

Whiteside Cove Association
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November 9, 2005

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Forest Supervisor
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4931 Broad River Road
Columbia, SC 29212

VIA DHL Express

Mr. John Cleaves
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Mr. Chuck Myers
Southern Regional Forester
USDA Forest Service, Southern Region
1720 Peachtree St.
Atlanta, GA 30309

VIA U.S. Mail

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

VIA U.S. Mail

Re: **Whiteside Cove Association's Objection to "Decision for Appeal, (#04-13-00-0026 American Whitewater) of the Sumter National Forest Land and Resource Management Plan Revision."**

Dear Gentlemen and Ms. Hilliard:

I am the President of the Whiteside Cove Association ("The Association"). The Association is an organization of families that has leased a portion of property on the upper Chattooga River ("the property") for almost half a century. The property encompasses approximately 500 acres, and includes a portion the headwaters of the Chattooga River which begins at the Grimshawes SR 1107 bridge and goes downstream for approximately 1.7 miles to

the confluence of Green Creek and the Chattooga River, just below "Corkscrew Falls." The property was acquired by the Rust family in 1968 from Warren and Dorothy Alexander. The Association first started leasing the property from the Alexanders in about 1957 and has leased it continuously ever since. Over the years, our members and their friends have enjoyed the scenic beauty and wilderness experience offered by this special property.

We recently became aware of the Decision for Appeal issued by Ms. Gloria Manning of the Forest Service regarding the appeal filed by American Whitewater. We are writing to express our serious concerns about the scope of that decision and the extent to which it threatens our use and enjoyment of this private property. As you know, American Whitewater is seeking an ultimate ruling from the Forest Service which would allow "year-round access for self-guided groups of non-commercial, non-motorized canoeists and kayakers to float the Chattooga WSR [Wild and Scenic River] from and to existing access points between and including NC Road 1107 (Grimshawes Bridge) and the Highway 28 Bridge." (Emphasis added, NOA, pp 1-2). It is my understanding that the entire section involves about 20 miles. We are primarily concerned with the first 1.7 miles of private property which the Association has leased for almost 50 years.

It is clear from reading the Decision for Appeal, that the Forest Service has incorrectly assumed that the entire 20 miles under consideration is public property. In fact, this 1.7 mile section of the Chattooga River is privately owned. It is not managed or patrolled by the Forest Service, nor by any other public authority. It is not part of the Chattooga River Management Area.

Instead, since at least 1957, it has been managed, patrolled and maintained by the Association and the owners (the Alexanders and then the Rusts). The owners have paid property taxes to Jackson County and the Association has paid rent and dues associated with its maintenance obligations. Throughout that time period, the owners, Association members and their guests have enjoyed and been dedicated stewards of this private property.

The primary purpose of this letter is to urge the Forest Service to remove from further consideration under this Appeal the property and the associated 1.7 miles of stream below NC Road 1107 (Grimshawes Bridge). In my opinion, the Forest Service has no authority to authorize boating through this section of private property, or to include this section of river in the Visitor Use Capacity analysis mandated by the Decision for Appeal.

Over the years, we, our families and friends have enjoyed the property in a number of respects. We have spent time in a rustic mountain cabin located near the river. We have hiked and picnicked along the primitive trails. We have swum and played in the river with our children and grandchildren. We have fished the waters for mountain trout. We have taken good care of the land and its waters. We have not, however, canoed, kayaked or otherwise attempted to float the river. Likewise, we have not observed other people attempt to canoe, kayak or otherwise attempt to float this section.

The reason is simple. This 1.7 mile section of the Chattooga is not, under any reasonable definition, navigable at any 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, you 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 river itself which help maintain the proper ecosystem for trout.

Indeed, the 1970 Wild and Scenic River Proposal and the 1971 Chattooga river study described the upper Chattooga River as a "small stream" that requires "frequent portages around difficult cascades and narrow sluices." It stated that the Chattooga River "crashes over a massive precipice and down a 25 foot high Corkscrew Falls." (See 1971 WSR study, p. 73; 1970 WSR proposal, p.7, Dept. of Agriculture).

Recently, members of American Whitewater published a kayaker's view of this portion of the Chattooga in "North Carolina Rivers and Creeks," by Brushy Mountain Publishing, Inc. (2005). The text states in part: "This very small creek is "the most difficult section of the (Chattooga) river". It mentions the "nasty sieve (Corkscrew falls) which "can be walked."

Even more concerning is a recent (October 2005) posting on the American Whitewater website entitled "Poaching a Run," a copy of which is enclosed. (See also www.americanwhitewater.org/rivers/id/3446/). According to the posting, three American Whitewater members, whose names were withheld, blatantly trespassed through the subject property and provided illuminating details of their trip. The posting provides in part:

"Ignoring the ominous "No Trespassing signs," our raiding party moved fast to get out of sight of the road. Hoping that we didn't see any trout fishermen along the way, we fought through bank to bank rhododendron and small tree strainers... Then it started to drop. Small, but very blind drops at first, then bigger until we got to a 15 to 20 foot straight off drop. As we noticed that there was water blowing out of the face of the rock about halfway down, we assumed there was a pothole at the top. We walked it. Soon, we found more large drops, mostly of the sloping ledge variety... Then the class 5 fun began. We came upon a boulder pile forming a tricky rapid. Agent J walked his kayak around it... Next we came to an ancient log jam that blocked the entire river. We carried around it and discovered the first of 3 magically beautiful places. The river dropped over a couple of tricky (and boat damaging) drops into a straight vertical walled canyon about 15 feet wide... [Then] the water dropped out of sight. There were no handholds on the smooth, moss covered walls, and there was only a tiny eddy on the top left of the final drop... One by one, we caught the eddy and lifted over the tree that formed it so that we could see the terminal rock sieve into which the river disappeared [Corkscrew Falls]. That one was definitely not runnable at this level, and I'd be scared to run there at a higher levy. The eddy might not be there!

See Poaching a Run.

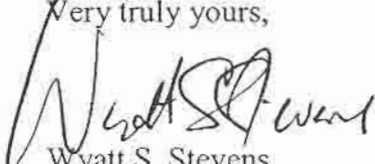
Clearly, according to experienced members of American Whitewater, the same group that has initiated this Appeal, the section of the Chattooga River from Grimshawes Bridge down through Corkscrew Falls is not navigable without (1) incurring great risk and (2) portaging on our private property in multiple different locations. Every time a boater portages on the property to avoid the multiple hazards, they are committing criminal and civil trespass. We do not allow boaters on the property for exactly these reasons.

In addition to being patently unsafe for boating at any water level, this section of the Chattooga River is practically inaccessible by the Forest Service in the event of an emergency. This 1.7 mile section of river runs through the heart of the property. There is no public road nearby and no public access through the property. The river is followed only by a primitive foot path for most of its length. With the exception of a few rutted logging roads, there is literally no vehicular access to any portion of the 1.7 miles of river. There also is no cellular phone service in that section of the county. Even an experienced boater could become badly injured while attempting to navigate this section. Help might not reach him for hours, if not days. Imagine what would happen to a novice boater.

For your additional consideration, I have enclosed some digital photographs taken on various sections of the 1.7 mile section of river on October 17, 2005. Based on these photographs and the American Whitewater's own descriptions of the river it is obvious that this treacherous section can not be traversed safely and without extensive portaging and associated trespassing on the property.

For all of these reasons, the Appeal and associated Visitor Use Capacity analysis should only be concerned with that portion of the Chattooga River downstream of Corkscrew Falls and the Green Creek/Chattooga confluence, all of which does indeed flow through Public Lands. We respectfully request that this property be removed from the Chattooga Appeal, as floating cannot be carried out legally or safely on this part of the river.

I appreciate your careful attention to this matter and look forward to your response.

Very truly yours,

Wyatt S. Stevens,
President
Whiteside Cove Association

cc: Representative Charles H. Taylor
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Washington, DC 20515

Representative Charles H. Taylor
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