



*American Whitewater is a non-profit organization.
We were founded in 1957 with the purpose of conserving and restoring America's
whitewater resources and enhancing opportunities to enjoy them safely. We have 8,400
members, and represent more than 160 affiliate clubs with more than 80,000 whitewater
paddlers.*

June 10, 2002

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Recreational Boating Use on the Chattooga Wild and Scenic River – Amendment 14

District Ranger Crane,

Thank you for forwarding a copy of the Amendment 14 Environmental Assessment (EA) regarding proposed changes to the management of guided and self-guided boating on the Chattooga River. We are submitting comments on behalf of American Whitewater's (AW) members and affiliates who are regular visitors to the Chattooga River. Our comments are prepared and submitted consistent with 36 CFR 217.

Summary of American Whitewater's Position

We support Alternative 1 (AKA the "no-action alternative"). This alternative is the "lesser of all evils" in our opinion.

We oppose Alternative 2 (the "Proposed Action" alternative).

We could support Alternative 3 given some significant modifications. Please see the sections entitled "Discussion of Alternative 3" and "Agency Decision Making" for additional discussion regarding this Alternative.

We strongly oppose Alternative 4 (AKA the “Agency preferred alternative”). We believe Alternative 4 will damage self-guided, private boater use and recreation opportunities, have no measurable environmental or social benefits, increase management obligations without obvious purpose or effect, and is inconsistent with Wild & Scenic management values.

We oppose Alternative 5.

We are distressed that all alternatives evaluated in the environmental assessment for Amendment 14 dismiss overwhelming public support to restore boating access above Highway 28 and water quality improvements on Stekoa Creek and the other tributaries.

We are equally dismayed that the preferred alternative ignores a substantial majority of this same public who oppose the proposed changes in guided use contained in all the alternatives (except alternative 1) and who also support AW’s position regarding private boater allocations. This public opinion is not truly reflected in any of the alternatives evaluated in the EA.

Similarly, we have serious reservations about the construction of the Agency’s preferred alternative and we question the Agency’s decision-making process. It would appear that the preferred alternative gives the commercial operator nearly all of what they have requested and ignores the input from private or self-guided boaters. See the discussion under “Agency Decision Making Questioned” below.

DISCUSSION OF IDEAS UNIVERSAL TO ALL ALTERNATIVES:

User Group Definitions

AW opposes the Agency definitions of “guided” and “self-guided” as the only distinction among the different user groups. There are three distinctly different users on the river and the proposed amendment fails to adequately address this issue in any of the alternatives evaluated. These user groups are:

Commercial guided users - the guests and clients of the three special use permit holders currently operating guided trips on the river.

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. These user’s numbers should be counted against the commercial user allocations.

Private User – the general public who possesses the training and skills to coordinate their own trip logistics. In general this group of users is more aware of the river environment and hazards, possesses better self-rescue and recovery skills, tends to travel in smaller groups, and impacts the river less. This use is distinctly different from the other two user groups.

Private Boater Reservation System:

AW supports advance planning to address anticipated future use patterns and we credit you and the Agency for your efforts to adapt the existing plan to reflect current needs on the river regarding the private user. Each alternative attempts to address private use and we support this effort.

We see no justification for why the preferred alternative does not reflect the private use numbers AW proposed last year (The numbers used in alternatives 3 and 5). We do not support the reservation system suggested under any of the alternatives unless they reflect the higher use levels proposed under Alternatives 3 and 5. These numbers better reflect current and foreseeable need and are not generally viewed as unacceptably crowded by visitors.

Furthermore, these numbers should not include any users that fall into the “*other commercial user*” category discussed above. These “*other commercial users*” should be counted in the commercial user allocations.

Therefore, given the choices, we support alternative 1 and question the need to change the existing plan from the status quo given that private use has plateaued (as documented in the Amendment 14 appendices) at a self-regulated level for the past 6 years and reservations do not appear to be necessary in the next several years.

However, we offer the following observations, recommendations, and requests should a reservations system for boaters ever be required:

1. The suggested dates for a private boater reservation system from April 1 to August 31 are reasonable.
2. The decision to regulate use on both sections 3 and 4 of the river on a dual track for weekdays and weekends is reasonable. Under each alternative, our understanding is that if use targets were exceeded on a given section of the river for 20 weekend days in a given year, then reservations would be required on that section of the river only on the weekend days during the following year. Similarly, if use were exceeded for 50 weekdays in a given year, then reservations would be required on weekdays the following year only for that section of the river.

3. We recommend any reservation system only go into effect if the capacity triggers are hit two years in a row rather than a single year as proposed in each alternative. This two-year approach has been effective on the Arkansas River in Colorado. There are several benefits to a two-year approach:
 - A. It gives the Agency more time to plan, develop, and test a new reservation system.
 - B. It gives the Agency more time to budget for the expense of managing a reservation system.
 - C. All reservation permit systems implemented in the past 35 years have had the effect of increasing use and demand for access to rivers. Limiting use creates social value for the permit holders within the community. Thus use increases on all managed rivers as use expands to fill all capacity under the limit.
 - D. Use in one year may be the result of a fad. For instance, high use rafting and kayaking years in 1995 and 1996 were directly correlated across the nation with the release of the Meryl Streep movie, “River Wild” in November 1994. However, since 1995, use has steadily declined as the whitewater fad inspired by the movie has declined.
 - E. Use in one year may be the result of unusual regional water levels that drive boaters to or from the Chattooga based on rainfall.
 - F. Once reservations systems are instituted, they do not go away.
 - G. Reservation systems have a high start up and recurring annual cost for management. Even the simplest permit reservation systems cost tens of thousands to implement and manage annually.
 - H. In our experience, if boaters learn that triggers are met one year, then their use patterns quickly alter the second year to avoid peak use weekends and reduce use overall, if there is a threat of a reservation system being implemented.
 - I. Provides adequate time to educate visitors about use levels and the need for a permit system.
4. Any reservations system adopted should include a sunset provision suspending the reservation system if use patterns drop back below the trigger levels for more than 3 consecutive years. In other words, if reservations are filled for less than 20 weekend days or less than 50 week days for 3 consecutive years then the reservation system would sunset until trigger levels are again met.
5. Based on our observations and experience working with river managers across the nation, we recommend that any reservation system, which might be developed for the Chattooga River, be constrained by defined operating hours. The reservation system should only regulate user numbers on the river between the high use period of 8:30 AM to 3:00 PM. This would result in the effective regulation of virtually all boaters

during the peak use hours. A similar management program has been highly effective on the Youghiogheny River in Pennsylvania's Ohiopyle State Park.

6. Holidays should be regulated as weekend days for the purposes of any use triggers that might be adopted. A review of historic patterns of use demonstrates a clear increase to weekend levels on holidays.
7. We agree with a first come, first served, same day type system. We do suggest that some type of on-line, internet based system be developed so that distant visitors don't travel long distances only to be denied a reservation upon their arrival.
8. We are opposed to any type of fee to obtain a reservation.

Boating Access Above Highway 28

AW remains frustrated that numerous requests to restore boating access above Highway 28 as a part of Amendment 14 have been dismissed by the Agency as "irrelevant." We have read each "official" comment sent to the Agency regarding Amendment 14 during the original scoping comment period, all 213 (224 by our count) of them. More than 200 letters received during the scoping period support access to the headwaters (>95% of all 214 letters received). As documented, the public overwhelmingly supports boating access above Highway 28.

Furthermore, in addition to these 213 "official" public comments made in response to Amendment 14, the district and regional offices have received more than 500 additional "unofficial" or unsolicited letters and emails from concerned citizens supporting access to the river above Highway 28.

Boating use of the headwaters would be naturally limited to a handful of days each year by normal precipitation patterns. The district and regional offices continue to support a boating ban on Agency lands that is completely inconsistent with recreation lands management and Wild & Scenic Rivers management throughout the country. It appears that the River Manager is acting independently of Agency policy by maintaining and enforcing an environmentally and socially unjustifiable ban on recreational boating in the headwaters of the Chattooga.

At the very least the decision to dismiss the issue revealed the need to finally address boating access above Highway 28 in an open public process. Amendment 14 provided the perfect opportunity to evaluate the issues with appropriate public involvement¹. The final

¹ *This is in stark contrast to the original decision to close the river to boating above Highway 28.*

Record of Decision on Amendment 14 should specify when and how the request to consider this issue would be evaluated.

Improve Stekoa Creek Water Quality & Reduce Fecal Coliform

The pristine nature of the Wild and Scenic Chattooga River corridor is threatened by increased sedimentation, turbidity, agricultural runoff, urban runoff, and aging septic systems throughout the watershed. Nowhere is this more apparent than the Stekoa creek watershed.

AW's request to make improved water quality a priority was denied under Amendment 14. The Agency stated that the *"issue is outside the scope of the Purpose & Need and Proposed Action for this project"* (pg 7).

The Agency later noted *"To assess the current and future impacts of boating use on the river, focused monitoring is needed on the water quality areas of sedimentation and fecal coliform..."* (pg 24).

However, the EA later clarified that *"Known water quality problem areas should be targeted first until we get better information. Stekoa Creek has been and continues to be the most contaminated tributary within the Chattooga Watershed. Estimates are that Stekoa Creek may also have about 2/3 of the total fecal (and sediment) loading for the Chattooga Watershed. Warwoman Creek, West Fork Chattooga River, and Whetstone Creek have periodic fecal contamination* (pg 25)."

Though the report states that *"Because of the perceived inadequacies of the current Forest Plan as it relates to boating and the need for a more timely response; because these other issues involve other National Forests; and because Forest Plan Revision is underway but on a more extended timeline, the Agency determined that the scope of proposed activities should be limited to only recreational boating on Sections I - IV for guided and self-guided use"* (pg 8), this decision to set aside water quality improvement on Stekoa Creek has serious health ramifications for recreationists and might violate the intent of the Wild and Scenic Rivers Act.

We understand the jurisdictional boundaries facing this important issue and that many of the worst offending watersheds lay outside the Andrew Pickens District. However, the Andrew Pickens district is charged with managing recreational use of the river and water quality impacts this use as the EA states. A stronger, multi-jurisdictional effort should be made to address this issue.

Scope of Purpose & Need Statement

The scope of the purpose and needs statement of Amendment 14 was inadequate. The reasons for addressing the issues selected for inclusion in Amendment 14 are also valid reasons to evaluate the issues that were dismissed, including access above Highway 28 and improving water quality on Stekoa Creek.

The introduction to the “Purpose and Need” statement in Amendment 14 explains that the 1985 Forest Plan contains several inadequacies with respect to boating on the Chattooga River. This is true and indicates that the scope of the planned amendments address all boating related issues. While it may be appropriate to tier terrestrial management issues under NEPA separate from boating related issues, all boating related issues in the forest should be addressed in one concise document. Therefore, we continue to recommend incorporating all boating issues on the Chattooga River under a single amendment. The work associated with such an amendment would then naturally feed the ongoing forest planning process.

Guided Use: Definition of “Raft”

We are not necessarily opposed to the use of inflatable kayaks on the river. They are a totally suitable craft in the hands of a properly skilled and educated user. Inflatable kayaks require different skills and guidance than rafts and should not be defined in the same manner. See discussion under “shuttle permits” as well.

Nor are we opposed to commercial guided activities on the Chattooga River. However, given the proposed constraints on public self-guided access, we do not comprehend a justifiable need by the Agency to expand the commercial allocation directly or via the “other commercial users” classification described above. The current commercial allocation and level of use is appropriate, increases in this sector are not acceptable if it means that private taxpayers will not be able to readily and freely access public lands.

Guided Hard Boat Trips

We are not opposed to substituting a guided hard boat trip on any section of the river instead of a regularly schedule raft trip. This type of flexibility seems reasonable if the number of boats is limited to the number of craft currently allowed.

Shuttle Permits

AW is completely opposed to increasing the number of special use shuttle permits allowed to operate within the river corridor. There is no economic or social justification to increase the number of shuttle permits beyond the one permit currently allowed and the Agency’s reasons for increasing the number of shuttle permits is seriously flawed. Not

only do we oppose the issuance of additional shuttle permits we propose that the customers of any shuttle permit holder be counted against the commercial user allocations on the river.

The Agency should note the following in regard to issuing additional shuttle permits:

1. Shuttle permits are generally issued to the companies that also rent inflatable kayaks or other river craft and commercially promote and encourage river use.
2. Alternatives 2-5 provide for multiple shuttle permits.
3. There are no restrictions on the number of craft a company can rent.
4. The Agency professes a need to restrict self-guided or private boater access with reserved permits based on historic use levels.
5. The Agency considers self-guided inflatable kayak and other rental customers the same as private boaters (using AW's terminology) lumped into the user group called "self-guided".
6. Finally, note that the act of facilitating a new commercial rental industry through multiple shuttle permits will only make the river more congested and access more difficult for the traditional visitors. AW does not oppose inflatable kayak or rental equipment use on the river. We do believe strongly that all equipment rental customers and shuttle users be counted under the commercial user allocations and not lumped together with traditional private users.
7. We understand the Agency's desire not to regulate private commerce regarding equipment rentals, be they inflatable kayaks or otherwise. However, the Agency must recognize that excessive promotion and encouragement of inexperienced users attempting the Chattooga River is irresponsible, contrary to the Wild and Scenic Rivers acts, would severely reduce the average proficiency and safety awareness of the self-guided boater, and is poor public policy. While the Agency does not wish to regulate this type of commercial activity, the Agency must not engage in facilitating this behavior either. Issuing additional shuttle permits facilitates this type of behavior and is irresponsible management. The Agency can and does regulate commercial activities that negatively impact use on their resource, including commercial rentals outside forest lands on other rivers. The Nantahala is a good local example of this type of regulation.

Guided Use: Number of clients per trip

Each alternative (other than the "no action" alternative 1) allows trips to exceed 30 clients as long as each trip does not exceed 40 total people (including guides). The overall daily commercial allocation does not change. The change will have the affect of allowing outfitters flexibility to take a 25 and 35 person trip instead of two 30-person trips. This proposal simply gives the outfitters greater flexibility in booking trips and AW's analysis is that it will have little effect on private boater use. We are not opposed to this change.

Afternoon Overlap of Guided Trips between Highway 76 and Woodall:

Amendment 14 fails to address the trip overlap that occurs between the Highway 76 bridge and Woodall Shoals. Many Section III trips end at Woodall and many Section IV trips begin at the Highway 76 bridge. This section of the river risks being overused by guided trips, particularly in light of the Amendment 14 provisions to allow more boats per guided trip. The Agency needs to address the problem and how this overlap fits under the outfitter's carrying capacity.

DISCUSSION OF ALTERNATIVE 1 “No Change”

We support Alternative 1, the “no change” alternative. The forest service has failed to demonstrate a need to modify the current management plan in regard to shuttle permits and guided use. Furthermore the private or “self-guided” user numbers in the preferred alternative fail to address AW's concerns. Thus, it appears that continued management under the current operating program is better for the river than the preferred alternative and alternatives 2, 3, and 5.

DISCUSSION OF ALTERNATIVE 2

This is the original Amendment 14 proposal described in the July 2001 proposal. We remain opposed to this alternative for all the reasons stated in our comments submitted last fall.

DISCUSSION OF ALTERNATIVE 3

Alternative 3 at least recognizes some of the public input received during the original scoping for Amendment 14. AW could support a modified version of this alternative that addresses the issues raised in the “Discussion of Ideas Universal to All Alternatives” section above.

Private Boater (Self-Guided) Capacity Triggers

Private or self-guided boater use at current levels has peaked at 200 people per day an average of one day per year according to your data. This use level has not been found to have negative environmental or social impacts. We support setting the visitor capacity trigger at 200 people per weekend day (including holidays) for 20 days per year, or 125 people per weekday. These figures would apply to both Sections III & IV of the river. Boaters know to expect some more people on weekends and more primitive experiences

on weekdays. These use triggers would facilitate public enjoyment of the river and still provide public opportunities for more independent experiences on weekdays.

There is neither anecdotal nor scientific evidence of unacceptable crowding or environmental effects from self-guided visitors at these use levels. Thus the triggers under Alternative 3 are preferable to Alternative 4.

DISCUSSION OF ALTERNATIVE 4

Alternative 4 is not good for the river and does not meet the standard of protecting the Wild and Scenic qualities that many users cherish on the Chattooga. Alternative 4 goes beyond the changes proposed for guided use contained in the original scoping document. It also fails to address public concerns about: private user allocations, increases in the number of shuttle permits, guided use on sections I and II during high water, increasing the number of boats on guided trips. Furthermore, it completely dismisses public requests for boating access above Highway 28 and improving water quality on the tributaries including Stekoa Creek, which the report identifies as the single greatest contributor of fecal coliform to the river.

Private Boater Capacity Triggers

See the discussion under Alternative 3.

Guided Boating - Number of Craft/Trip

We do not support the proposed 12 craft per trip rule. The current operating plan is working well and should be maintained as is.

DISCUSSION OF ALTERNATIVE 5

We oppose alternative 5 for the various reasons stated above.

AGENCY DECISION MAKING PROCESS QUESTIONED

Our members are concerned about the decision making process under which the Agency has addressed the proposed Amendment 14 modifications.

The District office appears to have made its decision regarding the different alternatives prematurely and has taken apparent steps that ignore or exceed their authority under the current plan and authorized several temporary shuttle permits. Thus it appears that the

district office has already made decisions regarding shuttle permits consistent with the rules proposed in Amendment 14's Alternative 4, though this alternative has not yet been selected.

We have also pointed out several apparent NEPA violations associated with failing to mail notices to interested parties. The practice of ratcheting down the mailing list is a tactic that should stop.

The District office has failed to adequately explain the basis for the decision to dismiss the headwaters issue and cannot justify the continued closure of the river above Highway 28. The Agency continues to hide behind old, indefensible arguments that just don't make any sense.

The EA was mailed on May 7, 2002 with a ridiculously short 21-day comment period. The Agency spent more than 8 months working on the EA and then expects the public to respond within 3 weeks. Furthermore, due to slow mail service many people did not receive their EA document until the week prior to the original May 28 deadline. AW's request to extend the comment period was originally dismissed and we were told that the Agency wasn't even obligated to seek public comment. This type of behavior does not engender public trust and involvement in the process. In fact this creates distrust and acrimony and furthers the belief that the Agency wishes to ignore public input.

We are not "anti-commercial" and we appreciate the good stewardship that the NOC, SEE and Wildwater have demonstrated on the river over many years. We commend their safety record and their "on the river" conduct. Many of their interests align quite well with ours and are good for the river. However, based on the above, and the construction of the proposed alternative 4, it appears that the District is "in bed" with the commercial interests surrounding the river, that the Agency ignored overwhelming public opinion and is making decisions that will adversely impact the Wild and Scenic Chattooga River.

We continue to be concerned about the Agency's decision to divorce the river management plan amendments from an evaluation of the existing river management plan (Appendix M). The Agency's myopic failure to address all the river management issues raised during two years of scoping is inexcusable and violates the spirit, if not the intent, of NEPA and the APA. American Whitewater and the boating community submitted numerous comments in good faith regarding many issues surrounding river management. Yet many of these concerns were not addressed in the proposed amendment 14, or were dismissed without even a cursory review of their merits.

Other Issues

There are a number of other issues surrounding the Chattooga River management that should be addressed or considered either in an Amendment or in the Forest Planning process. These are:

1. Impact studies should be done to assess fishing, hiking and equestrian use in the Wild and Scenic River corridor. These users, particularly horseback users, have a far greater impact on the riparian environment than boaters (which seem to have been studied at great length). Boaters are the only user group required to complete a registration permit and therefore are the only user group for which you have good data. Based on this data you seek to regulate boating use. Our own observation in recent years indicates a significant increase in foot traffic along the river for example, yet there is no effort to regulate these numbers. Furthermore, the amount of money spent by the Agency to maintain horse trails (take the recent Rocky Gap decision for example) seems disproportionate to the use numbers and this particular user group has tremendous negative impact on the river environment.
2. We suggest it is time to reconsider the year round fishing season on the river above Highway 28. A March to October season along with a trophy type management protocol (i.e. catch and release only, artificial bait, barbless hooks) would significantly improve the fishery.
3. The roaded incursions into the wild and scenic river corridor on the Georgia side of the river at Earl's Ford, Sandy Ford and other locations should stop and these roads should be closed permanently. Such a compromise may have been necessary 30 years ago to get the river protected but now it is time for this abuse to cease.
4. Although we do not support fees, should user fees or reservation fees become necessary they must impact all forest visitors equitably and not just boaters.

Moving Forward

American Whitewater proposes an approach that includes open, good faith dialogue with us and the other user groups interested in the river management. Our staff works with government agencies all over the country and has seen what works and what does not work in river management. We would be a valuable resource in your evaluations. To date we have not seen a willingness to take such an approach. We are willing and ready to work with Agency staff and other interested stakeholders to reach a well-reasoned and responsible management plan for the Chattooga River.

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Please forward a copy of the final Environmental Assessment to all of the undersigned individuals as soon as the Deciding Officer has issued a Record of Decision on proposed amendment 14.

Sincerely,

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