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Subject: Comments on the Upper Chattooga River Draft Environmental Assessment
Date: 08/18/2008 12:51 PM

U.S. Forest Service
Chattooga River Project
4931 Broad River Road
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August 18, 2008

To Whom It May Concern:

My name is Chris Bell. I live in Asheville, NC and teach economics at the University of North Carolina's Asheville campus. I grew up hiking, climbing and fly fishing in California's Sierra Nevada mountains and began paddling whitewater when I moved to North Carolina in 1985. I first paddled the Chattooga in 1987 and have provided comments on your management of the Chattooga many times, the first in the early nineties. I appreciate the opportunity to provide comments yet again, this time on the July 2, 2008 Upper Chattooga River Draft Environmental Assessment.

Based on my reading of the Draft Environmental Assessment and the many years' worth of documents leading up to it, I strongly support Alternative 8. Indeed, based on the concerns raised by the USFS Chief Reviewing Officer in her April 28, 2005 appeal decision and the failure of the Draft EA to address them, I don't think a legitimate case can be made for any of the other alternatives.

As you know, in her appeal decision the Reviewing Officer focused on "the Regional Forester's decision [to ban boating above Highway 28] and its adherence to law, regulation, and policy for allegations related to wild and scenic rivers and wilderness." (4/28/2005 Appeal Decision, page 4) The Reviewing Officer found that the Regional Forester's decision to ban boating above Highway 28 did not adhere to law, regulation, and policy. Her decision was made on basis of the following findings of fact:

1. In the document designating the Chattooga as a Wild and Scenic river, "[w]hitewater boating (canoeing and rafting) is specifically recognized as one of the recreational opportunities available in this generally remote river setting." (4/28/2005 Appeal Decision, page 5)
2. The Interagency Guidelines governing the management of public lands designated as having outstanding remarkable values (ORVs) state that "[i]f it becomes necessary to limit use, 'ensure that all potential users have a fair and equitable chance to obtain access to the river.'"(4/28/2005 Appeal Decision, page 5)
3. "Agency policy for wilderness echoes law and policy relative to maximizing visitor freedom, directing that 'direct controls and restrictions' be minimized, and that controls are to be applied only as necessary to protect the wilderness resource after indirect measures have failed.'" (4/28/2005 Appeal Decision, page 5)
4. "The Sumter National Forest RLRMP record, however, is deficient in substantiating the need to continue the ban on boating to protect recreation as an ORV or to protect the wilderness resource. No capacity analysis is provided to support restrictions or a ban on recreation use or any type of recreation user. 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." (4/28/2005 Appeal Decision, page 6)

Based on these findings, the Reviewing Officer "revers[ed] the Regional Forester's decision to continue to exclude boating on the Chattooga WSR above Highway 28" and directed "the Regional Forester to conduct the appropriate visitor use capacity analysis, including non-commercial boat use, and to adjust or amend, as appropriate, the RLRMP to reflect a new decision based on the findings. (4/28/2005 Appeal Decision, page 6)"

The Reviewing Officer estimated that it would take two years to conduct an appropriate visitor use capacity analysis and adjust or amend the RLRMP. (4/28/2005 Appeal Decision, page 6) Three years and counting we have the Upper Chattooga River Draft Environmental Assessment and its preferred alternative that:

1. Continues application of a direct control on visitor freedom without first demonstrating that indirect controls to protect the wilderness have failed.
2. Unfairly singles out one user group for direct controls, a user group cited as justification for designating the Chattooga Wild and Scenic in the legislation elevating the Chattooga to Wild and Scenic status.
3. Fails to justify direct controls on this user group on grounds that do not apply to all user groups.
4. Fails to provide a capacity analysis capable of addressing the Reviewing Officer's concerns; indeed, the Regional Forester rejected the recommendations made by the consultant hired to advise his team on the design and implementation of an appropriate capacity analysis.
5. Proposes a system to control access by the singled out user group that would almost certainly prove to be a logistical nightmare and would amount to a continuation of the ban on boating in fact if not on paper.

In short, despite the significant amount of time and money spent since the Reviewing Officer's decision, her concerns have not been addressed.

In light of this I strongly support Alternative 8. It is the alternative closest to the management policy I believe would ultimately

address the Reviewing Officer's concerns. Such a policy would:

1. Immediately open the entire Chattooga river and its headwaters to boating on a trial basis in the same numbers, places, and seasons allowed existing users. The trial period would need to be of a sufficient length of time to determine the true degree of interaction between users and the added environmental stress -- on the order of 3-5 years (on the shorter end if the rains return, on the longer end if the drought continues).
2. Monitor the outcome. At the end of the trial period write a user capacity study on the basis of the observed interactions and environmental effects. If problems sufficient to warrant controls are found, impose them in an equitable manner, that is, in a manner that treats all user groups equally.

I am confident that if such a policy were adopted, what would be found is that the actual impact of lifting the ban would be small: after the first couple years the reaches above Highway 28 would be paddled only a handful of days a year, the days most attractive to boaters would for the most part coincide with those least attractive to other users, and the environmental impacts would be virtually unmeasurable.

Of course I could be wrong. But there is only one way to know, and that is with a well designed user capacity analysis, that is, an analysis that measures actual rather than hypothesized behavior.

Thank you for the considering my comments.

Sincerely

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