

Intervenor Comments and Request to Deny Appeal #10-08-12-0020 of “Chattooga Conservancy”

American Whitewater, American Canoe Association, Atlanta Whitewater Club, Georgia Canoeing Association, and Western Carolina Paddlers hereby submit these timely comments and request to deny the Chattooga Conservancy’s appeal, dated October 17, 2009, of the following three recent decisions:

- Decision Notice and Finding of No Significant Impact for Amendment #22 to the Nantahala and Pisgah National Forests Land and Resource Management Plan. Managing Recreation Uses on the Upper Chattooga River. USDA Forest Service. Nantahala and Pisgah National Forests. August 2009. File Code 1900. Deciding Officer: Marisue Hilliard.
- Decision Notice and Finding of No Significant Impact for Amendment #1 to the Sumter National Forest Revised Land and Resource Management Plan. Managing Recreation Uses on the Upper Chattooga River. USDA Forest Service. Sumter National Forests. August 2009. File Code 1900. Deciding Officer: Monica J. Schwalbach.
- Decision Notice and Finding of No Significant Impact for Amendment #1 to the Chattahoochee-Oconee National Forests Revised Land and Resource Management Plan. Managing Recreation Uses on the Upper Chattooga River. USDA Forest Service. Chattahoochee-Oconee National Forests. August 2009. File Code 1900. Deciding Officer: George Bain.

COMMENTS

A. Whiteside Cove Road and Norton Mill Creek

1. Creation of a new access trail

The Chattooga Conservancy opposes the designation of an existing “user created” trail on an old roadbed as a formal USFS trail. We have consistently maintained that there are no trails needed to access the Upper Chattooga River for paddling. Paddlers wishing to run the section in question will put in at Grimshaws Bridge as was originally intended when the reach was designated Wild and Scenic by Congress in 1974. In the unlikely event that any paddlers would wish to access the river in the middle of the Chattooga Cliffs Reach they could hike into the river on the Chattooga River Trail. As we have made amply clear in our own appeal of the USFS Amendments, there is simply no need for the County Line Trail.

2. Creation of a new parking lot

Similar to their arguments on the County Line Trail, the Chattooga Conservancy’s arguments about the trailhead parking are also moot. This parking area will serve no purpose for paddlers in future legal management of recreation on the Upper Chattooga River. As our appeal shows, paddlers should and must be allowed to access the river at Grimshaws Bridge, making the long hike on the County Line Trail both unnecessary and undesirable.

3. Log jam 1/4 mile below Norton Mill Creek

The Chattooga Conservancy seeks to make a major issue out of the log jam on the Chattooga Cliffs Reach. This log jam was proven by a USFS study to be a non-issue. The USFS Expert Panel Report barely mentions the log jam, stating flatly that:

“Approximately 1/2 mile downstream of the put-in, the group approached a river-wide logjam formed around two large boulders that created three narrow channels. The log jam appears to be from old floods and appears to function as a strainer for most floating debris coming down upper reaches. The group portaged **over** the log jam.” (Emphasis added).”

Thus, portage was accomplished without incident, and without utilizing the stream banks. Portaging over an occasional log jam is not an unusual part of exploring headwater streams by kayak and canoe. It is certainly not a reason to prohibit use.

4. Irreparable harm to social experience and the natural environment

The Conservancy refers to the benefit of solitude in the remote areas of the Upper Chattooga, yet these statements reveal their belief that the right to solitude applies only to non-boaters. The 2005 decision on our appeal of the 2004 Revised Land and Resource Management Plan for the Sumter National Forest clearly dictates that paddlers have the same rights to solitude as other user groups. The Washington Office of the USFS clarified:

While there are multiple references in the record to resource impacts and decreasing solitude, these concerns apply to all users and do not provide the basis for excluding boaters without any limits on other users.

The arguments presented by the Chattooga Conservancy are thus in direct opposition to the orders under which the current amendments must be produced.

Furthermore, the few individuals that would witness the passage of a paddler on the Chattooga Cliffs reach would almost certainly be utilizing user created trails, treading on the very ecosystem than the Chattooga Conservancy claims concern over, and that paddlers would be floating through sans footprint. Indeed the USFS and the Chattooga Conservancy propose no direct limits on hikers, anglers, campers, or other uses which far outnumber potential paddlers in this reach. The Conservancy offers no compelling evidence that paddling should be limited in unique and harsh ways while all other uses are allowed in unlimited numbers everywhere in the river corridor. By not proposing a solution that meets the USFS mandates to protect and enhance paddling and to manage recreational uses equitably, the Chattooga Conservancy has failed to offer the USFS a viable option in their appeal.

The Chattooga Conservancy offers no evidence that any unique or significant environmental impacts will occur on the Chattooga Cliffs Reach as the result of allowing paddling to occur there. Likewise the USFS failed to offer any such evidence. Without such evidence the Chattooga Conservancy offers no justification for their requested boating ban on the Chattooga Cliffs reach.

5. Hemlocks are a non-issue

The Chattooga Conservancy asks that the USFS immediately ban paddling because in 10 to 15 years dying hemlocks may choke the upper reaches of the river. In fact the Chattooga Conservancy makes an excellent argument for why the USFS should open this section of river to paddlers immediately. If indeed the river will become undesirable to paddlers in the next two decades, then the USFS should be supporting public enjoyment of this section now while it is still the nationally significant paddling resource recognized by the USFS and Congress at the time of Wild and Scenic designation. In essence, we may have only a short time to enjoy nature-based paddling on Chattooga Cliffs Reach before an exotic introduced species damages the river and its recreational values. Alternately, the hemlocks may well have a negligible impact on the paddling experience. Either way, it makes sense to immediately allow public enjoyment of the river as Congress intended.

B. Unfair exclusion of boating between Burrells Ford and Highway 28 bridge

We are heartened by the Chattooga Conservancy's support for limited paddling on the Rock Gorge section of the Upper Chattooga. We agree that there is no rational reason to exclude paddlers from this reach, however disagree with the proposed inequitable limits on paddling.

The Conservancy relied upon faulty USFS alternative design and analysis to conclude that flow restrictions are needed to limit encounter standard violations. This is not the case, as we have proven in our appeal. Allowing recreational paddling use of this reach without seasonal, flow, or use restrictions would not in fact increase encounter standard violations. Thus, the arguments put forth by the Chattooga Conservancy regarding encounters are moot. In addition, paddling would be the smallest use of this resource by far, estimated at roughly 2%, which negates all arguments about paddling use levels being significant compared to other uses.

The Chattooga Conservancy also opines about management of the "Wilderness" of the Rock Gorge. This reach is not designated as Wilderness. This is made especially evident by the USFS practice of helicopter stocking tens of thousands of exotic trout into this reach. The disturbance caused by helicopters and the droves of anglers the stocking attracts surely far outweighs any disturbance caused by a few paddlers floating through. In this context the Chattooga Conservancy's Wilderness management claims, and claims of significant social impacts are moot.

1. Numerical restrictions 4 groups x 6 people

The Chattooga Conservancy is applying a stark numerical cap on usage for one particular user group, which is comprised of the smallest user population on the Chattooga River. While this appeal alleges that boaters will penetrate the backcountry further than hikers in a short period of time, the converse is equally true, that boaters will vacate the backcountry faster than hikers and thereby have less of an impact on other users than foot traffic. While the Chattooga Conservancy is content to recommend limits on the number of recreational boaters, both in the number of groups and the size of those groups, the Conservancy fails to offer any comparable limits on the number of camping, fishing or hiking groups or the maximum size of these groups. This oversight is indicative of the attitude prevalent on this

issue – “don’t let any more boaters in than absolutely necessary, and don’t even think about reducing my unfettered access to recreation.” The analysis in our appeal proves that paddler group size and number limitations are totally unnecessary control encounters. Thus, the Conservancy’s arguments are not valid.

CONCLUSION

The Chattooga Conservancy offers no new or legitimate evidence, or rational arguments to support their interest in banning paddling on one reach and severely restricting it on another. The analysis presented in our appeal renders the Conservancy’s appeal moot.

Please accept these timely comments dated December 2, 2009, submitted electronically to the reviewing officer at (appeals-southern-regional-office@fs.fed.us), and the Appellant, Buzz Williams, via US mail.

Sincerely,



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