environment. Our failure to appreciate and assess the ecological form and function of the headwaters might result in a permanent degradation of the ecology of the area even before we have even understood what is at stake, the loss coming at a time when such relatively intact landscapes are fast disappearing and can not be replaced.

The foregoing arguments highlight the extent to which a rightful adherence to NEPA regulations not only elevates existing scientific opinion to a position of critical importance, but also specifically addresses instances where environmental effects are hard to foresee. In neither case has the current USFS analysis of the ecology of the Chattooga headwaters so far measured up.

With further respect to inadequacies of the current analysis with respect to NEPA:
The act emphasizes as one of its basic purposes an enrichment of "the understanding of ecological systems…important to the Nation" (42 U.S.C. 4321). Herein NEPA mandates a national environmental policy that recognizes the "profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of resource exploitation…" and the "critical importance of restoring and maintaining environmental quality…" (42 U.S.C. 4331).

In addition, particularly with respect to ecological conditions so far not evaluated in this analysis, CEQ regulations provide for adequate evaluation of the composition, structure, and

function of the [Chattooga] ecosystem:

‘Effects and impacts as used in these regulations are synonymous. Effects include ecological (such as the effects on natural resources and on the components, structures and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social or health, whether direct, indirect, or cumulative. (40 C.F.R. 1508.8)

All of the foregoing collectively mandates that NEPA must take a hard look at the cumulative impacts to the Chattooga headwaters ecological environment in assessing the potential biological losses that might accrue to any proposal for increased human impacts in that fragile, unique, irreplaceable area.

The Forest Service Manual at Chapter 2320 (Wilderness Management):

“Manage the wilderness resource to ensure its character and values are dominant and enduring. Its management must be consistent over time and between areas to ensure its present and future availability and enjoyment as wilderness. Manage wilderness to ensure that human influence does not impede the free play of natural forces or interfere with natural successions in the ecosystems and to ensure that each wilderness offers outstanding opportunities for solitude or a primitive and unconfined type of recreation. Manage wilderness as one resource rather than a series of resources.” (Sec. 2320.6)

Section 2320.1 of FSM reminds us that the Wilderness Act of 1964 specifies Congressional policy to secure for the American people an enduring resource of wilderness for the enjoyment of present and future generations. It defines wilderness as areas untrammeled by people that offer outstanding opportunities for solitude and directs agencies to manage wilderness to preserve natural ecological conditions. (Sec.2320.6)

Section 2320.2 in Title 36 of the Code of Federal Regulations states the following **Objectives**:

--Maintain and perpetuate the enduring resource of wilderness as one of the multiple uses of National Forest land.

--Maintain wilderness in such a manner that ecosystems are unaffected by human manipulation and influences so that plants and animals develop and respond to natural forces.

--Protect and perpetuate wilderness character and public values including, but not limited to, opportunities for scientific study, education, solitude, physical and mental challenge and stimulation, inspiration, and primitive recreation experiences.

--Gather information and carry out research in a manner compatible with preserving the wilderness environment to increase understanding of wilderness ecology, wilderness uses, management opportunities and visitor behavior.

At 2320.3, Policy states that “Where there are alternatives among management decisions, wilderness values shall dominate over all other considerations except where limited by the

Wilderness Act, subsequent legislation or regulations.

CHATTOOGA HEADWATERS WILDERNESS AS BENCHMARK:
Critical Importance of Undisturbed Habitat

"Every region should retain representative samples of its original wilderness condition, to serve science as a sample of normality. Just as doctors must study healthy people to understand disease, so must the land sciences study the wilderness to understand disorders of the land mechanism."
Aldo Leopold, as quoted in Aldo Leopold: A Fierce Green Fire, Marybeth Lorbiecki (1996)

We see an acute need to recognize the Chattooga headwaters as Wilderness Wildlife Habitat—to provide an undisturbed setting for plants and animals to thrive without having to compete with human ambitions, where species can survive in a place of refuge.

"Wilderness settings provide habitats that receive a minimal amount of human disturbance while providing the opportunity for natural disturbance and ecological processes to operate with minimal human interference (Starkey and Larson 1985). However, the price of maintaining undisturbed environments includes restrictions on use and access."

"..although wilderness areas seem to be non-essential for a majority of studies on the majority of species, they are essential for furthering our understanding of wilderness dependent species [bear, etc.]"

Before we enact the kind of changes that will ensue with this measure, we need to describe, analyze and map the critical wilderness habitat occupied by wilderness dependent species such as black bear, and assess the population change over time to document ecosystem-wide population trends.

"The presence of large areas with a high degree of integrity and continuity means that a wilderness harbors substantial information of benefit to science and society" ***(Graber 1985, Noss 1991).***

"Although wilderness wildlife research, for all practical purposes, is limited to the study of wilderness dependent wildlife and natural regulation, researchers should be aware of and make greater use of the opportunities to monitor wildlife populations in wilderness settings. Monitoring wildlife in wilderness ecosystems may be used to warn of impending environmental change across broad geographic areas. Davis and Halvorson (1998) considered the national park ecosystems to be 'miner's canaries' and the concept applies to may areas that are relatively undisturbed by human presence. (Peek 1999)."

(The Evolution of Wilderness Wildlife Research in North America. Wright and Garrett, in McCool, Cole, Borrie, O'Loughlin, Wilderness science in a time of change conference—

Volume 3: Wilderness as a place for scientific inquiry; 1999; Proceedings RMRS-P-15-Vol-3).

For example, consider the importance of the Chattooga headwaters to the North American Black Bear. Once numerous over almost the entire North American continent, then almost extirpated from even their last redoubts in the Southern Appalachians, their numbers are now healthier in this region than they have been in decades. Many researchers think that this fact owes to the maturation of the Southern Appalachian forests, which provide mast and escape cover, and to the preservation of breeding zones and other areas that function as biological refuges either by design or default.

Black bear need large tracts of undisturbed habitat to thrive, especially for denning and reproducing. Undisturbed, interior forest habitat is therefore crucial to the species to maintain and increase its numbers. However, given the tidal wave of development rolling over the region, such interior, undisturbed tracts are increasingly few, increasingly fragmented, and increasingly confined to small islands of suitable habitat that are surrounded by human populations and activities. In light of human sprawl on private lands, the public lands—national forests, parks and other preserves—are ever more critical for providing the kind of backcountry where remote, wild conditions provide the high-quality habitat and freedom from human dominance needed to promote the survival and reproduction of species that are negatively affected by anthropogenic disturbance. This is true not only for black bear but also for some species of songbird.

Reproduction is a key process by which a species survives, thrives or becomes extirpated. The dynamics of bear and other wildlife populations are certainly tiered to their reproductive success, and the rate at which the young attain breeding status. Thus, some knowledge of the reproduction/denning ecology and survival of young should be a critical concern of wildlife managers (and river managers) for this area,

As the area population increases, the loss of bear habitat and fragmentation will likely continue. The long-term survival of the black bear depends upon the formulation and implementation of science-based management plans, which depend upon good data for all aspects of black bear ecology, especially the importance of areas of reduced anthropogenic disturbance for denning and reproduction.

Black bear reproductive ecology, cub survival and denning ecology has been investigated, and could be the basis for significant enhancement of our understanding of the importance of remote areas in the maintenance and survival of the species in the Chattooga watershed and on the Blue Ridge Escarpment.

Future long term black bear studies concerned with cub survival rates and rates of bear cub mortality among populations with different densities and various degrees of anthropogenic presence are needed, and would be significantly enhanced by retainment of wild, remote areas of the headwaters as benchmark data sources.

Such areas are key in understanding population dynamics in this area, developing demographic models and population viability analyses. Escape Cover has been recognized as an important

component of black bear habitat by several notable researchers (Pelton 1985, Rogers and Allen 1987, McLaughlin and others 1988). "Large expanses of contiguous forest or mountainous, inaccessible terrain serve to insulate bears from human disturbance. However, as forests become smaller and more fragmented, and as human encroachment and disturbance in bear habitat increases, escape cover will become even more vital to insulate bears from human activities.

Areas of dense or impenetrable vegetation that limits visibility and hinders travel by humans and dogs…. can provide high quality shelter for daybeds and escape cover for bears.

Above references from: ***Black Bear Ecology and the Use of Prescribed Fire to Enhance Bear Habitat, Keith M. Weaver: Proceedings: Workshop on Fire, People, and the Central Hardwoods Landscape GTR-NE-27***

The development of such high quality habitat is a slow process requiring decades, even centuries, while the rapid, ubiquitous spread of human infrastructure has diminished such habitat to a small fraction of its original extent. Parks, wilderness areas and defacto wilderness areas such as USFS roadless areas constitute our best and sometimes our only opportunity to provide such habitat.

Protection of Roadless Area Values

In a 1997 letter that grew out of the Interior Columbia Basin Ecosystem Management Project (ICBEMP), 169 scientists signed onto to recognize that roadless area protection is critical "Because they represent the least human-disturbed habitats in an almost universally disturbed landscape."

However, in this current analysis to date, there is little apparent appreciation of, let alone any sense of urgency evident among Sumter managers to understand the core area value of the Ellicott Rock Wilderness and the de facto wilderness that lies immediately south of it, the Rock Gorge Roadless area.

With regard to the Big Mountain Roadless Area, the November 2000 FEIS for the USFS Roadless Area Conservation rule also notes the importance of habitat to species that are sensitive to human disturbance: "Remoteness from human activity is a key characteristic of black bear habitat (Southern Man and the Biopshere 1996c) "Wilderness is vital to the conservation of wildlife species prone to conflict with humans as well as to species that require wilderness to provide an array of seasonal habitats necessary for survival."

Also, from the Wilderness Society's Economic Values of Protecting Roadless Areas in the United States":

"Natural environments such as roadless areas and designated Wilderness are often referred to as living laboratories. They serve as benchmarks of relatively unmodified natural conditions in which to observe unfettered ecological processes at work (U.S. Forest Service 2000). As such,

natural environments are often the subject of scientific research and publications. In some case, they are used as controls. In others, they are studies to improve understanding of the influence of natural conditions on flora, fauna, physical attributes in scientific journals related to Wilderness, primitive and roadless areas.

Economic Values Of Protecting Roadless Areas in the United States, John B. Loomis, Ph.D. and Robert Richardson, M.B.A., Department of Agriculture and Resource Economics, Colorado State University, Fort Collins, Colorado (analysis prepared for The Wilderness Society and Heritage Forests Campaign).

Importance of Roadless Areas as Hunting Reserves

The Theodore Roosevelt Conservation Partnership believes that proper management of roadless areas in our national forests can provide quality hunting and fishing opportunities for all Americans.

According to information found on their website http://www.trcp.org/ch_roadless.aspx:

"Inventoried roadless areas are commonly described as backcountry or unroaded wildlands and are places hunters and anglers know contain the best remaining fish and wildlife habitat. They are the public places on the maps where roads end and quality walk-in hunting and fishing begins.

Roadless areas generally provide large contiguous blocks of the best habitat for big game species like mule deer, elk, moose, bighorn sheep and mountain goats, and the least degraded streams and lakes where trout, salmon and other desirable fish species dependent on clean water, stable streamflows and consistent lake storage can thrive.

The absence of roads prevents fragmentation of secure habitat that big game species need for population survival. Roadless areas in large blocks also reduce the vulnerability of both fish and wildlife species to excessive harassment and harvest and allow populations to thrive at levels supporting longer hunting seasons and easy-to- purchase tags. "

Economic Values of Inventoried Roadless Areas for Hunting and Fishing

Also, the Wilderness Society makes reference to the value of roadless areas for hunting and fishing:

"Relatively untrammeled lands like unroaded backcountry are increasingly an economic asset, attracting hunters, anglers, new residents and visitors looking for open spaces, majestic scenery and outdoor recreation in pristine settings. A report, Backcountry Bounty: Hunters, Anglers and Prosperity in the American West, by TRCP and the Sonoran Institute, shows hunters and anglers nationally spend more than $70 billion each year to hunt and fish. Hunting, angling and related industries in the West added nearly $3 billion combined in 2001 to the

economies of Arizona, Idaho, New Mexico, Montana, Utah and Wyoming. Hunting and fishing licenses, fees and taxes fund state game and fish departments and their wildlife management programs. Many businesses, large and small, local and national, and hundreds of small, rural Western communities rely on money spent by hunters and anglers. Policies that conserve wildlife habitat protect valuable assets that enhance prosperity and quality of life now and into the future." http://www.wilderness.org/Library/Documents/upload/Factsheet-RoadlessValues-ProtectingWildlife&HabitatinNorthernRockies.pdf

Recreational Ecology of Human Disturbance: Frequency, Magnitude, Significance

According to Franklin (1990), p.250) "human activities can affect several key attributes of ecosystems. First they affect the *functional ability* of the ecosystem, the capacity to perform certain key actions—to fix and cycle energy, conserve and cycle nutrients, and provide suitable habitat for an array of inhabiting species. Second, they can affect the *structure*, or spatial arrangement of the parts, of the ecosystem—whether it is a savannah, meadow, or even-aged or uneven-aged forest, or some other type. Third, they can affect the *composition* and structure and *population structure*, that is, the number of species and their relative abundance as well as densities and age- and size-class distributions of individual species. Finally, human actions can alter the basis *successional patterns*, or trajectories, characteristic or a given site."

The Importance of Ecological Impacts (p 10)

"All of the aforementioned impacts occur, but so what? We can go out and measure most of the impacts, determine the *magnitude* of environmental change. It is a very different matter, however, to assess the *importance* or *significance* of these impacts. We might all agree that 95 percent of the spiders on the forest floor of a campsite have been eliminated by recreation use; we are unlikely to agree about how important a change this is. We might not even be able to agree on whether this is a positive or negative change. In a recreational context, impacts become good or bad, important or insignificant, only when humans make value judgments about them. Those judgments are determined by the type(s) of recreation an area is managed to offer, the objectives of various user groups, and the objectives of resource management."

"The effects of wildland recreation on wildlife have received little systematic attention, resulting in a knowledge base that is disparate and seldom definitive. This is because wildlife is not stationary, as are plants, and the effects of impacts ate immediately obvious, direct, or easily measured. Nevertheless, numerous impacts to wildlife as a result of recreation have been documented, and in some cases well researched (Ream 1980; Boyle and Samson 1985; Knight and Gutzwiller 1995). These studies show that human disturbances result in changes in wildlife physiology, behavior, reproduction, population levels, and species composition and diversity. Studies also show that there are at least six factors of recreational disturbances that influence wildlife responses; type of recreational activity, recreationists' behavior, impact predictability, impact frequency and magnitude, timing, and location (Knight and Cole 1995). In many cases the major source of wildlife impacts is the recreationist who innocently produces stressful situations for wildlife, primarily through unintentional harassment of wild animals." (p68)

Particular attention should be paid to the effects of *frequency and magnitude* of recreation disturbance on the nesting behavior and reproductive success of birds being negatively influenced when nesting areas are frequently visited. (p69).

Wildland Recreation: Ecology and Management (Second Edition) Hammit and Cole
"Increased use of recreation areas during the off-season may be particularly detrimental to wildlife."

"Only a handful of studies have directly examined the effects of recreation on wildlife (Ream 1980). Because adequate controls are lacking, and because animals are mobile, it is extremely difficult to design studies that will give definitive results. We know that recreationists disturb certain wildlife species, causing displacement and even death (Stalmaster and Newman 1978; Ream 1979; MacArthur and others 1982)

Disturbance during winter may be particularly detrimental, because animals frequently strive to conserve their energy during winter. (Moen 1976).

The following information derives from ***Resource Impacts Caused by Recreation*** *David N. Cole, A Literature Review, President's Commission on American Outdoors]*

"One of the most fundamental rationales advanced for protection of areas as wilderness is their immense potential value as baselines and places for comparing the effects of ever-advancing human development and impact (Brower 1960). In contrast to more developed areas, wilderness is characterized by lack of human development and related disturbances."

"By preserving relatively undeveloped areas, changes in biophysical and ecological conditions wrought by civilization can be better measured, assessed and evaluated. Through management regimes that allow natural processes to occur in a relatively unfettered manner, we will better comprehend their extent and variability."

Wilderness as a Place for Scientific Inquiry, McCool and Cole, in McCool, Cole, Borrie, O'Loughlin, Wilderness science in a time of change conference—Volume 3: Wilderness as a place for scientific inquiry; 1999; Proceedings RMRS-P-15-Vol-3).

The Wilderness Act of 1964 mandates that wilderness areas be maintained in their natural condition and because wilderness areas provide valuable ecological benchmarks by which we can measure environmental change. protected areas provide excellent opportunities to understand naturally functioning ecosystems as well how those ecosystems are influenced by human activities.

As such, the importance of science to inform management decisions affecting the stewardship of protected areas as well as the value of such areas for science

Parsons, David J. 2004. Science and the management of protected areas. Pp. 36-40 in Harmon, D. and G.L. Worboys (eds.), Managing Mountain Protected Areas: Challenges and Responses for the 21st Century. Proceedings of the Mountain Protected Areas Workshop, 5th World Parks Congress, Durban, South Africa, September 2003. Colledara, Italy: Andromeda Editrice. Leopold Publication Number **536**

Concluding Comments and "Collaboration"

The Forest Service understandably solicits "collaboration" and consensus, but appears to do so even as it apparently ignores the non-degradation mandates of the governing statutes and even as the agency employs a "modified" LAC analyses that appears to focus on a small subset of Chattooga "users." We believe that *all* stakeholders and participants in this analysis have a right to expect rigorous USFS adherence to laws and regulations designed to *protect or enhance* the Chattooga headwaters resource in question. And all deserve to be treated equally—which is demonstrably not the case thus far.

As was reported in the recently released "Situation Assessment," all respondents to the interviews conducted by the Natural Resources Leadership Institute voiced one common concern: "protection of the Chattooga River now and in the future…." As well, the NRLI found that a collaborative process must, among other goals, produce the "Attainment of a higher goal (protection of the resource), while also dealing with the immediate issue of boater access in the upper Chattooga." (p.v, NRLI, *Chattooga Situation Assessment*)

The "higher goal" of protection of the resource is the basis for our concern about the direction of the USFS analysis to date. We do recognize the importance of collaboration. We have cooperated extensively with the USFS throughout the protracted process of seeking an acceptable solution to the very difficult issues before us, and we may be expected to continue to engage this process in a positive, constructive fashion.

Nevertheless, our spirit of willing cooperation notwithstanding, we recognize the essential dilemma of the seemingly incompatible objectives of providing for human access while at the same time protecting a resource that is unique and special precisely because of prior limitations on human access.

Highly relevant to our current dilemma on the Chattooga is a publication by Mr. David N. Cole, Research Biologist, Aldo Leopold Wilderness Research Institute.

To quote from Mr. Cole:

"How we resolve two management dilemmas will determine the future nature and value of wilderness. "

"One dilemma…involves conflict between providing access to wilderness for its "use and enjoyment" [1964 Wilderness Act] and protecting the biophysical conditions and visitor experiences that constitute wilderness but are degraded by recreational use."

"Because compromises between value systems will tend to homogenize wilderness areas, such that no area will fully meet any goal, we should consider allocating separate lands to each goal. Expanding our conception of wilderness will help us develop a diverse system that satisfies multiple needs."

"In seeking resolutions to emerging management dilemmas, perhaps it is appropriate to expand our notions of what wilderness should be. Traditionally, dilemmas have been resolved by compromise. The result of this approach, 100 years hence, might be a system of wilderness lands that are all moderately used and impacted, somewhat wild and somewhat natural, with no lands close to the ideals of pristine, either natural or wild. This result is likely, given the federal land management agencies' decentralized decision-making tradition. In this tradition, [wilderness] conditions are shaped by countless independent decisions made over many years by hundreds of individuals. Buffeted by the polarized arguments of opposing sides on each issue, the system gravitates toward mediocrity and homogeneity.

"*One cost of this compromise will be diminution of the scientific value of wilderness as a reference area*. [emphasis mine] Natural wilderness is useful as a reference for highly altered landscapes…"

Decisions about how to compromise between recreational access and wilderness protection, and between wild and natural ecosystems will determine the future value of the wilderness system.

Postponing these decisions will simply foreclose our options."

(in ***Management Dilemmas That Will Shape Wilderness in the 21st Century***. David N. Cole)

Conclusion

In closing, we would like to emphasize that even as the Friends of the Upper Chattooga welcome every opportunity for collaboration, we will continue to insist that this agency ensure that it is truly managing for ecological values and not political expediencies, that it is managing for a full range of social and physical values above and beyond those of the recreational elite that have dominated this debate, and that it is working to meet the challenge of human use management while diligently working to protect the wilderness resource. This is far from clear thus far.

The analysis must appreciate the importance of the Blue Ridge Escarpment as a critically rare and irreplaceable block of comparatively undisturbed forest habitat, within the first rank of conservation priority, regionally, nationally, even globally. Likewise the USFS must appreciate and attempt to assess the importance of the Chattooga corridor and watershed as a critically important core area within that larger Blue Ridge Escarpment landscape. There is small evidence to indicate that such an appreciation current exists in officials managing this analysis.

Nevertheless, in our view, a full and comprehensive attempt to assess the potential effects of increased recreation on the wilderness character and on the wildlife of the headwaters reaches should be central to the analysis. With that assessment will come, we believe, a greater understanding in all stakeholders of critical conservation values hitherto largely unacknowledged by officials conducting this analysis. Such an enhanced appreciation of those

conservation values is absolutely critical to attaining the “higher goal” of protecting the Chattooga resource.

We believe that the original zoning of the Chattooga at its inception as a National Wild and Scenic River was a case where the Forest Service got it right the first time. Though not presented or conceived as such at that time, the decision to zone usage of this finite Chattooga river resource was a fitting and far-sighted accommodation of potentially different kinds of recreation and recreational users. As well, the initial zoning was, in effect, an amazingly prescient apportionment of a limited wilderness resource between social and biophysical, ecological values. The result of Chattooga zoning, in any event, was the creation of a world class wilderness wildlife refuge whose importance, though so far only incompletely appreciated, has only grown and will continue to grow as regional populations burgeon.

We owe it to our children (and to ourselves) to take the time and accept the trouble and expense to make full and fair assessments of the impacts that these new measures would have on the wild character and sensitive species of the upper Chattooga. Any compromise of this higher goal of full protection and enhancement of the wild natural values of the Chattooga headwaters is simply not acceptable.

References

1) Forest Service Proceedings RMRS-P-15-VOL-4. 2000.

2) *Oconee & Sumter NF Recreation Realignment Report,* Overdevest and Cordell. 2001

3) Sumter 2004 FEIS pg 3-267,8.

4) Pg-3-363 Sumter 2004 FEIS.

5) **McCool. Limits of Acceptable Change: A Framework for Managing National Protected Areas. 1996.**

6) Wild and Scenic Rivers Act (*WSR ACT sec 10(b)*

7) USFS Appeal Decision (#04-13-00-0026)

8) **Cole and Stankey: Historical Development of Limits of Acceptable Change: Conceptual Clarifications and Possible Extensions. 1998.**

9) **McCool and Cole. The Limits of Acceptable Change Process: Modifications and Clarifications, Cole and McCool, 1998**

10) **Proceedings—Limits of Acceptable Change and related planning processes: progress and future directions.** 1997 May 20-22;Missoula, MT. Gen. Tech. Rep. INT-GTR—371. Ogden, UT: U.S.Department of Agriculture, Forest Service, Rocky Mountain Research Station.

11) **Managing for Compatibility Between Recreational and Nonrecreational Wilderness Purposes.** Reed and Merigliano, pp. 95-107, in **Preparing to Manage Wilderness in the 21st Century.** Proceedings of the Conference, Athens, GA, 1990; General Technical Report SE—66.

12) **Tempel, Douglas; Wright, Vita; Neilson, Janet; Mildenstein, Tammy.** In Prep. **Linking wilderness research and management—volume5. Backcountry recreation impacts to wildlife: an annotated reading list**. (Wright, Vita, series ed.) Gen. Tech. Rep. RMRS-GTR-79-Vol 5. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. XX p.

13) David N. Cole (USDA-FS) and Richard L.Knight (CO St. University). Wildlife Preservation and Recreational Use: Conflicting Goals of Wildland Management. Presented 1991 at 56th N.A. Wildlands and Natural Reserve Conference, Special Session 4.:

14) **David N. Cole and Peter B. Landres. Indirect Effects of Recreation on Wildlife,** in Knight and Gutzwiller, eds. 1995. **Wildlife and Recreationists—Coexistence Through Management and Research**. Washington DC: Island Press: Chapter 11, 183-202

15) **Monitoring selected conditions related to wilderness character: a national framework.** *Gen.Tech. Rep. RMRS-GTR-151. Fort Collins, CO: U.S.D.A. Forest Service, RMRS, p.38).*

16) **Wilderness Act, Section 2(c)**

17) Forest Service Manual, 2320.6)

18) Executive Summary, "Managing Wilderness Character" Peter Landres, Aldo Leopold Wilderness Institute ***http://leopold.wilderness.net/htopics/monitor.htm***

19) Haney, Wilbert, DeGrood, Lee, Thomson, in McCool, Cole, Borrie, O'Loughlin. Gauging the Ecological Capacity of Southern Appalachian Reserves: Does Wilderness Matter? in **Wilderness Science in a time of change conference—Volume 2: Wilderness within the Context of Larger Systems**. 1999. Proceedings RMRS-P-15, Vol-2.

20) Nature Conservancy Map:
http://www.nature.org/wherewework/northamerica/states/northcarolina/preserves/art17380.html

21) **South Carolina Department of Natural Resources**
http://www.dnr.sc.gov/cwcs/pdf/habitat/BlueRidgeHabitat.pdf

22) **Rabinowitz, Alan. Ground Truthing Conservation: Why Biological Exploration Isn't History. Conservation in Practice.** Fall 2002.

23) **The Nature Conservancy and the Southern Appalachian Forest Coalition Southern Blue Ridge Ecoregional Conservation Plan: Summary and Implementation Document.** March 2000.

24) **Riiters, Kurt (etc.) Global-scale Patterns of Forest Fragmentation Conservation Ecology.** 4:3 2000

24) **http://www.polarismaps.com/portfoli/sbre.jpg**

25) **World Wildlife Fund Map**

26) Council of Environmental Quality (CEQ) Regulations [C.F.R. 1500.1(b)]
27) Council of Environmental Quality (CEQ) Regulations [40 C.F.R. 1502.24]
28) Council of Environmental Quality (CEQ) Regulations [40 C.F.R. 1502.22]
29) National Environmental Policy Act of 1969 (**NEPA**) [42 U.S.C. 4321-4347]
30) Council of Environmental Quality (CEQ) Regulations [40 C.F.R. 1508.8]

31) **Marybeth Lorbiecki.** ***Aldo Leopold: A Fierce Green Fire,*** Oxford University Press, USA. 1996.

32) **Wright and Garrett. The Evolution of Wilderness Wildlife Research in North America.,** in **McCool, Cole, Borrie, O'Loughlin, Wilderness science in a time of change conference—Volume 3: Wilderness as a place for scientific inquiry.** 1999. Proceedings: RMRS-P-15-Vol-3.

33) **Keith M. Weaver. Black Bear Ecology and the Use of Prescribed Fire to Enhance Bear Habitat.** Proceedings: Workshop on Fire, People, and the Central Hardwoods Landscape GTR-NE-27.

34) **John B. Loomis, Ph.D. and Robert Richardson, M.B.A.** ***Economic Values Of Protecting Roadless Areas in the United States*****.** Department of Agriculture and Resource Economics, Colorado State University, Fort Collins, Colorado (analysis prepared for The Wilderness Society and Heritage Forests Campaign).

35) T**heodore Roosevelt Conservation Partnership**:
http://www.trcp.org/ch_roadless.aspx

36) **The Wilderness Society**:
http://www.wilderness.org/Library/Documents/upload/Factsheet-RoadlessValues-ProtectingWildlife&HabitatinNorthernRockies.pdf

36) **Hammett and Cole**. **Wildland Recreation: Ecology and Management** (Second Edition) (Publishing Information Unavailable).

37) **Resource Impacts Caused by Recreation David N. Cole, A Literature Review, President's Commission on American Outdoors.**

38) **McCool and Cole. Wilderness as a Place for Scientific Inquiry** in McCool, Cole, Borrie, O'Loughlin, Wilderness science in a time of change conference—**Volume 3: Wilderness as a place for scientific inquiry**. 1999; Proceedings RMRS-P-15-Vol-3.

39) **Parsons, David J. 2004. Science and the management of protected areas. Pp. 36- 40** in **Harmon, D. and G.L. Worboys (eds.), Managing Mountain Protected Areas: Challenges and Responses for the 21st Century.** Proceedings of the Mountain Protected Areas Workshop, 5th World Parks Congress, Durban, South Africa, September 2003. Colledara, Italy: Andromeda Editrice. Leopold Publication Number **536.**

40) **McCool and Cole. Management Dilemmas That Will Shape Wilderness in the 21st Century.** Aldo Leopold Research Institute Publications: http://leopold.wilderness.net/pubs/419.pdf

****

Author's Note:

Butch Clay, Mountain Rest, South Carolina, has lived in the watershed since 1982. He worked on the Chattooga as guide and/or whitewater photographer for 14 years. A student of the river's natural environment for most of his adult life, he published (on contract for the Chattooga outfitters) the *Chattooga Sourcebook: A Guide to the Human and Natural History* in 1995. As Executive Director of South Carolina Forest Watch and then acting Regional Director for The Wilderness Society, he gained some experience in the statutory and regulatory dimensions of public lands protection as well as in the procedural aspects of USFS management at both the planning and project levels.

The author is a full time teacher and father, not a resource professional or an academic researcher. The long hours needed to generate this paper were expended over several months, with many breaks in the continuity of application to this task. Though every effort has been made to ensure the accuracy of bibliographic references and the correct attribution of quotes, some errors or inconsistencies could have crept into this effort. Any such errors are due to the imperfect efforts of the author and not to any of the signatories.

May 20, 2007

USDA, Forest Service
Sumter National Forest
Andrew Pickens District
Walhalla, SC 29691

I have just finished reading the US Forest Services Chatooga River History Project (CRHP). I was very disappointed with the lack of depth and detail presented in the paper. The CRHP seemed to be a perfect opportunity for the Forest Service to relieve itself of a significant burden of guilt for past management mistakes, instead they appear to use it more to prop up a weak case for banning boating on the headwaters than a true history of how that prejudicial decision was actually made. It seems to me that the public will almost always forgive an honest mistake, but the conscious neglect of truth and fact will never be easily tolerated.

The most glaring fact to evolve from the document is that anglers cannot stand the sight of boaters and yet boaters do not seem to mind the presence of anglers. That seems more like a personal and social issue to me than it does a land management issue that resulted in a totalitarian response as extreme as closing a section of river to public use. Social justice should be left up to the Courts and resource management should be the proper venue for the Forest Service.

I have lived and worked on the Chattooga River my whole life and I freely admit the Chattooga is the one thread that runs throughout the fabric of my life. My first fishing trip, my first camping trip, my first boating trip, and my first swim all happened on the Chattooga River. As paddling became a career for me the Chattooga and its use, its management, and its protection have become dominant themes in my life. I love this river and much of my understanding of life, nature, and people have been shaped by my experiences on the Chattooga. The "mother" in the expression "mother nature" is for me the mystery and the majesty of a force in nature that man wisely decided not to bend to his will, but instead has allowed to flow free so it could continue to inspire and fulfill future generations of outdoor recreationists.

The closing of most of the old 4x4 roads down to the river caused a lot of local resentment against outsiders , but it had to be done and I commend the Forest Service for doing the right thing. Closing the old roads was necessary to protect the ecological and aesthetic heart of the new Wild and Scenic River and it prevented serious erosion, illegal dumping, and it imposed law and order where little has previously existed.

The fish stocking program on the Chattooga never made sense to me and it still does not fit a protocol for management of a Wild and Scenic River. I think the introduction of exotic species such as rainbow and brown trout should never have been allowed to happen. These hatchery raised fish have undermined the viability of native species and caused the introduction of diseases and parasites. The Chattooga should be managed for native vertebrate species such as brook trout and smallmouth bass.

The Georgia Department of Natural Resources and the South Carolina Wildlife Department have not fulfilled the intent of the National Wild and Scenic Rivers Act with their "put and take" stocking program that features non native species. To me it would be the same thing if the wildlife departments raised whitetailed deer in pens and then released them by the truckloads so hunters could shoot the helpless and confused animals and call it hunting. I can understand the

need to stock specimens from other areas to improve the genetic diversity and viability of a species that is naturally occurring, but that was not the intent of the stocking program on the Chattooga. I am a dedicated lifelong hunter and fisherman and I appreciate the challenge and difficulty of catching wild game, but I find no challenge in fishing for a German brown trout that was born from artificial insemination, raised in a concrete tank, and fed on corn. Corn is not a natural food for trout.

Unless I get cold, wet, and hungry I do not really feel like I have been fishing, and unless I get cold, wet, and scared I do not really feel like I have been whitewater paddling. I do not want to see the Chattooga River managed, stocked, or made safe by any government agency, I like it wild!

The native brook trout and smallmouth bass are excellent game fish and they are easy to manage because they are perfectly ecologically adapted to their native habitat in the Chattooga River. Instead of trying to make the Chattooga fishery something it is not we should be trying to protect and enhance the fishery we already have.

Getting back to the issue, I have to say that there is nothing historical or significant about the CRHP. This document is an attempt to shore up a weak case supporting the decision to ban boating on the headwaters because the Forest Service did not complete proper documentation and public involvement. What the Forest Service did thirty years ago can be forgiven because the management of Wild and Scenic Rivers was not their area of expertise, but whatever the Forest Service does now must withstand close public scrutiny and comply with Federal laws.

I would like to thank the participants of the CRHP for their continued interest in the river. The early managers' efforts to develop a management plan are to be applauded because it was a daunting task, there were no working models, and everyone wanted a say in how it was done. Many of the tools and training managers needed to make informed decisions were not readily available to agency employees. That has all changed now and managers have excellent resources and sufficient data to make informed decisions about river management.

What the Forest Service and the public did not know was just how big commercial rafting was going to get. For an automobile addicted society that was just discovering theme parks a raft ride down the "Deliverance River" was as good as it gets. The rafting industry also provided job security for agency managers who had to "control" all those people. And that is where the ball took an odd bounce in the history of the management of the river. Instead of protecting the river resources for the public the agency decided to create a recreation industry and we have been paying for that mistake ever since with over crowding, permits, and "zoning" of the river.

There was some conflict and some violence, but the Forest Service did the wrong thing when they "zoned" the river and closed the upper half of the river to boating. It may have been a simple solution at the time, but it was grossly unfair to boaters.

If any part of the river is damaged or overused then that part of the river should receive remedial management and mitigation until the problem is eliminated. The Forest Service used some heavy handed management techniques in the early years, but I expect a lot more sensitivity and responsiveness from the agency these days because they have had thirty years to work the bugs out of the system.

When the Forest Service was in the timber business they had a close working relationship with the timber industry. When the Forest Service got into the recreation business they developed a close working relationship with the rafting industry. That's the way it works, its easier to work with an industry than with the public. Industry's needs are simple, they want profits. The public's

needs are complex and often difficult to provide. So what happened on the Chattooga is the rafting industry got almost everything they asked for and the other user groups had to settle for what was left.

In the process of allocating use on the Chattooga no group got less than the private boaters. The commercial rafting allocation on the lower half of the river is much greater than the private boater allocation and the upper half of the river is reserved for anglers and closed to private boaters.

With the mandated revision of the Land and Resource Management Plan the Forest Service had an opportunity to remedy thirty years of prejudicial mismanagement and allow private boaters to paddle the upper half of the river per American Whitewater's request. If conflicts occur they could be dealt with by law enforcement, if resource damage occurs the operating plan could be modified, and if capacity becomes a problem it could be addressed with permits, lotteries, scheduling, or by adjusting group sizes. In other words no management problem is insurmountable except the illegal closure of a public river.

The anglers and anti paddlers are all clamoring about "solitude" and the only response necessary is to say that private boaters deserve some "solitude", too. With guided raft trips clogging up the lower half of the river and anglers threatening violence against boaters on the upper half of the river where are private boaters able to find any solitude.

Assaults and vandalism are crimes and should be handled by law enforcement and the judiciary. Citizens expect and deserve reasonable safety on public lands . The Forest Service has inappropriately cited conflicts as the reason for "zoning" the headwaters when all they needed to do was confront criminal activity and manage the bad guys.

Determining the carrying capacity of the headwaters is where we are now in the management process. There is simply no logical reason to ban paddling on the headwaters and if conflicts occur I will expect law enforcement to take appropriate actions. I think the anglers will get the message that if you want to fish on a National Wild and Scenic River you will have to obey the law and respect the rights of other citizens. By failing to manage "conflict" as criminal behavior and by closing the headwaters to boating the Forest Service has created an entrenched group that will fight hard to maintain their ill-gotten gains even though it flies in the face of the National Wild and Scenic Rivers Act.

The Chattooga still offers escape from the pressures of modern day life on some sections at some times of the year. On weekends and holidays its hard to find any solitude, anywhere.

Even though there have been mistakes and miscalculations the Forest Service has done a good job overall in protecting the essential qualities of the Chattooga River.

Looking back over the past thirty years of working on the river I seem to appreciate the sublety of life more and more and I find myself always referencing my life to the life of the river. The Chattooga will always be here one way or another and it is up to each of us individually to treat it with respect because we inherited it from our ancestors and we will bequeath it to our children, one way or another.

There is a clear record of paddlers running the headwaters before and after the ban. It is clear the 1971 Wild and Scenic River Study recommended that boating be allowed on the headwaters. It is clear that the Chief of the Forest Service has ordered local managers to reevaluate the boating ban, study the issues, involve the public, and make a new recommendation for managing the headwaters. It should be clear to the agency that if boating is not allowed in the new management plan there will be appeals and probably more litigation. All that procedural

maneuvering costs a lot in wasted taxpayers money as the Government defends itself from the public. Its time for local managers to do the right thing and allow the public to use all sections of the Chattooga and stop wasting everybody's time and money. I want the best possible management for the Chattooga because it is a place I know and love.

Good management is creative, adaptive, and long lasting. The creative part in this case is understanding the users, interpreting the resources, and responding to the public's needs, the adaptive part in this case is the mandated revision of the Land and Resource Management Plan, and the long lasting part is still being worked out in this case, but prospects look good for improved management.

Getting back to the boating ban it is clear to me that no one in the Forest Service had sufficient experience managing the Chattooga or boating the Chattooga to make such a profound, permanent, and arbitrary decision as closing the river to boating. And I will remind you that there are no other closed to boating rivers on Forest Service lands anywhere in the United States. The times have changed, the sport of boating has changed, and its time for the management of the headwaters to change.

During the last thirty years the sales of fishing licenses has steadily declined all over the country. During the last thirty years the numbers of whitewater boaters has increased steadily all over the country. This indisputable fact indicates a changed circumstance that requires an adaptive change in management prescriptions.

From a management perspective it makes as much sense to manage the headwaters exclusively for boating as it does for fishing, but boaters are not asking for exclusive use because we are willing to share public resources with other responsible users.

In an over-crowded world of competing interests it is ultimately up to each individual to learn how to get along with others. Most of us learn this fundamental human skill in school or church. It has been my experience that anything of importance that we fail to learn during our formative years always comes back to us in the form of some kind of conflict. In a philosophical sense each of us may think of the river as our own special place, and that's OK, but as part of a larger society we have to learn to share because conflict is the only other outcome.

I think boaters and anglers can share the river, but the responsibility to do the right thing falls squarely on the shoulders of the anglers. Based on my own experiences, the experiences of other boaters, and interviews with law enforcement officers it is clear that the Chattooga River conflicts we have knowledge of were perpetrated by anglers/locals against boaters/outsiders. The obvious flaw in the Forest Services' theory of conflicts is highlighted in my own personal experiences. I was born and raised on the Chattooga and my family has been here almost two hundred years and I am a fisherman and a boater and I experience no conflicts between the two activities.

In summarizing the conflict issue I will say that both boaters and anglers will have to compromise in some situations on the river, but the good news is that there is a happy middle ground and both sides can get there with a little understanding.

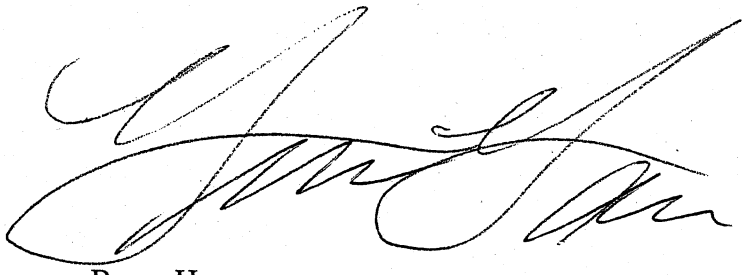
I don't mind moving my kayak as far to the other side as possible to avoid disturbing an angler and it a tight spot I don't mind holding in an eddy while an angler reels in his line or changes his angle of casting. However, I'm not going to sit there long if an angler continues to cast over the only route downstream. If our public roadways were managed the same way the headwaters is we would have separate roads for big trucks and automobiles, but we all had to learn to share the roads and obey the same traffic laws and anglers can learn to share the river,

too.

I know how these experiences can leave you feeling because last year I had an angler try to block my passage downstream. It happened on the wide easy section just up stream from Woodall Shoals. It's a place I know well because my great grandfather used to operate a horse and wagon ferry there at the turn of the last century. The angler was a young man and he could clearly see me coming downstream in my kayak and as I got closer he waded out from the Georgia side into the middle of the river and began casting over the only route downstream. I was able to get through without a confrontation, but it did leave me disappointed in my fellow man. That young man needs to see lots and lots of boaters, all of whom are polite, and if that is too much for him to deal with then he deserves to be displaced from public resources.

There will always be social conflicts and cross cultural encounters and it is ultimately up to each of us to cause conflict or to create harmony ,because we have that choice.

Sincerely yours,



Bruce Hare
Franklin, NC

USDA, Forest Service
Sumter N.F.
Andrew Pickens District
Walhalla, SC

UNFORTUNATE INCIDENT

Last week with the kids on spring break my good friend decided to take his two small children fishing, camping, and canoeing. They were looking forward to some great fun and family adventure in the great outdoors.

The camping was wonderful except for having to carry all that stuff in to the camp and back out the next day, all uphill. The canoeing was the best of all according to the kids who loved going down the rapids and seeing long stretches of river unfold around every bend.

The fishing, however, was the unfortunate incident. My friend knows all sections of the Wild and Scenic Chattooga River and wanted to take the kids to an easy place with high probability of catching fish so the kids could hone their skills and share the thrills.

When they got to Burrell's Ford they discovered a lot of other anglers had the same idea, except for the kids part. It was a beautiful day, but as they hiked down the trail to the river the kids were horrified at all the garbage and trash along the river.

A lot of the litter was food and beverage packaging, but most of it showed brand names like "Eagle Claw", "Niblets", and "Rooster Tail". In other words, it was fishing trash. Littering, in any form represents either a lack of understanding or a reckless disregard for others and lowers the standard of our society.

The next thing the kids witnessed took the abuse even further. A man was near the bridge obviously and repeatedly attempting to "snag" stocked trout, which is illegal. Remember, the father had brought the kids to a Wild and SCenic river to teach them to fish the right way, just the way my father did for me.

The next incident the kids witnessed was an outrage against all anglers and all outdoorsmen. A man was firing a pistol into the shallow rocky water in a high use public recreation area attempting to kill stocked trout and scoop them up with a net, both of which are illegal.

The Sherriff's Department, it seems, was asleep at the wheel, again. And the US Forest Service, it seems, does not want to get involved, even though its their job. And the two states Ga. DNR and SC Wildlife Dept. were nowhere to be found, even though its their "put and take" fishery and they also have arrest powers. Strike one, strike two, strike three and public lands management strikes out again.

I realize that what happened at Burrell's Ford that day could be termed an isolated incident, but in fact, its not. That kind of behavior is all to common around easy access areas in the National Forests.

It does appear that the kids learned a good lesson, however. What they witnessed at Burrell's Ford that day was unsettling and unsavory, but it left them with strong personal committments to treat the river and all outdoors with respect and appreciation. They also learned to respect the rights and safety of others in the outdoors

However, after having to leave the river that day for safety reasons the kids don't really want to talk about going fishing again, but they remember the camping and canoeing being fun and they can't wait to do that some more.

I also know that what happened that day at Burrell's Ford had nothing to do with the high art or the dedicated sportsman aspect of fishing. I respect and admire fishing done well but sooner or later there comes a time when a sport has to police its own ranks and be sure the sport projects a good image. I think its time for the fishermen to stand up and take back their sport from those who would degrade its image at the trout stocking points.

Sincerely yours,

Bruce A. Hare
Franklin, NC

May 20, 2007

USDA, Forest Service
Andrew Pickens District
Walhalla, SC 29691

Dear Sirs,

I would like to respond to some individual comments contained in your Chattooga River History Project.

The documentation, as stated, is very poor for a Federal agency that is required by law to keep records of activities, public comments, and significant decisions. Also, it appears that not many people were interviewed despite the Forest Services' contention that many people were involved.

Some of the comments in the document that caught my attention were:

Page 3 I want to see the whole list of persons that were invited to participate in the project, not just the ones that actually responded.

Page 6 The Forest Service frames their case to support a boating ban on the headwaters on three issues, safety, low water flows, and conflicts with anglers. Let's examine each of these issues. Safety is up to the individual and the group. Creek boaters are part of the cutting edge of whitewater paddlers and with their advanced skills and equipment they can take care of themselves. The Chief of the Forest Service has stated that search and rescue is not an issue for local managers because, as I see it, people have a right to take calculated risks and to participate in potentially dangerous back country recreation.

The second issue, low water flows, is no longer an issue because we all have computers and the US Geological Survey telemetry gauges makes it possible for anyone to check the water level from anywhere. Simple research indicates that the headwaters runs at least fifty days per year on average. I have paddled the headwaters from 1.5 to 3.5 feet on the old highway 76 bridge gauge and I know that with today's short boat technology (thanks Vladamir) the headwaters can be boated fairly often at some times of the year. The runs from Bull Pen Bridge to Burrel's Ford and from Burrel's Ford to highway 28 have outstandingly beautiful scenery and a great variety of different kinds of rapids.

The third issue, conflicts with anglers, requires more discussion. The Chattooga River has been a national and an international destination for whitewater paddlers since its designation as a Wild and Scenic River, but it has only been a regional destination for anglers for that same period of time. The primary significance of the Chattooga River is its incredible whitewater rapids and the sheer numbers, over one million, of people who come here to float down the river and that simply cannot be said about the fishing on the Chattooga. Remember, this is a stocked "put and take" fishery.

If the Forest Services' motto of the "greatest good for the greatest number of people" were to be applied literally to the headwaters then the agency would have to allow boating because there

are so many more boaters than anglers.

Everyone wants to be on the Chattooga for the same reasons, the beauty, the solitude, and the challenge. Those are all part of the sensory overload that leaves such a lasting impression on people who paddle, fish, hike, or camp on the river. And that's all part of what I mean when I say its not you use the river that counts, its how you leave the river when you are finished using it that counts most. Paddlers do not harm the river because they love the river and want it to remain Wild and Scenic, forever.

After all the effort from American Whitewater and dedicated individuals if a solution is not worked out regarding boating on the headwaters then that means that conflict will have succeeded and conflict is the big issue the Forest Service makes its case with. Umm, so the anglers create conflict because they don't want to see boaters and boaters create conflict because they want to paddle the headwaters and the Forest Service responds to all that conflict by closing the river to boating.

Its important to remember that the Forest Service instead of the Park Service was given responsibility for management of the new Wild and Scenic Rivers as part of a political compromise when the Act was passed by Congress because most of the rivers were on Forest Service lands. The Park Service would have been a much more logical choice to manage these unique and valuable rivers because of their history and staffing favoring land preservation as compared to the Forest Services' history and staffing for extractive management such as timber harvesting. Forcing the Forest Service to protect rivers really got in the way of their timber program and many managers resented their new responsibilities. Also, forest managers had no understanding and no loyalty towards boaters, but because many of them were anglers they were sympathetic to the needs of anglers. The anglers also brought another source of non budget funding through the state's departments of wildlife and the research and fisheries enhancements programs that their money paid for on the river.

Page 7, The Forest Service says the records of conflicts are poorly documented. I wonder why? The agency is required by law to keep adequate records of all important decisions. If I was going to close a section of river I would want lots of documentation to back up my decision unless, of course, that decision was not consistent with Forest Service policy or if adequate public involvement had not been allowed.

Page 7, Doug Adams comment about "raft slashings, fistfights, and gunplay" all imply criminal behavior. Maybe that works for folks from Rabun County, moonshine capital of Georgia, but that attitude of recklessness, aggression, and violence is not what I want for the Chattooga River. If the anglers somehow see that kind of behavior as appropriate or if they see that kind of behavior allowing them to continue their exclusive use of the headwaters then it is the anglers that need to show some respect for the rule of law and the rights of other citizens. There is no such thing as "gunplay". If a firearm is brandished or used to threaten someone then a crime has been committed. If Mr. Adams thinks unwarranted violence against other people on public lands is justifiable then he has obviously never been the victim of such crimes the way I have been.

Page 8, This really lept out at me from page 8, " as a result, angler boater conflicts may have been compounded or at least exacerbated by the local/non local resentments focused on road closures." I lived through that experience and I know the locals took the closure of the 4x4 roads very hard because it denied them an historical use. But the basic conflict being considered now that exists between anglers and boaters existed before and continues to exist after the road closures and the ban on boating the headwaters. In my opinion the boating ban has done nothing to resolve the conflict and instead has served to legitimate anglers hostility toward boaters by giving them exclusive use of half of the river.

The road closures actually benefitted the anglers because it did so much to improve water quality by preventing erosion and sedimentation and illegal dumping in the river which used to be common.

Seehorn para 5, It sounds like Mr. Seehorn is saying the three state's wildlife departments got together and threatened the Forest Service with conflict if they did not get a special use fishing area out of the new Wild and Scenic River Management Plan that they were helping (themselves) to develop. That is not my idea of a responsible approach to public lands management.

Seehorn para 10, Seehorn's statement regarding carrying capacity where he says, " I can tell you now that the first boater a fisherman sees is unreasonable, " is, in fact, a very unreasonable statement. What is unreasonable is his attitude towards other citizens on public lands and it is an attitude that does not lead to compromise or consensus on public lands management. There is one thing historical that Seehorn's comment does remind me of and that comes from General William Tecumseh Sherman, of Civil War infamy, who was implementing the Army's plan to exterminate the Western American Indians from their homelands when he said " The only good Indian is a dead one." What I would like to know is if the anglers still feel the way Mr. Seehorn does about boaters? Will the anglers still confront boaters with violence? Will the anglers still vandalize paddlers cars? If these are the threats we face from anglers then bring it on! Boaters dealt with all that before and we prevailed then and we will rise above such behavior again. Those kinds of threats reflect poorly on only a small minority of anglers I know because I am an anger myself and I don't feel that way. Apparently, the Forest service has been responding to that vocal minority by implementing the boating ban.

Huppuch para 1, " It was terrible and we almost didn't come back." This statement comes after his exploratory trip down the headwaters in a raft with other agency personnel. The headwaters is not well suited to rafting, but it is a lot more practical in a kayak or canoe. The problem was the Forest Service did not have any highly experienced or well trained paddlers and their equipment was poorly designed. By today's standards they would be considered beginners and the headwaters is not now and never has been appropriate for beginners. Not to take anything away from their sense of adventure, but those guys simply got in over their heads. Its happened to a lot of people on the Chattooga and its happened to me. The only difference is I kept coming back for more because that's what a paddler does. Those "terrible sections" by today's standards

are just great fun and river management needs to respond to current conditions.

Barron para 1, Mr. Barron says, " I believe that by 1975 a lot of the "conflicts" had died down." Maybe some, but not all. Conflicts between anglers/ boaters and locals/ outsiders continued for another ten years. In my opinion the local Sheriffs in Rabun and Oconee Counties were slow to respond to boaters complaints, if they responded at all. During the 1980s, at the public's demand, local law enforcement began to respond and soon realized that what the Forest Service called conflict was actually criminal behavior and that's when the situation began to improve.

Culp para 5, I started boating full time in 1974 which was the year Jim Culp started as River Ranger. Jim was a hard worker and did his best with what he had to work with. However, developing a management plan for a new Wild and Scenic River was a daunting task and many of the issues were complex. Boundaries had to be marked, resources and to be inventoried, users had to be identified, issues had to be prioritized, and management strategies had to be developed. Overall, simple language and good intentions paid off with a workable river management plan except for the part about banning boating on the headwaters. Another part of the plan that was irksome was using clear cuts to fund access roads and parking lots for river recreation. We know now that clear cuts and road construction are very damaging to water quality and biological diversity.

Public involvement back in those days was still finding its environmental awareness and the new public appeals process was not well understood.

I went to most of the public meetings hosted by the Forest Service and there were a lot of issues discussed, but I never once heard any public discussion about closing the headwaters to boating. Often times public comments were solicited and then plans were developed and implemented that bore little resemblance to the concerns expressed in the public meetings.

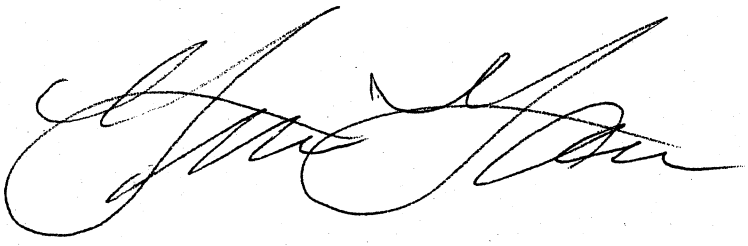
The Forest Service moves at its own pace and that is a bureaucratic crawl so that the public quickly becomes disenfranchised and gives up trying to influence the planning process. And that folks is how the Forest Service wins its most effective game tactic, procrastination, when dealing with the public. No better example of that strategy exists than the current issue of boating on the headwaters which has been cycling through the planning process, appeals, and litigation for over ten years. This kind of management is wasteful and degrading to all parties involved.

Culp para 5, Culp says, " It would be a very dangerous section for but the most capable boaters." That may have been partly true in 1975, but it is certainly not the case now. Times change, skills improve, equipment improves, and that is why we have the mandated revision of the Land and Resource Management Plan, so the agency can adjust to those changes. Culp's comment about the headwaters being too low to run is simply not correct; the headwaters runs at least fifty days per year on average and whitewater boaters would rank it as a highly valuable resource. Culp also contends that there are not that many whitewater boaters and again he is incorrect because there are many more boaters on the Chattooga than there are anglers. Culp takes credit for making the decision to close the headwaters to boating so to summarize my

position in opposition to his ill advised, poorly informed, and poorly documented decision to ban boating I will point out that in the recent Upper Chattooga River Phase I Data Collection Expert Panel Field Assessment Report it is worth noting that Culp came out of retirement to volunteer to be an angler in the field trials instead of volunteering to be a boater. To me this indicates a clear case of personal bias and prejudicial management by a Federal employee charged with responsibility to manage for the public's best interest and not just his own desires. However, I don't think Culp could have pulled that off without the cooperation of his cronies in higher management positions. The Chattooga River and the American people deserve better management for our unique and valuable outdoor resources.

To summarize my response to the Chattooga River History Project I can say that it is a piece of the puzzle, but it left a gaping hole in the real history of river management that you could drive a raft bus through. Management has to be contemporary and by responding favorably to boater's request for access to the Chattooga headwaters the Forest Service can eliminate its greatest "conflict", correct a flaw in policy, and enhance opportunities for a dedicated and cooperative user group, the boaters. I did not see anything in the CRHP that I would call significant, compelling, or good evidence to support a decision to close a Wild and Scenic River to boating.

Sincerely yours,



Bruce Hare

Franklin, NC

June 22, 2007

Mr. John Cleeves
4931 Broad river Road
Columbia, S.C. 29212

Dear Mr. Cleeves:

I recently attended an Open House(Chattooga RiverVisitor Use Capacity Analysis) in Highlands, N.C.

These are comments to be submitted. I started whitewater canoeing this river in the mid to late 1960's and did earlier canoeing on the Toxaway(now Lake Joccassee). I am now an avid hiker, and have been a volunteer with the US Forest Service(Cohutta district) for the last seventeen years. I was one of a committee of twenty people that went through the Limits of Acceptable Change(LAC) for the Cohutta Wilderness several years ago. My interest is protecting the wilderness under the Wilderness Act of 1962. Does the US Forest Service have the budget to protect the wilderness(Ellicott) with all these additional boaters? I can definitely see why some of the populace want this area to remain an area just for hikers and fishing(solitude) I think the report said this area had only 34 days of boat use a year. I know in the LAC, the initial use causes most of the environmental damage. How much wilderness that's affected remains to be seen.

I can see both points of view. However, as an environmentalist/conservationist I have seen so much of our environment being abused, a little here, and a little there. It all adds up. I'm sure whoever makes this decision will go through a lot of material and facts from this study and make the appropriate decision.

Sincerely,
James Bishop
James Bishop

To the Forest Service; June 27, 2007

~~[illegible]~~,

It is our opinion that the upper Chattooga should remained closed to boaters and paddlers. There are plenty of portions of the river that are open in South Carolina and Georgia, but the upper part should remain a wild and scenic River for environmental reasons. The American whitewater people are just trying to strong-arm the Forest Service by their threats of law suits. Please do not let this happen. It is more important to keep this River as it is. The upper portion does not need to be threatened from overuse. you do not need to paddle this river to enjoy it. Thank you for considering our opinion.

Yours truly,

Mr. and Mrs Tom Tracy
(Jane & Tom)

P.O. Box 2122
Highlands, NC 28741

JUL 2 '07 AM 9:50

Rec'd FS 7-2-07

Friends of the Upper Chattooga
2368 Pinnacle Drive
Clayton, Georgia 30525

June 29, 2007

Supervisor Jerome Thomas
Sumter National Forest
USDA Forest Service
ATTN: John Cleeves
4391 Broad River Road
Columbia, South Carolina 29212-3530

Dear John:

Friends of the Upper Chattooga individually and collectively closely have reviewed the details of the "Current and Future Management Standards" document handed out at the recent "open house" meetings held as part of the USDA Forest Service's Upper Chattooga River Visitor Use Capacity Analysis. I must tell you we are pleased to learn that the indicators, standards and possible management actions listed therein are "hypothetical examples only."

We trust the Forest Service is going to use the standards and management action workshop on July 14 to delve into the very real and pressing issues facing the Upper Chattooga, including all the issues identified at your November, 2005, public meeting, as well all the biophysical and social issues identified by Forest Service personnel since then. Just to make sure, we attach below a list of what we believe needs to be discussed and analyzed at the meeting.

As you know, Friends of the Upper Chattooga include many of the premier conservation and recreation groups in the three affected states: Georgia Wildlife Federation, Chattooga Conservancy, Georgia ForestWatch, North Carolina Wildlife Federation, South Carolina Wildlife Federation, Wilderness Watch, Jackson-Macon Conservation Alliance, the Georgia Council of Trout Unlimited, the South Carolina Council of Trout Unlimited, the North Carolina Council of Trout Unlimited, the Atlanta Fly Fishing Club, and the Whiteside Cove Association.

Our primary goal is to help protect the Chattooga's wild and scenic values, to educate the public about threats to these values and assist the Forest Service in arriving at a reasonable decision in connection with the visitor capacity use analysis that, above all, protects this river's outstandingly remarkable resources for future generations.

Please feel free to call if there are questions.

Sincerely,

Joseph Gatins

Joseph Gatins
As a spokesman for Friends of the Upper Chattooga

CC: Various Forest Service officials. NRLI

Attachment: List of issues meriting discussion and analysis at the July 14 priority standards and management action workshop.

Biophysical issues

- Large Woody Debris on North Fork and tributaries
- Water quality
- Trail conditions (both system trails and user-created)
- Damage to trees and bank erosion
- Litter in the river and "on" the riverbeds (i.e. ugly plastic marks and heavy metal scrapings)
- Campsite conditions (both authorized and user-created)
- Campsites and user trails in Ellicott Rock Wilderness (especially above Burrell's Ford) are not "wilderness-compliant"
- Protection of Ellicott Rock Wilderness, generally
- Protection of PETS species (such as shortia, saxifrage, rock gnome lichens, mountain lions, spray zone flora, etc.)
- Wildlife protection and populations
- Disturbance of birds and breeding bird counts
- Invertebrates and other aquatic resources
- Fish populations and fish "spooking"
- Protecting fish habitat
- Acceptable and ideal water levels for birding, swimming, hiking, fishing
- Management of wild, scenic and recreational segments of Wild & Scenic Chattooga River
- Adaptive management generally. Sunsetting any new management proposals.

Social issues

- Forest Service law enforcement and visitor safety
- Access to river and banks
- Trail encounters and total encounters
- Size of groups
- Noise
- Litter at campsites
- Number of overnight campers
- Overall solitude (few, or no encounters, user conflicts)
- Use of tributaries by boaters
- Safety of swimmers
- Parking at trailheads and bridges
- Back-country fisheries experience and fishing disturbances
- Competition for "fishing water"
- "Place attachment" and visitor surveys
- The "Lower Chattooga" – increase in boating there is a connected action affecting the Upper Chattooga
- Adaptive management generally. Sunsetting any new management proposals.

###

JONES, KEY, MELVIN & PATTON, P.A.

ATTORNEYS AND COUNSELORS AT LAW

61 EAST MAIN STREET
FRANKLIN, NC 28734
TEL. 828-524-4444
FAX 828-369-7343

PROFESSIONAL BLDG. SUITE 3
SOUTH STREET, P.O. BOX 609
HIGHLANDS, N.C. 28741
TEL. 828-526-3762
FAX 828-526-3763

RICHARD S. JONES, JR.
BOBBY J. KEY
RICHARD MELVIN
FRED H. JONES
CHESTER M. JONES
GREGORY F. BOYER
JENNIFER BERGER BROWN

GEO. A. JONES 1878-1906
G. LYLE JONES 1906-1920
GILMER A. JONES 1918-1963
RICHARD S. JONES 1925-1972
LAWRENCE M. PATTON, JR. Retired 2006

PLEASE REPLY TO: Highlands Office
or e-mail melvin@joneskey.com

July 2, 2007

U.S. Forest Service
4931 Broad River Road
Columbia, South Carolina 29212

Re: Chatooga River

This is to advise that I oppose all boating, canoeing, kayaking, etc. on the upper Chatooga River.

Yours truly,

Richard Melvin

Richard Melvn

SEIF & AUSTIN, PLLC
ATTORNEYS AT LAW
BARRISTER HALL
163 EAST MAIN STREET, SUITE 130
LEXINGTON, KENTUCKY 40507-1367
TELEPHONE: (859) 381-9903
FAX: (859) 381-9933

ELIZABETH R. SEIF
J. BRENT AUSTIN
T. CORNELIUS STURGILL, JR.

lseif@seifaustin.com
baustin@seifaustin.com
nsturgill@seifaustin.com

July 3, 2007

USDA Forest Service
160A Zillicoa Street
Asheville, NC 28801

Re: Public hearing of July 10, 2007

Dear Sirs/Madames:

I am the current president of the Bluegrass Wildwater Association, an organization based in central Kentucky representing approximately two-hundred and fifty paddlers. This organization is involved nationally in whitewater access issues and has been an active organization for over thirty years.

Many of our members, myself included, have paddled the Chattooga River, particularly sections Three, Four and Overflow creek. The Chattooga River has always held a special place in the hearts and minds of central Kentucky paddlers, who rarely view a six hour drive as an obstacle to enjoying this valuable resource. The BWA is comprised of a wide range of paddlers, ranging from class five to flat water paddlers and further represents a broad spectrum of individuals from many walks of life, political persuasions, and interests.

The BWA is very interested in the outcome of this decision and would strongly urge the Forest Service to permit access to the headwaters for paddlers who are capable of enjoying some of the demanding stretches of whitewater available there. In our collective experience of paddling all over the globe, it is our belief that it would be a rare day when paddlers enjoying the upper head waters, would even see a person fishing, much less other individuals. As you know, that is typically because the better river flows for paddling are usually not the best areas for fishing/angling interests. I believe the Forest Services own assessment of that issue, bears that out.

I attended the informational hearing on June 18, 2007 and particularly appreciated Doug Whittaker's even-handed approach to the issue and thorough scholastic assessment of issues raised, particularly by the paddling community and the fishing community. It seems clear that this "controversy" is one stemming from anglers' concerns that they will lose solitude. I have never seen this kind of conflict before and am puzzled by it, and believe strongly that this must

be related to specific individuals with strong views and personalities as opposed to fishing interests in general.

No reasonable use of the head waters should be restricted and no user group should be completely eliminated solely due to the preferences of another user group. As I recall a slogan often seen through national forests, the national forest is a "Land of Many Uses". Whitewater paddling interests, with the substantial economic support it enjoys from a billion dollar industry, should be an appropriate user group represented in this process. Please consider that paddlers are a particular user group, known to be environmentally conscious and are active in outdoor recreation, and are extremely safety conscious, (many are certified in CPR and wilderness rescues and first aid). These persons are precisely the type of individuals that make an appropriate user group for this section of the National Forest. On behalf of the BWA I would urge you to open this world class river to paddlers.

I appreciate your attention to this matter. Please call if you have any questions.

Very truly yours,
/s/J. Brent Austin
President of BWA

JBA/cr

Kevin Colburn
National Stewardship Director
American Whitewater
1035 Van Buren St.
Missoula, MT 59802
406-543-1802
Kevin@amwhitewater.org

Mr. John Cleeves
Project Coordinator
USDA Forest Service
4931 Broad River Road
Columbia, SC 29212

Comments on the USFS Report Titled
Capacity and Conflict on the Upper Chattooga River

Submitted on July 3rd, 2007

INTRODUCTION AND EXECUTIVE SUMMARY

The USFS report titled Capacity and Conflict on the Upper Chattooga River (Integrated Report or IR) contains a wealth of information useful in managing the Chattooga River and we commend the FS and their consultants for their efforts compiling this report. We are offering these comments as both comments on the Integrated Report itself, and also on the greater process and state of information leading up to this fall's NEPA process. The IR finds that:

- Paddling use is expected to result in at most 1200 additional visits to the Chattooga Headwaters each year – making it among the smallest uses of the area.
- The only impact that paddlers *might* have according to the IR that is not common to all current users is a potential social impact on the recreational experience of a very small number of sensitive, backcountry fly fishermen, on a few days of the year. That is it.
- There is no evidence of similar impacts on the Chattooga or on any river in the region.
- The few anglers present *would not see any paddlers* on at least 80% of the year and that for much of the remainder of days they may or may not see one or two groups of paddlers. The only exception would be a handful of suboptimal angling days when boating use could be unusually high (still only 4, 8, or 14 groups expected depending on the reach).

The IR shows clearly that the result of allowing paddling on the Chattooga amounts only to a couple of highly sensitive anglers seeing a couple groups of paddlers on a small percentage of days when angling is suboptimal. This finding should be the end of the discussion. However, while the report clearly offers no evidence of any past or potential conflicts of any significance – it somehow makes the massive leap in logic to conclude that conflicts between boaters and anglers may occur on the Chattooga, may be significant, and may require active management intervention. The IR goes on to present a range of biased "solutions" to this "problem" – which in reality does not exist and will not occur. We fully disagree with these conclusions, and will show in our comments that the IR itself clearly does not support them.

We challenge the USFS to find a management alternative more elegant, fair, protective, responsive to rapid flow changes, and easier to manage than simply allowing the natural flow regime to dictate use on the upper Chattooga River. Quite frankly, it can't be done – the natural flow regime has worked on every other river in the region to eliminate any potential conflicts. The natural flow regime creates an 80:20 split on the Chattooga; 80% of days having angling without boaters present, and 20% of days having potentially shared use. We see this as meeting even the zero-tolerance angler's interests by providing predictable time periods during which no boaters will be present, on over 80% of days. We would add that in reality, based on flow preferences, flow changes, time of day, season, location selection, number of hours fished, and other factors, it is highly likely that an individual angler would actually see paddlers on less than 5% of visits. This management alternative is proven, it is legal, it is regionally and nationally consistent, and it meets our interests. The IR offers no evidence for why this alternative is not the best possible alternative.

We question the title of the report itself. The Chief ordered a capacity analysis, not a "conflict" analysis. Despite the Chief's clear order, the local FS insists on making this issue about conflict between two primary user groups – anglers and whitewater paddlers. Both groups have an equal right to solitude on the river and the IR shows that both groups are complimentary to each other, not in conflict. The IR shows that the natural flow regime provides the preferred recreational experiences for every user group.

The IR contains significant errors and omissions that must be remedied. Especially egregious is the discussion on decision space which excludes vital information such as USFS policy on river management and navigability, an interstate compact securing navigation, and a US Supreme Court statement of navigability of the Chattooga.

Our comments that follow address both the IR itself, and also the greater process and state of information leading up to this fall's NEPA process. We point out a number of factual errors, many significant omissions, errors in interpretation of facts, organizational errors, and errors of judgment regarding management options. We ask that the FS take note of our comments and concerns and address them appropriately as we move forward in the NEPA process. We also ask that the studies underlying the IR, and the IR itself be corrected based on these comments and the comments of other stakeholders. Continuing to create a record of documents that have not been corrected based on public comment does nothing but create a

weak and flawed foundation for future decisions. These documents, as they exist, are not defensible.

1. Comments on the Integrated Report chapter titled: "Introduction"

The legend in Figure 1 misrepresents the map and reality.

The legend in Figure 1 lists 4 reaches open to boating and only one closed to boating, while the map clearly shows the 3 (or 4 if the Delayed Harvest Reach is counted) reaches banned to boating. The legend should be changed to match the map, and include the 3 or 4 reaches banned to boating.

The introduction also fails to point out that the *entire* river corridor is open to angling and every effort is made in the IR to imply that boaters and anglers share the river equitably under current management. This could not be further from the truth. The misleading legend in Figure 1 is just one example of this bias.

Agency "expert judgments" lack boating expertise.

On page 6 among the Report Limitations and Caveats it is noted in the second bullet that agency staff was relied upon for "expert judgments." None of these "experts" are experts or even novices in whitewater boating. Furthermore none of the "expert" agency staff are experts in the management of whitewater boating on steep mountain creeks and rivers such as the Upper Chattooga. This fact needs referenced in the report, and should temper if not disqualify the assertions made by this group regarding paddling.

2. Comments on the Integrated Report chapter titled: "The Upper Chattooga "Decision Environment"

The IR fails to address user capacity and the outstanding remarkable values on a significant portion of the river.

The upper 2 miles of the Chattooga Headwaters were not addressed at all in the IR other than to dismiss them as private lands and beyond Agency management discretion. The reach was excluded explicitly on page 10 and 11 in a discussion of navigability and private land. This section contains significant errors – though none greater than the resulting omission of this section of river from the remainder of the analysis.

Congress designated this section as Wild and Scenic, it was included in our appeal, and was included in the appeal decision that required a user capacity analysis. The upper 10% of the Chattooga WSR has various OR values. The USFS admittedly has not entered this reach for a long time period, so the public and the agency cannot determine whether or not they are protecting and enhancing those OR values as required by federal law.

On page 52 the IR states that development is not a major concern. It is a major concern for American Whitewater and we have no information regarding development in the

top 10% of the upper corridor including information on potential scenic, biological, or water quality impacts. The IR should be revised to include these concerns and specifically state these significant data gaps.

What we do know about this reach is that the Recreation OR value has been eviscerated by the USFS. The FS is has not protected and enhanced public recreation on this reach and are thus, *absolutely and obviously*, violating the WSRA. The one use that the USFS can explicitly allow on this section of river, and thus at least partially fulfill their mandate, is paddling – the only use they have banned. The IR is deficient in that it does not describe the recreational resources of the top 10% of the upper river, nor does it propose alternatives for protecting and enhancing the recreation OR value of this reach.

The IR is deficient in omitting key portions of the Wild and Scenic Rivers Act (WSRA) addressing private lands.

The IR fails to mention that the USFS has the right and obligation under the WSRA to negotiate or condemn a floating or scenic easement to assure the rights of the public to paddle, scout, or portage on Wild and Scenic Rivers. This discussion should be added to page 7, under the WSRA section and reiterated under the navigability section on page 11.

SECTION 6 (a) 2 of the WSRA states that:

> "Nothing contained in this section, however, shall preclude the use of condemnation when necessary to clear title or to acquire scenic easements or such other easements as are reasonably necessary to give the public access to the river and to permit its members to traverse the length of the area or of selected segments thereof."

This telling section of the WSRA indicates a clear intent of the authors that the public should be allowed to access and traverse Wild and Scenic Rivers, especially in cases like the Chattooga that have recreation – and boating specifically – mentioned as an OR value.

While condemnation of any easements on the upper Chattooga is not necessary to allow floating (see following discussion on navigability) this element of the act certainly must be referenced in the IR, and its intent and power noted.

The IR omits key USFS policy regarding the management of Wild and Scenic Rivers flowing through private lands.

The IR omits the USFS policy on regulating use on Wild and Scenic Rivers flowing through private lands. The Forest Service Manual directly states that the USFS has the right to regulate use on rivers within the USFS boundaries ***or*** Wild and Scenic Rivers. Yet, the IR is written as though this document and policy do not even exist. See the excerpt below from the Forest Service Manual:

2354 - RIVER RECREATION MANAGEMENT.

2354.01 - Authority. Administration of the rivers within the National Forest System falls under the general statutory and regulatory authorities, including mining and mineral leasing, laws, that apply to lands. The basic authority to regulate public use of waters within the boundaries of a National Forest or Wild and Scenic River derives from the property clause of the U.S. Constitution as implemented through the laws pertaining to the administration of the National Forests. The authority of the Secretary of Agriculture to regulate the public use of waters found at 16 USC 551 has been upheld in many court decisions. The most notable cases are:

1. United States v. Lindsey, 595 F.2d 5 (1979). The court held that within a federally designated area the Federal Government had the authority to regulate camping on State-owned land below the high water mark of a river.

2. United States v. Richard, 636 F.2d 236 (1980) and United States v. Hells Canyon Guide Service, 660 F.2d 735 (1981). The courts held that the Forest Service can regulate use of a river notwithstanding the fact that users put in and take out on private land.

This discussion should be added to page 7, under the WSRA section and reiterated under the navigability section on page 11.

The IR fails to address Section 13(e) of the WSRA as it relates to the USFS decision space on the Upper Chattooga.

Section 13 (e) of the WSRA states:

"Nothing contained in this Act shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by any States which contain any portion of the national wild and scenic rivers system."

In 1876 the Supreme Court clarified that the Chattooga (the most northern tributary of the Tugaloo River) is navigable to its source under an interstate compact entered into between the States of South Carolina and Georgia on the twenty-fourth day of April, 1787. The court stated the following, referencing an interstate compact:

"The **navigation** of the river Savannah, at and from the bar and mouth, along the north-east side of Cockspur Island, and up the direct course of the main northern channel, along the northern side of Hutchinson's Island, opposite the town of Savannah, to the upper end of the said island, and from thence up the bed or principal stream of the said river to the confluence of the rivers Tugoloo and Keowee, and **from the confluence up the channel of the most northern stream of Tugoloo River *to its source*, and back again by the same channel to the Atlantic Ocean, is hereby declared to be henceforth equally free to the citizens of both States, and exempt from all duties, tolls, hindrance, interruption, or molestation whatsoever** attempted to be enforced by one State on the citizens of the other, and all the rest of

the river Savannah to the southward of the foregoing description is acknowledged to be the exclusive right of the State of Georgia.(emphasis added)[1]"

Thus, the 30+year ban on paddling under the management plan for the Chattooga Wild and Scenic River has been in direct conflict with Section 13 (e) of the WSRA.

Likewise, the Comprehensive River Management Plan contained in the Land and Resource Management Plan for the Sumter National Forest – now up for amendment - must conform to Section 13 (e) and allow navigation without hindrance, interruption, or molestation. Several management options that limit paddling would directly and *illegally* conflict with this compact.

The IR wrongly infers that the Chattooga River has not been adjudicated as navigable, as it relates to the USFS decision space on the Upper Chattooga.

Governing regulations for navigability determinations state: "Precise definitions of "navigable waters of the United States" or "navigability" are ultimately dependent on judicial interpretation and cannot be made conclusively by administrative agencies.[2]"

In the case of the Chattooga, judicial confirmation of navigability has occurred and confirms navigability of the reaches in question. In 1876 the Supreme Court clarified that the Chattooga, the most northern tributary of the Tugoloo, is navigable *to its source* (see above). The Chattooga River is absolutely navigable – since it has been adjudicated as such by the *Supreme Court of the United States*[3].

The IR fails to include relevant references, context and policy regarding the Wilderness Act.

The IR overlooks specific USFS policy that dictates how wilderness should be managed. The Forest Service has promulgated its own regulations to execute Congress's mandate that: agencies administer wilderness to preserve its wilderness character.

16 U.S.C. § 1133(b) states:

"each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and … wilderness areas *shall be devoted to the public purposes of recreational … use*").

The Forest Service regulations provide the following with respect to wilderness areas:

---

[1] State of South Carolina v. State of Georgia 93 U.S. 4 (1876) http://supreme.justia.com/us/93/4/case.html

[2] 33CFR 329.3

[3] State of South Carolina v. State of Georgia 93 U.S. 4 (1876)

- National Forest Wilderness shall be so administered as to meet the public purposes of recreational … uses;[4]

- In carrying out such purposes, National Forest Wilderness resources shall be managed to *promote* [and] *perpetuate* … specific values of … primitive recreation. *To that end:* … Wilderness will be *made available for human use to the* *optimum extent* consistent with the maintenance of primitive conditions.[5]

The IR also makes several USFS policies on Wilderness management seem like a passing opinion with little or no relevance to the management of the Chattooga. The first example of this is the forth bullet under the Wilderness Act section on page 9. The Forest Service Manual contains the following policies:

> "Maximize visitor freedom within the wilderness. Minimize direct controls and restrictions. Apply controls *only when they are essential for protection of the wilderness resource* and *after indirect measures have failed"*.
>
> "Use information, interpretation, and education as the primary tools for management of wilderness visitors."

The USFS Manual also provides that one of the objectives for management of wilderness is to "Protect and perpetuate wilderness character and public values including, but not limited to…primitive recreation experiences (USFS Manual § 2320.2)." It is later clarified in section 2320.5.3, that rafts and canoes are considered primitive devices suitable for use in wilderness. These points should be referenced in the IR – and should be considered fundamental management objectives for the Chattooga River's Ellicott Rock reach.

The discussion of "grandfather rights" fails to address paddling specifically.

In the final bullet under the WSRA section on page 8, the IR states that:

> "In general, types of use and access routes within river corridors at the time of designation receive 'grandfather rights' (continued use). However if an access route or type of use adversely impacts an OR Value, it may be closed or regulated."

The IR is deficient in not specifically discussing how this relates to paddling. Substantial paddling use occurred both prior to and at the time of designation. Furthermore there is absolutely no evidence of that paddling use impacted any other OR value, either then or now.

---

[4] 36 C.F.R. § 293.2

[5] 36 C.F.R. § 293.2(b)

In fact, eliminating paddling use has impacted and continues impact a grandfathered element of the recreation OR value for the upper Chattooga - paddling. This is a major issue regarding the historic boating ban and future management and must be elaborated upon in a revised draft of the IR. Not doing so leaves a critical element of the decision space essentially blank.

Anecdotal evidence is not evidence – there is no evidence of past conflicts

Anecdotal evidence is inappropriately relied upon throughout the IR. For example in the third bullet on page 15 (6th bullet under the History section), the authors state that anglers "appear" to have had conflicts or been displaced by increased boating use on the lower river – an opinion which they admittedly base on loose anecdotal evidence.

We are aware of no factual evidence or first hand accounts of any such occurrence in the record, and thus ask that this bullet be struck. This report should be based on facts – not speculation by biased sources. Continued reliance on anecdotal evidence of questionable intent is a significant hurdle to resolving issues surrounding Chattooga River management.

The IR misrepresents state navigability law and the disagreement among stakeholders regarding navigability.

The IR uses a misunderstanding of navigability law and USFS policy to conclude that they cannot manage the section of the Chattooga WSR that flows through private lands. This must be corrected.

The public has the right to paddle this river under both state and federal law. As for state law, the IR erroneously states that a 1998 opinion by the NC Attorney general:

> "*suggested* that waters 'capable of use' by canoes and kayaks were *likely to be determined navigable if adjudicated*" (emphasis added).

In fact the AG opinion did not merely suggest, rather firmly stated that rivers capable of being paddled ***are*** navigable[6]. The Attorney General's Opinion never mentions adjudication as a requirement of navigability – merely the possibility of floating in a canoe or kayak.

---

[6] "The controlling law of navigability as it relates to the public trust doctrine in North Carolina is as follows: " 'If water is navigable for pleasure boating it must be regarded as navigable water, though no craft has ever been put upon it for the purpose of trade or agriculture. The purpose of navigation is not the subject of inquiry, but the fact of the capacity of the water for use in navigation.' " Id. at 608-09, 48 S.E. at 588 (quoting Attorney General v. Woods, 108 Mass. 436, 440 (1871)). In other words, if a body of water in its natural condition can be navigated by watercraft, it is navigable in fact and, therefore, navigable in law, even if it has not been used for such purpose. Lands lying beneath such waters that are navigable in law are the subject of the public trust doctrine. 342 N.C. at 301, 464 S.E.2d at 682.

The Court concluded that "navigability in fact by useful vessels, including small craft used for pleasure, constitutes navigability in law." (Emphasis supplied.) Gwathmey, 342 N.C. at 300, 464 S.E.2d at 681, citing State v. Narrows Island Club, 100 N.C. 477, 5 S.E. 411 (1888). "The capability of being used for purposes of trade and travel in the usual and ordinary modes is the test, and not the extent and manner of such use." Gwathmey, 342 N.C. at 300, 464 S.E.2d at 681, quoting State v. Twiford, 136 N.C. 603, 606, 48 S.E. 586, 587 (1904). Further, "the public have the right to the unobstructed

Furthermore, the Attorney General's opinion definitively answered the question of whether or not the public has the right to float down streams in canoes and kayaks directly with the following statement:

> "**Yes.** Citizens have the right to travel by "useful vessels" such as canoes and kayaks, "in the usual and ordinary mode" on waters which are in their natural condition capable of such use, without the consent of the owners of the shore."

There is in fact no doubt whatsoever that the Chattooga River is navigable under NC law and legal to float. The IR must be corrected for accuracy on this issue. While it may be clear that the landowners *claim* the reach is not navigable, it is equally clear that the 1998 Attorney General's opinion states that it is absolutely navigable.

Regardless, *the river was adjudicated as navigable to its source* by the US Supreme Court in 1876.[7] American Whitewater has provided this documentation to the USFS numerous times yet no mention is made in the IR of this pivotal fact.

The IR fails to include the USFS policy on the navigability of rivers:

Section 2354.14 of the UFSF Manual clearly states that:

> *"The Forest Service retains authority to regulate the use of a river and the National Forest lands on the shorelines whether it is navigable or nonnavigable."*

This USFS policy should form the basis of the USFS response to landowner's efforts to exclude the public from a USFS managed WSR. The IR is severely deficient in omitting this policy.

Substantial boating use did occur prior to 1971

The IR states on page 14 that substantial boating use had not occurred prior to 1971 on the upper Chattooga. This is a matter of opinion and we disagree. Substantial boating use did occur at the time of designation up until the time of the paddling ban in 1976.

There were people regularly kayaking the Chattooga headwaters prior to 1971 (see the AW co-plaintiff affidavits from the lawsuit over this matter). While not a huge number of people, we consider this substantial use.

Likewise, the USFS considered it substantial enough at the time to recommend the river for Wild and Scenic designation based on its OR value as a paddling resource, and went

---

navigation as a public highway for all purposes of pleasure or profit, of all watercourses, whether tidal or inland, that are in their natural condition capable of such use." Gwathmey, 342 N.C. at 300, 464 S.E.2d at 681, quoting State v. Baum, 128 N.C. 600, 604, 38 S.E. 900, 901 (1901)." 1998 Attorney General Opinion.

[7] State of South Carolina v. State of Georgia 93 U.S. 4 (1876)

on to recommend put-ins, take-outs, and portage trails on the upper river in the process. We consider this to be adequate evidence that paddling use was substantial.

The History Section conflicts with the Potential Use section of the IR

The History Section of the IR, on page 15, notes that boating use on the lower Chattooga has fallen over 37% in the past decade. In contrast the Potential Use section on page 40 estimates that whitewater boating has increased a ridiculous 250%. This conflict should be corrected.

Also the use of OIA numbers on page 40 is highly suspect. Many in the sport and business of whitewater boating, including AW, believe these numbers are both bizarre and erroneous.

The History Section confirms that there was never a basis to ban boating.

The documentation of the 1976 boating closure is not limited, it is *completely non-existent* and the History Section confirms AW's assertion and the Appeal Record of Decision's findings that there was never a basis, and certainly no record of a basis, for the 30+ year boating ban.

The IR however fails to reach this explicit conclusion, even though it is clearly proven. This should be changed.

70,000 exotic species is *not* Wild and Scenic.

One of the OR values on the Chattooga is "Biology." We question how stocking 70,000 non-native exotic fish[8] into a Wild and Scenic River is compliant with that OR value, given the proven impacts of stocking such fish on native biology. We ask that the IR deal with this conflict and express how this action is consistent – given the proven conflicts between this recreational measure and the Biology ORV.

Backcountry anglers create and use user created trails (page 20)

The IR is clear that backcountry anglers rely heavily on user created trails to access the river. This specific relationship between such a use and the resulting impacts is never explicitly addressed in the IR.

The amount of user created trails appears to be substantial (page 21)

There are 35.0 miles of designated trails in the upper river corridor and 19.3 miles of user created trails. We feel that this is a significant amount deserving of active management to reduce any erosion or visual impacts.

3. Comments on the chapter titled: "Recreational Opportunities"

[8] Page 19 of the IR

The Delayed Harvest reach of the Chattooga is not in North Carolina.

The second to last bullet on page 20 states that the delayed harvest reach of the Chattooga River is in North Carolina. It is not.

Skilled boating does not attract unskilled boaters

The final bullet under the Scenic Oriented Boating / Tubing section contains significant problems. Here the IR asserts that allowing floating could "exacerbate this problem" of inexperienced paddlers putting on the river.

First, there is no evidence of this effect on any river that we are aware of including the lower Chattooga.

Second, the presence of skilled paddlers can actually deter such use through peer pressure and education.

Third, the IR fails to mention that there is virtually no signage or information at any of the upper river access points that the public could use to make a floating decision on. The notion that the ban is "well publicized" is laughable, since a visit to any of the river access areas offers no notice of the closures or what lies downstream.

We would argue, and the IR should note, that information at the river access areas, along with the presence of skilled boaters, could deter people from putting on the river that lack the skills to safely complete the run.

4. Comments on the Integrated Report chapter titled: "Use Information"

The use estimation workshop estimates differ significantly from real data presented

The IR should explain the basis for inflating use estimates above the real use numbers actually collected. Why are uses estimated, when real use data exists?

"Use Estimation Workshop" Participates lack whitewater paddling expertise.

Each of these workshop participants' paddling expertise (or lack thereof) and experience with use levels of class IV/V kayaking on steep creeks should be noted.

Furthermore we question why David Hedden, the river ranger with the most on the ground knowledge of the resource was not a participant in the workshop.

Section III of the Chattooga is not acceptable as a proxy river.

The Lower Chattooga Boating Use section on pages 32 and 33 lumps Sections III and IV together for comparison purposes to the upper river. Section III is a very different

recreational resource from the Upper Chattooga. It is vastly easier and therefore acceptable to a vastly larger pool of paddlers – and it also runs all year. Comparisons and discussion involving Section III are inappropriate and should be struck from the IR.

Section IV of the Chattooga is not acceptable as a proxy river.

The IR makes a serious error in relying on Section IV of the Chattooga as a reference reach for the Upper Chattooga. Section IV has a long history of use, is commercially rafted, is well known by the community, is predictably free of strainers, is a more open and less intimidating reach, is likely easier than the headwaters, has fewer rapids than the headwater reaches, runs all the time, has more predictable flows, and is generally a much larger river. Many more people are attracted to such well known, bigger, predictable rivers with summer flows than are attracted to steep inaccessible unknown runs that run only on intense rain storms generally in colder weather on shorter days. All told, Section IV is a vastly less intimidating, more approachable river than any headwater steep creek of similar difficulty. Many paddlers run only larger rivers and shy away from the additional challenges faced by creek boating.

Furthermore the Section IV use numbers include use down to Woodall Shoals as well as use below Woodall Shoals. This is inappropriate because many users that would not run the upper river take out at Woodall Shoals yet are counted as Section IV paddlers. The IR is erroneous in considering Section IV, especially the use from Highway 76 to Woodall Shoals as a good metric for demand.

Reservoir access areas *do* include reservoir boaters.

The final bullet under the Other Lower Chattooga Use section of the IR, on page 34, states that spot counts at the Tugaloo Lake access area "may" reflect some reservoir use. We would argue that these spot counts do include reservoir use. These data should not be considered any basis for use estimates of Section IV.

Use of the Lower River is NOT increasing.

The second bullet under the "Estimating potential whitewater boating use" section concludes that private use may be increasing on Section IV (page 35). This assertion is based on comparing 2003 – 2005 medians to 1998-2005 average medians. This is misleading. 2003 – 2005 were high water years. Only a bizarre cherry picked statistic such as the one selected could show that a decrease from 80,000 to 60,000 users is an increase! Use is decreasing, and the IR should acknowledge that. The contribution of commercial use, which will not occur on the upper Chattooga, should also be figured into any comparison.

Use of Overflow Creek is vastly overestimated

We feel that the estimates of use on Overflow Creek found on page 35 are significantly inflated. The "anecdotal information from several sources" should be revealed

behind these estimates – and they should be lowered. We were told that there was a permit box placed on Overflow Creek and are curious why those data were not used?

Most days there will be no boating, and on even more days there will be no encounters.

Optimal angling exists on average for 324 days each year, and acceptable angling occurring on 361 days. In that same time period, paddlers have only 34 days of optimal boating flows and 114 days of potentially acceptable flows. Anglers naturally have nearly 10 times more days on which optimal opportunities for their activity exist, and 3 times more days on which their activity is even possible. Each individual day of optimal and acceptable paddling opportunities is therefore far more precious to paddlers than to anglers.

The Report Overestimates Usable Boating Days

The report fails to adequately describe the effects of predictability on the number of available days for both uses. Of the 34 average days on which optimal boating flows occur, many of these flows will be unavailable to the paddling community.

As mentioned in the report, many of these peak flows will occur at night, rendering a significant number recreationally unavailable. Another significant portion will represent very quick flow events that are simply too short for paddlers to make use of. Another portion will occur as the result of flash thunderstorms that result in unpredictable flows that paddlers are unaware of until after they occur (especially without a gage on the upper river). A portion of the flow events will occur on days of very low temperatures or poor weather which act as a boating deterrent. Yet more days on which optimal flows occur will be on the rising limb of the hydrograph when many paddlers avoid flashy steep creeks.

This combination of factors will lead to a true count of optimal and boatable days that are in fact much lower than the 34 and 114 noted respectively. We would argue that the number of truly desirable days of flow may actually be 50% of the stated numbers based on these factors.

Unlike the boating flows which by their nature occur during dynamic flow events, angling flows are much more predictable. This is proven by the very fact that there are 324 optimal angling days and only 34 optimal boating days. The Chattooga River's hydrograph provides long periods of relatively stable or predictable flows in the angling range for most of the year. Thus, the estimated days of optimal and acceptable angling are likely very close to the true opportunities that exist.

The IR likely overestimates boating demand for individual reaches

The IR estimates that likely use of the upper Chattooga will be between that on Overflow Creek and Wilson Creek seems reasonable.

What the report fails to conclude however is that this demand is for the entire headwaters and will be spread across 2 or 3 sections (depending on whether or not boaters

paddle both upper sections on the same day). Each of the 3 reaches provide different experiences of similar difficulty and will generally be runnable on the same days – thus paddlers interested in boating the Upper Chattooga will have to choose which section to paddle.

The numbers for the 3 reaches combined (provided in Table 1 on page 36) exceed the demand for Wilson Creek and are thus likely higher than actual likely use. Demand will draw a limited number of paddlers to the Upper Chattooga, and the length of runs will split that demand into several subsets.

Thus, the "guesstimates" of use on page 36 may be overestimated per reach, though are not beyond the range useful for discussion purposes. We feel that they are perhaps 25% inflated. With this being said, we feel that these estimates are useful as high estimates for the purposes of the IR and subsequent discussions. We feel that having some high figures that are "in the ballpark" will contribute to the discussion and therefore support these numbers with the caveat that we expect actual peak use to be significantly lower.

The IR misrepresents angling demand for the Chattooga Cliffs reach

In the management and flow based sections of the IR, the Chattooga Cliffs reach is combined with the other reaches in discussions of angling flow preferences, use encounters, etc.

This should not occur because there is virtually no backcountry angling use of the Chattooga Cliffs reach. During the expert panels no anglers wanted to fish this reach, indicating that in fact angling use may be very low and even approach zero during times of boatable flows.

The IR estimates that backcountry angling (and presumably fly fishing more generally) peaks at 3 PAOT but may average 1 to 2 PAOT for much of the year. It is safe to say that half the reach has no public angling use due to private landowner issues, and the other half has extremely low use.

Discussions of limiting floating in that reach to protect an angling experience that does not even exist should be eliminated from the document, and the lack of even potential conflict made apparent.

Angling use is very low

There will be an average of only 1.5 anglers on the Chattooga Cliffs, 4.3 on the Ellicott Rock reach, 2 in the Rock Gorge, and 6.5 on the DH reach at any given time according to the questionable use estimates – sometimes there will be more, and sometimes there will be none.

Anglers are more likely to be absent or lower in numbers when boating is optimal than when it is suboptimal according to the IR. Likewise, paddlers are more likely to be present when angling is suboptimal than when it is optimal.

Thus, any impact of boating on angling will affect *very few* individual anglers, each of which will have ample opportunities to experience a boater free Chattooga River based on natural flow regimes. The IR fails to make this very critical point.

The report fails to estimate user encounters:

If an angler wishes to fish the Upper Chattooga without seeing any paddlers – he or she would have ample opportunities if paddling were allowed and unlimited. The IR use estimate numbers seem high but may reflect future use reasonably accurately. On an average of 247 days the angler could check the gage and know that he/she would have optimal angling flows and not encounter a single boater. Encounters on these days would be *zero*.

If the flow is a bit higher the angler could anticipate possibly encountering a single group of 5 paddlers on about half of the 77 days when angling is optimal and boating acceptable but not optimal. The other 39 days in that period he/she would have *zero* encounters.

If the river were higher yet, angling would be no longer be optimal, but paddling would be, on a total of 34 days. The angler could expect to encounter paddlers on half of these days (17), and may in fact see several groups of paddlers on about a third of these days (6). The other 17 days in the optimal boating period the angler would encounter zero or very few paddlers. This information from the report can form the basis for some estimates of encounters between paddlers and backcountry anglers[9].

We have calculated high estimates of use encounters between paddlers and backcountry anglers based on the data in the IR[10]. Most anglers do not spend the entire day on the river and therefore many anglers will not see paddling groups that are on the river the same day as the angler's visit. For the purpose of this analysis, in an effort to show the extreme case, we assume that anglers will see every group of paddlers – even though this will certainly not be the case – especially given preferences for different parts of the day.

On at least 292 days, anglers will encounter zero paddlers on the Chattooga Cliffs reach. On 67 days anglers may encounter 1 group of paddlers. On 6 days anglers may encounter 4 groups of paddlers. Note that the total range of acceptable flows is narrower on this reach than on others, making the total paddling opportunities fewer than these average numbers suggest.

On at least 292 days, anglers will encounter zero paddlers on the Ellicott Rock reach. On 39 days anglers may encounter 1 group of paddlers. On 17 days anglers may encounter 2

[9] IR page 37
[10] See Appendix 1 for the assumptions behind this analysis, which all come straight from the IR.

groups of paddlers. On 11 days anglers may encounter 4 groups of paddlers. On 6 days they may encounter 14 groups of paddlers.

On at least 292 days, anglers will encounter zero paddlers on the Rock Gorge and the Delayed Harvest reach. On 56 days anglers may encounter 1 group of paddlers. On 11 days anglers may encounter 2 groups. On 6 days anglers may encounter 8 groups of paddlers. Note also that the Rock Gorge actually has a narrower range of optimal flows than the average numbers used for these calculations, so optimal paddling use would actually be further restricted than these numbers suggest.

What does all this mean? It means that what the IR describes as a significant conflict and impact – is neither. Based on the assumptions of use in the report, which are overestimated with regards to boating, encounters between backcountry anglers and boaters would rarely occur.

The few anglers present would see *no* paddlers on at least 80% of days. The remainder of days they may or may not see one or two groups of paddlers, with the exception of a handful of suboptimal angling days when boating use could be unusually high (still only 4, 8, or 14 groups expected depending on the reach). Anglers would also be able to anticipate the number of paddlers they expect to see based on flows.

Simply put, anglers have ample opportunities (80% of days) to predictably fish the Chattooga River without a single encounter with a group of paddlers *without any limits on either use*.

We ask that the IR provide use encounter estimates. Failing to do so explicitly ignores what the report claims is a significant issue on the river. We feel our estimates are reasonable based on the IR, and will in fact dramatically overestimate actual encounters because of the assumptions that all anglers will see all paddlers and other assumptions of use made in the IR.

5. Comments on the Integrated Report chapter titled: "Biophysical Impacts."

The USFS should be commended for collecting robust biophysical data

We greatly appreciate the USFS taking a hard look at biophysical impacts on the Chattooga River. The collection of data on user trails, erosion areas, camp areas, fire rings, litter, and tree damage is exactly the kind of information needed to really begin to manage for reduced impacts on the upper Chattooga. We applaud the USFS efforts to collect these data and look forward to working with them on stream clean ups and other management actions designed to mitigate or reduce any unacceptable impacts discovered through this field work.

Boater user created trail estimates are without basis

The estimates of boating related user created trails are not based on any real findings and are therefore not adequate for informing decision making[11]. During the expert panels boaters used bedrock to portage and scout. We would point out however that even these overestimates represent only 1/5th of one percent of the total existing trail miles. Regardless, the amount of trails estimated in the IR is negligible in the context of the total trail mileage in the corridor. Trails could also be formally constructed if a need is present – which we doubt is the case.

Litter is unacceptably high, but would not be exacerbated by paddlers as stated in the IR

The amounts of litter noted on page 46 of the IR are totally unacceptable and we agree that this should be remedied. We disagree however with the assertion on page 46 that boaters would contribute to the litter problem just like any other user. Class IV+ paddlers are highly specialized, highly skilled users and numerous studies have linked specialization with increased stewardship (see our appeal). Furthermore, paddling does not result in the almost obligatory littering that occurs through fishing.

Hunting and fishing should not be beyond the scope of the wildlife impact analysis on page 52

The USFS must have the ability to manage user capacity on their lands as it relates to hunting and fishing - and wildlife and fish. If the IR scrutinizes the impacts of merely walking or floating past fish and wildlife then the IR cannot simply ignore the impacts that result from fishing and hunting. Killing and eating fish and wildlife is an impact that greatly surpasses any impacts from hiking and floating use on those fish and wildlife. This massive omission makes no sense from the resource perspective – and is transparently inequitable.

Page 54 notes that anglers trample riparian areas

The impact of angling on riparian areas receives no suggested remedy in the report. This is both unacceptable and blatantly inequitable.

Encounters between anglers and boaters would not be high as stated on Page 62, nor would they be an important impact

The IR states that:

> "Encounters between anglers and boaters could be high on the days when flows are acceptable for both…"

and that these encounters:

> "are among the most important impacts associated with allowing boating on the upper river."

[11] Page 43 of the IR

This finding is in direct conflict with the results of the IR.

The IR estimates that on 80% of days anglers will see no boaters, and on all but a few of the remaining days they would see only 1-2 groups if any at all. It is certainly true that the IR anticipates 6 or so days each year on which use could be unusually high - but would it really be *high* when flows are acceptable for both? No.

Excluding only a half dozen sub-optimal angling days when boating would predictably be high, the rest of the year encounters would be *nonexistent or incredibly low*.

We struggle to see the basis for the conclusion that this miniscule interaction is somehow important enough to require management action. Even the IR goes into some detail describing variables that will assure low encounter numbers on the 20% of days when both uses are even possible, including temperature, time of day, location, etc.

Based on these factors outlined in the IR, an angler who randomly selected angling days might see one or two groups of paddlers on 1-2 days out of every 10 they fish the upper Chattooga – however the same angler could easily select days on which no boating would occur. Even with a random selection of angling dates, anglers with a zero tolerance for paddlers would have the experience they desire well over 80% of the time.

How does this translate into "high encounters" that are an "important impact." This is ridiculous and needs to be revised for consistency.

6. Comments on the Integrated Report chapter titled: "Social Impacts"

Encounter impact analysis is missing key points

The encounter impact discussion on page 65 of the IR misses several critical points. The statement that "the relationship between use levels and river or trail encounters is well established … so use limits are probably the most powerful tool for addressing them" is not always true or consistent with USFS policy and the Wilderness Act. On the Chattooga for example, hikers rarely would see paddlers. Also indirect measures of limiting use must be exhausted before direct limits are implemented based on USFS policy.

The IR goes on at some length in other sections about how on other rivers and on the upper Chattooga differing flow preferences create different use patterns. On many rivers, and on the Chattooga, boating and angling can increase or decrease in popularity without leading to changes in encounters *because the users are on the river at different times*.

It is ridiculous to presume that increases in boating use would create a level of encounters that merits any limitations whatsoever. Furthermore, this section discusses direct and indirect limits as though they are a menu of random options. Limiting use – based on USFS policy and the Chattooga Appeal decision – must be done indirectly before it is done

directly. More importantly though – there must be a problem before the USFS can implement a solution with such massive impacts to users as a total closure or direct limits on use numbers.

The interference with angling section lacks an unbiased look at the issue

The analysis of boats passing over fish and the impacts that has on fishing success[12] fails to address the similar impacts of catching fish, wading in the river, or otherwise startling fish through angling. While *some* anglers may approach a reach carefully, others do not, and many wade right through fishing habitat on the way to new or other locations.

Likewise, casual sightseeing along the river and swimming in the river may have similar impacts on fish response to lures. Any look at this issue needs to realistically address the impacts of all users on fishing success.

Regardless of this massive oversight, the IR found *no* information linking paddling to reduced fishing success.

The interference with angling section states a bizarre goal without basis

This section states that there is no simple way to "totally eliminate negative effects from boater angler encounters." Ignoring the fact that there will be no encounters on 80-90% of days or more, we must ask where the goal of totally eliminating all impacts on a single user group came from? How is this even possible? Is this a standard? Is this the USFS goal? What other user group or forest use is this standard applied to?

We firmly object to this language and goal. The IR clearly shows that the USFS can allow paddling while still managing for very high quality angling on the upper Chattooga. The two are not inconsistent in any way whatsoever.

The same section notes several western rivers (Blackfoot, Ruby, Rock Creek, Beaverhead, Big Hole, and Madison) that exhibit boat-based and shore-based angler conflicts. The IR is deficient in that it fails to emphasize that these conflicts are not the result of whitewater boaters at all – but rather other fishermen or summer tubers that seek the same flows as anglers. The Blackfoot for example only experiences conflicts during the warm low-flow summer months when angling and tubing use is extremely high, and whitewater use has subsided with the flows.

The IR discusses separation of users in space and time – even though there is no justification for this whatsoever given the natural flow driven separations. Essentially the IR recommends making management actions that limit use when nature already limits use.

Perhaps most egregiously, the IR goes on to talk about zero capacity management which is wholly unsupported by the remainder of the IR, not to mention a host of laws and

[12] Page 67,68 of the IR.

regulations. Again, the IR presents the goal of zero encounters – all the time – which would never pass a straight face test of equitability as described in the Chattooga Appeal decision.

The IR must be revised to include alternatives of eliminating all angling and allowing paddling which would also reduce encounters to the ridiculous standard of zero.

Angler – boater interactions is not a consideration in the management of *any* USFS rivers in the region

On page 69, the IR notes that after a significant amount of research, the authors did not find any examples of management actions to deal with angler-boater interactions in the region. Somehow they then conclude that such interactions have not become a priority on "most southeastern rivers".

This should be changed to reflect that it is not a priority on "any other southeastern rivers." We also question why the IR authors discuss a potential need for management on the Chattooga where there is no evidence of any conflicts ever – given the regional context of a similar lack of conflict.

The search and rescue analysis is OK, but lacks regulatory and management context

This section contains some good information on accident likelihood, but lacks key context. For example, the appeal decision clearly states that the USFS does not ban or limit use for safety or search and rescue reasons.

This comes directly from the USFS policy that states: "The manager's role in safety is advisory and informational. Provide opportunities for the river recreation user to become informed of current river flows, equipment and experience minimums and hazards. The user must make the final decision about whether or not to engage in the recreation activity.[13]"

The analysis also lacks clear records of search and rescue operations related to other uses and the impacts of those uses. Why for example would paddling lead to increased rescues any more than say an additional number of anglers or hikers? If there is a capacity of a resource to withstand rescue operations than either that capacity is the same for all users and/or the rescue operations should be modified for reduced impacts.

Search and Rescue operation estimates are not referenced

On page 71 the IR states that the lower river attracts 6-8 search and rescue operations annually, yet then states that the incidents are not tracked. We question the validity of these data, given the admitted lack of any tracking mechanism.

Rescue skills may or may not be lower in younger paddlers

[13] USFS manual 2354.41b

We question the validity of the statement on page 71 that "some wonder" if rescue training is declining among younger boaters. First, "some wonder" if aliens will land on the Chattooga – but that level of personal inquiry does not belong in a scientific report such as the IR.

Second, we are unaware of any evidence of a decline in rescue skills among any user group.

7. Comments on the Integrated Report chapter titled: "Flow Issues"

There is no basis for the Bait Fishing, and scant basis for the Spin Fishing flow preferences

Figure 11 presents acceptable flow ranges for bait fishing (which no expert panel member chose to participate in) and spin angling (which was based on very little direct information). There is absolutely no basis for this information and it should not be given the same level of certainty that the fly fishing data are given. Please see our comments on the Expert Panel Report regarding the failures of that report.

Number of Days analysis is critically flawed

The number of days analysis is based on an average of fly fishing, spin fishing (which has an inadequate basis), and bait fishing (which has no basis). This average makes the overlap between boating and angling look far more significant than the real overlap of concern: boating and fly fishing (which makes up the bulk of backcountry fishing according to the IR). The number of days analysis should compare overlap of fly fishing and boating per reach, in order to be relevant.

The IR fails to present use preference curves

The standard method of displaying differing or overlapping flow preferences is by using flow preference curves. The figures on page 80 and 82 do a good job of showing overlap of optimal and suboptimal flows of various uses on various sections, however they do not show the trends within those categories.

For example, the outer ends of the bars in figure 11 are less preferable (and therefore would likely attract less use and provide a less optimal experience) than other locations on the bars that are also rated as acceptable. Displaying these trends, even with rough data, will do a vastly better job of showing the type and level of experiences that are really overlapping in the data – if not on the river as well. The IR should be revised to present these curves.

Usable day information is located in the wrong location in the IR

The IR proposes a reasonable estimate of factors limiting paddling usage on days where flows appear acceptable or optimal when just looking at the flow statistics. The IR displays this information in the bullets on page 37, under the "Estimating Potential

Whitewater Boating Use" section. This information belongs at that location but must also be included and discussed in the "Using boating days" section on page 84. Along with the discussion and presentation of the bulleted points, a figure similar to Figure 13 should be constructed showing the likely real use of the boatable days, based on the bulleted assumptions on page 37.

Flow issue conclusions do not match the findings of the IR

The conclusions on page 85 do not logically follow the rest of the IR. The IR concludes that on the 77 days (on average) when suboptimal boating overlaps with optimal fishing (but not fly fishing) management actions may be necessary to protect high quality fishing. This assumption is built on a massive house of cards.

First, and most importantly, high quality fishing is already protected by natural flow preferences which assure boater-free angling on an average of 247 days each year! It is absurd to state that in order to protect high quality angling on the Upper Chattooga the USFS must do it *every day of the year*.

Secondly, this conclusion is based on the bizarre assumption that angling is no longer high quality if an angler sees zero, one or two groups of paddlers each day, which is what the IR predicts will occur during those 77 days. The conclusion that those 77 days justify some sort of active management is without any basis.

8. Comments on the Integrated Report chapter titled: "Management Actions"

The "Conflict and Capacity on the Upper Chattooga" section is missing a key point.

What about the impacts of past and future capacity management on paddlers!? There is no discussion regarding the totally devastating impact the assumed "conflict" has had on paddlers for over 3 decades. The past ban, and any future limits could severely impact paddlers and this impact must be analyzed.

The IR erroneously concludes that boating during "overlap periods" would introduce conflict.

We see no basis for the conclusion on page 88 that the presence of boaters and anglers on the same river at the same time introduces conflict. The authors and the USFS sought evidence of such an effect on other regional rivers and found none. They sought evidence on the Chattooga – going back at least 4 decades – and found none. There is no basis for this conclusion and it should be struck from the report.

Boating may not have been rare on the upper river prior to the ban

Page 89 notes that boating was rare prior to the ban, yet there is no basis for this statement. In fact boating use was substantial enough for the 1971 study to suggest access

points, portage trails, etc. Likewise there was some level of use even during the closure that may deserve mention in this section. This is especially true during the 1980's.

The "Management Action Considerations" section of the IR fails to consider the impacts of management alternatives on paddlers

The Management Action Considerations section of the IR (page 100) completely fails to consider the impacts of management alternatives on paddlers – while it does address impacts to "current users."

The impacts of a total ban or any limits on paddlers must be weighed against the lack of such restrictions on other user groups. This is a vital error of the IR.

The "Separating uses by space" and "Separating uses by time" sections contain solutions for problems that do not exist"

There is no evidence of past conflicts between boaters and anglers (or hikers, or other users) on the Chattooga or any other regional river. Therefore the proposed remedies are for a problem that does not – and will not – exist.

The "Separating uses by space" sections lacks discussion of the upper 2 miles of river

There is no mention of the current and apparently intended management of the uppermost 2 miles of the Chattooga River for *no use*. Surely this deserves analysis in this section of the report.

The "Separating uses by space" and "Separating uses by time" sections are severely biased

There is no mention whatsoever in the "Separating uses by space" or "Separating uses by time" sections of the IR regarding the use of limits on angling, swimming, hiking, or any other use – except boating. This is absolutely unacceptable.

The "Separating uses by flow" section indicates an unacceptable goal of managing for a small number of zero-tolerance individuals resulting in zero capacity

There is no discussion in this section on the options of limiting angling or other uses. This is significantly biased.

Just as importantly, managing zero tolerance individuals may be the key to the Chattooga River management. After all, if one person says that they have a zero tolerance for seeing all other users, would the USFS ban all other users for this one person? While the answer is clearly "no", we would point out that this is very possible given that *tolerance levels are a choice that individuals can make*.

Likewise, if 10 individuals have a zero tolerance for another wilderness compliant user group that they will scarcely ever interact with, should the USFS ban the user group – or ban the individuals – or just acknowledge that the overly sensitive individuals may have an impacted experience on a few days each year?

This is essentially what has happened on the Chattooga for the last 30+ years. The USFS has banned an entire user group (paddlers) to suit the stated zero tolerance levels of a very few individuals. The USFS should not be managing for extremely small groups of zero tolerance individuals. The result of managing for zero-tolerance individuals is more similar to privatization or homesteading than it is to the mandates and policies of the USFS as guided by the Multiple Use Sustained Yield Act – or any modern concept of recreational management.

The "Separating uses by flow" section lacks a discussion of natural separation of uses by flow

This section is also deficient in that it does not discuss the *fact* that flows naturally separate uses (particularly angling and boating) to the extent that both user groups have significant opportunities to enjoy the river without seeing one another. Anglers have 80-90% of days without paddlers – so how can the USFS possibly justify restricting boating on those few days? Where is the justification for that in the report or the WSRA?

The IR contains many good resource protection ideas that we support.

We fully support the concepts of trail maintenance, trail redesign, camp rehabilitation, backcountry pit toilets at high use sites, clean up patrols, and various educational actions.

The "fishing regulation changes" section is incomplete.

We fully support angling on the upper Chattooga and elsewhere to the extent that it does not damage the river environment or displace other users. Historically and currently, angling has displaced 100% of paddlers from the upper Chattooga. It now threatens to continue to do so based on a few individuals that claim zero tolerance for one group of other wilderness compliant users.

Angling has contributed significantly to the large number of user created trails and trash in the river corridor. Angling results in roughly 70,000 individual exotic fish being added to the river each year. Angling results in low elevation helicopter stocking operations which certainly has impacts on other users yet is not addressed in this report. Angling undoubtedly impacts other users seeking solitude, fish health, aquatic invertebrates, riparian health, and other factors. Angling has displaced 100% of paddlers.

The IR ignores all these factors and gives no real consideration to limits on angling or management of these impacts. The angling regulation section on page 93 fails to address the very tangible benefits to boating, other users, trails, camping, riparian health, fish health,

the native aquatic assemblage, and other resources that reduced or modified angling activity may have.

With all this said, we feel that angling on the upper Chattooga should continue to be fully supported by the USFS so long as its impacts are minimized and mitigated – just like all uses.

The rationale behind limits on boaters is flawed

The IR states on page 93 that limits on boaters are "probably the best way to ensure that boating use (if allowed) does not substantially increase encounter rates in the river corridor." This may or may not be true of boating – but it is equally or more true of other and all users as well. If limiting the number of encounters is the goal/standard, then limiting far more popular (and increasing) uses like hiking, camping, fishing, etc would do more to limit the number of encounters.

However for some reason this standard is only applied to boating – likely the smallest and most seasonally/flow restricted use in the entire corridor. Applying this standard to boaters only is analogous to stating that limiting the smallest group among minorities' access to voting is the best way to enhance the voting power of the majority. It is both unethical to apply the standard in this way – and does not make sense.

The IR goes on to list examples of other places where boating has been limited, but fails to mention any real reason for why it is boaters that were limited in these cases – or refer to our significant comments on these case studies (filed in reference to the case study report).

The final paragraph suggesting specific appropriate limits is totally without basis. This paragraph assumes that meeting others' encounter standards *on every day of the year* is a justifiable management priority – in the face of data that says these limits may only be exceeded on a handful of days and only impact a handful of people or less.

The other justifications are similarly bizarre: we fail to see how greater difficulty of the Chattooga Cliffs Reach should trigger more stringent use level restrictions. We also fail to see why more stringent use limits could be justified during the overlap period – when it would be extremely unlikely that an angler would see a group of boaters on those days – and when anglers have at least 80% of days on which there is no chance they would see a paddler.

The "limits on numbers" sections referring to user groups other than boaters are not explored as fully as the limits on boaters section – or at all

There should be an equal amount of detail expressed in exploring limits on each user group (page 93-95). There should also be an analysis of limits on total use – regardless of recreational pursuit.

The "considerations for developing permit systems" section is totally unacceptable and would result in the elimination of nearly all boating opportunities.

The "considerations for developing permit systems" section of the IR, found on page 95, is a ridiculous scenario that is surely intended to show that any permit system on the Chattooga would fail to meet paddlers' interests or be workable for the USFS.

The IR estimates that there are only 34 optimal days of paddling flow each year on average, 17 of which would be utilized – without any permit system whatsoever.

The permit system methodology discussed in the IR would drop that number to virtually zero use by creating unsurpassable hurdles for paddlers. In order to paddle the Upper Chattooga, paddlers have to opportunistically react on literally a moments notice to meteorological information that indicates likely boatable flows. Any impediment to this process would essentially make the Chattooga unrunnable. This is totally unacceptable.

The IR overlooks the most obvious option for a permitting system, and one that we wholeheartedly endorse. This would be a self-issued permit for all users of the Chattooga River corridor. These permits would be unlimited in number and free, but would allow the USFS to track various recreational uses and would provide basic regulations for all users, such as camp spacing, distance to water, etc. See the Cohutta Wilderness LAC for an example. .

There is no discussion of the impacts of a ban on paddlers – only on the benefits to anglers

The report discusses at some length the potential negative impacts of the presumed angler-boater conflict on anglers, yet fails to mention the very real past and potential impact on paddlers. Based on this presumed conflict, and entire generation has had no paddling experiences whatsoever on the Wild and Scenic upper Chattooga for over 30 years. One must ask which is a greater impact on users: a slight reduction in quality of experience on up to 20% of days, or the total elimination of an activity.

It is analogous to comparing a pin prick and a gunshot wound. For 30+ years paddlers have had the gunshot wound so a small number of anglers would not occasionally feel a pin prick. Allowing paddling, and allowing it to be naturally limited by flows, would potentially result in a pin prick to the angling experience for a small number of individuals on a small number of days but would heal the gunshot wound all potential paddlers are currently suffering from.

The IR discusses options of limiting or eliminating paddling through management decisions based on a variety of spatial, seasonal, and flow variables as possible alternatives, yet presents no discussions of the impacts these actions would have on the paddling community. It is analogous to doing a cost-benefit analysis and only analyzing the benefits. The IR must be revised to reveal the very real recreational impacts of past management and alternatives for the future that include permits and limitations on paddling use.

There is no discussion of limiting or banning angling use to reduce or eliminate encounters

If two groups actually conflict – regardless of the direction of antipathy – limiting or eliminating either group would have equal effects on the conflicts. Limiting boating would reduce the already miniscule number of angler-boater encounters, as would limits on anglers.

Eliminating angling for all or part of the year on all or some sections would eliminate encounters altogether. Eliminating boating for all or part of the year on all or some sections would eliminate encounters altogether. The report fails to discuss the effects of limiting angling to reduce encounters. We feel the IR clearly show that no limits are needed for either use, since both uses are low in number and the optimal flow preferences do not overlap.

The "Limits on numbers of anglers" section on page 94 is lacking key benefits

The IR goes on at length about limiting boating to benefit anglers. Thus, boaters' experiences are totally destroyed, to avoid a rare encounter that detracts somewhat from an angler's experience. This fails all tests of equity. If the IR or the USFS truly can state that the two uses are incompatible – then there should be an angling ban for part of the year specifically so that paddlers can use the river without impacting anglers. We do not endorse this option as reasonable because we see no evidence of incompatibility.

9. Comments on the Integrated Report chapter titled: "Proceeding with Planning and Decision-making

Flow information is not "precise"

On page 101 of the report, the IR states that "information for flow-dependent activities on the Upper Chattooga is relatively precise for a river with a 'new' gage and formal assessment of just one flow." While this conditional statement may be true, the fact remains that there is a great deal of uncertainty regarding the flow information itself and the user preferences. We state this based on gage translation problems, single flow experience, small sample size, the fact that one reach was not fished at all, the fact that the upper 2 miles was not fished or boated, and other study design flaws.

Conclusions:

The Integrated Report offers no justification whatsoever for any limits to paddling. In fact the IR confirms our assertions that allowing paddling would have no environmental effects that are not similar to other users, that paddling use would be low and rare, and that interactions between paddlers and other users would be extremely rare based on flows and other factors. Still, there are significant errors and omissions in the IR that must be remedied before this information is incorporated into a NEPA process. Likewise, there are several management options in the report – including limits to paddling – for which there is no basis

in the report. We ask that these problems be corrected, and also ask that our comments on the individual studies underlying the Integrated Report be responded to and wrapped into the NEPA report.

We would like to reiterate our challenge to the USFS to find a management alternative more elegant, fair, protective, responsive to rapid flow changes, legal, nationally consistent, and easier to manage than simply allowing the natural flow regime to dictate use on the upper Chattooga River.

Respectfully Submitted On July 2nd, By

Kevin Colburn
National Stewardship Director
American Whitewater

Appendix 1. Assumptions behind our use encounter estimates.

Chattooga Cliffs				
	Boaters per da	Boater Grou	Anglers PAOT	Encounters
247 days of no boating optimal angling	0	0	2	0
17 days of optimal boating with 50% weekday use	2.5	1	2	1
11 days at weekday max	5	1	2	1
6 days at peak use	20	4	2	4
38 days of low overlap	0	0	1	0
39 days of low overlap boaters per day.	5	1	1	1
7 days at big water wit use	0	0	0	0

Ellicott Rock				
	Boaters per day	Boater Groups per Day	Anglers PAOT	Encounters
247 days of no boating optimal angling	0	0	2.3	0
17 days of optimal boating with 50% weel	10	2	2.3	2
11 days at weekday max	20	4	2.3	4
6 days at peak use	70	14	2.3	14
38 days of low overlap	0	0	2.3	0
39 days of low overlap boaters per day.	5	1	2.3	1
7 days at big water with little to no use	0	0	0	0

Rock Gorge and D.H reach				
	Boaters per day	Boater Groups per	Anglers PAOT	Encounters

		Day		
247 days of no boating optimal angling	0	0	2.3	0
17 days of optimal boating with 50% weekday use	5	1	2.1	1
11 days at weekday max	10	2	2.1	2
6 days at peak use	40	8	2.1	8
38 days of low overlap	0	0	2.1	0
39 days of low overlap boaters per day.	5	1	2.1	1
7 days at big water with little to no use	0	0	0	0

5 July 2007

John Cleeves
U.S. Forest Service
4931 Broad River Road
Columbia, S.C. 29212

Dear Mr. Cleeves:

I am writing to ask that kayaks NOT be allowed in the Upper Chatooga. I have been visiting the Chatooga River since I was a small girl in the early 1960's. I now return to it as often as school breaks allow my children to do so: my grandparents were wise in their choice of homes. Their great grandchildren enjoy this foresight while splashing in the river's shallows, admiring the many species of salamanders, wildflowers, and if they are very lucky the river otters and beavers that dwell there too.

I believe that making the river available to kayakers would change river life in many ways. The Chatooga is a very rocky river and portages would be unavoidable and frequent – trampling delicate mosses, herbs, and amphibians, opening new trails, and increasing erosion on land and turbidity in the water. More rubbish would certainly follow. The roughness of the water would assure the loss of items from boats. Human waste would pollute river and riparian areas. One need only look behind the trees at Slide Rock for the tell-tale toilet paper mounds. Lastly, allowing public access for kayaks will change the river from a quiet place where we hope our children and their children will find time for quiet reflection.

Our family has been stewards to a stretch of this river for more than 60 years. Please do not destroy the sense of quiet peace, the feeling of discovery that the Upper Chatooga gives those who enter it on foot.

Sincerely,

Jennifer Carothers
500 Hawks Peak Road
Aptos, CA 95003

Please add my comments to the public Record

July 8, 2007

From: phillip patton <bartandjudy@alltel.net>
Date: Sun Jul 8, 2007 12:46:56 PM US/Eastern
To: jcleeves@fs.fed.us
Subject: Letter to Forest Service Re: Upper Chattooga

To: John Cleeves
Project Coordinator
Sumter National Forest
4391 Broad River Road
Columbia, S.C. 29212

From: Judy Patton
214 Charlie Mountain Rd.
Clayton, GA. 30525

Dear Mr. Cleeves,
Thank you for the opportunity to write and give my opinion of the possible opening of the Upper Chattooga River to boaters and kayakers. I feel this would have a very negative effect on the pristine watershed of the upper Chattooga. This area is truly "wild" and should stay that way. I will just list the reasons why I believe this to be so:
#1- At this point there is no human footprint in that area, which means it holds a tremendous and unique position where "low impact" visitors can enjoy the huge biodiversity and solitude of this biologically special place. If "high impact" visitors are allowed to frequent this area, it could destroy these pristine and wild areas for everyone.
#2- The Wilderness Act of 1964 was highly supported because government leaders and citizens realized that "wilderness" and solitude were becoming scarce. That was 43 years ago. Imagine how much more scarce wild areas are today.
#3- There are already many open areas and rivers available to boaters and kayakers. I believe there are 36 miles of the Chattooga River alone which are open to them. Let's leave the Upper Chattooga to footpaths only.
#4- Boating especially has a very high impact in many ways aside from boating on a river. They can transport pests and predators from other locations that can have devastating effects to native species in water and on land. They generally seem to have more "baggage" than other groups in my opinion.
#5- There is already an aggressive assault on the Southern Appalachians with large natural tracts being fragmented more and more through development or something similar.
#6- Once the degradation has happened it is almost impossible for recovery to return to the original condition. It must never be allowed to happen in the first place. It is your responsibility to protect areas like this and not allow high impact recreation.

Please keep me informed on the decision that is made. I know if you think about how harmful these high impacts can be to this region you will make your decision to keep the upper Chattooga watershed wild and scenic.

Sincerely,
Judy Patton
Judy Patton

July 9, 2007

John Cleeves
Sumter National Forest
4391 Broad River Road
Columbia, South Carolina 29212-3530

RE: Upper Chattooga River Analysis

Dear Mr. Cleeves,

On behalf of the Glenville rescue squad we request that the Upper Chattooga remain closed to whitewater boating. Geographically, the Bull Pen area of the county is the most remote and difficult to access especially after heavy rains.

Access once at Bull Pen is equally problematic. Down stream from the bridge there are no access trials along the river and "Super Corkscrew" labeled a class V+ rapid by American Whitewater is a mile into the wilderness without any access roads. The *Integrated Report* indicated that up to 70 boaters per day might be interested in running this section after heavy rains.

Access above Bull Pen is equally problematic; this is especially true in the most dangerous sections below the Chattooga Cliffs. Currently, there are no access trails to the Gorge and many of the bed trails will be underwater during boatable flows. Four Class V rapids and numerous strainers that are repositioned after each flood create unpredictable hazards that will certainly cause numerous accidents if not deaths.

The time boaters plan on using the gorge is "after heavy rains" or what we consider flood conditions. This creates an especially dangerous situation for our volunteers who would be risking life and limb to protect these extreme adventurers. Even the USFS cautions visitors "climbing around waterfalls during high waters is hazardous"; that would equally apply to rescue volunteers.

No provisions are discussed for kayakers trapped in the gorge due to rising waters that will block any safe passage. The flashy hydrology noted in the report may force moderately skilled kayakers to run a rapid they may have otherwise portaged.

Potential impact to the resource itself should also be considered. We would advise extending a gated road to Super Corkscrew to accommodate rescue vehicles and would require provisions for equipment for getting to and into the Chattooga Cliffs Gorge to conduct what inevitably will be required rescues. Kayakers should not be allowed to burden local taxpayers with these added expenses.

Finally, most swimmers and anglers use the pools away from hazardous water flows, but it is our understanding that boaters wish to kayak during flows that are still used for swimming. We would like the USFS to consider the potential hazards of putting kayaks and swimmers together on the stream and review the summer use at the more popular swimming holes above Bull Pen and at Sliding Rock.

Opening the Upper Chattooga would not be in the best interest of our heroic volunteers or typical Chattooga visitors. In this case the risks to the bystanders far outweighs the benefits of having a few kayakers on the Upper Chattooga.

Thank you for the opportunity to voice our concerns for the public record.

Ellen Jamison

Asst. captain
Glenville-Cashiers Rescue

July 9, 2007

John Cleeves
4931 Broad River Road
Columbia, SC 29212

Dear Mr. Cleeves,

I am writing this letter with the intent of handing it in at the USFS Public Hearing in Walhalla, SC on July 10, 2007 dealing with the Chattooga River boating ban above Highway 28. If I am unable to attend I will mail it hard copy and probably via e-mail.

I have written to you before via e-mail, however, after attending an open house in Clayton, GA hosted by the USFS I am even more adamantly opposed to opening up the Chattooga River above Highway 28 to boating. I would like to address issues that arose as a result of that meeting where study results were reported. Although I enjoy walking the trails on the Chattooga and observing wildlife, my perspective is mainly that of a trout fisherman who has fished the Chattooga and its tributaries and many other southern Appalachian streams for the past 55 years. My comments below are arranged by topic.

THE STUDY

As a participant on the angling expert panel, an avid trout fisherman, and a volunteer for Trout Unlimited who has given back to the coldwater fishing resources on USFS lands in many ways for many years I feel the study was designed with the wants and needs of boaters in mind. I do not fault the USFS for this but rather the contractor utilized for the study. It is obvious that the USFS is stuck in a situation it neither wants nor has the resources and experience to deal with. Contractors lick their lips when they find government agencies in this type of predicament. I believe that since the boaters had already sued the USFS there was an attempt by the contractor to produce a study that would mollify them while trying to portray it as a scientific document when in fact there were and are too many factors to consider that have either skinny or no data on which to make a judgment. For your sake I hope you do not rely on the study document to defend a lawsuit.

THE COST

At the meeting in Clayton several participants posed questions about the costs of the study (both contractor and direct federal employee costs), the planning/decision process, and ultimately the costs to fairly and lawfully administer a system that would allow boating with a minimum of conflicts, injuries, and altercations. The lowest figure I heard at that meeting was a guess of $500,000 for the current contract expenses only at that time for the study only. Other costs had not even been considered. As a taxpayer and a volunteer who knows how difficult it is to raise funds for fish and wildlife projects on USFS lands it is very depressing to think of all the money wasted that could go to the

betterment of fish and wildlife. It is particularly depressing when what you are paying for does not really get to the heart of the matter which will be discussed at the end of this letter under **THE BOTTOM LINE--CULTURE.**

PROCESS

I understand perfectly well that you must have a decision making process and that you are doing the best you can envision. However, both the flyer published by the USFS and distributed at the meeting in Clayton for the Tuesday July 10, 2007 meeting and the content of the "Workshop" to be held on July 14, 20007 indicate to me that you have already made a pre-decision to allow some kind of boating prior to the comments heard at both the Clayton meeting and the meeting to be held tomorrow. Evidence of this is found in your flyer which states "What alternative or alternatives to current management would you recommend that, in your opinion, would best respond to all the various public interest while maintaining the outstandingly remarkable values of the Chattooga Wild & Scenic River?" Evidence is also found in the intent of the "Workshop" which is actually a session trying to get people who do not want boating to compromise on their position if there is agreement on rules for boating. Is this pre-decision legal from a process standpoint? Is pre-decision prior to public comment USFS and U.S. government policy?

WHAT DOES AMERICAN WHITEWATER REALLY WANT?

From comments heard during the expert angler and boater panel information gathering phase and the meeting in Clayton it was evident that participants who are skilled whitewater boaters in both of those sessions want to be able to boat the Chattooga above the Highway 28 bridge and especially those sections which have the most challenging whitewater. However, they also would like to restrict amateurs, whether they be in float tubes, rafts, ordinary canoes, or rubber duckies, because they would represent both a hazard to a whitewater kayak racing down swift water and probably to themselves if they get into such water. Like fishermen, hikers, and birders, they also understand that the wilderness experience isn't so great when you come around a bend to a flotilla of pink and yellow inner tubes. How hard is it for them to understand that a flotilla (like 70 per day between Ellicott's Rock and Burrell's Ford according to the study projections) of whitewater kayakers coming through wild brown trout water ruins other users wilderness experience not to mention fishermen's fishing success? So what they really want is all everywhere in the nation.

ALTERNATIVES FOR THE BOATERS

As you know in the southeast there are virtually no restrictions on boating on streams other than the Chattooga so they have plenty to choose from already and several are within a few miles of the Chattooga. There is no reason for me to list all the other streams in the southeast, however, I would like to point out a few that are very friendly to boaters, but have been made very unfriendly to fishermen.

The management of the Ocoee makes whitewater rafting great, but fishing and the very survival of fish food very difficult.

The Nantahala below the powerhouse is made unfriendly to fisherman by the scores of unskilled rafters and the very skilled but rude kayakers who run up and down fishing runs regardless of whether a fisherman is there or not. At the Clayton meeting one of the boating representatives even issued the preposterous statement that they were responsible for creating Nantahala Lake and the coldwater runs below it rather than the real reason which was power generation. The boaters have made the most of the situation by excluding many others below the powerhouse either through ignorance or thoughtlessness. Locally, they are allowed to be ignorant or thoughtless because of the income derived through commercial enterprises supported by boaters. I am sure they feel they have done trout fishermen a great favor by allowing the delayed harvest section above the powerhouse, but the truth is that stretch of water is marginal for trout and a great deal of its flow comes from smelly and trashed White Oak Creek polluted by private landowners upstream.

The Chattahoochee from Robertstown through Helen although stocked with trout is not really fishable most of the day from late spring through early fall because of the commercial tubing companies operating hundreds of brightly colored inner tubes in which tourists float down the river en masse.

Of course there is no need to even mention the circus that now exists on the Chattooga below the Highway 28 bridge.

AN ADMINISTRATIVE NIGHTMARE

Before pre-deciding to allow boating on the Chattooga above the Highway 28 bridge please think about what you would be getting into and what the potential costs will be. Assuming you exclude the pink tubes and rubber duckies, but allow the skilled whitewater boaters here are just a few of the questions:

1. If the upper Chattooga is opened to skilled whitewater boaters how do you keep the tubes and rafts out?
2. How will you control the volume of allowed boaters?
3. How will you decide what days are allowable for boaters and establish a permitting system?
4. How will you identify bona fide boaters skilled enough for whitewater on the upper Chattooga?
5. How will you identify/label them individually while on the river (numbers on their shirts or their kayak identifiable from 90 feet (the length of a very good fly fisherman's cast)? Other users need to be able to identify them to report infractions and unacceptable behavior to the USFS enforcement personnel.
6. How will you prevent removal of large woody debris particularly upstream of Ellicott's Rock or in the gorge area by boaters not wanting to portage?

7. How will you deal on-site with conflicts between boaters who come to close to either fishermen's runs or the wading fishermen themselves?
8. Where will the money come from to pay enforcement officers at a minimum at the GS-9 level and other administrative people for managing a permitting system when in Georgia you have already reduced key people performing important fisheries and wildlife preservation and enhancement?
9. How and at what cost will you deal with the additional garbage and damage to the paths and riverbanks due to large volumes of boaters during certain times of the year? I hope you are not relying on the contractors' study information when all you have to do is look downstream below the Highway 28 bridge.
10. How will you deal next time with those wanting 4 wheelers and horses in the Chattooga wild and scenic corridor if you open the gates by caving into American Whitewaters suits and threats?

THE BOTTOM LINE--CULTURE

After spending thousands of dollars on a contractor's study there are only two pieces of information contained in the study that are particularly relevant to me as a fisherman on the issue of whether or not to allow boaters on the Chattooga above the Highway 28. First, it documents what most users of whitewater could have told you without a study and that is fishermen prefer water at moderately high to low levels, whitewater boaters prefer moderately high to very high water, and that during parts of the year there is overlap in preferred usage. Second, the contractor projects that on days 70 boaters will float between Ellicott's Rock and Burrell's Ford.

There are two other pieces of information that are not but should be contained in the study which are relevant to the public at large and the USFS in particular. What are the costs and administrative problems that have already occurred and will get worse as the decision making process continues and if boating is allowed on the Chattooga above the Highway 28 bridge.

All four of the above point to the bottom line problem of allowing boaters above the Highway 28 bridge. There is a clash of cultures due to the differences in the sports of whitewater boating and trout fishing and those individuals attracted to those sports, particularly those that are very devoted and serious about their sports. Below I will speak to my explanation of how many trout fisherman devoted to the Chattooga fishing experience feel and my perception of whitewater boaters based on my contact and experience with them on the water.

Trout Fishermen-

Most trout fishermen, especially those that live far from the Chattooga, don't check water level gauges to determine when to fish the Chattooga. They might check a weather report to see what clothes to bring, but mostly they decide when they will fish the Chattooga by when they can get off work or away from family responsibilities. It could be way in

advance or the day before. Even if they live in Rabun or Oconee county it will take a while to get near the river and to find the solitude, good fishing, and wilderness experience we're seeking it will take another 45 minutes to an hour of walking to get away from others. We want to be away not only from boaters, but also other fishermen who will come right up and stand beside you and fish in your run if they see you being successful. We also want to be away not only from boaters, but also drunken loud campers with noisy dogs. Both of these examples occur frequently on nearby streams like the W. Fork Chattooga, Sarah's Creek, and Warwoman Creek. Even those trout fishermen in our 60's and 70's who are still able will walk far enough to avoid fishermen and campers and especially those acting obnoxiously. However, you can never walk far enough away to avoid boaters whether they are those who may think they are acting in a very reasonable and pleasurable way or those who are acting in a very obnoxious way on purpose. It really doesn't matter about the boaters' intent, the negative result on the trout fisherman is the same. Whether they really don't know they just went over the best holding water for 100's of yards or whether they are enjoying baiting you by paddling back and forth ten feet from you in a run you have been fishing the negative result is the same. The trout fisherman stands there and thinks to himself "I have gone to a lot of trouble to get the day off, I got up at 0 dark thirty, drove three hours, and walked 2 miles to experience a large river with a good population of fish in a wilderness setting and here comes a guy floating right into the run I am fishing." Or even worse, "here comes a pod, or group, or flotilla of guys floating right into the run I am fishing." Even if they are friendly and trying to be thoughtful, the same question (are you catching any) asked multiple times is not conducive to a pleasurable wilderness experience.

Whitewater Boaters-

My perception based on personal encounters of serious whitewater boaters is that they are thrill seekers who thrive on aggressively attacking difficult rough water. Many are also careful to scout difficult water because aggression does not mean crazy or suicidal. They get a sense of accomplishment from running difficult water. They enjoy the status of having "run the X river". If they were truly mostly interested in just a wilderness experience they would choose calmer water where they didn't need to pay rapt attention to their boat or paddling to avoid a serious accident. A thrill seeking "hot dog" attitude (not meant as an insult) is what allows them to be successful in their sport.

Unfortunately this attitude is also incompatible with trout fishermen and others who engage in a slow, careful, contemplative sports. Also unfortunately most of my on the water encounters and some off the water encounters with whitewater boaters have been negative, rude, thoughtless, ignorant, and downright dangerous to me personally. Mostly it has been because we both wanted to occupy the same space on the water to engage in our sport. Since they had the advantage of being in a craft with ramming ability they felt it was my duty to stay out of their way regardless of how long I had been there or what I was doing.

This incompatibility usually means the trout fisherman gets run off or an ugly

confrontation occurs. The Chattooga River above the Highway 28 Bridge is the only safe harbor left to the trout fisherman in the southeast. It will be far easier and more cost effective for the USFS to protect this safe harbor than to destroy it.

Sincerely,

M.A. Watson, Jr.

M.A. Watson, Jr.
764 Wildwood Rd
Atlanta, GA 30324

Visitor Use Capacity Analysis, Upper Chattooga River
USFS Public Hearing – 7/10/2007
Verbal Comments by Doug Adams, Rabun Gap, GA

The Forest Service asked: How would the upper Chattooga be managed if you were managing it?

First I would address 2 Current Concerns:
1. The North Fork needs more attention from law enforcement due to the ever-increasing lawless activities (including vehicle break-ins, theft, drug problems)

2. Education efforts are needed to encourage appropriate recreational behaviors that minimize impacts

In deciding management strategy, I would keep in mind:
1. Forest Service streams are managed to emphasize and recruit large woody material. The Report said *"In many cases, user groups may remove hazardous LWM - -"*

2. For a recent 3-year period (2003 –05) the water gauge read over 1.8 feet for 79% of the time (862 days).

3. Half the headwaters are already zoned to accommodate "creeking" activity in the West Fork watershed.

4. Lower river boating has displaced other visitors wishing to avoid conflicts and interference while seeking solitude and quietness.

5. The report said Chattooga recreation is likely to increase in excess of 20% over the next decade and whitewater boating and fly fishing may increase at even higher rates.

(Quote from the Report) "Agency staff use professional judgments to determine which characteristics are **unique, rare or exemplary** at a **regional or national scale** so as to qualify as **outstandingly remarkable**"

The North Fork is **unique** and has **local and regional value**: There is nowhere else anglers can go in the East that has the size to permit quality fly-fishing in a spectacular backcountry setting that is free of boating interference. Because of the unique backcountry experience, in 1999 the North Fork was named one of the 100 best trout streams in the nation.

I would manage the Chattooga to protect and enhance the ORVs. I would establish Limits of Acceptable Change on <u>all</u> segments of the Chattooga, including the West Fork headwaters, to insure that the "wild" sections will remain unimpaired for future use as enduring backcountry with wildness, remoteness, and solitude intact.

<u>In Closing</u>: Some people are saying that the zoning of activities is discrimination. Zoning of conflicting activities is good stewardship, not discrimination. Stewardship encompasses far more than picking up litter; it includes the protection of the aesthetic values of natural resources such as remoteness and wildness, the proper regard for the rights of others to solitude, and the responsibility of preserving these values intact for future generations.

Visitor Use Capacity Analysis, Upper Chattooga River
USFS Public Hearing – 7/10/2007
Comments submitted by Doug Adams, Rabun Gap, GA

- **What values / issues of local or national significance are important for the Forest Service to consider?**
  - Local issue: Presently the activities of boating, horseback riding, and trail biking are zoned away from Chattooga's North Fork river corridor. Only foot travel is allowed. If American Whitewater (AW) is successful in opening up the North Fork for unrestricted private boating, that will be "a foot in the door" for allowing other vehicular activities. (Pg 24 of the Integrated Report)
  - Local & Regional value: The North Fork is unique. There is nowhere else anglers can go in the East that has the size and volume to permit quality fly-fishing in a spectacular backcountry setting that is boating-free. *"Agency staff use professional judgments to determine which characteristics are unique, rare or exemplary at a regional or national scale so as to qualify as "outstandingly remarkable" (IWSRCC, 1999, pp. 12-15; IWSRCC, 2006, p. 17)."* (Excerpt from page 7 of the Integrated Report)
  - Local, Regional, & National value: Because of the unique backcountry experience, in 1999 the Chattooga's North Fork was named one of the 100 best trout streams in the nation. *"When recreation is an OR value (as on the Chattooga), the IWSRCC recommends protecting regionally or nationally significant recreational attributes while avoiding adverse effects on non-recreation OR values (IWSRCC, 2007, draft p. 5)."* (Pg 8 of the Integrated Report)
  - National issue: However this issue is resolved it will be precedent setting with far reaching consequences into the future and across all federal agencies that manage and zone recreational waters.
  - National issue: It appears AW intends to do whatever is necessary to overturn the zoning of the Chattooga in order to establish a legal precedent needed to mount a court challenge in their 20-year struggle to open the 400 miles of Yellowstone NP streams to whitewater boating.

- **Keeping in mind your answer to the above and realizing that various resources (water quality, wildlife, recreation, etc.) must be weighed together, how would the upper Chattooga River be managed and what would it look like if you were managing it?**
  - Aquatic habitat: I would keep in mind that Forest Service streams are managed in a manner that emphasizes and recruits large woody material (LWM). A variety of aquatic species depend on natural accumulations of trees, branches, and root wads known as LWM. (Sumter Forest Plan, page 3-41) (Pg 55 of the Integrated Report)
  - Experiential, Recreational, & Aquatic habitat: I would keep in mind the management prescription for the "wild" segments of the Chattooga River: *"These segments of the Chattooga River* (wild) *are the most primitive and remote. Management of these segments is focused on protecting the outstandingly remarkable values of the river and preserving the natural environment and natural processes from human influences."* (Quote from CONF Forest Plan, pg 3-26)
  - Aquatic habitat: I would keep in mind this excerpt from page 56 of the Integrated Report, *"In many cases, user groups may remove hazardous LWM (Blevins, 2007). There appears to be tacit agency support for some of these efforts, but sometimes there is no agency consultation and formal agreements are rare."* (For Blevins 2007 http://www.denverpost.com/search/ci_5841457)
  - Recreational: I would keep in mind that the chart on page 80 of the Integrated Report says technical boating could occur down to 1.8 feet and for a recent 3-year period (2003 – 2005) the gauge reading was over 1.8 feet for 79% of the time (862 days).
  - Recreational: Keep in mind that headwaters boating (creeking) is a relatively new whitewater sport and still growing in popularity. Creeking is made possible by the application of new hi-tech materials to creative new boat designs. It is part of the explosion in popularity of "extreme" sports. (Pg 22 of the Integrated Report)

- Recreational: I would keep in mind that half the Chattooga headwaters are already zoned to accommodate "creeking" activity in the West Fork watershed. (Pgs 35 & 36 of the Integrated Report)
- Recreational & Experiential: I would keep in mind that boating on the lower Chattooga (both unrestricted private and commercial) has displaced other visitors wishing to avoid conflicts and interference while seeking solitude and quietness. (Pgs 15 & 69 of the Integrated Report)
- Recreational: I would keep in mind that page 96 of the Integrated Report states *"Separating uses by space (zoning) is among the most common ways of addressing use conflicts in land-based settings." "In river settings, segment zoning is also common, particularly for separating motorized and non-motorized uses (dozens of WSRs or segments have been designated non-motorized)."*
- Recreational: I would keep in mind that Sumter NF has received 423 personal comments (not including those from organizations) and 60% were not in favor of unrestricted boating.
- Recreational: I would keep in mind that *"recreation use trend information suggests that Chattooga use is likely to increase at the rate of population increases for the region, which may exceed 20% over the next decade. Within that general increase, however, some activities may increase at slightly higher rates (e.g., frontcountry recreation, day hiking, whitewater boating, and fly fishing), while others may grow more slowly (e.g., frontcountry fishing, backpacking)."* (Excerpt from pg 40 of the Integrated Report)
- Recreational: I would keep in mind there is absolutely nothing in the Wilderness Act and/or the Wild and Scenic Rivers Act that says all compliant activities must be permitted in all segments of the river.
- Recreational: I would keep in mind that once an activity is established it is very hard to change it.
- I would manage the Chattooga River to protect and enhance the outstandingly remarkable values (ORV) which caused it to be designated a National Wild and Scenic River (WSR). (Pg 7 of the Integrated Report)
- I would manage the "wild" segments to preserve the natural environment and natural processes from human influences.
- I would establish and manage Limits of Acceptable Change (LAC) on all segments of the Chattooga, including the West Fork / Overflow Creek headwaters, to insure that the "wild" sections will remain unimpaired for future use as enduring backcountry with wildness, remoteness, and solitude intact.

- **What are the benefits (environmental, social, recreational, economic, etc.) that your vision provides?**
  - Economic: Zoning boating away from the Nicholson Fields Reach during DH season would benefit the local economy. I believe if out-of-town DH anglers experienced interference from boating, some will be displaced to DH streams in NC. (Pg 96 of the Integrated Report)
  - Recreational: I believe the North Fork's recreational ORV includes wildness, remoteness, and solitude in a foot travel only backcountry setting. The WSR Act requires that the Chattooga be managed to protect and enhance the ORV of recreation. That would be a benefit derived from establishing and enforcing the LAC.
  - Experiential: The Wilderness act requires the Ellicott Rock Wilderness be managed so as to provide *"future generations the benefits of an enduring resource of wilderness", "unimpaired for future use as wilderness", "preservation of wilderness character",* and *"solitude",* not unrestricted recreation. That would be a benefit derived from establishing and enforcing the LAC.
  - Environmental & Experiential: The Sumter Forest Plan management emphasis for the Ellicott Rock Wilderness *"is to allow ecological and biological processes to progress naturally with little or no human influence or intervention, except the minimum impacts made by those who seek the wilderness as a special place that offers opportunities to experience solitude."* That would be a benefit derived from establishing and enforcing the LAC.
  - Recreational: The present management plan of the Chattooga headwaters almost equally divides the backcountry. The West Fork / Overflow Creek is zoned to allow boating and does

not have a backcountry foot trail paralleling the stream and the North Fork is zoned for foot travel only with a backcountry trail paralleling the stream.

- Social: This management arrangement of the headwaters has the benefit of providing for a variety of activities without creating recreational conflicts.
- Future: I believe the benefit of incorporating LAC with the present management plan will protect and enhance the ORVs of recreation and preserve for future generations the unimpaired backcountry solitude and wildness.

- **What current or potential environmental effects are you concerned about?**

Current Social Concerns:

- Law Enforcement: The North Fork needs more attention from law enforcement due to the ever-increasing lawless activities (including vehicle break-ins, theft, drug problems, biophysical regulation violations, fish & game violations, etc).
- Education: Education efforts are needed to encourage appropriate recreational behaviors that minimize impacts (i.e. "leave no trace" or low impact camping practices, encounter etiquette, dispersed use, bank trampling, appropriate distance from wildlife, etc). The North Fork needs another "River Ranger" like it had 25 years ago.

Current Biophysical Concerns:

- The overuse and abuse of the Burrell's Ford frontcountry and the Ellicott Rock Wilderness from Burrell's Ford to the East Fork (SC side).
- Campsites that are too close to trails and streams. Poor conditions of some campsites.
- The huge erosion site about 1/3 mile upstream of the Warwoman Road Bridge on the West Fork. In this "recreation" segment the north bank, about 20 feet high, continues to cave off into the stream. (See photo at the end of this document)

Potential Social Concerns:

- User conflicts in the North Fork backcountry (if unrestricted boating is permitted). The loss of backcountry solitude for foot travel visitors and angling interference (including reeling in, moving out of the way, and spooking of trout) during overlapping of activities (angling – boating) between water levels of 1.8 feet and 2.8 feet. (Pgs 67, 80, and 85 of the Integrated Report)
- Future growth of "creeking" activities (if unrestricted boating is permitted). The demand by boaters for "unlimited use" at any water level, any time, and any number of boats equals "unlimited growth" potential. (Pg 40 of the Integrated Report)
- Future growth of extremely low flow boating (what boaters call ELF) if unrestricted boating is permitted. Visit http://www.boatertalk.com/forum/BoaterTalk/1289388
- Less-skilled boaters if unrestricted boating is permitted (including some trout anglers with float tubes, personal pontoons, and/or open cockpit kayaks) between Burrell's Ford and Highway 28 at water levels lower than 2.0 during the warmer water months of April through October. (Pg 23 of the Integrated Report)
- Private inflatable rafts: The unrestricted boating demanded by AW includes private inflatable rafts such as inflatable kayaks and/or pack rafts. Inflatable boats enable ELF boating. Visit http://riverlog.blogspot.com/2005/08/elf-boating-little-white-salmon.html. Private rafting is often done by less-skilled boaters (see rental boats below).
- Rental boats and shuttle services: Although commercial guided rafting will not be authorized, there will be no way to prevent people from renting boats and hiring a "taxies", which are certainly commercial activities. AW agrees these are commercial uses when they wrote a letter to the USFS on 6/10/02 about the lower Chattooga boating. In the letter AW explicitly acknowledged that commercial users (renters) are less skilled than people that own their own boats. The following are excerpts from that letter, *"Other commercial users - the shuttle clients and/or rental customers of any other special use permit holder such as a shuttle permit or any entity that advertises to rent equipment on the Chattooga River. In general this group of users are less skilled, less aware of their impacts on the river, and are more prone to needing public search and rescue services." "Shuttle permits are generally issued to the companies that also rent inflatable kayaks or other river craft and commercially promote and encourage river use." "There are no restrictions on the number of craft a company can rent."*

- Rudeness by new generation if boating is permitted on the North Fork while anglers are present. Most boaters are not members of AW and the AW "Share The River Recommendations" are not practiced by some of the newer generation of skilled whitewater boaters (brash and rude, loud talking, hollering, beaver slaps with their paddles, obscene gesturers, etc). (Pg 69 of the Integrated Report)
- Noise: When I encounter boaters "poaching a run" on the North Fork, I almost always hear them talking or hollering or hear their hard boats bumping rocks before I see them, even when I'm on the trail. Noise will invade the backcountry solitude experience if unrestricted boating is permitted.

Potential Biophysical Concerns:

- River aquatic habitat: Large woody material (LWM) has incredible ecological importance in river systems. For decades a few insensitive but otherwise skilled boaters have made a practice of removing the LWM that hinders their passage in headwater streams, such as the Chattooga's West Fork / Overflow Creek headwaters. (Pg 55 of the Integrated Report)
- Boating on the North Fork tributaries: If granted unlimited access, some boaters have expressed their intensions to begin floating the tributaries as they do in the West Fork headwaters. As a tribute to the protection afforded by the present zoning, North Fork tributaries such as East Fork and Reed Creek have preserved large quantities of LWM with much more coming in the future from dead and dying hemlocks. Boaters must not be allowed to cut passage trails in the LWM on these tributaries. (Pg 55 of the Integrated Report)
- Deterioration of the Big Culvert area of Overflow Creek before it is included as a "wild" segment in the proposed 3-mile WSR extension.

• The Forest Service can make changes to the land, the way people use the area, or how it is administered. What changes would you recommend the Forest Service make in current management of the upper Chattooga River to ensure your vision succeeds?

- Install and effectively enforce LAC on the entire Chattooga, including the West Fork / Overflow Creek segment.

• What alternative or alternatives to current management would you recommend that, in your opinion, would best respond to all the various public interest while maintaining the outstandingly remarkable values of the Chattooga Wild & Scenic River?

- I support a "no action" alternative that retains the "foot travel only" zoning for the North Fork backcountry.
- With a Forest Service commitment to a North Fork River Ranger (and effective Law Enforcement), I would consider accepting an alternative that would separate activities by river level (with an on-line Burrell's Ford gauge), that would cap the maximum number of boats / day in each section by a limited number of daily permits for hard boats only, that would permit cold weather boating only (to eliminate the non-skilled warm weather boating), and no boating in the DH segment.

• Other issues/comments/suggestions concerning the upper Chattooga River.

- **Suggestion:** Effective North Fork law enforcement and an education program by a River Ranger is needed as soon as possible to address lawlessness and resource abuse activities.
- **Suggestion:** Maintaining the separation of conflicting activities is doing what is best for the future of the Chattooga's North Fork.
- **Issue:** Unrestricted creeking use has the potential for growth and conflicts.

  Headwaters boating (creeking) is a relatively new whitewater sport. It was made practical for a larger number of boaters in the mid 1990s by the application of new hi-tech materials to creative new boat designs. It is part of the explosion in popularity of "extreme" sports. In October of 1999, American Whitewater (AW) told the Forest Service that boaters should be allowed to run the North Fork when the Highway 76 gauge reads above 2.6 feet; in 2002 they lowered it to 2.0 feet. The chart on page 80 of the Integrated Report says technical boating could occur down to 1.8 feet. Future equipment improvement may make it possible to boat

Chattooga's North Fork at much lower stage levels, so now AW is demanding "unrestricted use."

In 1999, AW estimated the North Fork is *"....unlikely to receive more than a couple hundred boating visitors per year."* Page 37 of the Integrated Report now estimates an average weather year will bring1800 to 2400 segment user days per year (including scenic boating) with a peak of up to 70 in one day through the Ellicott Rock Wilderness.

In 2004 the Forest Service stated, *"Also, as mentioned earlier, not all boaters will conform to the water level assumptions in this analysis. Some may attempt to float the river at lower levels (this is particularly true below the Burrell's Ford Bridge). Additionally improved technology and equipment in the future may facilitate low water boating, and could thereby increase the number of undesired encounters and the potential for conflict."* (Excerpt from page H-16 of Sumter NF Plan). That low water boating now has a name; it is ELF boating (extreme low flow).

Keep in mind that *"recreation use trend information suggests that Chattooga use is likely to increase at the rate of population increases for the region, which may exceed 20% over the next decade. Within that general increase, however, some activities may increase at slightly higher rates (e.g., frontcountry recreation, day hiking, whitewater boating, and fly fishing), while others may grow more slowly (e.g., frontcountry fishing, backpacking)."* (Excerpt from pg 40 of the Integrated Report)

What will be the increase in "creeking" in another 20 years? What will be the growth in ELF boating? Just look at the present concerns in the lower Chattooga where growth in boating activities has resulted in recreational conflicts (anglers vs. boaters, private boaters vs. commercial boaters, private boat owners vs. rental boaters, and boaters vs. horseback riders). Whitewater floating activities (both unrestricted private and commercial) has displaced other visitors who want to avoid conflicts and/or interference while seeking solitude and quietness. (Pgs 15 & 69 of the Integrated Report)

Don't bring conflict to the North Fork. Manage the North Fork for future generations. Manage the North Fork to protect and enhance the outstandingly remarkable values (ORV) which caused it to be designated a WSR, including wildness, remoteness, and solitude in a foot travel only backcountry setting.

"Section 10(a) of the WSR Act directs management to protect and enhance free-flowing conditions, water quality, and OR values, but allows other uses as long as they do not "substantially interfere with public use and enjoyment of the river's values." Only after the river's free flow condition, water quality, and OR values are protected and enhanced can other uses (e.g., grazing, new recreation development) even be considered under the "substantially interferes" clause (IWSRCC, 2007 – draft p. 3). Congress left the judgment of when a use "substantially interferes" to the discretion of the river managing agency." (underlining added) (Quote from Pg 7 of the Integrated Report)

- **Comment:** Some people are saying that the present Chattooga management of activities is discrimination. Zoning of conflicting activities is good stewardship, not discrimination. Stewardship encompasses far more than picking up litter; it includes the protection of the aesthetic values of natural resources such as remoteness and wildness, the proper regard for the rights of others to solitude, and the responsibility of preserving these values intact for future generations.

"When recreation is an OR value (as on the Chattooga), the IWSRCC recommends protecting regionally or nationally significant recreational attributes while avoiding adverse effects on non-recreation OR values (IWSRCC, 2007, draft p. 5). This recognizes the need to balance recreation with other values through the Comprehensive River Management Plan (CRMP). When two or more types of recreation are defined as part of a broader OR recreation value, the IWSRCC recommends balancing the attributes that made each type regionally or nationally significant (IWSRCC, 2007, draft p. 5). Similar to balancing between OR values, the river-administering agency is required to "address...user capacities" consistent with protecting the desired experience and other non-recreation values." (underlining added) (Quote from Pg 8 of the Integrated Report)

A Current Biophysical Concern:

(see page 2 of these comments)

The following is a reprint from the December 2005 issue of the Rabun TU Chapter newsletter, TIGHT LINES. Click http://www.rabuntu.com/Rabun%20TU%20-%20TIGHT%20LINES%20December%202005.htm To date no effort has been made to stabilize this bank. I find it curious that it was not listed as an "Erosion Site" in the recent biophysical survey (click http://www.fs.fed.us/r8/fms/forest/projects/bio-physical-20070601.pdf see page 9 of 14).

Unstable Bank on the "recreation" segment of the West Fork:

On the West Fork of the Chattooga River, about 1/3 mile above the Warwoman Bridge, there is a high bank that continues to wash and caving off into the river. The Forest Service recently closed several dispersed campsites just upstream of the bridge. They tank-trapped the road, replanted the areas, and stabilized foot trails down to the river. And yet, no attempt has been made to stabilize this high bank about 200 yards further upstream (which is out of sight of the road and bridge). We first reported this situation to a Forest Service employee 3 or 4 years ago and so far no protective action has been taken. This picture was made on October 3rd (2005) of this year and was given to the District Ranger on November 17th (2005).

July 10, 2007
USFS
Sumter
Mr John Cleeves
4931 Broad River Rd.
Columbia, SC 29212
Subject: Comments on the Boating of the Upper Chattooga

My name is Hank Belew. Thank you for your time and for allowing the public involvement that is taking place today.
I have lived and worked in the Chattooga watershed for most of my life.
I am the chairman of the Board of Directors of the Chattooga Conservancy.
The Chattooga Conservancy's purpose is to preserve, protect and restore that outstandingly remarkable resource which is the Chattooga River. Our position is that boating should not be allowed above the Highway 28 bridge.
There are many reasons not to allow boating on the upper Chattooga. I will address a few of them here.

There is very limited access to the river in the headwaters. Having boaters would mean put-ins and take outs, which would tear up the banks, and create runoff and erosion. It would also mean more parking lots and worn down trails on which to access the river. And with this increase of use would come an increase in the possibility of accidents. The need for upwards of 100 rescue workers and emergency medical personel to get to the river and to get the victim out would have an extremely negative impact on the Wild and Scenic corridor and/or the Ellicott Rock Wilderness.

Many rapids, such as Corkscrew Falls, have very limited routes for portaging around them. Would this negatively affect the riparian environment around these areas? We think so.

Increased traffic into the river corridor would certainly mean an increased risk of the accidental introduction of invasive species, both plant and animal in nature.

In an article in the July 4th edition of the Cashiers, N.C. newspaper, Crossroads Chronical, about the Tuckaseegee River, Mark Singleton, Executive Director of American Whitewater, said about the Cashiers area: "You're centrally located for a lot of whitewater boating. You've got a really good mix. There aren't many places in the country that have as much good whitewater paddling within a two hour radius."
The editorial of the same edition adds to this, saying: "the Upper Chattooga isn't exactly going to be the "cream of the crop" of waters for boaters to choose from in our area. We are truly blessed to live in an area where boaters have an abundance of boating choices within a one hour radius of Cashiers."
This brings a question to mind.
If the Upper Chattooga isn't such a great ride, and with so much other whitewater in such close proximity, why do the boaters even want the Upper Chattooga.

For these and many other reasons, the Chattooga Conservancy's position is that there should be no boating allowed above the Highway 28 bridge.
An alternative possibility could be that boaters may be allowed at high water levels from the Iron Bridge at Bull Pen Rd. down to Highway 28 so long as the number of groups and boats in each group were limited to 4 and 6, respectively. We also feel that no woody debris, such as downed trees, should be removed from the river in order to facilitate boating, thereby not altering the wilderness.

Hank Belew
PO BOX 118
CLAYTON, GA
30525

John Cleeves
USFS
4931 Broad River Rd.
Columbia, SC
29212

Dear Mr. Cleeves:

I am writing to express my concerns about expanding access to the Upper Chatooga River. I visit it every year for recreation with my two young daughters. Along its quiet banks we hike, bird watch, search for crayfish, and swim. It's wade-able for them and peaceful for us and the wildlife: we love the solitude it affords, away from the lower areas where we've gone tubing and floating with others. As our world gets smaller we all need such places of solitude, where we can be with our thoughts in nature.

I strongly feel that opening up this last portion of wild to boating activities such as Kayaking or floating or tubing would create a parade of disturbance to our solitude - yet another trafficed highway where my daughters must dodge aquatic vessels; where they can no longer

sit and watch Kingfishers hunting in peace.

Must all of nature be available as an adrenaline rush? I should hope not, for we lose an important spiritual part of our selves.

Thanks for keeping the upper Chatooga boat / Kayak free.

Sincerely,

John

John Carothers
500 Hawks Peak Road
Aptos, CA 95003

III:

Dr. Mr. Cleeeves

The Chattooga Cliffs segment offers high quality fishing and ideal opportunities for solitude. I have enjoyed Fishing, swimming and hiking this section for 10 years. I have never experinced a day that the water flow was too high for angling, although there are mnay days when the water is too low for angling.

I have experienced kayakers on the "Davidson/North Fork Broad/Nanahala" and find encounters with kayakers create direct conflict with my ability to fish and results in significant reduction in the angling expereince. Boating should not be allowed to happen on the Chattooga North Fork for the anglers and would be impossible on the upper most sections.

The Army Corps of Engineers and The North Carolina Attorney General both were correct in their assessment that the upper 1.7 miles of the Chattooga is non-navigable. This small mountain stream does not have the capacity for floating during ordinary conditions.

The Values of swimming, wildlife viewing and angling must be protected on all segments of this stream.

Thank you for included my comments into the public record.

E-MAIL: jcleeves @ Fs.Fed.u.s (All LOWERCAS

Robert Powell

III:

Dr. Mr. Cleeeves

The Chattooga Cliffs segment offers high quality fishing and ideal opportunities for solitude. I have enjoyed Fishing, swimming and hiking this section for 10 years. I have never experinced a day that the water flow was too high for angling, although there are mnay days when the water is too low for angling.

I have experienced kayakers on the "Davidson/North Fork Broad/Nanahala" and find encounters with kayakers create direct conflict with my ability to fish and results in significant reduction in the angling expereince. Boating should not be allowed to happen on the Chattooga North Fork for the anglers and would be impossible on the upper most sections.

The Army Corps of Engineers and The North Carolina Attorney General both were correct in their assessment that the upper 1.7 miles of the Chattooga is non-navigable. This small mountain stream does not have the capacity for floating during ordinary conditions.

The Values of swimming, wildlife viewing and angling must be protected on all segments of this stream.

Thank you for included my comments into the public record.

E-MAIL: jcleeves@Fs.Fed.u.s (All LOWERCASE

Owen A. Towle Jr

Hello, I'm Charlene Coleman an American Canoe Association certified Whitewater kayak instructor for 16 years, a Whitewater Rescue and Swift water search and rescue technician for 10 years trained by the same people that train most rescue squads. I've also been a whitewater kayaker for 23 years.

The Chief of the Forest Service clearly stated the Forest Service job is to educate the public on safety and provide assistance in search and rescue, not mandate it. That makes safety/ search/ rescue a non issue in this process. If we are to address it at all for education only, let's see it for what it really is.

First I'd like to address the fact that Rescue Squads do not haul chainsaws, bull dozers and machetes to the area to emasculate the resource. When we search we use low impact techniques and follow the guidelines of the Forest Service for the area's protection. Hiker/fisherman searches usually are the most labor intensive, due to the fact each of those groups participates in their sport alone. Unless you are on top of a whitewater accident at the second it happens, rescue is up to the paddlers. There usually is no search, except in the water. Paddlers are usually in groups of 4-6 for safety and support.

Second, your rescue squads are taught using manuals and techniques written and developed by Paddlers. Experience, practice and a calm demeanor in a non-oxygen rich environment requires some one that embraces whitewater, not fears it. American Whitewater wrote the whitewater safety code. Paddlers teach the courses and paddlers make up most of the country's whitewater volunteer rescue squads.

The boater typically capable of paddling the Headwaters is very skilled in the sport, rescue/first aid, and split second decisions. On any given weekend day in the Five Falls at least 2 rescues take place. On a Summer weekend, 10 and at least 2 require technical gear we all carry and skills we practice. We don't even report anything to AW unless it was a very near miss.

Rod Baird was rescued, recovered, resuscitated in a class V rapid, and then maintained and evaced by boaters from the Five Falls of the Chattooga. Rod Baird lives today because boaters train for the worst. We don't have time to wait, after all, we are the help.

The Safety concern of boaters on the Headwaters several have stated is misdirected. Lone fishermen of 70 years of age and older with questionable health history should be your greatest concern. We don't know where they are, where they went, or how long they have been "down". They wade in water over their calves, don't wear life jackets when in the water and rarely tell others of the location of their favorite fishing hole. All of these make my job as a rescuer difficult, if not nearly impossible.

Allowing boaters on the Headwaters introduces a positive safety environment. If fishermen chose to increase their exposure to risk by fishing at high water, on slick banks and at waters edge, then the boater offers a first line of rescue available to a user group that typically wouldn't have a chance otherwise if disaster strikes.

William B. Denton

#39

1. I appreciate the effort of the USFS has put forth in its data collection

2. I am a frequent user of the upper Chattooga enjoying the quiet family time this scenic area offers me and my family 10-15 times a year for the last 4 years. We often hike in and let my children play at some of the slow deep holes. It is not the most convenient place for me to take my family as I live only a couple of miles from the Chattooga above Water gauge I used to enjoy hiking in down below Wolf Creek church but will no longer do so as some friendly kayakers persuaded me that I was on their river and my children were in the way of them lining up for their next run I'm sure not all kayakers would have taken this same stance but these did and I do not care to subject my children to these kinds of episodes so we now drive 45 minutes to get to the boat free river as opposed to the 10 minutes (2 miles) from my house, to enjoy the river and take the time to introduce my children to the out doors teaching them about different animal tracks trees and varieties of plants .

3. I have heard of similar incidents occurring to others not often but often enough that opening the upper portion of the river concerns me.

4. I personally have waded and hiked the river from 28 bridges to Ellicott Rock and am aware of several areas that are extremely dangerous. I'm sure there are expert kayakers who would successfully navigate these hazards and falls. How ever my concern is for those who can't and try and for those who can't and try to portage. Many of the most hazardous areas are in the most difficult terrain rock cliffs, steep mountain sides covered in rhododendron; Hands and knees the only way to get through. Will trails be put in making these portages possible will that not interfere with the wild and scenic part of the river how will these trails be made and where. When rescue situations occur how are these going to be handled who is responsible will the

#35

forest service/congress allow us to stop the river to retrieve bodies? Will you be able to use the old jeep road to get people out? As a volunteer ff I have had the difficult task of carrying a backboard out of the woods on a decent trail I've had friends mitigate incidents of bodies in the lower portion of the river all very difficult very expensive and taxing. The upper portion of the river is even less accessible and will increase the difficulty of these tasks if not making them impossible all together.

5. The solitude one can find on the river is irreplaceable in my estimation 85% of the time I visit the river I see no one else, that is the reason I make the effort to go there I will hike in an hour knowing that I will run across no one that I can have a piece of nature to myself for those moments. The few people I have seen have all been nice and respectful as opposed to the kayakers mentioned earlier. People fishing generally fish up river going in the same direction this alleviates a lot of the problem of running into others; where as the kayakers will be coming down stream, meaning eventually you must cross paths with every one coming down the river that day.

6. The boaters seem to think it is unfair that they cannot legally use the upper portion of the river. I have seen the proof of them illegally using the river above 28 bridge. 2 busted up kayaks lodged in downed trees and a camp left full of trash and cord tied in trees where they tied up their kayaks. The drag marks of their kayaks going back in the river left in the sand as proof. This history of breaking the law in the past makes me wonder if they will break the law in the future; when water is low, before 10:00, in the delayed harvest section, not during certain months, weeks, days. What agency is going to patrol and enforce these new laws? How will it be funded? How will they patrol? If there is not law enforcement then any new laws will be as good as no laws and illegal activities continue.

7. I think it is unfair that the boaters have taken two thirds of the river from me and my family and now boldly and aggressively

are trying to take the last little piece because they believe they and their desires are more important than mine and the others who put forth the time and effort to see the last truly unspoiled place in this area. That their rights are more important than mine or my children to enjoy the out doors without being harassed.

#39

8. I'm sure you've got all the scientific data and research to be for or against opening up the river above 28 bridge but as a user I would ask that you leave it as is A refuge a place of solitude and relaxation for not just me but for every one who is willing to put in the effort to find it.

Comments for submission at July 10, 2007 USFS Meeting Regarding Chattooga Headwaters:

My name is Nathan Galbreath. I have served as American Whitewater's legal counsel in certain issues related to the Chattooga Headwaters. I am also a hiker, swimmer, birder and whitewater kayaker who has regularly visited the Chattooga corridor since 1994. After having reviewed the USFS's Integrated Report, and the underlying reports upon which the Integrated Report is based, I am convinced that the USFS needs to take several immediate actions to properly and sustainably manage the portion of the Chattooga river corridor above Highway 28, including:

Category of Action	**Specific Actions**	**Basis**
Ongoing data collection	Require self-issued permits for all users of the upper Chattooga corridor.	The idea here is simple. Going forward, count every person that uses the resource and gather a small amount of other related information (group size, activities, date, times, overnight stay, etc.). Management actions must be informed. While the LAC process has yielded some helpful data, it is important that the USFS continues gathering data on uses and impacts to understand the impacts of new management decisions made in connection with the current LAC process and to guide future management actions.
	Work with USGS to install internet hydrographs at each of the three bridges on the upper Chattooga (HW 28, Bullpen, Grimshawes); or, at least at Grimshawes	Better hydrology data will help correlate weather and hydrologic impacts throughout the corridor. It will also provide up-to-the-minute flow information to assist recreationists in making prudent decisions regarding enjoyment of the resource at times that are both safe and optimal for a particular activity.
	Commission and/or conduct on-the-ground studies of how fish stocking impacts native water, amphibian and terrestrial species, as well as how fish stocking impacts visitor use of the resource	The integrated report notes that the impact of stocking 70,000+ non-native fish in the Chattooga WSR is largely unknown. Certainly stocking 70,000+ deer or other animals in the Chattooga corridor would have significant impacts on user numbers and the native ecosystem. This is also true of fish stocking. The impacts of stocking should be studied to better understand whether it comports with the wilderness character and sustainability of the resource as well as whether it artificially increases demand and impacts on the resource. The integrated report is admittedly inadequate in studying the impacts of fish stocking.
	Semi-annual analysis of location and distance of official and user-created trails (using GPS mapping technology)	Data will help inform current and future management of trail use and maintenance

	Semi-annual analysis of location of camping sites and distance of such sites from the upper Chattooga River (using GPS mapping technology)	same
Stop harms caused by improper use of resource and rehabilitate impacts of improper use	Stop use of unofficial or "user-created" trails	Among other problems, unofficial, user-created trails cause devastating terrestrial impacts to the resource, leave an ugly scar on the ground that denigrates the experience of other users, encourages others to enter wilderness at inappropriate places, and causes erosion.
	Ameliorate terrestrial impacts of unofficial trails	Such actions are consistent with management of wild lands. This should be accomplished through work with volunteers to close unofficial trails, restore the ground where such trails were located, and generally educate the public at trailheads regarding the harms and the punishment related to use or creation of unofficial trails. There should also be a penal component of this management action to fine those that continue to use or create unofficial trails.
	Close campsites located too close to the river	same
	Restore ground where improper campsites are located	same
	Stop trashing of campsites through enforcement, location and education	The less convenient a campsite, the less people will visit the sight (consistent with the wild character of the resource) and the less trash parties will be inclined to haul to the campsite.
Resolve Private Land Issue	Manage entire upper Chattooga corridor for public access and let landowners and recreationists sort out any state law private property issues	Provide access (or at least not impede access) to federally protected resource, consistent with WSRA and USFS policy
	Alternatively, reach access agreement with private landowners prior to new management decision to ensure public access to entire river corridor south of Grimshawes Bridge	same
	Alternatively,	same

	condemn an easement along the river corridor;	
	Alternatively, acquire private property	same
Restore self-regulated floating access	Remove ban on private floating of rafts, canoes and kayaks on upper Chattooga and provide for self-regulated floating access	The integrated report confirms that private floating use must be restored on the upper Chattooga River. The report also confirms that the perceived social conflict between anglers and floaters is insubstantial. To the extent a management goal is to provide solitude and wilderness experience for various user *types* (such as angling), the report finds that, even when self-regulated floating use is restored (i.e. no limits whatsoever other than self-issued permits), anglers and other types of users will continue to have complete solitude on the upper Chattooga (a river to themselves and without boats) for 80% of the year (and likely more than that). The report also confirms that floating will not impact others uses, including angling, because it will occur at times and at flows when other types of users are not present. In short, all available data supports restoring floating access along the upper Chattooga in the new USFS management plan, consistent with WSRA ORVs.
	Require boaters to obtain self-issued permits to use resource identical to self-issued permits recommended above for other upper Chattooga corridor users	Requiring boaters to acquire self-issued permits will provide use and access numbers to complement similar data collected on other users. Such data will provide the capacity information needed by the USFS to manage parking, access, capacity limits, and other important issues in future management decisions.

Respectfully submitted,

/s/ J. Nathan Galbreath

J. Nathan Galbreath
PATTON BOGGS LLP
2001 Ross Avenue, Suite 3000
Dallas, TX 75201
Telephone:(214) 758-1500
Facsimile: (214) 758-1550

USFS

GEORGIA
FORESTWATCH

15 Tower Road
Ellijay, GA 30540

P 706.635.TREE (8733)
F 706.636.1371
E info@gafw.org

www.gafw.org

July 10, 2007

Dr. Jerome A. Thomas
Supervisor, Sumter National Forest
USDA Forest Service
ATTN: John Cleeves, Chattooga Project Coordinator
4391 Broad River Road
Columbia, South Carolina 29212-3530

Dear Dr. Thomas,

Georgia ForestWatch appreciates this opportunity to formally comment on the USDA Forest Service's Upper Chattooga (modified) Visitor Use Capacity Analysis and to supplement the public guidance and input you seek for this effort.

As you know, Georgia ForestWatch is a not-for-profit forest conservation organization dedicated to preserving and protecting the wild values of national forestlands in Georgia, and, by extension, the Wild and Scenic Chattooga River corridor that demarks the state's easternmost boundaries in this region.

Georgia ForestWatch volunteers, advisors, district leaders and/or board members have attended every public forum and meeting held in conjunction with the Sumter National Forest's Chattooga boating study, as well as supplemental meetings held with the Friends of the Upper Chattooga organization, and closely analyzed the huge cascade of words and paperwork the Forest Service and its consultants have showered on the public since beginning this exercise. We also previously have filed numerous written statements regarding this study.

Frankly, though, all that past is prologue to the real meat of the situation – which is to see what the Forest Service actually will propose regarding the huge push for unrestricted boating on the nearly pristine, 21 miles of the North Fork of the Chattooga. We do look forward to seeing the agency finally put its cards on the table – you've been playing all this very close to the vest so far -- and commenting on your proposals and alternatives thereafter.

But we can tell you of one sure thing even before the Forest Service finally comes out with its intentions: Georgia ForestWatch believes the agency made the right decision 31 years ago to "zone" all boats and horses and bikes and ATVs out of the Upper Chattooga and nearby corridor. It is a decision that has stood the test of three decades – in preserving the wild resources of this area for this and future generations; in limiting "user conflicts;" in protecting any number of threatened and endangered species and habitats; in maintaining water quality and aquatic habitat for trout, fish and other aquatic species; in safeguarding a variety of historical and archeological sites, and, perhaps most of all, in providing the American public a refuge and an experience that it can hardly duplicate anywhere on the east coast of the United States.

This is a very good thing that should be stretched out into the future, we believe.

Georgia ForestWatch thus urges the USDA Forest Service to vigorously defend your current management of this part of the river – both in the upcoming "standards workshop" on July 14, and in the subsequent plans that you must bring forward under the National Environmental Policy Act.

It is time for the agency to stick to its guns. And as you do so, we ask the Forest Service to closely consider and analyze the following significant issues, many of which have been given short shrift in the analysis made public so far:

1) The USDA Forest Service must analyze the conditions and effects of boating on the lower 36 miles of the Chattooga River in order to properly understand and analyze what might happen on the Upper Chattooga.
2) The agency must conduct new biological and archeological surveys of the 21 miles of the Upper Chattooga and its tributaries, provide the public the results of the findings and disclose how it intends to protect these resources.
3) When it comes to pre-European settlement archeological resources, the Forest Service must confer with Native American tribes and groups to ascertain proper treatment of sensitive sites.
4) The agency, *a priori,* must work to fix all the "bio-physical" problems identified in the Ellicott Rock Wilderness and adjacent forestlands that are being degraded by overuse, before it even considers the notion of boats, kayaks, tubes, canoes or rafts on this part of the river and its tributaries. The notion of "adaptive management" demands no less.
5) The Forest Service can and should consider amendment of the current Chattahoochee, Sumter and Nantahala forest management plans to better protect the Upper Chattooga – including possible recommendations to creatively expand the Ellicott Rock Wilderness, perhaps from Chattooga Cliffs all the way down to Reed Creek, or recommending realignment of the wild, scenic and recreation sections of the Upper Chattooga. The agency can and should reconsider its prior decision to keep the bridges on Bull Pen and Burrell's Ford roads open.
6) The Forest Service must commit to providing the necessary resources, and the budget to support them, to provide proper law enforcement on the Upper Chattooga (including all three states and all three national forests involved.)
7) The agency, as part of its upcoming scoping notices, must inform the American public whether it believes the Upper Chattooga is legally navigable. If it's not, the case is closed.
8) The agency must clearly promulgate a rule that ***no*** large woody debris shall ever be removed from the Upper Chattooga and its tributaries – just as is done for the Upper Rogue and Metolius rivers in Oregon.
9) A further word about the tributaries: The Forest Service should reconsider the current management rules that apparently permit boating on the Upper Chattooga's tributaries, particularly if the north Fork remains closed.
10) The agency must consider the current experiences and safety of hunters, hikers, anglers, naturalists, photographers, picnickers, swimmers, bird watchers, campers, amateur archeologists and just plain old citizens out for a family outing in the Upper Chattooga – and how those might be degraded by the vast numbers of boaters – and the

crowds that come with them -- who likely would come to the upper reaches if the agency opened it up to unrestricted boating.

11) The agency must consider all reasonable, long-term cumulative effects that would arise if boating were allowed on the Upper Chattooga and its tributaries – especially the likely push you will receive from the commercial river outfitters to provide their clients access to this part of the river. (Experience on the Lower Chattooga clearly shows the Forest Service has little stomach for limiting the reach of the licensed outfitters – particularly when they arrive with the heady lure of ready cash and user fees for a cash-strapped federal agency.)
12) The Forest Service must confer with other federal agencies, including the U.S. Fish and Wildlife Service (regarding preservation of habitat for threatened and endangered species such as the mountain lion,) and the National Park Service (whose management of whitewater streams and rivers in Yellowstone National Park will come under attack if boating is allowed here.)
13) The Forest Service should not countenance the vast increase in vehicles and visitors that will occur if boating is allowed on this stretch of river. (This increase is well predicted in the agency's recent "integrated analysis" of Capacity and Conflict on the Upper Chattooga River of June 2007, which also ably describes that the Upper Chattooga, in many regards, has reached its "carrying capacity."
14) That same report documents well how boaters on the Upper Chattooga would be spooking fish and bothering backcountry anglers in the same stretches of river, a situation that also must be addressed in the scoping notice.
15) Finally, for every proposal and alternative brought forward in the scoping notice, the Forest Service must identify how much each would cost the public and how the federal government intends to pay for them – and whether, in fact, the agency can afford them.

We respectfully ask that such details be given close attention as the Forest Service promulgates its formal scoping notice for the Upper Chattooga project. Please feel free to call if you have any questions. Please forward any further correspondence or questions regarding this matter to me at these coordinates: 2489 Glade Road, Clayton, Georgia, 30525, Telephone: 706.782.9944. E-mail: jgatins@alltel.net

Sincerely,

Joseph Gatins

Joseph Gatins
Co-district leader
Georgia ForestWatch

CC: Friends of the Upper Chattooga
Various U.S. Forest Service officials
News media

Friends of the Upper Chattooga

PROTECT THE CHATTOOGA HEADWATERS

We oppose the opening of the Chattooga River above Highway 28 to any kind of floating, whether by canoe, kayak, raft, inner tube or otherwise. Recreational floating and backcountry fishing are incompatible on smaller rivers. The upper Chattooga should remain wild for fishermen, for hiking, and other uses on which floating is an intrusion. Opening the upper Chattooga to floating would bring immediate pressure to further develop this wild country into another exclusive franchise for the highly profitable rafting companies. Keep the headwaters portion of the Wild and Scenic Chattooga open

NAME	ADDRESS
[illegible]	118 VIEW POINT DRIVE GREENVILLE, SC 2960
Buck Denton	119 River Oaks Rd Greer, SC 29650
Chuck Adams	216 Croft St. Greenville S.C. 29609
Don Wright	419 Tolan Rd. Travelers Rest SC 29609
Chuck PATTERSON	475 Gap Creek Rd (DTB)
JR Gilbert	200 W. Prentiss Ave Greville SC 29605
[illegible]	3536 Hopewell Rd. Anderson, SC 29621
David [illegible]	732 Dacusville, Marietta, S.C.
Bill Pankow	4956 Sandy Flat Rd., Taylors, S.C. 29609
DANE MOUSE	317 RAGS CREEK, GREENVILLE, SC 29609.
[illegible]	
Glenn C. Carter Jr.	34 Club Forest Ln. G'ville, SC 29605
[illegible]	P.O. Box 847 Easley SC 29641
Dan Briggs	106 Pryor Rd. Taylors SC 29687
[illegible]	P.O. Box 1156 Folly Beach S.C. 29439
Jay Zipp	10 Grey Street Greenville SC 29605
Brian Duncan	1998 Roe Ford Rd. Greenville SC 29617
Ray Bell	103 Lakewater Ct. Greer, S.C. 29650
BEN ACKER	909 SE CLARK AVE BATTLEGROUND, WA 98604
GARY Visser	2924 Middle St. Sullivan Isl SC 29482
Barry Simon	302 Reeves Dr. Simpsonville SC 296[illegible]
John West	1338 Beaverly RD. Pickens 29671
Van Hancock	102 GALPHIN DR GREENVILLE SC 29609
Bill BEAN	100 Devenger Pl. Greer, S.C. 29650
MATT Morella	129 MASSEY RD Piedmont SC 29673
George Dendziuk	108 Creekwood Ct Greenville SC 29602.

Friends of the Upper Chattooga

PROTECT THE CHATTOOGA HEADWATERS

We oppose the opening of the Chattooga River above Highway 28 to any kind of floating, whether by canoe, kayak, raft, inner tube or otherwise. Recreational floating and backcountry fishing are incompatible on smaller rivers. The upper Chattooga should remain wild for fishermen, for hiking, and other uses on which floating is an intrusion. Opening the upper Chattooga to floating would bring immediate pressure to further develop this wild country into another exclusive franchise for the highly profitable rafting companies. Keep the headwaters portion of the Wild and Scenic Chattooga open

NAME	ADDRESS
Matthew Henry	12 Arrowood Ct Mauldin SC 29662
Phillip Daniels	100 Vanderbilt Ln. Apt. D-3 Spartanburg SC 29301
Rosemary Mews	103 Stone Lake Dr, Greenville, SC 29609
Paul Helmuth	533 Robinson Bridge Rd. Central, SC 29630
Bill George	~~290 Pine Forest Rd Travelers Rest SC 29690~~
Jimmy Campbell	290 Pine Forest Rd Travelers Rest SC 29690
[illegible]	PO BOX 172 TRAVELERS REST SC 29690
[illegible]	119 IVY GLEN CT GVL SC 29605.
EMILE LABROUSSE	821 WOODSFORD DRIVE GREENVILLE, SC 29615
CHRIS WALDROP	101 WHITE OWL DR, PIEDMONT SC 29673
BRIAN WALDROP	128 LOGAN LANE EASLEY SC 29640
[illegible]	312 [illegible] SC 29690
Will Bragdon	10 Manly St Greenville SC 29601
JAMIE TYSON	8 N. WINDWARD CT. Taylors SC 29687
Andy Sexton	104 Bendingwood Circle Taylors SC 29687
[illegible]	8 [illegible] Ct Simpsonville SC 296[illegible]
RANDY McCRACKEN	3530 BROWN Rd GREER SC 29651
CALVIN LINT	4348 Mar Rd N. CANTON OHIO 44720
Chad Samzenko	148 Morrow Rd LANDRUM, S.C. 29356
HENRY SPANN	232 INGLESIDE WAY GRV'L, S.C. 29615
JOHN GREENE	126 TANYARD RD GVLLE, SC 29609
DAVID McDONALD	106 MT. VIEW AVE Gville SC 29605
Matt Clubb	623 Gloucester Ferry Rd. 29607
Keith Norris	200 Grape Arbor Ln Ft Inn SC 29694
JERRY BOWERS	207 DRIFTWOOD DR ANDERSON, SC 29621
JOHN KEENE	6116 BUTLER RD MAULDIN, SC 29662

Friends of the Upper Chattooga

PROTECT THE CHATTOOGA HEADWATERS

We oppose the opening of the Chattooga River above Highway 28 to any kind of floating, whether by canoe, kayak, raft, inner tube or otherwise. Recreational floating and backcountry fishing are incompatible on smaller rivers. The upper Chattooga should remain wild for fishermen, for hiking, and other uses on which floating is an intrusion. Opening the upper Chattooga to floating would bring immediate pressure to further develop this wild country into another exclusive franchise for the highly profitable rafting companies. Keep the headwaters portion of the Wild and Scenic Chattooga open

NAME	ADDRESS
Ed MAKISON	3201 OLD WILLIAMSTON Rd, Anderson, SC
Kevin C. Elrod	207 Ansley Rd Simpsonville SC 29681.
Barry Snow	302 Reeves Dr Simpsonville SC 2968
Philip Hurt	248 Shannon Lake Circle Greenville, SC 29615
Lisa Sherrill	612 Crestwood Dr. Grille 29609
William Sherrin	612 Crestwood Dr. Greenville SC 29609
Michael Tolbert	120 McMahan Dr. Greenville SC 29617
[illegible] Taylor	305 E. Trace Drive Franklin NC 28734
John Pisarcik	902 Edwards Rd Greenville, SC 29605
John Roberts	705 OWENS DR Laurens, SC 29360
Maureen [illegible]	8 [illegible] CT, Simpsonville, SC 29
[illegible]	8 [illegible] CT, Simpsonville SC 29680
Mark Dowell	114 Eagles view CT. Piedmont SC. 29674
Justin Soany	14242 [illegible] Dr #90 Charlotte
Brian Dowling	310 Arlington Ave Clt NC 28204 NC 282
[illegible]	2 welsh [illegible] ct Greenville SC 29615
Carl Lehner	505 Huntington Rd Greenville SC 29615
Brian Heinbaugh	35 East Montclair Ave Greenville, SC 29609
JEFF BENES	3500 PELHAM RD GREENVILLE SC 29615
Jeff deBaulte	1828 Derby Glen Dr Orlando, FL 32837
Travis Wagner	511 cambridge Dr. Spartanburg SC 29301
[illegible]	10 Stone Lake Ct G'ville 2960
VANCE JAMES	1373 EUCLID AVENUE ATLANTA, GA 30307-1581
Jim [illegible]	204 Bent Oak Way Spartanburg, SC 29301

Friends of the Upper Chattooga

PROTECT THE CHATTOOGA HEADWATERS

We oppose the opening of the Chattooga River above Highway 28 to any kind of floating, whether by canoe, kayak, raft, inner tube or otherwise. Recreational floating and backcountry fishing are incompatible on smaller rivers. The upper Chattooga should remain wild for fishermen, for hiking, and other uses on which floating is an intrusion. Opening the upper Chattooga to floating would bring immediate pressure to further develop this wild country into another exclusive franchise for the highly profitable rafting companies. Keep the headwaters portion of the Wild and Scenic Chattooga open

NAME	ADDRESS
Shawn Fry	34 Collier Lane Greer, SC 29615
Cat Harrison	709 Pineapple pt. Greenville, SC
[illegible]	1 Perkins Ct Greer S.C 29651
[illegible]	17 Highland Dr. Greenville, SC 29605
[illegible]	232 Old Settlement Rd Tr. 29690
[illegible] (MARS)	596 Rotterdam Road Liberty, S.C. 29657
David Dickard	1159 Freeman Bridge Rd. Easley SC 29640
John P Allen	406 Pinson Ct Spartanburg SC 29301
M E Clement	122 Chatlin Ridge Ct, Lyman S.C
[illegible]	894 Bates Crossing Rd Travelers Rest SC
Bill Keen	319 Hawkins Creek Rd, Greenville, SC 29690 29609
Brian L Keenan	
[illegible]	200 Pioneer Gill SC 29605
Steve Hansen	110 Settlers Ct Mauldin SC
[illegible]	206 Pearle Brook Ln Taylors SC 29687
Larry Pauley	581 Grand Canyon Rd Inman SC,
Edward T. Green	300 White Oak Road, G'ville, SC 29609
Meredith Hamby	210 Bradley Blvd, G'ville SC 29609
Caleb Hamby	210 Bradley Blvd Greenville SC 29609
[illegible]	22 Tubbs Mtn. Rd. Ext. Travelers Rest SC
[illegible]	1100 Jackson Grove Rd Tr Rest SC 29690
[illegible]	3307 New Easley Hwy, Greenville SC 296[illegible]
Carol K Cusson	406 Westcott Court Greer SC 29650

Friends of the Upper Chattooga

PROTECT THE CHATTOOGA HEADWATERS

We oppose the opening of the Chattooga River above Highway 28 to any kind of floating, whether by canoe, kayak, raft, inner tube or otherwise. Recreational floating and backcountry fishing are incompatible on smaller rivers. The upper Chattooga should remain wild for fishermen, for hiking, and other uses on which floating is an intrusion. Opening the upper Chattooga to floating would bring immediate pressure to further develop this wild country into another exclusive franchise for the highly profitable rafting companies. Keep the headwaters portion of the Wild and Scenic Chattooga open

NAME	ADDRESS
Sean Barker	212 Riverside Dr 29605
[illegible]	234 Lake Fairfield Dr 29615
Lance Beehler	3 Bushberry Way, Greer 29650
Mike Sox	140 Lake Crest Drive, Greenville 29609
Jonathan Kirby	181 Timberbrook Dr. Lyman, SC 29365
Kent McCarter	181 Shadow Ln Lyman SC 29639
Mike Coleman	102 Shetland Way Greer, SC 29650
Darren Nease	723 Rockcliff St, G'ville, SC 29617
Roger Phillips	109 Cinderella Ln., G'ville, SC 29617
Charlie Kakouras	107 Glenmaye Dr G'ville S.C. 29615
Ken Peterson	401 Foxcroft Rd, Greenville SC 29615
[illegible]	421 Woodford Way Simpsonville, SC 29680
Richard M Powers	211 LAKE FAIRFIELD DR. Greenville S.C. 29615
[illegible]	77 Hat Creek Trail, Burnsville, NC 28714
Will Bodson	716 Clem Rd. Greenwood SC 29646
Matt Martin	110 Country View Dr, Simpsonville SC 29680
[illegible]	20 Hollow Mill [illegible] Greenville SC 29611
Shaun Garcia	1848 Hillview St Spartanburg S.C. 29307
J.R. Sieckman	3414 Cauble Pk Way Hendersonville, NC 28739
James Nugent	109 N. Parkview Dr. Greenville, SC 29609
Will Hudson	6002 EAST LAKE DR TIFTON 31794
David Hamby	210 Bradley Blvd. Greenville SC 29609
Keith Bell	160 Henson St Spg SC 29307
Robert L. Gillespie	402 Lewis St. Anderson SC 29624

Friends of the Upper Chattooga

PROTECT THE CHATTOOGA HEADWATERS

We oppose the opening of the Chattooga River above Highway 28 to any kind of floating, whether by canoe, kayak, raft, inner tube or otherwise. Recreational floating and backcountry fishing are incompatible on smaller rivers. The upper Chattooga should remain wild for fishermen, for hiking, and other uses on which floating is an intrusion. Opening the upper Chattooga to floating would bring immediate pressure to further develop this wild country into another exclusive franchise for the highly profitable rafting companies. Keep the headwaters portion of the Wild and Scenic Chattooga open

NAME	ADDRESS
Caroline S. Bell	160 Henson St Spthg, SC 29307
[illegible]	100 Everson St Gville 29615
Ralph Bissell Jr.	100 Everson St. Green. 29615
Sally Tolbert SC	122 Hotel Hill Dr Landrum 29356
Earnest [illegible]	923 Regina Rd Landrum 29356
[illegible]	70 Hood Valley Ln Tryon N.C. 28782
Robert E. Whiteman	17 Wildlife Tr, Greer SC 29650
Clayton Howard	149 Bearden Dr. Duncan SC 29334
William Ferguson	118 Edgewood Dr. Duncan SC 29334
CHARLES MCNeill	307 HAMMETT BRIDGE ROAD GREER SC. 29650
JOHN SANDERS	407 FAIRVIEW LAKE WY SIMPSONVILLE SC 29680
Will Sheriff	128 Crane Thomas Rd Easley SC 29640
Tom McKellar	203 Johnston Road Ninety Six SC 29666
Carl C. Bailey	306 Raven Rd, Greenville, S.C. 29615
[illegible]	122 Landrum Dr. Greer S.C. 29651
Mary Berounds	381 W. McElhaney Rd Taylors SC 29687
Mark Pittman	401 S. Glassy Mtn Rd GREER SC 29651
Hunter S Bridges	13 Maria Louisa Ln. Greenville, SC 29609
Collin Bridges	13 Maria Louisa Ln Greenville, SC 29609
Jason Harbin	1149 Belle Shoals Road Pickens, SC 29671
[illegible]	300 ANITA CT, WILLIAMSTON SC 29697
Stephen [illegible]	317 ASES CREEK DR. Gville, SC 29609.
Scott [illegible]	PO Box 25 Greenville, SC 29602
Mike Greci	350 Royal Burgess, Campobello SC
[illegible]	198 Butterfly Lane Salem S.C. 29676

Friends of the Upper Chattooga

PROTECT THE CHATTOOGA HEADWATERS

We oppose the opening of the Chattooga River above Highway 28 to any kind of floating, whether by canoe, kayak, raft, inner tube or otherwise. Recreational floating and backcountry fishing are incompatible on smaller rivers. The upper Chattooga should remain wild for fishermen, for hiking, and other uses on which floating is an intrusion. Opening the upper Chattooga to floating would bring immediate pressure to further develop this wild country into another exclusive franchise for the highly profitable rafting companies. Keep the headwaters portion of the Wild and Scenic Chattooga open

NAME	ADDRESS
Jonathan Harrington	2107 East North St.
William Baird	104 Monaco Circle, Clemson, SC
Rod Salyers	155 Red River Rd Jonesboro TN
Jack Brewson	115 Pebble Creek Way, Taylors 29687
Chad Kirby	1322 Ebenezer Rd, West Union SC 29696
Thomas Carl	3400 Blossom St Columbia, SC 29206
Donnald Dobbins	113 E. Augusta Pl. Greenville, SC 29605
Tom Holcombe	383 Grant Valley Rd, Easley, SC 29640
Victor Jennings	215 Spring forest Dr Simpsonville 29681
Bo Aughtry (P.C.M)	412 Crescent Ave, Greenville SC 29605
A.B. Pickett	100 W. Court St. Unit 3E, Greenville SC 29601
Stan Crenshaw	106 Singleton Anderson SC 29625
Evans Pence	349 Shoreham Ln, Inman, SC 29349
Tim McNamara	540 S. Pond View Drive Duncan SC 29334
David Schimpf	522 Fawn Branch Tr. Boiling Springs SC 29316
Joel Corley	100 Lewis Dr. 21-N Greenville, SC 29605
Sam Fox	257 Summerfield Rd Moore SC 29369
Matt Barker	21 Paris Creek Ct Greenville, SC 29617
James E. Barker	2-504 PIR Fort Bragg NC 28310
Mike Marcus	212 Botany Rd Gvl SC 29615
Bill [illegible]	1413 Ridgewood Dr Gastonia NC 28054
Marshall Arms	12 Sametta Circle, Greenville, S.C.
Joan Arms	12 Sametta Circle, Greenville S.C.
Graham Smith	220 Meyers Dr. SC 29605
Brian Williams	34 Sirine Dr. Greenville, SC 29605

Friends of the Upper Chattooga

PROTECT THE CHATTOOGA HEADWATERS

We oppose the opening of the Chattooga River above Highway 28 to any kind of floating, whether by canoe, kayak, raft, inner tube or otherwise. Recreational floating and backcountry fishing are incompatible on smaller rivers. The upper Chattooga should remain wild for fishermen, for hiking, and other uses on which floating is an intrusion. Opening the upper Chattooga to floating would bring immediate pressure to further develop this wild country into another exclusive franchise for the highly profitable rafting companies. Keep the headwaters portion of the Wild and Scenic Chattooga open

NAME	ADDRESS
Mark Small	23 Utopia Rd., Asheville, NC, 28805
[illegible]	221 Wildlife Tr. Greer, SC 29650
[illegible]	100 Wren Way Anderson 29625
J Falkner Wilkes	4 Hickory Ridge Greenville 29609
Lavera Wilkes	4 Hickory Ridge Greenville SC 29609
Lee Thompson	736 Thornbird circle Boiling Springs, SC 29316
Charles Duncan	135 W Seven Oaks Dr Greenville 29605
William T. Hawkins	820 SAXON AVE SPARTANBURG SC 29301
Kevin Kubach	2 Tanner Chase Way Greenville SC 29607
Marshall F. Mitt, Jr.	305 N. Maple St. Simpsonville, SC, 29681
MIKE DRISCOLL	219 CHICKAMAUGUA LN SIMPSONVILLE, SC 29681
JONATHAN HELMS	189 N. FOREST ST SPARTANBURG, SC 29301
Bruce Aughtry	3 FAUGERSHAM CT " 29607
[illegible]	803 Paulins Mill Rd Greenville SC 29607
R. M. Wallace	200 Pine Forest Rd Travelers Rest S.C. 29690
Steve Charlton	4 Shadow Mist Dr Simpsonville, SC 29681
Robert B. Kelly	239 Hook Rd. Honea Path, SC 29654
Jon Tripler	205 Bateview Dr Greenville SC 29607
Walter Banks	345 Aimee Lan Drive Greer, SC 29651
Preen Leventis	107 Windward Way Greer, SC 29650
Marty Harrison	709 Pineapple St Greenville, SC 29607
Stan Campbell	2222 West Blue Ridge Dr. Greenville 29611
Dennis Chamberlain	1011 E. Washington St., Greenville SC 29601
x [illegible]	107 McDaniel Green, Greenville, SC 29601
JIM PRATT	103 OLD TRAIL RD " " " 29607

Friends of the Upper Chattooga

PROTECT THE CHATTOOGA HEADWATERS

We oppose the opening of the Chattooga River above Highway 28 to any kind of floating, whether by canoe, kayak, raft, inner tube or otherwise. Recreational floating and backcountry fishing are incompatible on smaller rivers. The upper Chattooga should remain wild for fishermen, for hiking, and other uses on which floating is an intrusion. Opening the upper Chattooga to floating would bring immediate pressure to further develop this wild country into another exclusive franchise for the highly profitable rafting companies. Keep the headwaters portion of the Wild and Scenic Chattooga open

NAME	ADDRESS
H.M. Abernethy	Lo Round Spring Seneca, S.C.
J.A Harris	890 Raleigh Ct, Marietta GA 30064
Robert E. Martin	236 Holcombs Pond Ct. Alpharetta GA 30022
Lee Coisman	4 Bellamy Ct, Taylors, SC 29687
Richard Bernabe	206 Johnson Rd. Greer SC 29651
B.E. Willingham Jr.	20 Sunset Dr. G'ville 29605
Joan F. Stengel	253 Fish Hawk Rd Cleveland 29635
Gerard Buta	P.O. Box 254 Lafrance, S.C. 29656
Ian Crabtree	1769 Brawley School Rd Mooresville, NC 28117
David Winburn	23 Melville Ave Greenville, SC 29605
Loren Stenersen	480 Chastain Rd Taylors S.C 29687
Lane Stenersen	480 Chastain Rd Taylors S.C. 29687
Dillan Stenersen	480 Chastain Rd Taylors S.C. 29687
Nick Calderone	15 Dapple Gray Ct. Simpsonville, SC. 29680
Louise Calderone	15 Dapple Gray Ct. Simpsonville, SC 29680
Byron Vaughn	Coll of Carolina Holly Wood. Fletcher, NC 28732
Frank K. Herlman	229 Covington Rd Greenville SC 29617
Robert G. Ebers	300 Brooks Rd Mauldin, SC 29662
Greg Ramsey	13 Ashmore Lane G'ville SC 29615
John Jones	204 Elsie Ave. Greenville, SC 29605
Ed Herold	211 Pruitt Dr. Greenville, SC 29607
Brooks Crosby	P.O. Box 11 Clifton S.C. 29324
Larry Duncan	3578 Jag Factory Rd. Greer SC 29651
Steve McClure	6 Estawell St Greenville SC 29605

Friends of the Upper Chattooga

PROTECT THE CHATTOOGA HEADWATERS

We oppose the opening of the Chattooga River above Highway 28 to any kind of floating, whether by canoe, kayak, raft, inner tube or otherwise. Recreational floating and backcountry fishing are incompatible on smaller rivers. The upper Chattooga should remain wild for fishermen, for hiking, and other uses on which floating is an intrusion. Opening the upper Chattooga to floating would bring immediate pressure to further develop this wild country into another exclusive franchise for the highly profitable rafting companies. Keep the headwaters portion of the Wild and Scenic Chattooga open

NAME	ADDRESS
[illegible] Crook	125 Fairway Woods Dr Dickens SC
[illegible] Baker	1931 Martin Rd, Chapin SC 29036
Danny Clark	112 Brockman Ave Greenville, SC 29609
[illegible]	211 E Augusta Pl Greenville, SC 29605
[illegible] Davis	2001 Pelham Rd #2 Greenville SC 29615
[illegible] Steigel	253 Fish Hawk Rd Cleveland SC 29635
[illegible]	211 Heffner Drive Greenville SC 29601
Marilyn D Mayo	110 Country View Dr Piedmont SC 29673
R.N. Hine	117 Hillside Dr. Simpsonville SC 29681
[illegible]	1 Sequoia Dr G'ville 29605
Effie Arnold	522 Latham Rd. Easley, S.C. 29640
John Sinter	105 Earle Street Clemson SC 29631
Susan Ling	4079 Berry Mill Rd. Greer SC 29651
Robert Ling	4079 Berry Mill Rd Greer SC 29651
Steven Thomas	201 Wild Brook Dr Cleveland SC 29635
Michael P. [illegible]	439 S Buncombe Apt 305 Greer SC 29650
Bill Rudisill	4945 Bridle Path La G'ville SC 29615

USFS

2489 Glade Road
Clayton, Georgia 30525

Fon: 706/782-9944 Fax: 706/782-1359
e-mail: jgatins@alltel.net

July 10, 2007

Dr. Jerome A. Thomas
Supervisor, Sumter National Forest
USDA Forest Service
ATTN: John Cleeves, Chattooga Project Coordinator
4391 Broad River Road
Columbia, South Carolina 29212

Dr. Thomas,

My name is Joe Gatins. I am a full-time resident of Rabun County, Georgia, and its unincorporated Satolah community – adjacent to the Wild and Scenic Chattooga River corridor.

I stand before you today to make a personal plea to urge the U.S. government to stick to its guns – and keep the 21 miles of the Upper Chattooga free of all boats, kayaks, tubes, canoes, or any other watercraft -- just as the U.S. Forest Service has kept it free of 4-wheelers, ATVs, ORVs, pack horses, covered wagons, mountain bikes and dirt bikes for the past 31 years.

Three decades of this management for pedestrian traffic only prove to me that you made the right decision then, and that you should make the right decision today.

I do challenge you to stand up to the pressure the Forest Service is getting from Washington on down to do just the opposite. You represent, after all, the U.S. government, which is supposed to represent ***all*** American citizens. It also merits repeating that you are legally bound under federal law to pay special attention to the needs of the wild, natural resource that you successfully have protected since the mid-1970s.

I take this personally, because for many years I served the Forest Service as a volunteer trail maintainer in the corridor. Countless hours and several swing blades and clippers later, I have grown to appreciate the truly wild nature of this section of river. I also have traversed and visited any number of old home sites and archeological sites in these areas.

These forays into these public forests provide an experience basically unparalleled in the southeast – remote and wild, and one that the public should have a continuing right to experience in untrammeled fashion in the Southern Appalachians.

I also believe that there is a time and place for different wild and scenic experiences, and I tested the waters, so to speak, this past Memorial Day weekend to gauge just how different those experiences can be.

Take the scene at Bull Sluice on the Lower Chattooga, for example, and by way of contrast, the very different experience found at the confluence of Norton Mill Creek and the North Fork. This truly was the difference between being part of the madding crowd, on the one hand, and being far from it, on the other.

There were more than 50 vehicles and motorcycles in the Forest Service parking lot at Bull Sluice that day, and a multitude of kayakers, rafters, swimmers and just plain old gawkers down at the river, including babies that had been rolled down to the Chattooga in their playpens along the paved trail that you provide the public at this location. It was loud, boisterous and "jangly."

That same weekend, I found myself in the only vehicle parked at the "County Line Road" that leads down 1.7 miles to Norton Mill Creek. I was the only hiker on that trail and essentially had the whole forest to myself, save for a pileated woodpecker knock-knocking on a dead hemlock. The only humans I saw all day were a couple and their two small children, who were being introduced to the joys of the Chattooga River trail in these parts. It was mostly silent and very peaceful, providing a feeling of being at one with nature and the real grassroots of this mountainous forestland.

I firmly believe this latter experience will no longer exist if whitewater boaters and their extreme sport and their entourage are allowed to use the same part of the river. The boaters have access to many numerous alternative waterways already. And you have a lot of work to do addressing the resource damage already occurring on this part of the Upper Chattooga.

So, I challenge you to keep your eyes on the truly meaningful issues at hand -- and in meaningful fashion protect the Upper Chattooga from further resource damage, from user conflicts, from increased camping and campfires and trash, from creation of portage trails, from trampling of vegetation, from increased bank erosion and further loss of that most rare commodity in 21st Century America – an outstandingly remarkable value known as true solitude.

Thank you for your time.

I also am closely affiliated with Georgia ForestWatch, the not-for-profit forest conservation group, and ask that the organization's written comments also be made part of this hearing record.

Sincerely,

Joseph Gatins

Joseph Gatins

GAY M. KATTEL
580 Edwards Creek Road
Highlands, North Carolina 28741

July 7, 2007

US Forest Service
Upper Chattooga Wild & Scenic River
Macon County, North Carolina

Forest Service Personnel:

Please register my vote as being against changing part of the Upper Chattooga River designation as a Wild and Scenic River. It is my wish that the Upper Chattooga remain as is, with no boating allowed. Having paid taxes in Macon County since 1976 and having visited many places along the Upper Chattooga River for years, I can't imagine anything worst than opening the beautiful place to boaters. I, my children, and my grandchildren all regard this as a very special place to hike, swim, observe wildlife, and enjoy true serenity.

I have hiked all of the trails along the Upper Chattooga River from the head waters to Burrell's Ford and believe that if this part of the river is open to whitewater enthusiast we will be responsible for a death at some point in time. I have also seen trout heading upstream during high water at the Iron Bridge.

Also, since most of this part of the river is in North Carolina, it would be the responsibility of our emergency rescue workers to try to save anyone who is hurt.(paid for by our tax dollars). So far, I have not been able to get any cell phone reception in this area. There are few parking areas, certainly not enough to support whitewater boaters. The closest Forest Service office now serving Macon County is at least one hour away.

Finally, I think that the only reason whitewater boaters want to paddle this part of the Chattooga is because they can't. There are many other rivers in this area better suited for their activities.

PLEASE KEEP THE UPPER CHATTOOGA RIVER WILD AND SCENIC.

Sincerely yours,
Gay M. Kattel
Gay M. Kattel

Donald E. Kinser

1263 Colony Drive
Marietta, Georgia 30068-2808

770.992.4782 Home
678.213.3546 Daytime
770.595.6789 Cell

July 10, 2007

Mr. John Cleeves
Project Coordinator
USDA Forest Service
4931 Broad River Road
Columbia, SC 29212

Re: Public Hearing Comments on Chattooga River Capacity Study

Dear Mr. Cleeves,

I am a whitewater paddler, hiker, and angler and I have enjoyed the Chattooga River on many hundreds of occasions since 1980. I am a member of the Rabun TU chapter, the Georgia Canoeing Association and American Whitewater (AW). My wife and I own a home in Oconee County SC that borders the Wild and Scenic River corridor.

Since 1999 I have served as American Whitewater's primary local volunteer, investing over a man-year of my time, working toward fair, equitable, and nationally consistent management of the Chattooga River.

The upper Chattooga is a spectacularly beautiful and wonderful place to go and fish, hike and relax in a remote wilderness setting. It is in many ways a national treasure and a true jewel of the National Wild and Scenic River System. Many in the surrounding area enjoy this wonderful place. The Chattooga is a decent, but not spectacular, cold water fishery made possible primarily by hatcheries and human intervention.

On the other hand, the Chattooga River is a *world class* whitewater river. I know first hand because of my river experiences around the world. For this reason I have chosen to live there. It is also why whitewater paddlers from across the country and around the world choose to visit the Chattooga River and why AW has been working diligently to restore whitewater paddling access to the upper 21 miles, nearly half, of this National Wild & Scenic River since 1995.

The recently published report entitled "Capacity and Conflict on the Upper Chattooga River" clearly shows that paddling impacts would be negligible, expected paddling use will be low, and most importantly that the normal flow regime naturally segregates use. Furthermore the flow regime results in a very small number of days each year where whitewater boating is even feasible. In many ways, paddling is the best and lowest impact way to access this area.

Despite the complete lack of scientific research and data to support their claim, some continue to maintain that their opposition to whitewater boating on the upper Chattooga is somehow "protecting" the resource from damage and over use. The final study report paints a different picture and boils the entire boating issue down to "social conflicts."

It seems that anglers on the Chattooga simply do not like whitewater boaters and therefore they think "zoning" boaters off parts of "their" river is a reasonable alternative. This is an absurd policy and anglers should realize that such a policy, if widely implemented, could also be used to exclude them from high quality fishing just as easily.

I fully support protecting the Chattooga River and I am hopeful that the FS will finally do something to manage use on the upper river other than to simply ban floating (which has little impact on the environment). A good start would be self issued permits for *all* users of the upper river corridor, including boaters.

I want to emphasize here again, the indisputable fact, that the upper Chattooga's normal flow regime will naturally segregate anglers and paddlers in time and space. All the data and research supports this claim. I challenge the FS to find a more eloquent, fair and implementable decision that to simply allow boating on the upper Chattooga and let nature take care of the rest. It works on every other headwater stream in the Southeast, and indeed across the country, and it will work on the upper Chattooga too!

Any other decision that bans or limits boating is simply not defensible based on the data in the record.

Next I want to speak a little bit about collaboration. When AW first approached the local TU and angling interests in 1995 to explore and discuss a compromise solution we were flatly rejected. When I tried to reach out to them again in May 2001 and December 2005 the response was the same. This unwillingness to meet in good faith and reach a mutually acceptable solution continues to this day and confounds the process. This behavior has forced both AW and the USFS to spend millions as a result. This is money that could have gone to protecting a treasured public resource including the trout fishing aspects of that resource.

In January of this year I had the great honor and privilege of participating in the Expert Panel Flow Study on the upper river. What we found during those two days is a truly amazing whitewater resource. I just hope these two days of user trials are not the last opportunity I and others have to legally enjoy this magnificent place from my boat.

The boating ban on the upper Chattooga River, now in place for over 30 years, is unfair. I also believe it is illegal and just plain wrong. I hope the FS does the right thing and reaches a new decision that reverses the illegal and inequitable ban on floating the upper Chattooga River.

Sincerely,

Donald E. Kinser

Betty & Steve Kolarich
205 N. Hogan Dr.
Westminster, SC 29693
864-972-1866

7-10-07

Upper Chattooga River Visitor Use Capacity Analysis

Response To/at St Johns Lutheran Church, Walhalla, SC.

We see the section of river above the Rte 28 bridge as needing certain restrictions:

1. No vehicular access (motorized or not) with any number of wheels except emergency and Forest Service.
2. No water craft (motorized or not).
3. Fishing with valid S.C. license only.
4. No over night camping.
5. A register of some sort.

Reasons:

1. Forest Service has more than it can handle with present responsibility.
2. Adequate flow of water is limited ~~and~~ to a small part of the year.
3. Emergency personel have limited and time consuming access.
4. Quiet is precious and appreciated by hikers and fisherman and deserves protection.
5. Why change something that has worked.

Steve Kolarich
Betty Kolarich

mead

July 10, 2007

#19

Mr. John Cleeves
United States Forest Service

Dear Mr. Cleeves:

I would like to address two points regarding the possible opening of the Chattooga headwaters to paddlers.

1. Importance of the headwaters to South Carolina trout anglers. South Carolina has much fewer miles of fishable trout water than our neighbors, Georgia and South Carolina. Of the rivers in South Carolina visited by the state's trout anglers, the Chattooga is the most important. Because of its size, anglers can disperse and experience solitude and the unique beauty of the area. Also, the chance of catching a trophy trout is higher. As shown by polls, South Carolina anglers, and in particular back country anglers, consider the Chattooga the premier trout fishery in the state. Back country anglers are overwhelmingly flyfishers who treasure solitude and wild trout, unlike front country anglers who primarily fish for stocked trout and are more tolerant of crowding. The reach above Burrell's Ford Bridge is a wild trout fishery. Based on anecdotal evidence, wild trout are more wary and susceptible to disturbance, and increasing the traffic on the river will invariably reduce the catch rate. If the headwaters are opened to paddlers, depending on the intensity of the activity, some or many of these backcountry anglers will be displaced. Unfortunately, there aren't <u>any</u> rivers in South Carolina that can substitute for the Chattooga. I would like to USFS to adopt a goal of "no displacement" of current users of the Chattooga headwaters in developing their new management plan.

2. Preservation of wildlife refuges and wilderness character. There are two reaches of the headwaters that currently have no road or trail access: the Rock Gorge area and the Bull Pen Road to Ellicott Rock reach. Opening these reaches to boating essentially creates a new trail, which will be a major change from the current conditions. Lacking sufficient study of the wildlife in these two areas, one would assume that the lessened chance of human contact as currently exists would make these areas important refuges for wildlife. Of most importance in my view is the Bull Pen Road to Ellicott Rock reach which lies in the designated wilderness section of the forest. In order to protect the wilderness character of this area, minimizing human intrusion should be a priority. I would like to recommend that, in the absence of further studies on wildlife impacts, that the USFS adopt the policy of "no degradation" in these two reaches, and maintain the current trail-less state.

Tom McInnis
South Carolina Trout Unlimited

#19

July 10, 2007

Mr. John Cleeves
United States Forest Service

Dear Mr. Cleeves:

I would like to address two points regarding the possible opening of the Chattooga headwaters to paddlers.

1. Importance of the headwaters to South Carolina trout anglers. South Carolina has much fewer miles of fishable trout water than our neighbors, Georgia and South Carolina. Of the rivers in South Carolina visited by the state's trout anglers, the Chattooga is the most important. Because of its size, anglers can disperse and experience solitude and the unique beauty of the area. Also, the chance of catching a trophy trout is higher. As shown by polls, South Carolina anglers, and in particular back country anglers, consider the Chattooga the premier trout fishery in the state. Back country anglers are overwhelmingly flyfishers who treasure solitude and wild trout, unlike front country anglers who primarily fish for stocked trout and are more tolerant of crowding. The reach above Burrell's Ford Bridge is a wild trout fishery. Based on anecdotal evidence, wild trout are more wary and susceptible to disturbance, and increasing the traffic on the river will invariably reduce the catch rate. If the headwaters are opened to paddlers, depending on the intensity of the activity, some or many of these backcountry anglers will be displaced. Unfortunately, there aren't <u>any</u> rivers in South Carolina that can substitute for the Chattooga. I would like to USFS to adopt a goal of "no displacement" of current users of the Chattooga headwaters in developing their new management plan.

2. Preservation of wildlife refuges and wilderness character. There are two reaches of the headwaters that currently have no road or trail access: the Rock Gorge area and the Bull Pen Road to Ellicott Rock reach. Opening these reaches to boating essentially creates a new trail, which will be a major change from the current conditions. Lacking sufficient study of the wildlife in these two areas, one would assume that the lessened chance of human contact as currently exists would make these areas important refuges for wildlife. Of most importance in my view is the Bull Pen Road to Ellicott Rock reach which lies in the designated wilderness section of the forest. In order to protect the wilderness character of this area, minimizing human intrusion should be a priority. I would like to recommend that, in the absence of further studies on wildlife impacts, that the USFS adopt the policy of "no degradation" in these two reaches, and maintain the current trail-less state.

Tom McInnis
South Carolina Trout Unlimited

JULY 10, 2007

UPPER CHATTOOGA RIVER VISITOR USE CAPACITY ANALYSIS COMMENT

To: John Cleeves

Project Coordinator

Francis Marion and Sumter National Forests

4931 Broad River Road

Columbia, South Carolina 29212-6090

From: Don Piper

2375 Woodacres Road

Atlanta, Georgia 30345-1638

don@donpiper.com

678 575 7995

Biography:

I am a 54 year old male and I live in Atlanta. I was born in Greenville, SC and have lived in North Carolina. I've been a visitor to Sumter NF, Nantahala NF, and Chattahoochee NF all of my life. My primary recreational activity is whitewater boating. I'm also a backpacker, day hiker, birder and a general lover of the outdoors. I'm not a hunter or an angler, but I appreciate these recreational activities and harbor no ill will towards the people who participate in them. As Supervisor Jerome Thomas has said, the common thread among all user groups is a love of the Chattooga River.

I began paddling whitewater rivers in 1978. My second whitewater trip was on the Chattooga River's Section III. I am a member of the Forest Service Flow Assessment Study Expert Boater Panel that paddled the Chattooga Headwaters from the confluence of Norton Mill Creek to Long Bottom Ford Paddlers Access January 5 & 6, 2007. I have canoed and kayaked the Chattooga River below Highway 28 scores of times. I have visited most river access points from top to bottom.

I also have paddling experience on many nearby streams, including Overflow Creek, Holcombe Creek, Chauga River, Whitewater River, Toxaway River, Horsepasture River, Eastatoe River, Culasaja River.

I am a member of American Whitewater and the American Canoe Association. I held the ACA's Whitewater Kayak Instructor Certification from 1997 through 2006.

Comment:

The Wild and Scenic Act provides opportunities for solitude and unconfined recreation for all compliant users.

Paddling is a wilderness compliant use according to The Wild and Scenic Act.

No basis for the ban on boating upstream of Highway 28 exists.

The period of time since this ban on boating was implemented has produced a historical precedent that must be ignored.

All user groups are entitled to access to the entire National Wild and Scenic River.

The Chattooga Wild and Scenic River extends upstream of the Norton Mill Creek confluence and must be included in all user group plans.

All user groups must have access at existing road bridges and foot trails.

All user groups contribute to impacts.

All user groups and potential user groups must tolerate each other.

All user groups have the same entitlements.

No user groups have exclusive rights to solitude.

All user groups must be subject to limits if limits are imposed.

First time users and users that do not own property inside the Wild and Scenic corridor have the same entitlements as long time users and property owners.

Boaters must not be subject to prejudice.

Science, logic, fairness, and civil rights must be employed in all decisions.

I thank the Sumter National Forest personnel for your diligent work on this important and sensitive issue.

Sincerely,

Don Piper

07-10-07

#42

George Polk
188 Cove Side Rd
Seneca SC 29672

I am George Polk. I have lived in Oconee County for 30 years. and have been a spokesman for preserving our natural heritage.

The natural earth is in crisis, A recent interview by Bill Moyer of Edward O Wilson, noted scientist, stressed the crisis.

Wilson stessed the threat to natural areas by development. These areas are vital to preserving vital life forms.

Wilson suggested that we all must help by preserving natural areas in our own backyards

The upstate and the Chattooga river are known for variety of plants and animals.

I wish to go record that the Upper Chattooga river be untrammelled by hoaters,

Thank ya

Private Property:

My family is a member/guest of the Whiteside Cove Association that leases land in the headwaters of the Chattooga. The private stream located in Western North Carolina is under determined assault by the US Forest Service backed by the kayak access lobby .

In 1971 the USFS was obligated to publish landownership for Wild & Senic designation. They did publish that the NC Attorney General considers this private section of the Chattooga non-navigable and therfore private property.

The USFS must clearly delineate boundaries to the public so not to infringe on private property rights.

Thank you for you time and review of this important matter.

jcleeves@fs.fed.us

Private Property:

My family is a member/guest of the Whiteside Cove Association that leases land in the headwaters of the Chattooga. The private stream located in Western North Carolina is under determined assault by the US Forest Service backed by the kayak access lobby .

In 1971 the USFS was obligated to publish landownership for Wild & Senic designation. They did publish that the NC Attorney General considers this private section of the Chattooga non-navigable and therfore private property.

The USFS must clearly delineate boundaries to the public so not to infringe on private property rights.

Thank you for you time and review of this important matter.

jcleeves@fs.fed.us

Private Property:

My family is a member/guest of the Whiteside Cove Association that leases land in the headwaters of the Chattooga. The private stream located in Western North Carolina is under determined assault by the US Forest Service backed by the kayak access lobby .

In 1971 the USFS was obligated to publish landownership for Wild & Senic designation. They did publish that the NC Attorney General considers this private section of the Chattooga non-navigable and therfore private property.

The USFS must clearly delineate boundaries to the public so not to infringe on private property rights.

Thank you for you time and review of this important matter.

Sam W. Magruder

jcleeves@fs.fed.us

Private Property:

My family is a member/guest of the Whiteside Cove Association that leases land in the headwaters of the Chattooga. The private stream located in Western North Carolina is under determined assault by the US Forest Service backed by the kayak access lobby .

In 1971 the USFS was obligated to publish landownership for Wild & Senic designation. They did publish that the NC Attorney General considers this private section of the Chattooga non-navigable and therfore private property.

The USFS must clearly delineate boundaries to the public so not to infringe on private property rights.

Thank you for you time and review of this important matter.

jcleeves@fs.fed.us

Ginger B Dempsey

Private Property:

My family is a member/guest of the Whiteside Cove Association that leases land in the headwaters of the Chattooga. The private stream located in Western North Carolina is under determined assault by the US Forest Service backed by the kayak access lobby .

In 1971 the USFS was obligated to publish landownership for Wild & Senic designation. They did publish that the NC Attorney General considers this private section of the Chattooga non-navigable and therfore private property.

The USFS must clearly delineate boundaries to the public so not to infringe on private property rights.

Thank you for you time and review of this important matter.

Rene Sisinwski

jcleeves@fs.fed.us

Private Property:

My family is a member/guest of the Whiteside Cove Association that leases land in the headwaters of the Chattooga. The private stream located in Western North Carolina is under determined assault by the US Forest Service backed by the kayak access lobby .

In 1971 the USFS was obligated to publish landownership for Wild & Senic designation. They did publish that the NC Attorney General considers this private section of the Chattooga non-navigable and therfore private property.

The USFS must clearly delineate boundaries to the public so not to infringe on private property rights.

Thank you for you time and review of this important matter.

jcleeves@fs.fed.us

Private Property:

My family is a member/guest of the Whiteside Cove Association that leases land in the headwaters of the Chattooga. The private stream located in Western North Carolina is under determined assault by the US Forest Service backed by the kayak access lobby .

In 1971 the USFS was obligated to publish landownership for Wild & Senic designation. They did publish that the NC Attorney General considers this private section of the Chattooga non-navigable and therfore private property.

The USFS must clearly delineate boundaries to the public so not to infringe on private property rights.

Thank you for you time and review of this important matter.

jcleeves@fs.fed.us

Richard Harney

Private Property:

My family is a member/guest of the Whiteside Cove Association that leases land in the headwaters of the Chattooga. The private stream located in Western North Carolina is under determined assault by the US Forest Service backed by the kayak access lobby .

In 1971 the USFS was obligated to publish landownership for Wild & Senic designation. They did publish that the NC Attorney General considers this private section of the Chattooga non-navigable and therfore private property.

The USFS must clearly delineate boundaries to the public so not to infringe on private property rights.

Thank you for you time and review of this important matter.

jcleeves@fs.fed.us

Toby

Private Property:

My family is a member/guest of the Whiteside Cove Association that leases land in the headwaters of the Chattooga. The private stream located in Western North Carolina is under determined assault by the US Forest Service backed by the kayak access lobby .

In 1971 the USFS was obligated to publish landownership for Wild & Senic designation. They did publish that the NC Attorney General considers this private section of the Chattooga non-navigable and therfore private property.

The USFS must clearly delineate boundaries to the public so not to infringe on private property rights.

Thank you for you time and review of this important matter.

jcleeves@fs.fed.us

Pamelee

MY NAME IS PAUL SANGER. I HAVE A HOME THAT IS CONTIGUOUS TO THE UPPER CHATTOOGA WATERSHED — HALF WAY B'TWEEN HIGHLANDS & CASHIERS AT THE END OF RIDGY LN.

I HAVE BEEN COMING TO THIS AREA EVERY SUMMER SINCE 1940 — WHEN THIS AREA WAS SOMETHING OF A WILDERNESS. TODAY — THIS AREA IS NOW A SUBURB TO SEVERAL CITIES. IT IS NOT A WILDERNESS. WE ARE LIVING IN AN AGE OF ENTERTAINMENT — THEREFORE THERE IS A DESIRE TO MAKE THE WILDERNESS A VAST ENTERTAINMENT AREA. WHY CAN'T THERE BE A BALANCE. KAYAKERS HAVE USE OF THE CHATTOOGA TO HWY 28 - WHY CAN NOT HIKERS & THOSE WHO ELSE HAVE AN AREA

THAT IS STILL A WILDERNESS.

~~th~~ IF THE CHATTOOGA IS OPENED TO KAYAKERS THEY WILL NEED ACCESS FOR THEIR VEHICLES — THERE WILL BE DETRITUS — THERE WILL BE DAMAGE.

CITIES & SUBURBS ARE TRYING TO PRESERVE WHAT THEY CAN. WE MUST RECOGNIZE THAT WE MUST PRESERVE IN OUR MOUNTAIN SUPERB WHAT WILDERNESS WE HAVE.

Paul W. Sangeta
PAUL W. SANGETA.
AUG. 10. 2007
P.O. BOX 152
CASHIERS, N.C. 28717.
404-308-8118.

To:
Mitchell

Ill:
Dr. Mr. Cleeeves
The Chattooga Cliffs segment offers high quality fishing and ideal opportunities for solitude. I

have enjoyed Fishing, swimming and hiking this section for 10 years. I have never experinced a day that the water flow was too high for angling, although there are mnay days when the water is too low for angling.

I have experienced kayakers on the "Davidson/North Fork Broad/Nanahala" and find encounters with kayakers create direct conflict with my ability to fish and results in significant reduction in the angling expereince. Boating should not be allowed to happen on the Chattooga North Fork for the anglers and would be impossible on the upper most sections.

The Army Corps of Engineers and The North Carolina Attorney General both were correct in their assessment that the upper 1.7 miles of the Chattooga is non-navigable. This small mountain stream does not have the capacity for floating during ordinary conditions.

The Values of swimming, wildlife viewing and angling must be protected on all segments of this stream.

Thank you for included my comments into the public record.

E-MAIL: jcleeves@fs.fed.us (All LOWERCASE

Ray Simonski

AMERICAN WHITEWATER
PO Box 1540 Cullowhee, NC 28723
(828) 586-1930 Phone
(828) 586-2840 Fax
www.americanwhitewater.org

July 10, 2007

To: Mr. John Cleeves, Project Coordinator, USDA Forest Service
From: Mark Singleton, Executive Director, American Whitewater MS
RE: Comments for submission at USFS Hearing Regarding Chattooga Headwaters

The Chattooga River was designated a Wild and Scenic River in 1974. Two years later the United States Forest Service made a unilateral decision to prevent boating on the upper reaches of the river. American Whitewater has been working to reverse this ban on whitewater boating, which, we believe, violates both the Wilderness Act and the Wild and Scenic Rivers Act. AW's efforts resulted in a successful appeal of the Forest Management plan in 2004. Last month the Forest Service released the Integrated Report, the first attempted scientific study of upper Chattooga River use. What the Integrated Report chronicles is the negative impacts past and current users have had on the upper Chattooga:

- Trash, beyond what is consistent with other Wild and Scenic River corridors;
- Large footprint campsites at the waters edge; and
- Miles of user created trails.

It seems that the only management of the resource has been to ban boating. For AW, what started as a local access issue on the upper Chattooga River over ten years ago is now a national issue that could shape future management of Wild and Scenic Rivers and Wilderness Areas across the United States.

Usually AW has very close partnerships with the Forest Service in the management of our country's whitewater rivers. We also work closely with Trout Unlimited and together; AW and TU are both founding members of the Hydropower Reform Coalition (a very productive national coalition that has worked to restore countless miles of fish habitat). Yet, on the Chattooga things are different. I am often asked, "Boaters and anglers share every other river across the country, what makes the Chattooga so different?" My response is simply that there is over 30 years of history that created this status quo boating ban. It's now time to move past the history and into the future!

That one type of wilderness compliant user, in this case paddlers, can be excluded from use while the river corridor is ravaged by the unmanaged and uncontrolled use of other users flies in the face of responsible forest management. The biophysical impacts outlined in the Integrated Report did not happen due to paddler use, WE WEREN'T ALLOWED TO BE THERE!

The solution is simple, allow the natural flow regime to dictate use on the upper Chattooga River. The natural flow regime works on every other river to eliminate potential conflicts. As the Integrated Report points out, the natural flow regime creates an 80/20 split; 80% of days have angling without boaters present, and 20% of days have potential shared use. This management alternative is proven, it is legal and it is nationally consistent.

P.O. Box 40
Walhalla, S.C. 29691
10 July 2007

Statement of Theodore A. Snyder, Jr.

There are those of us who were instrumental in the designation of the Chattooga as a Wild and Scenic River sought its protection for its intrinsic values. We believed a river flowing free and unrestrained through a primitive corridor was something good in itself. Whether it was used by people was immaterial; what was important was that we were saving a natural treasure for all time. I speak with something of a sense of history about the designation process. During that time I was the spokesman for the Sierra Club and testified before Congress in favor of the Wild and Scenic River designation.

The approach of the Forest Service has not valued the intrinsic good of a wild river. Instead, it has focused on the "use" of the river. Its approach emphasizes the taming of the river, subjecting its wildness, which belongs to it, to the pleasures of humans who, in a physical sense, can extract something from it.

Thus is exposed the flaw in the study for the Forest Service done by Doug Whittaker. The theme of his study is to find a way for everybody to extract a use from the river with the least conflict between competing uses. It is a search for accommodation. It is not a search for the values the river can provide if it is left alone.

The study is flawed in other major respects. Mr. Whittaker didn't even know there were users who hiked on the river bed, and there were uses who swam the channels. Their views were omitted, although through ignorance. More important, in his study of the history of the river he failed to read the Congressional testimony or the committee

reports. If he had, he would have learned how the people in this country valued most highly the river in and of itself, all uses aside.

The failures of the Whittaker report are serious and they bring much sadness. The real conflict, which he failed to identify, is that between leaving nature alone, a good in itself, and the exploitation of nature by anyone who can imagine a possible way to extract a use from it.

That dichotomy, which Whittaker didn't identify, puts in dramatic perspective the claims of the boaters who are demanding the right to exploit the upper Chattooga. What are they trying to prove? Are they driven by an irresistible machismo, trying to prove to themselves that they can subdue the river? We have heard from the search and rescue services; the tell us they will do 100 years worth of damage in effecting one rescue. Are these expectant boaters so sure none of them will never need a rescue? Are they that perfect? Isn't it unreasonable for them to risk unparalleled damage to the river and its corridor only in order to prove to themselves how technically proficient they are?

Boating on the upper Chattooga is an unacceptable use that will extract from it a toll that can destroy the very values it was deemed to possess when first designated.

In the final analysis I oppose, and we should all oppose opening the upper Chattooga to boating. The potential damage is real and it far exceeds the benefit of a use whose only purpose is to feed a foolish pride.

Anybody can take a clock apart; very few can put it back together.

Theodore A. Snyder, Jr.

THEODORE A. SNYDER, JR.

#3

Chattooga Headwaters Comments from the Atlanta Whitewater Club

Hi, I am Chad Spangler and I am the President of the Atlanta Whitewater Club. The protection of the Chattooga Headwaters and access for paddlers is a very important issue for our club.

First, let me be clear that our most important objective is the protection and preservation of the Headwaters of the Chattooga River. The Integrated Report clearly shows that biophysical impacts from current users are too high. We would like to see the overused campsites nearest the river, as well as user created trails, closed and rehabilitated back to a more natural state. We would like to see more litter patrols and increased educational efforts at the trailheads to encourage users to reduce their impact on the area as well as their impact on other users. We recommend that all backcountry groups be limited to a maximum of 12 per group. We would like all users to fill out a self-issued permit each time they use the area, just as paddlers are required to do on the lower river. This will provide much better data for future management decisions, including information about who is using the resource and when they are there. This data could easily be correlated to weather and flow data to determine how those factors affect use by each group.

We believe that paddlers should be allowed access to the Chattooga Headwaters that is equitable with that other user groups. The Integrated Report shows that paddler use would be low and wouldn't have any impacts that are not shared equally by other current users. The only case the Integrated Report makes for limiting paddling is the potential for conflict with a small number of backcountry anglers who have a zero tolerance for boaters. However, the Integrated Report has no evidence to support this claim. The Integrated Report has no data on how many users currently use the river at levels when the river would be at an optimal, or even sub-optimal, level for paddling. How can the Forest Service make a decision to limit conflict when we have no idea how many people would actually be affected by one use or another?

#3

Flow preferences largely determine when each group uses the river. Without any management actions there would be a natural separation of users by flow levels. Over 80% of the time anglers will have the river free of boaters because of ~~predictably~~ low flows These low flows are also the optimal angling flows. On the remain 20% of days boating use will still be low because many optimal paddling flows will happen on short notice, during bad weather, or at night. Poor weather and sub-optimal angling conditions will contribute to even lower angling use during these times. Nature dictates that the opportunity for conflict will be very, very minimal.

Even if there was evidence to support an argument that there would be conflict between users, the Forest Chief clearly stated in the Appeal Decision that no single user group has an exclusive right to solitude, and that any limits on use should be spread across all user groups.

We would like to thank the Forest Service and Confluence Research for their work on the User Capacity Study. This is a step in the right direction for the management of the Chattooga Headwaters.

Thank you for your consideration of our comments.

Chad Spangler
Atlanta Whitewater Club President

Statement of the "Friends of Bull Pen"

On
Expansion of Boating in the Upper Chattooga Rainforest (Grimshaw's Bridge to Burrells Ford)

Before
The Sumter National Forest

At
St. Johns Lutheran Church, Walhalla, SC

July 10, 2007

Good Afternoon, my name is Larry Thomas, and I am the representative for the "Friends of Bull Pen". The "Friends of Bull Pen" consists of a group of concerned property owners along Bull Pen Road and the greater Cashiers/Highlands area. I myself own property at 492 Bull Pen Rd, between Highway 107 and the Iron Bridge. Citizens of the Friends of Bull Pen have been residing in the area for nearly 50 years and were drawn to the Upper Chattooga Rainforest because of the remoteness and solitude available here and no where else east of the Mississippi. Currently, those two qualities are under assault from what can only be termed "unsustainable development" in the area. The Friends of Bull Pen thank the Forest Service for this opportunity to speak today on this very important matter.

In the last 20 years there has been a population explosion in the southeastern U.S., especially in the metropolitan areas of Atlanta, Birmingham, Charlotte, Raleigh-Durham, Knoxville, Columbia and Jacksonville just to mention a few.

This increase in population means that there are more and more people wanting to recreate and also build second or third homes in the nearby lakes and forests. The increase in amount of visitors to the Cashiers/Highlands area and the number of cars parked at trailheads, new homes, golf courses etc. that I have witnessed in that time is truly phenomenal. And according to the report written by Mr. Whitaker, "In 1998, an estimated 4 million people kayaked (in the United States)…and by 2004 this had risen to 10 million", an increase of 1.5 times. A lot of this growth has been in the Southeast, as evidenced by why we are here today. We believe that allowing boating on the Upper Chattooga Rainforest would exacerbate the unsustainable development in the region as the numbers of kayakers in the future will no doubt continue to climb.

Allowing boating in the Upper Chattooga Rainforest, from Grimshaw's Bridge to Burrells Ford, would be just one more encroachment into this area that is already to it's carrying capacity. The traffic on the roads during peak times, with all the associated noise and pollution, is almost unbearable. If boating were allowed in the Upper Chattooga Rainforest, we could see daily dozens and dozens of more cars driving down Bull Pen Road to reach the river access. Traffic and impacts on the region aside, the impacts on the day hiker, backpacker, fisherman, swimmer; trails, trail head infrastructure, litter etc. etc. would be disastrous.

The Friends of Bull Pen believe that by not allowing boating - does not constitute a lack of management. On the contrary, we believe that the "best management

practice" for the Upper Chattooga Rainforest is to uphold the ban on boating. Some argue that there is no scientific evidence to suggest that boating increases litter and unofficial trails, things that according to the Wild and Scenic River Act and in our opinion would "substantially interfere with public use and enjoyment of the river's values." While there is a dearth of studies that have looked at this issue, commonsense tells you otherwise. Just imagine walking down the Chattooga Cliff Trail as a group of 20 creek paddlers walk by with their boats and paddles, they would run you off the trail and you would no longer have the unique experience of isolation and adventure.

Mr. Whitaker in his report stresses the estimate that on average there are 104 boatable days a year. However, there is little discussion of an above average (wet) year, of which in 2005 there were 174 boatable days. The Upper Chattooga is a recognized rainforest (one of only a handful east of the Mississippi), with Highlands Biological Station averaging 86 of inches of precipitation a year. The majority of which falls in the summer months. I have personally witnessed in July and August, weeks of almost continuous rain. While his report focuses on conflicts with other resource users, as a landowner on Bull Pen Road this 174 potential boatable days in a wet year is alarming. And with the advent of the internet and real time stream gauge data, getting the information and reaching the river in shorter rain events is easier than ever. I envision in the future days on the Chattooga with good flow like powder days on ski hills – a bonanza of people flocking to the area.

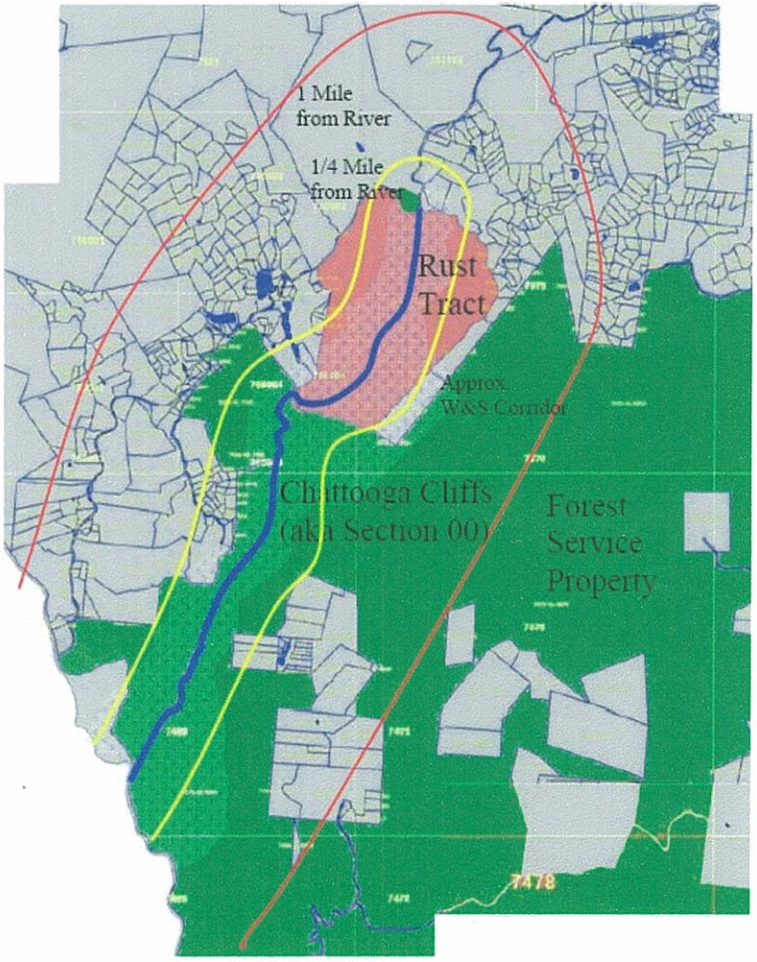
In conclusion, we believe that the best management practice is to uphold the restriction on boating in the Upper Chattooga Rainforest as the area is already under considerable pressure from the exploding kayaking population in the Southeastern U.S. The number of potential boating days in the report focuses on overlap or conflict with fisherman, however the Friends of Bull Pen have a holistic view of the impacts, which would be detrimental to the entire region. There are plenty of other rivers and creeks for boaters to access without putting more pressure on a unique national treasure.

Sincerely,

Larry L. Thomas

P.O. Box 617
Cashiers, NC
28717

Chattooga Cliffs
Not so Wild Afterall



- •295 properties within 1 mile
- •43 properties within ¼ mile
- •1.7 miles of unprotected, unmanaged Wild and Scenic River corridor
- •Future development threat from septic tanks and sedimentation

Chattooga One Estate Sale Away The Cartecay Without Protection

#27

STATEMENT ON CHATTOOGA RIVER BOATING POLICY (7/10/07)
David H. Van Lear (Professor Emeritus, retired, Clemson University)

My name is David Van Lear. I am a retired forestry professor from Clemson University. I appreciate the opportunity to make a statement about management of the upper Chattooga River.

The Chattooga River is indeed a national treasure. For over 30 years, it has been zoned to separate conflicting uses and, from the perspective of most users, this management strategy has worked exceedingly well. On the river above the Highway 28 Bridge, anglers, hikers, bird watchers, naturalists, and others have the rare opportunity to enjoy a true backcountry experience without interruption by enthusiastic flotillas of boaters. On the lower river boaters enjoy the wild whitewater experience without interference from wading anglers.

In my opinion, it would be foolish for the Forest Service to change a successful management strategy that is working very well? Management of our national forests over the past 100 years has evolved through a number of stages – from protection to multiple-use to ecosystem management to social forestry at the present time. The common denominator for all these stages is that the influence of the public has increased with passing time. While these changes have generally been beneficial, one drawback, in my opinion, is now the wheel that squeaks loudest gets the grease.

Is that any way to manage a national treasure like the Chattooga River? Shouldn't the inherent value of a natural resource, i.e., its natural beauty, its biodiversity, its wildness, be what is protected by the stewards of the public's resources? Haven't we learned anything in the decades since Walt Kelly's cartoon character Pogo uttered those immortal words, "We have met the enemy and they is **us**." In other words, too many of **us** in the rather confined, wild, and still natural corridor of the upper Chattooga River will ultimately destroy that which makes the place a wild and scenic river.

As we move into the 21st century, one thing is certain. The places one can go to enjoy the beauty and solitude of a relatively large, wild, and undammed river in the eastern United States, whether you are fishing or not, are becoming harder and harder to find. The upper Chattooga River is such a place, and as such would become even more valuable in the future. Let's save it to the degree possible by continuing to manage it responsibly as a zoned resource where boating is prohibited above the Highway 28 Bridge.

SWEETWATER
BUILDERS
INCORPORATED

7/11/07

Mr. John Cleeves
C/o Sumpter National Forest
4391 Broad River Rd.
Columbia, S.C. 29212-3530

Enclosed please find additional letters/opinions supporting our knowledge that boaters at the Grimshawes bridge are not in the best interest of local full time residents of this area.

My father L. Tyson Bolly started our witness fishing club in 1958. Most members now are sons and grandsons of the original members - we have never seen a boater of any type on the creek.

The boaters have many miles of water. Why do they need it all?

B. Mitchell Bolly
President: Whiteside Cove Assn

POST OFFICE BOX 2294
CASHIERS, NC 28717
(828)743-5110

William B Denton
119 River Oaks Road
Greer, South Carolina 29650

July 11, 2007

Mr. John Cleeves
Project Coordinator
4931 Broad River Road
Columbia, South Carolina 29212

Dear Mr. Cleeves:

As the past president of the Mountain Bridge Trout Unlimited Chapter in Greenville, I attended and spoke at the public forum regarding the management of the upper Chattooga River yesterday. Thank you and your staff for the opportunity to express my position.

As an angler, I oppose any change to the current status of boating on the river and said so when I submitted a petition with over 250 names. The individuals who signed the petition requested that no floating of any kind at any time be permitted on the upper Chattooga River. While most of the individuals could not take off from work and attend the meeting; they are very concerned and passionate in their position of opposition to boating above the Highway 28 Bridge.

I realize that the Forest Service has a difficult decision to make. But, please do not develop a group of options for consideration that may appear to be politically correct for all sides of the issue but that can not be managed or enforced by the Forest Service personnel. My concern is that a decision to permit limited boating (only at a very high rate and level of water flow) will open the upper Chattooga River to all forms of floating all the time. With the Service's limited personnel and resources to enforce any rules, the flotillas of floaters would be free to take over this wild and scenic river and destroy the backcountry experience for everyone.

Any change would be an increased danger to the floaters and unfair to anglers, bird watchers, hikers, swimmers, photographers and all others who want to enjoy the solitude of a very special place. Please no compromise on this important issue. Maintain the status quo because it is has worked very well for over 30 years.

Thank you,

W. B. Denton

Carolina Canoe Club, Inc.

June 12, 2007

John Cleeves, Project Coordinator
Visitor Use Capacity Analysis, Upper Chattooga River
USDA Forest Service
4931 Broad River Road
Columbia, SC 29212

Dear Mr. Cleeves

The Carolina Canoe Club, Inc. (CCC) is comprised of over 1,000 members located across the southeastern U.S. Our members are dedicated to the enjoyment of the paddlesports and the conservation of the irreplaceable water resources of our region that provide those outdoors opportunities.

The CCC is providing comment to the Visitor Use Capacity Analysis of the Upper Chattooga River watershed by making the following statements on our position in the matter of public access to the upper Chattooga and our support of allowable paddling access to this area.

The private paddlesport community, a non-consumptive user group in this context, has a well-documented history of conservation; contributing to and/or initiating conservation efforts including river clean ups, public education and support of water quality regulation and land conservation. In a larger context, the community fuels organizations like American Whitewater and the American Canoe Association as champions of conservation efforts.

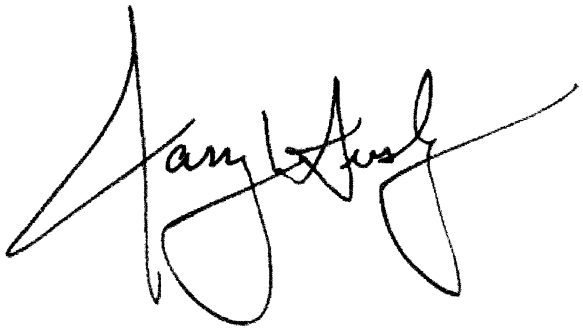
The CCC believes that private paddling opportunities in the upper Chattooga watershed will have negligible impact on the quality of the existing resource and, in cooperation with management agencies and other user groups, can develop stronger resource protection infrastructure than currently exists through the synergy of grassroots cooperation.

The results presented in the current "Data Collection Reports" of this project predict that only a fraction of our membership (those paddling Class IV/V) would likely utilize this area for boating. While a small overlap of ideal flow conditions for boating and fishing exists, the percentage of the time these conditions occur also means that these two user groups would infrequently need to share the resource.

Inevitably, a user-base dedicated to sustainable enjoyment and protection of the resource in perpetuity must be considered the intelligent choice for managing this area. The CCC is committed to working **with** (emphasis added) management agencies, non-profits and all user groups to allow appropriate recreational uses and continued stewardship of the upper Chattooga watershed to occur.

Thank you for the opportunity to participate in this process.

Sincerely,



Larry Ausley, Certified Public Manager
President
Carolina Canoe Club, Inc.

on behalf of the officers and membership of the
Carolina Canoe Club, Inc.

John Cleeves
Sumter USFS
4931 Broad River Road
Columbia, SC 29212

Comments on the USFS report titled
Capacity and Conflict on the Upper Chattooga River
Submitted on July 12th, 2007

Dear Mr. Cleeves

We appreciate the posting of the Consultants *Integrated Report* for review and comment. This response is focused primarily on corrections; missed data and what we feel are misinterpreted conclusions. There are many elements within the report that are helpful for the general public. However, missing elements and some corrections would complete the report and offer readers a more educated basis from which to draw a proper conclusion. This letter is outlined to assist the USFS improve the accuracy of information prior to the publication of an EA.

1.0 The *Integrated Report* did not collect all data requested in the *Appeal Decision.*

1.1 The appeal decision requested the agency to "consider recreational opportunities within the geographical area." The entire downstream Chattooga is available for private boats to the detriment of other OR values. In addition 96% of the watershed is available to boaters during the "higher-water/boatable" period. Since the Chattooga North Fork is the ONLY local stream protected, it remains the only stream that offers a boat-free creek during higher-water. As growth in creeking continues, this type of boat-free experience will become more rare and this currently available opportunity more unique.

The IR's review of "available" kayak opportunities excludes creeks in the geographical area and the majority of the Chattooga Wild and Scenic River. Two-Thirds of the Chattooga is already available for float trips 365 days of the year or 100% of the time. In addition Overflow, the Tuckasegee, the Oconee etc. all offer floating opportunities during the purportedly boatable days on the Chattooga.

1.2 The *Appeal Decision* required the USFS to "Involve affected and interested parties in the design and execution of the capacity analysis". The majority of Chattooga users have repeatedly commented on the narrow-focused scope of the visitor capacity study that only surveyed kayak and angler "flow preferences". Early collected desired conditions indicated concerns from swimmers, birders, day hikers and conservationalists; a hard look of these user preferences were avoided or given short shrift within the *Integrated Report*(*IR).*

1.3 SAFETY

Page 12 of the *IR* reported the Appeal Decision as saying "*In addition, there is no basis in law, regulation or policy to exclude a type of wilderness-conforming recreation use [boating] due to concerns relative to safety, and search and rescue."*

Yet managing the resource to "provide a level of public safety" is required under the WSR management guidelines and under the Federal land Policy & Management Act of 1976. The congressional report on designation noted *"the administration of the river, as an entity, should enable*

the Forest Service to promote a suitable safety program"[1] If the Sumter USFS is being directed to ignore public safety by the Washington office, that should be made clear to the public within the EA.

Safety is listed a few times within Wild & Scenic River policy guidelines.

a) The USFS is required to *"regulate on-water use including* ***providing a level of public safety, maintaining a desired recreating experience,*** *and protecting biological and physical values."* [2] b) Additionally, in determining capacity and establishing a management plan the USFS must consider "public health and safety."[3]

c) "Management attention is required to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards.[4]

There are many more "safety" related guidelines within the FS handbook. It is clearly the responsibility of the USFS to consider public safety when setting management policy within a WSR corridor. In addition the USFS should not ignore the burden boating might have on local Search and Rescue personnel and the associated county funding.

Elsewhere on the Chattooga the USFS currently zones tubing for safety, require safety gear for kayakers and bans motor craft to protect paddlers. The USFS safety policies are inconsistent and appear arbitrary.

Safety Statistics from USCG Accident reports

	1996	1997	1998	1999	2000	2001	2002	2003
# people struck by boats (reported accidents)*	147	133	123	112	131	133	95	82
# people struck by boats (deaths)	11	8	7	5	5	6	10	9
Kayak/canoe accidents*		79	80	78	33	98	57	70
Kayak/canoe deaths		110	115	84	104	101	78	87
Whitewater deaths		27	31	25	26	23	22	27
# Kayak/canoeist (,000s)		233	271	258	284	276	321	283

* The USCG estimate less than 5% of boat accidents are report[5].

2.0 FISH STOCKING Changes in the Wilderness:

Page 16 of the IR noted *"Upper Chattooga stocking was also eliminated in the Wilderness area after it was designated in 1975, and stocking was reduced due to road closures on other upper river segments"*.

We found three documents that indicate stocking happened well after 1976, therefore stocking was not eliminated due to "wilderness designation".

First, the 1985 RLMP indicated that Bull Pen was still being stocked and mentions reducing fisherman impact to the riparian zone as a reason to reduce stocking in the wilderness area.

Second, page 26 of the 1977 Chattooga WSR management plan lists Bull Pen Bridge as a stocking location.

---

[1] Senate Report 93-279 1974 pg 3016 Review of Chattooga for WSR designation
[2] "Managing Designated Wild & Scenic rivers" pg37 Section 13(g).
[3] Wild and Scenic Rivers Guidelines Federal Register / Vol. 47, No. 173 / Sept. 7, 1982
[4] The Federal Land Policy and Management Act of 1976, Sec.101.[43 U.S.C.1701]8(a)
[5] http://www.uscgboating.org/statistics/Boating_Statistics_2005.pdf

Finally, the 2/1/88 Stocking Summary from the NC WRC indicates stocking the Chattooga Main Channel and in the Lower Fowler creek (within Ellicott Wilderness) in 1987.

The reason stocking was eliminated at Bull Pen or on the tributaries is still unclear. However, stocking was eliminated within a few years after the 1985 Sumter RLMP suggested eliminating fish stocking to "reduce fishing pressure" on the "fragile" stream banks by "bait fisherman. If the reason to eliminate stocking was to reduce pressure on the sensitive riparian zones, allowing boating to create similar impacts twenty years later would be inconsistent with policy and possibly prejudicial.

3.0 OTHER USERS:

3.1 Swimming: Page 63 of the *IR* noted **"***Encounters between swimmers/frontcountry recreation users and boaters (if allowed) are likely to be rare and do not represent a substantial impact."*

The capacity analysis never collected data on the protected OR value of swimming, therefore any statement about swimming is completely speculative. Swimming should not be dismissed in a capacity review of the Chattooga recreation, especially when it remains the most popular Summer Activity on the North Carolina Chattooga, this can be validated by simple observation of Cashier's Slide Rock or in the pools around Bull Pen where each day hundreds of young children cool-off in a mountain stream.

Additionally, no data was collected to support the statement that "swimming is confined to low water", nor is the relative term *low* ever defined. The *Expert Panels* reviewed the preferred flow levels for anglers and boaters but the study excluded a review of swimming flow levels. There is agreement that water level above the 98% is dangerous to swim, however boaters are claiming the water may be boatable down to the 80%. Therefore, boaters could encounter swimmers on 90% of boatable flows; 98% is not "rare". The hazardous conflict between swimming and boating sharing a small mountain stream with many "blind drops" requires careful review. Since the report has no basis to comment on swimmable times and the public record documents concerns for swimmers, casual dismissal of this potential hazard may be considered negligent on the part of the agency.

The IR indicated that the "*flashy hydrology… is relevant for recreation because higher flows associated with storms are hard to predict and available for relatively short periods of time. This makes it hard for recreation users to use or avoid them*"(pg 76 IR) Since using or avoiding any particular flow is difficult, it is doubtful that flows alone will separate kayaks from swimmers.

The Agency should review the NEPA statutes under CFR §1502.22 regarding "incomplete or unavailable information". The agency must consider *"reasonably foreseeable impacts which have catastrophic consequences, even if their probability of occurrence is low*"; Kayaking through popular swimming holes during the Summer most certainly would apply to this situation. .

Most swimming occurs May 15th through September 30th, or 35% of the year. Swimming use is temperature dependent while boating is flow dependent; these independent variables do not "naturally separate" these two user groups.

According to the 2002 South East Research Stations *Participation Survey*, swimming in streams has a 46% participation rate compared to only 3% for all kayaking; a far larger percentage of the population swim than do kayak. The USFS should not set policy placating such a small special interest group that may harm the ability of the majority of users to enjoy the river.

Pg 29 of the *IR* does not list swimming at Bull Pen as a potential use, yet it is included in many visitor guides to the Highlands area and documented in the public record.

P28 of the *IR* incorrectly defines the summer/swimming season as July & August

3.2 Day hiking

The IR indicates that "*Most hikers probably value the lack of motorized, mountain bike, and horse use on these trails."* According to the Desired Conditions collected in the December 2005 stakeholders meeting, day hikers also value, the lack of "boaters" at the river. Theses publicly collected desired conditions appear to be missing from the *Integrated Report*.

Page 62 of the IR notes *"In many if not most cases, encounters between hikers and boaters will be "brief sightings" through the trees"* Hiking, as defined in the 2005 stakeholders meeting, is not just "walking along the trail". Hiking is sometimes just a mode of transportation not the primary activity; the primary reason for a hiker visit was defined as viewing the river, wading, wildlife viewing, picnicking and relaxing[6]. The *Integrated Report* completely focused on "walking along the trials" versus the experience of day hikers at their primary destination -the Wild and Scenic River .

Most of the hiking comments within the *IR* are filled with caveats and speculation. One example from page 62 notes: *"Boating use (if allowed) is likely to be highest on winter and early spring days immediately following storm events, which are relatively rare). Some proportion of those days will be rainy and cold, lowering hiking and backpacking use, and reducing the chances of boater-hiker encounters."* No quantitative data support this "opinion" found within the *IR.*

There are no facts collected to validate the claim that hiking after storm events is less likely. However, the public record indicates visitors may be lured by high-water to view the rapid course and waterfalls, especially at Big Bend and Bull Pen.

3.3 Birding and Scenery:

Birding and Scenery viewing were both listed under Day Hiking and Front Country user activities during the December 2005 Chattooga stakeholders meeting. They are both protected OR values associated with the Chattooga's designation and require consideration under FSM 2354.41. The *IR* provides no references to direct impacts on wildlife-viewing or alterations to the scenic expectations if boats are introduced to the Upper Chattooga.

Car counts are useful in understanding seasonality of use but will not help quantify visitors by activities or value of solitude. A review the NEPA mandates under 40 CFR §1502.22 regarding "incomplete or unavailable information" will help correctly classify the actual data, from anecdotal evidence, from literature references, from estimates in all EA information.

4.0 NAVIGABILITY:

4.1 Page 11 of the IR noted *"we are not aware of any formal NC Attorney General opinion or State Court ruling as to whether or not the Upper Chattooga River in North Carolina is considered to be "navigable in fact" and therefore subject to public trust rights under state law*." **The USFS published the NC Attorney General's non-navigability opinion** on page 13 of the Chattooga WSR Study Report in 1971. The 1971 study was referenced three times in the Integrated Report so therefore must be considered by the *IR* authors as credible document. In addition, an opinion that the riverbed in NC is private (not navigable) was repeated in the Federal Register on page 11853 on 3-22, 1976.

Both these published non-navigability opinions were shared with the USFS on three occasions prior to the publication of the *Integrated Report*.

[6] see notes from December 2005 stakeholder meeting , Chattooga River Capacity analysis published by the USFS

4.2 The new claim by AW's Kevin Colburn at the July 10th public hearing, that the 1876 [SC v. GA 93 U.S. 4] case adjudicated the Chattooga to be navigable is ludicrous. That case involved an obstruction in the Savannah River near Savannah, obviously far removed from the narrow stream that is the Upper Chattooga. From the very title of the case, the case obviously involved an issue between the states of South Carolina and Georgia, and so could not possibly have touched on the navigability of the Chattooga in North Carolina.

American Whitewater have also claimed a 1787 pact between the States of South Carolina and Georgia somehow claims the trickle, that is the NC Chattooga, navigable. The interstate pact boundary terminated at the source of the Tugaloo River, defined within the agreement as Tugaloo Lake (below the Chattooga) and forty miles downstream from the NC Chattooga

4.3 Even the Georgia side of the Chattooga is not considered Navigable-in-fact under Georgia state law; this was also published in the Federal Register page 11853 March 22, 1976. .

5.0 Angling

Page 19 of the IR indicates *"Front country fishing is also limited near Bull Pen Bridge, which has more rapids and cascades than fishable pools and runs, particularly at high water."* There are accessible shoals 200 yards above and 100 yards below bull Pen Bridge that are frequented for fishing at most water levels. Fishing this area is discussed in the Chattooga public record and is referenced in several local guidebooks with no mention of high-water limitations.

"High water" is again not quantitatively defined in the *IR*. Water levels up to the 97% provide excellent fishing just above and below Bull Pen Bridge. Use at these levels is well documented in the WCA submitted fishing logbook data.

Page 28 stated *"There is no creel or other use information for North Carolina segments; in general, angling use on these segments is thought to be light"* Again, the word "light" is not quantitative, therefore worthless. The volume of entries included in the public record indicate this area is fished and the "value" of that experience remains undocumented.

The submitted Whiteside Cove Association Data along with the public record indicate fishing the Chattooga Cliffs section on both the private and public sections of stream. Review of the 40 years of angling logs show consistent use at almost all water levels up to the 99% level of flow with PAOTs closer to 13 during Spring and Fall fishing peaking at 25. .

The expert panel contained no anglers familiar with the Chattooga Cliffs sections. Yet the *IR* published "fishable water levels" without expert knowledge or any data. That data does not match the 40 years of angling use recorded on the Chattooga Cliffs reach. The value of this designated *wild trout* water is seemingly dismissed within the *IR*

From page 20 "*Most fishing on the Upper Chattooga appears to be flow-dependent, with ideal wading-based angling at low to medium flows.*" Ideal angling flows for the Chattooga Cliffs range from 12cfs up to 175 cfs measured at Grimshawes bridge; this is the 10th up to 99% of water flows, not the *low to medium flows*. Ideal fishing flows on the upper most section represent 100% of the purportedly boatable days.

From page 69: The lower limit on "optimal" angler flows collected during the expert panels was eliminated when charting visitor preferences in the IR. This error inflated the forecasted number of "optimal angling days" from 100 to 324 days per year . The IR utilized the "acceptable lower limit on angling and the "optimal range" to predict the upper limit. The only consistency in the statistical details within the *IR* are that errors favor the boating advocates position.

Page 69 of the IR notes that *"the best boating occurs at times when flows are higher, while the best angling occurs when flows are lower. Boating only during high flows (zoning in time) eliminates encounters."* Yet both Anglers and Boaters enjoyed their activity during the same flows during the expert panels.

The repeated logic that anglers will only fish during "optimal flows" or during "best times" invalidated by the two published DNRs surveys on angling the Upper Chattooga.

The *expert panel* survey asked six anglers to rate angling, over an entire segment, between "totally acceptable" and "totally unacceptable". A single gorge would classify an entire segment as less than "totally acceptable" and therefore suboptimal, even when the majority of the reach was easily fishable. Collected data on fishing was not site specific as indicated in Mr. Whitakers textbook on recreational assessment. Instead, anglers were asked to "average" The data tells nothing about actual behavior of anglers and is invalidated by both published DNR surveys that indicate actual use.

5.2 Does kayaking a small mountain stream conflict with fishing? This was a primary question at issue in the analysis but study of this topic was avoided. The USFS claimed the analysis would answer this question in federal court [McClain for the USFS noted *"if boating were permitted without regulation in those areas it could really potentially harm the fishing ability, the fishing situation. So that is one of the things they are looking at with the study."* Id 15:2 , AW vs. USFS dismissal hearing docket no. 2:06-CV-74-WCO, 2006] Two million taxpayer dollars and two years time have resulted in a analysis that avoided study of the topic and a report without conclusion.

To any angler the issue is obvious and requires no study further than simple observation. However, since American Whitewater and now the *Integrated Report* do not accept the conventional wisdom, that sudden movements and splashing will spook fish, the USFS should set up observational studies that definitively show humans and movement spook fish.

5.3 Lack of Angling Data: The 1987 and 1999 DNR angling surveys, the TU logbooks and the 40 years of WCA provide detailed angling use history along the Upper Chattooga, each with similar results. Oddly, these historical sources of data do not match the *IR* forecast in angler behavior over the range of water levels. Why the *IR's* anecdotal survey of six anglers on a single day was considered superior to decades of fishing logs and scientifically collected data appears irrational yet remains the cornerstone for the *IR's* conclusions on angler behavior and use patterns.

5.4 A review of previous Chattooga policies affect on angling behavior is not included within the *IR.*

6.0 PADDLING

6.1 Downriver use data is missing

Paddling the lower Chattooga or West Fork was not included in the number of "boatable days" on the Chattooga Wild & Scenic River. Based on published boatable levels the Chattooga already offers over three hundred (325) boatable days , with a complete overlap with potential boating days on the Upper Chattooga. The OR value of boating is already well protected on the Lower Chattooga and West

Fork. Without consideration of use within the entire Wild & Scenic corridor or in the geographical area the *IR* data and charts on boating behavior remains incomplete.

American Whitewater has demanded the USFS study the entire resource; that should include 35 miles of publicly owned Wild and Scenic River downstream of Highway 28.

6.2 The *IR* notes "*at estimated use levels…impact may not be significant"*, indicating that at some volume, boating Will create significant impact. In addition the IR contains some "capacity related" indicators but avoids any boating specific resource indicators. The resource impacts that Will become significant with increased boat volume are not defined in the IR nor are submitted as indicators to complete the LAC, yet concerns of impact fill the public record.

Further, the IR indicated that at some sections, through which boats must pass, impact is already above recommended wilderness standards. Therefore the "Guestimates" of additional use, above existing levels will only further exceed the capacity for the stream to naturally recover. If current use levels require mitigation from impact, it is clear aggregate use with the addition of boats will further compound the problem. Until existing impacts are mitigated and the resource stabilized, no additional uses should be considered.

6.3 The estimate on the number of paddlers appears grossly underestimated. Hundreds of letters from AW constituents indicate high interest in paddling the river and during the 2005 desired conditions meeting boating participants noted they would likely run the river "multiple times each year". One might expect a few hundred visitors in a single day.

In addition the growth rate in creeking and the urban areas is not factored into any use data. Unlimited boating in three decades compounded with similar growth in all existing uses requires consideration within the EA.

Overuse by floaters on the Lower Chattooga highlights how growth in boating has displaces other potential uses. Use estimation should extend beyond current estimated levels with all various activities compounded over the next few decades.

6.4 Not a Protected ORV or Conjecture?

Page 22 of the IR noted that: *The 1971 WSR study reported a Forest Service reconnaissance trip in a small raft from Grimshawes Bridge downstream to Highway 28 … "The fieldwork for that study was apparently conducted in a small "rubber raft" because participants did not feel that kayaks or canoes of the day were appropriate for the challenging rapids."*

If kayaks and canoes were not appropriate for the challenging rapids prior to designation, then they could not possibly be protected designation values (ORVs). The IR contradicts itself by stating kayaking and canoeing were values associated with the Upper Chattooga then states such activities were not appropriate prior to designation; at least one of these two statements is false.

Since creeking was not a reason for designation, it is not a protected Outstanding and Remarkable Value. Creeking is therefore a new user and should be evaluated accordingly in the EA.

6.5 Safety Training: A non-biased survey done on Safety training for kayakers and canoeists was conducted by the US Coast Guard in 2002 *National Recreation Boating Safety Survey*[7]. The report

[7] http://www.uscgboating.org/statistics/survey.htm

published that 70% of canoeists and kayakers had never taken a boater safety class. Clearly the majority of potential boaters have had NO safety training.

6.6 Accidents/Deaths: There have been twenty four (24) boat-related deaths on the Lower Chattooga in 37 years. There have been four accidents, one fatality, on the nearby Cheoah that just opened in 2006. That the *IR* "predicts" that a death will happen on the more difficult Upper Chattooga with class V rapids every 28 years is completely ridiculous and irresponsible.

The *IR* used a "conversation" with *Walbridge* who *"has been a safety chair for the American Canoe Association and American Whitewater"* to estimate the likely hood of an accident. The *IR* also references a fatality statistic compiled can by an AW assistant.[8] Objectivity of safety data sources requires more oversight from the agency.

Referenced statistics were collected on all whitewater kayaking from class II to V+ rivers. This is unlikely to accurately predict fatalities on a Cass IV-V+ stream like the Upper Chattooga.

The Coast Guard has objective participation and fatality data for whitewater kayaking. The 2.9 statistic appears to be under estimated by a factor of 10 with a summary of one years data. The USFS should rely on objective sources to review Search and Rescue, as well as fatalities, statistics for "private boaters," on class IV and V steep creeks.

At a minimum, the number of incidents, accidents and deaths should be added as indicators so that the river can be closed when the number of SAR accidents or deaths are more than one per year or greater than two in five years. This would protect the public's health and safety or eliminate participates via natural selection.

7.0 DATA COLLECTION for UPPER CHATTOOGA CLIFFS SECTION.

IR page 11 noted *"access to the reach was not provided by landowners."* However, the USFS surveyed the private property in 2005 with the landowner permission. The assessment from the ranger (Jeff Owenby) was that the Chattooga was, in his opinion, not navigable. Access for public recreation during the expert panels was denied for liability concerns and what has proven to be valid concerns about the hired consultant's objectivity (after having been recommended by AW).

While page 29 noted *"These [angling] estimates do not include use on the 1.7 miles of private land in this reach."* After the USFS visited the property in 2005 they were given contact information for numerous club members to help better understand current use levels. In addition, the Whiteside Cove Association supplied forty years of historical use data to the USFS and the consultants. The data indicates the Chattooga Cliffs section is fished and enjoyed at most all water levels and referenced the same downstream flow data used to determine angler preferences within the *Integrated Report*. The *Integrated Report's* failure to collect use data was based solely on the inflexibility of the hired consultant to include WCA members in either of the expert panels or to survey any members. Surveys, similar to those used during the expert panels, provide the necessary information to fill the data gaps within the anecdotal expert panel questionnaires.

The USFS must consider how alternatives might impact protected OR values throughout the entire Wild & Scenic Corridor, including on private property. Data collection excluded current uses that WILL be impacted by altering current policy. The USFS is required to consider current users under the Appeal Decision; recreation data on the private section within the WSR was submitted voluntarily for consideration. Some OR values not considered on the three miles of the Chattooga above Norton Mill Creek include, solitude, goal interference with birders and anglers

[8] Plyler, Jennifer. (2000). "Comparison of American Whitewater Safety Statistics to the Coast Guard." American Whitewater Safety Assistant .

Under Executive Order 12630 the agency must include how each alternative might impact property rights. Including the North Carolina laws for trespassing and nuisance. The USFS can not set policy the ignores, encourages or condones trespassing or violates property rights.

8.0 Biophysical Impacts and Indicators

"Where a choice must be made between wilderness values and visitor or any other activity, preserving the wilderness resource is the overriding value. Economy, convenience, commercial value, and comfort are not standards of management or use of wilderness." FSM 2320.6

The W&S Rivers Act states " *primary emphasis shall be given to protecting its esthetic ,scenic, historic, archaeological, and scientific features"* WSR Act 10(a)

The management priority of conservation over recreational demand is very clear.

8.1 Riverbed: The cumulative increase in riverbed impact from low-water boating is not considered even though one expert panel boater reported hitting bottom 40 times during moderately high water. Potential impact to the health of the aquatic plants, invertebrates and spray zone flora as a result of additional boat impact and portage use is not considered. One low-water trip through a gravel stream bed can disrupt trout spawning and invertebrates. The shear force of a moving kayak dragging along the bottom will disrupt a stream bed far more than just walking in a stream. Disruption of the spawing beds resulted in seasonal closure of the Upper Salmon River

Regarding Boat marks page 57 of the *IR* notes *"This appears to be framed as an aesthetic rather than ecological impact; for some users, marks on rocks diminish the "naturalness" of the river setting."* The ecological impact of adding plastic includes the associated toxic elements (**cadmium and lead**) typically used to enhance polyethylene or the **phthalates** used in softening inflatable kayaks would all impact the aquatic and riparian ecosystem. The addition of toxins into the environment will have grave consequences to smaller organisms in the aquatic food chain.

8.2 New Trails: The report notes the probable need for additional trails in the riparian zone (pg 43) but the amount appears grossly underestimated. Estimates were based on the incomplete expert panel boating data. The expert panel report was conducted exclusively by experts with state-of-the-art equipment. Additional portage and scouting trails are likely to be required to accommodate less-skilled kayakers, canoeists and the increasingly popular inflatable kayaks.

There is no mention of additional trail needs for indirect boat-related activities including scouting trips, new portage trails around ever-changing strainers (fallen trees), attraction sites, spectator use, etc. Scouting trips are recommended for first time use and after flooding[9] –the primary time for a kayaker visit. "When in doubt scout" is standard safety protocol advocated by the NPS, BLM ACA and AW, yet the assessment of these additional trail, and cumulative impact to existing trails, is excluded from the *Integrated Report.* Most of this additional use would occur after heavy rains when likelihood of erosion is highest[10].

All assessments of scouting and portage needs were reviewed during a single flow, not the full range of potentially boatable flows. Expected riparian impact from portaging above the bedrock at higher flows or high impact to the riverbed during low-water use is not considered within the

[9] The American Red Cross, Canoeing and Kayaking (1981) pp. 5.12-5.15. William "Bill" Hillcourt, Official Boy Scout Handbook (1979) p. 161.
[10] *Soil Survey of Jackson County, NC* , USDA/NRCS 1991

Integrated Report. The common need for "hike out" trails due to the "flashy hydrology" of the river were also not included in the trails assessment.

Dragging canoes and kayaks on these soggy trail is not reviewed in the IR yet is common practice. The added loads and repeated trips associated with all the extra wet gear is excluded from review.

Rerunning favorite rapids is also not discussed, rerunning rapids creates repeated wear on single trails around favorite drops near spray zones; scouting has a similar double impact.

All potential trail needs should be included for a realistic and comprehensive review .

8.3 Road & Parking lots: The Integrated report notes that 90% of the sediment in the Chattooga is from Road use and the same report notes sedimentation runoff is worst after heavy rains[11]. Boaters exclusively visit the river "after heavy rains" and due to shuttling cars between access points create far more impact per visitor. The cumulative impact from increased road, and parking lot, use on sediment loads into the Chattooga are not listed in the *IR*. Yet concerns are in the public record.

8.4: Riparian Vegetation The USFS were concerned about boaters "trampling vegetation"(2004 FEIS Appdx. H), yet that issue was given short shrift in the *IR*. Given the soggy conditions, poor bank soil and underestimate of additional riparian use, it is clear that riparian flora will be subjected to significantly more impact if boating is added. This should be included in the EA.

The volume of boaters, or any user, correlates to increased levels of impact. Evaluated cumulatively with existing users -already considered over capacity in the wilderness- WILL only further degrade the riparian resource and aquatic vegetation the agency is mandated to protect. The Recent FEIS on the South Fork of the Kings River, CA and the AMC 2002 River Report both indicate whitewater overuse creates bank erosion.

9.0 Wildlife Impacts

"Maintain wilderness in such a manner that ecosystems are unaffected by human manipulation and influences so that plants and animals develop and respond to natural forces." **FSM 2320.02**

9.1 Bird disturbances: *"Some birds like the cool, shaded streamsides in the areas where Hemlock & white Pine dominate, towering over the understories thick with rhododendron and mountain laurel. Canada Warblers, Blackburnian Warblers, the Louisiana Water thrush and the relatively rare Swainson's Warbler use the streamside areas as nesting ground" "The Great blue Heron and kingfishers…Various swallows and flycatchers are found along the river margins. Wood Ducks and Mallards are common during migration periods.* [12] Page 52 of the *IR* admits *"Recreation use may displace birds from trail corridors and discourage nearby nesting"* but does not provide research citations to make any definitive conclusions about the net affect boats will have on birds along the Upper Chattooga.

"Despite their formidable size, herons are shy birds that can be vulnerable to human disturbance."[13] Most boaters are aware that their downstream nature may disturb the same heron multiple times, but few understand the consequences. Consistent interruptions eventually lead to abandonment of a water body. "Herons are adversely affected by human activity." and herons "did not return to heavy used areas" due to the easy "mobility of the birds".[14]

---

[11] Van Lear, Taylor, & Hansen, 1995, *Sedimentation in the Chattooga Watershed.*
[12] pg 37 "Guide to the Chattooga" Clay
[13] Vos, Diana K., Ryder, R. A., Graul, W. D. 1985. Response of breeding great blue herons to human disturbance in northcentral Colorado. Colonial Waterbirds 8 (1) :13-22.
[14] Kaiser, M. S., Fritzell, E. K. 1984. Effects of river recreationists on green-backed heron behavior. Journal of Wildlife Management 48 (2) :561-567.

On page 53 The IR suggests *"regulations regarding maintaining appropriate distances from wildlife." But never defines those distances.* The recommended hundred-meter buffer zone between humans and nesting waterfowl[15] would be impossible for boats to maintain when the Upper Chattooga's width averages between 12 and 50 feet wide.

Waterfowl populations decline as human activity near nesting and rearing sites increase. "*When a nesting bird flushes off a nest due to disturbance it leaves the nest susceptible to predation."*[16]

In 2004 the Forest Service noted that " riparian habitats, and forest interior habitats are the highest priority for management for migrating or breeding birds in the piedmont. Of particular interest is the recreation and restoration of water bird habitats in the piedmont for summer foraging, spring and fall migration, and wintering habitat for a wide variety of bird species."[17] Increasing recreational pressures to this protected water habitat appears misaligned with current objectives.

9.2 Trout Habitat: The Chattooga is at the upper limit for temperature considered suitable for healthy trout habitat. The numerous spring-feed tributaries choked with rhododendrons help keep the temperature cool enough throughout the summer to support fish reproduction[18]. An increase of water temperature of just a three degrees could result in large kills [19].

Unfortunately, the cooling rhododendron canopy would require removal for boats to pass through these tight tributaries thus increasing overall water temperature. The current no boating policy protects these smaller tributaries that terminate into the Chattooga. This indirect impact requires review under the protect & enhancement of the protected biology OR values then under Section 10a of the WSR Act which mandates protection of biological values above recreational demands.

10.0 SOCIAL:

The Appeal Decision acknowledged, that the "*2004 RMLMP …allocates portions of the forest into management areas that reflect biological, physical, watershed, and social differences."* While one Sumter management goal is to "*offer diverse recreational opportunities"*[20] The Sumter Forest objectives are not to manage resources homogeneously to enhance only one form of recreation.

In addition the agency is required to "*initiate social effects analysis when the potential effects of agency policies or actions are important to the decision*."[21] Loss of solitude, swimming behavior, and fishing disturbances on the Chattooga have not been reviewed beyond the desired conditions workshop and stakeholder meetings. Review of that data indicates tolerances by current Chattooga visitors.

10.1 River versus trail encounters:

Visitors are less sensitive to encounters along their route than to those at an attraction site, or destination[22]. The integrated report attempts to combine river and trail encounters as if they were equal; this is simply not accurate. To a boater the river is just a water trail but to most other visitors types- swimmers, anglers etc. -- the river is the attraction site. Therefore foot travel visitors will be

---

[15] Rodgers, James A., Smith, H.T. 1997. Buffer zone distances to protect foraging and loafing waterbirds from human disturbance in Florida. Wildlife Society Bulletin 25 (1) :139-145.
[16] Kelly, L.M. 1992. The effects of human disturbance mitigation on common loon productivity in northwestern Montana. Maine Audubon Society,
[17] 3-215 Sumter 2004 FEIA
[18] *Influence of riparian alteration on canopy coverage and macrophyte abundance in Southeastern USA blackwater streams*. Fletcher, Wilkins, McArthur and Meffe, Ecological Engineering 15 (2000) S67--S78, 1999
[19] *Spatial Modeling to Project Southern Appalachian Trout Distribution in a Warmer Climate Flebbe, Roghair & Bruggink,* American Fisheries Society 135:1371–1382, 2006
[20] Sumter Forest Service RMLMP 2004
[21] FSH 1909.17 also FSM 1970
[22] Lime, Manning & Freimund. 1994. *Indicators and Standards of Quality for the Visitor Experience at Arches national Park*

more sensitive to river encounters since the river is their "attraction site". This sensitivity to river encounters were documented at the December 2005 Chattooga stakeholder meeting when anglers, day hikers, birders and front-country users all voiced there opinion collectively of "no boats" and "few encounters". For backcountry anglers the desired number of boat encounters was zero.

The Upper Chattooga ranges from a tight stream to a wide creek; encounter sensitivity for foot-travel visitors will vary according to the change in topography and expectations based on the distance hiked to reach a secluded spot.

10.2 Page 23 noted *"boaters value the same attributes as other upper river users: a sense of remoteness, spectacular scenery, and few traces of human use. In addition, they are focused on the challenge of running whitewater."*

Most recreational activities have been found to value "remoteness" and "scenery" including Snowmobiles within Yellowstone Park and Mountain bikers in Mohab, UT. Along with boaters, all these groups can enjoy the Upper Chattooga **on foot** so that everyone can continue to value that feeling of solitude and backcountry remoteness. Restricting all travel aides (kayaks, bikes ATV's etc) assures no one group easier access to the most remote wilderness and maximizes habitat protection. The **foot-travel-only policy** is what is best for the resource and visitor equity.

Missing from the 2003 NPS/AR report, referenced on IR pg 23, is that most of the lower river boaters indicated that their "desired wilderness experience" was already available on the lower river**.** Therefore, it is unnecessary to further degrade the riparian banks and river experience to also include the Chattooga.

10.3 Encounters:

The IR report continues to indicate that the addition of any single user type would create a linear increase in the number of encounters; This statement is false. One helicopter would be seen by far more visitors because its' travel route is highly visible and a single motor-cross rider traveling at a much quicker speed would have far more trail encounters then would one more hiker. Similarly, a boat traveling down the watercourse will encounter far more foot travel visitors at the river's edge than would one additional hiker. Each activity alters the quantity of encounters uniquely. Mr. Whittakers repeated comparison of boater-to-boater data from his partner's Grand Canyon floating trip study is irrelevant to estimating encounter on the Upper Chattooga with multiple access locations and with many dispersed visitors.

The Integrated report uses the relative terms *unlikely* or *rare* 54 times without any quantifiable data supporting these relative descriptors for number of encounters. Since the chance of a single boater passing each point along the river is 100%, the probability of encounters is completely related to current user levels. Since no quantitative data was collected, the adjectives suggest complete pontification.

10.4: The Spice of Life

Boat restrictions at highway 28 have protected and enhanced all recreational OR values along the Chattooga. The Chattooga currently offers a variety of recreational opportunities for many types of visitors. Uniform management policy, that enhances one activity at the expense of others, does not result in an equitable policy for all users. Paddlers already experience protection on the lower Chattooga from motorized watercraft; foot-travel visitors deserve similar protection up river. The

agency should be viewing management policy within the geographical area with an absolute minimum review of all recreation OR values along the entire Chattooga Wild & Scenic Corridor.

The 2004 Sumter Forest management objectives[23] outline the need to offer diversity in recreational opportunities by varying policy throughout a resource. The *IR's* exclusive focus on recreating on the Upper Chattooga discounts the excessive boating activity that has already monopolized use on the lower Chattooga and reportedly displaced other users.

The 1976 compromise that forced foot travelers to cede 2/3rds of the river to the explosive growth in whitewater boating appears to have been discounted completely in review of currently available opportunities.

An alternative policy thirty years ago would have resulted in a different Chattooga. What if angling was enhanced on the lower river and boating relegated to section IV. This would have made the Chattooga a fly-fishing Mecca of the Southeast in place of boating. Continued stocking below the bridge with access for motorized angling fishing skiffs would have resulted in a very different Chattooga to what we have today. These "enhancements" may have resulted in an explosive growth in angling, but all at the expense of paddling. It is impossible to predict how an alternative policy thirty years ago may have altered visitor behavior but it is clear that policy can and does alter behavior. The 1976 compromise to enhance boating on the lower river at the expense of angling -stocking was eliminated and paddling grew unchecked- did not meet the "protect and enhance" mandate for angling. However, this is an egocentric view versus a balanced perspective on all recreation activities, that balanced perspective is what is needed now on the Upper Chattooga.

Protect and enhance mandates associated with OR values can not be viewed individually and requires collective assessment along with review of historic policy; the current policy considers both conflicting uses and offers opportunities for both activities.

10.5 Opportunity "importance" was poorly researched:

Pg 26 of the IR noted that *"Results led researchers to conclude that boaters' more frequent use may lead to stronger place bonds (Vagias, Powell, & Haynie, 2006)"*

Comparing the lower river for boaters and entire river for angler (which already stopped stocking much of the river and is crowded with boats below 28) is not a rational comparison.

This survey would have provided a less contrived answer had it been conducted prior to USFS policy which encouraged boating and displacement many anglers from below the 28 bridge

10.6 Demographics: There is no data presented regarding the current participation rates for the various activities found along the upper Chattooga. According to the referenced Cordell study, Kayaking (the primary activity for private floaters) represents 3%of the population - and far fewer are creekers- while angling and birding represent 14% and 32% respectively. Oddly birding and associated trends are missing within the integrated report. Similarly, a visit for Scenery, the activity with the highest participation at 60%, is never considered.

A more recent nation-wide survey indicates that there are 15.1 million Birders, 18.2 million fly-fisherman, and 2.2 million kayakers[24] and that only 250K kayakers have the expert skill required to run the headwaters. An equitably proportioned resource allocation system would have granted anglers and birders far more Chattooga corridor in 1976; policy need not further placate the boating minority.

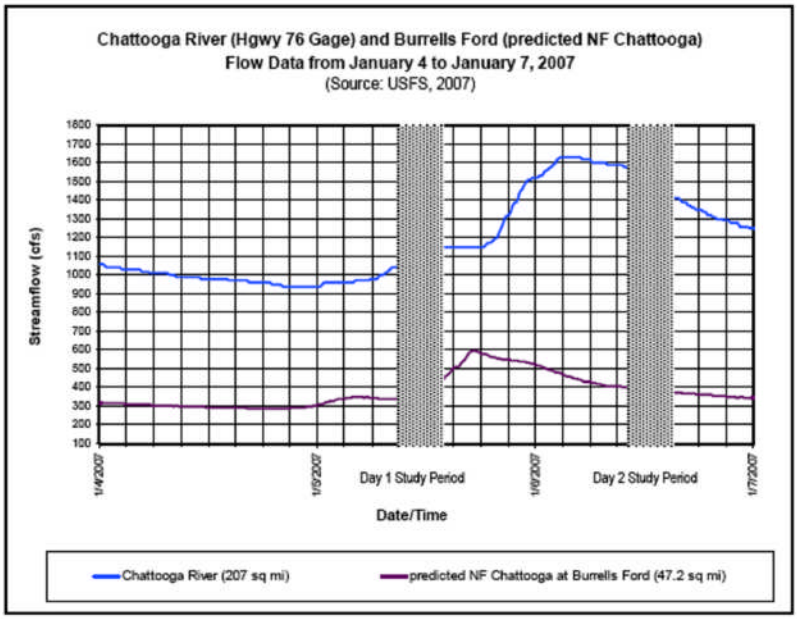
10.7: Solitude

[23] 2004 Sumter FEIS

[24] *Outdoor Recreation Participation Study™, For Year 2004 Trend Analysis for the United States Published June 2005*

A current assessment of "opportunities for solitude", included in the Wilderness Act [25], were never reviewed in the *IR*. The Sumter Forest Supervisor was quoted in a USFS press release as stating "*Before making that final decision, we feel it is important to collect site-specific information about flow levels and the solitude experience many recreation users have told us is important to them*," [26] The only data collected on the "solitude experience" was during the public hearings, stakeholder meetings and in public comments. Review of the public record clearly indicates the high value of solitude held by stakeholders and that should be added to the EA.

11.0 Expert Panel Hydrology Information



The Integrated report indicated that the *river peaked at 1,400 cfs* during the expert panels. Yet the *Expert Panel* published chart[27] to the right indicates the river peaked above 1,600cfs which is above the 96% of water levels using the historical USGS records.

The Integrated Report published the flow range for the first day of boating as "*between 340 and 400cfs*" at Burrells Ford. Yet the published chart indicates the river was above 450cfs as the boaters completed their run.

The *IR* indicates the 76 gauge was at 2.3' for the second day and the USFS reported the 76 gauge at 2.6 feet in their January 2007 press release. According to the published chart on flows the second day remained above 1400cfs (2.6') during the entire study and measured 1550cfs when the boaters put-in on the Chattooga Cliffs. Water level at the 76 gauge was still above the 95% during the Chattooga Cliffs launch.

Boating panel members were asked to estimate "acceptable flow ranges" relative to the single flow boating assessment –which already required speculation given the lack of boating history. The conflicting reports on what the actual flow levels were during the trials add more uncertainty to the estimated boatable ranges. Mr. Whitaker warns of single flow assessment accuracy and even American Whitewater published that the study is flawed.

By homogenizing the anecdotal angler survey data over the entire 21-miles, the *Integrated Report* fails to acknowledge that the upstream diminishing flow levels will alter visitor behavior. Angler's reportedly unfamiliar with the Chattooga Cliffs reach could only use their historic reference for angling in SC to assess fishable flows on the NC Chattooga Cliffs reach. Using the logic within the entire *IR* report, that use patterns vary by water level, it follows the upstream flows would accommodate angling more often. The angling flows at Grimshawes Bridge-which are 15% of those

[25] Wilderness Act section 2
[26] Sumter USFS Press Release, Feb, 03 2006 R&S 470038-1
[27] Chattooga River; Expert Panel Field Assessment Report pg 14 (Source: USFS, 2007)

found at Highway 28- can not be evaluated based on flows 20 miles downstream. The ability to fish during much higher flows- above the 98%- near Grimshawes bridge is exactly what the forty years of actual use data submitted by WCA indicates.

Webster's defines *Anecdotal* as being "based on personal experiences or reported observations unverified by controlled experiments." Outside of the single days flow, the entire *Integrated Report* published flow ranges for boating and angling based completely on anecdotal reports. From expert anglers, the collected data was based on personal history using the gauge at 76. Published boatable ranges were completely speculative since the boating panel had no history of using the Upper Chattooga and no history was available from the recently installed temporary gauge at Burrell's Ford.

12.0 Adoptive Management:

The idea of adoptive management is controversial[28] especially when incomplete baseline data exists for wildlife and visitor use. A commitment to an adoptive management approach is time consuming an expensive.[29] If used the USFS should be realistic about their ability to manage and pay for such an expensive experiment by limiting its' scope within resource and budgetary constraints.

A common footnote throughout adoptive management summaries is that inadequate baseline data required to measure impacts are not available. Please do not turn the Chattooga into an *ad hoc* social experiment.

Any valid experiment requires a control left untouched to measure impact against, the North Fork could remain that control. Partial limitations on boating elsewhere could evaluate the beneficial impact associated with limiting boat access. Restriction benefits could all be measured without impacting the WSR resource or experience found on the upper Chattooga. Consider partial limitations on the Lower Chattooga or closing the West Fork to all boating for a decade to record the benefits on the environment and angling. A review of limitation benefits elsewhere would be superior to considering how "much" impact will result from adding boating to the Upper Chattooga. Please do not experiment with such a rare and unique resource.

In conclusion:

The Appeal Decision consolidated the entire AW appeal into two contentions, the illegality of the restrictions and lack of support data.

The claim that use limits are illegal has been proven false in the *Chattooga Literature Review* and from numerous case law including U.S. v. Hells Canyon Guide Service, Inc., 660 F. 2d 735, 737 (9th Cir. 1981) and U.S. v. Lindsey, 595 F.2d 5, 6 (9th Cir. 1979)

The Appeal Decision noted AW *"contends that there is a lack of data or studies in the record to support the decision"*; this was clearly the rational for demanding a Visitor Use Capacity study in the remand decision. Three years later and with considerable effort and resources, the Capacity analysis still offers no definitive conclusion for many stakeholders' publicly voiced concerns as we stumble into the NEPA process.

"The determination that the scope of an EIS is proper is important to the required determination whether the agency in good faith objectivity has taken a hard look at the environmental consequences of a proposed action and at alternatives to that action" [30] We contend the scope of analysis has

[28] Haas 2004

[29] *A Reframing Of Visitor Capacity - park capacity* Hass, 2001

[30] Save Our Sycamore v. Metropolitan Transit Auth., 576 F.2d 573, 575 (5th cir 1978).

avoided a hard look at resource impacts and only studied angler and boater water flow preferences. The agency can therefore only draw a rational conclusion on that specific topic. The study found that boating and angling flow preferences overlap resulting in an asymmetric conflict. This validates the original 1976 policy that was repeated in 1980, 1985 and 2004 which protects angling above Highway 28 and is defined as the "no action alternative" or status quo.

To alter the status quo, the USFS must prove why 30-year zoning is no longer necessary to protect the environment and ORVs [E.g.,5 U.S.C. §556(d); Minn. Milk Producers Assc. v. Glickman, 153 F.3d. 362, 642 (8th Cir. 1998)]. Without the hard look at impact to all users or to the resource, the long-standing protective restrictions on the Upper Chattooga must remain intact.

Thank you for you time and consideration to these key issues.

Sincerely,

Mike Bamford

Michael Bamford
Cashiers, NC
Member Whiteside Cove Association
Member Friends of the Upper Chattooga

PENOBSCOT PADDLE AND CHOWDER SOCIETY

ESTABLISHED 1969

WWW.PADDLEANDCHOWDER.ORG

JUNE 12, 2007

P.O. Box 268
Topsham, ME 04086

Chief, Forest Service
Sumter National Forest
United States Forest Service

Dear Sir or Madam:

The Penobscot Paddle and Chowder Society (PPCS) is a paddling organization based in Maine, but with a national membership. Several of our members live in the Sumter National Forest region and regularly paddle on the Chattooga River. Many more frequently travel to the Chattooga to canoe and kayak. Our membership is truly representative of society at large. We have tradesmen, teachers, carpenters, lawyers, business owners, health care professionals, retirees and government officials as members. Many of our members, probably most, are both fishermen and paddlers.

On behalf of the PPCS, I appeal to you to reverse the ban on canoeing and kayaking on the Upper Chattooga. Any suggestion that recreational, non-motorized boating would be detrimental to the Chattooga River environment flies in the face of logic. Canoeing and kayaking personifies safe environmental usage of our waterways. Boaters and paddling organizations have been at the forefront of efforts to protect our nation's rivers and streams.

We in the PPCS cannot understand why boaters and fisherman cannot cooperate and agree on joint use of the Upper Chattooga. We have been involved in negotiations that have resulted in joint usage of many of the rivers in Maine, including the Kennebec, Rapid, Dead, and Penobscot. We recreate in harmony with one another on all of our rivers. It is incomprehensible to us that the same cannot be accomplished on the Upper Chattooga. Further, we cannot accept that it is appropriate for the federal government to ban a whole eminently responsible segment of society from publicly owned waters. This is simply an injustice that must be reversed.

Thank you for your consideration in this matter.

Sincerely,

Ronald D. Chase
President, PPCS