From: Brian Jacobson
To: comments-southern-francismarion-sumter@fs.fed.us
Subject: Chattooga EA Comments
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Mr. Tony White
4931 Broad River Road
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Email: comments-southern-francismarion-sumter@fs.fed.us

Re: The environmental assessment titled: "Managing Recreation Uses on the Upper Chattooga River"

Dear Mr. White:

The first comment is boating is not a new user group for the Chattooga Headwaters. Boating had occurred for many years prior to the unjustified ban. The Interagency Wild & Scenic Rivers Coordinating Council states "*The public's right to float a particular river does not change with WSR designation*." and to limit activities the agency must "*evaluate activities under the river management plan and the National Environmental Policy Act (NEPA) in order to determine whether such uses and activities are consistent with protecting and enhancing the Outstandingly Remarkable Values*." The appeal decision affirms "*Whitewater boating (canoeing and rafting) is specifically recognized as one of the recreational opportunities available in this generally remote river setting (Chattooga WSR Classification, Boundaries, and Development Plan (41 FR 11830, March 22, 1976))*." No analysis was performed before the ban so it is clearly illegal.

The appeal decision required the Forest Service to consider "*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 EA does not consider limiting use by larger and more heavily impacting user groups like camping, hiking, and fishing so it fails to meet any measure of fairness. Limiting use by permitting all users, restricting camping, preventing stocking in remote areas would have a greater beneficial impact on the river than the incremental impact by boaters during the few days conditions are favorable. In effect **the EA's conclusion is the Headwaters can support unlimited use by all existing users**, now and in the future, regardless of the current impacts, **but a single boat is too many** in some sections of the river and most of the year in other sections of the river.

The Chattooga is not a high quality trout fishing water. It is too warm in summer, and heavy stocking of trout is required in cooler months to sustain a viable fishery. The EA does not consider the effect of creating an attractive nuisance by stocking exotic fish and the impact to the river including bank damage, erosion, and increased visitor use. During summer months the trout have a high mortality and pollute downstream waters with increased biological waste and bacteria as they decay. These effects were not considered in the EA.

The EA and supporting documents do not provide a user capacity analysis. Crude use estimates are performed but do not consider all users and are not supportable scientifically. Use and capacity are entirely different concepts and capacity is never addressed.

The EA is permeated by an unmistakable bias. I don't know if the source of the bias is the close personal relationships that exist between the Forest Service and other stakeholders or political pressure from above but the bias is blatant. The EA has examples of bias that make it clear the Forest Service had a conclusion then attempted to support it, that conclusion being to protect the activities of their friends and continue the boating ban. For Example:

"Heavy stocking and institution of a delayed-harvest section in the Nicholson Fields Reach have recently made the fishing experience even more attractive (Samsel 2007). "EA1

This statement is not true, the additional stocking has a significant effect on the banks of the river to provide a fishery that is not sustainable.

"The unique angling opportunity that exists on the upper Chattooga needs to be carefully managed."EA2

While the experience of catching stocked trout is hardly unique, the need for managing the attraction of people to an area where people are seeking solitude by natural means is correct. Managing the Chattooga as catch and release or limiting take to larger fish and eliminating stocking would better protect the river and would create a uniqueness of the angling experience. Once again the EA does not consider any management alternatives for any users except boaters.

"The Forests are seeking to take appropriate action now, in order to prevent adverse impacts to ORVs from increasing use levels". EA3

Alternative 4 proposed no actions to limit existing users, no mechanism to limit group size or groups per day, and no registration of existing user groups. Day use, the fastest growing use is not even quantified in the EA. The EA states encounter standards are currently exceeded but does not consider the need to limit encounters between user groups like hikers and fishermen. The EA also does not consider that there is no section of the river to float where boaters are guaranteed a hiker and fishermen free experience. If it is needed for one user group it should be provided for all user groups.

The concept of a boatable day impossible to predict or implement. Many boaters have tried for many years to predict flows on nearby Overflow and frequently assumptions based on rainfall, existing water levels, and the 76 gage level do not allow a future water level to be predicted. The only reliable means to determine the water level on a given day is a visit to a local gage before the start of the trip. The logical gage for the Headwater is the Burrell's Ford gage.

The boater trials were conducted at 1.5 ft on the Burrell's Ford gage or approximately 375 cfs. The boaters, of which I was one, had no problems due to low flow and in fact stated the run could be performed comfortably slightly lower (i.e., down to approximately 1.3 at

the Burrell's Ford gage.). No justification was provided for the higher water level selected in the preferred alternative.

Alternative 8 includes rafts which prevents equal comparison with other alternatives, in addition the addition of rafts likely misleads the causal public to assume this alternative would allow commercial raft trips to create opposition to the alternative. This is another example in introducing bias and prejudice against boaters.

While recreation management proposed in the alternatives would likely result in overall reduction in sediment from existing trails and campsites, increasing use, including the addition of boaters in some alternatives, would likely result in some new potential sediment sources from user-created features such as portage trail. EA21

This statement while generally true is an example of the bias towards boating in the EA. This theme is repeated again and again. A general statement that all use creates impacts then an example is provided how boating creates impacts. No new portage trails were required to conduct the boater trial and no evidence of the need for any new portage trails at any location is provided in the EA.

The predominant beneficial use for the Chattooga and its tributaries is fishing, with waters designated as primary trout waters above Big Bend Falls. Below Big Bend Falls, a cool to warm temperature transition results in changes to the trout community. EA22

No evidence to support this statement is provided. To state a predominant beneficial use is fishing when other forms of recreation have been banned is misleading at best. In addition, the section of river where the boating ban is maintained is below Big Bend Falls. If this is a marginal trout water due to warming temperatures, how can it be "unique" "outstanding" "exceptional" fishing (as described in the EA)compared to a truly self supporting stream?

The east Fork of the Chattooga River downstream of the fish hatchery is listed as only partially supporting intended use on page 23 of the EA. No evaluation of a reduction in stocking and hatchery use was conducted to evaluate the direct impact of maintaining a stocked put and take trout stream. The effects of boating are minimal compared to the hatchery impacts but the impacts are never compared.

Figure 3.1.1 shows the main high water months are December through May. However, boating is restricted to December 1 through March 1 with no scientific basis or data to demonstrate the need for seasonal restrictions.

Figure 3.1-2 shows a correlation between flow at Burrell's Ford and the 76 gage. It should be noted that the figure shows a delay between the peak at Burrell's Ford to the 76 gage of approximately 4 hours. This indicates the 76 gage reflects events which have already occurred at Burrell's Ford and cannot be used to predict events at Burrell's Ford.

Depending on flow levels, the presence of LWD in the channel can create areas of river that cannot be safely boated and require portage. Over time, a route that is consistently trampled by portaging boaters or other users can also have negative impacts by causing erosion, resulting in sedimentation into the stream channel. EA25

This statement again takes a general condition, large woody debris, and attempts to predict effects by boaters. There is no evidence portaging LWD creates erosion and all portages required due to LWD during the boater trials were conducted on either bedrock (e.g., Big Bend Falls) or over the LWD itself (e.g., log jamb on Cliffs section).

Since LWD loading and transport is dynamic, and many of the reaches of the upper Chattooga are unscouted by boaters, it is unknown how much wood would ultimately be removed due to the addition of boating. EA26

This statement is false. The entire upper Chattooga was traversed during the boater trials. LWD impeded boating in only two locations and none was subject to removal to proceed downstream. It is important to note that Overflow Creek had approximately the same amount of LWD as the upper Chattooga (193 vs. 205 LWD/mile) and Overflow has had boating for over 30 years. The West Fork which sees boating and fishing has significantly more LWD than the upper Chattooga (357 LWD/mile). Holcomb Creek has been shown to be a poor surrogate stream due the effects of logging and residual saw logs in the stream bed.

The alternative evaluations repeatedly state boating will create impacts, for example:

- "Increased use of County Line Road Trail by boaters and the creation of new portage trails could result in slightly more compaction, erosion and sedimentation than in alternatives 2 or 3." ,
- "Potential sedimentation impacts from put-ins, take-outs and portage trails would be greater than Alternative 4 because an additional six miles of river would be open to boating." ,
- "Potential sedimentation impacts from put-ins, take-outs, and portage trails are similar in type to those in alternatives 4 and 5, but would occur over a greater extent along 20 miles of river. Additional user-created trails due to scouting and portages around major rapids also may occur. Of all the alternatives, this alternative would likely result in the most potential impacts to water quality and the riparian corridor from sedimentation.",
- "Impacts from increasing use in the corridor would be similar to Alternative 5 and would include potential sedimentation impacts from put-ins, take-outs and portage trails"

Then the section is summarized by stating "**When all watershed impacts are considered in the Chattooga watershed, as well as associated mitigations, there would be no cumulative effects resulting from any alternative."** The conclusions of the need to limit boating do not follow the argument unless a bias towards boating is assumed.

The discussion on page 37 states "*Similarly, impacts from introducing boating also would be minor.*" Then goes on to state "*Alternative 8 is expected to have the highest likelihood of increased erosion and sedimentation from increased portages as well as the greatest*

additional impacts on trails from the largest potential increase in users." The last statement contains two falsehoods, first boating is the "*highest likelihood of increased erosion*" which is false even if the maximum boating use is compared to the estimated day use by other users, and "*largest potential increase in users*". The later statement is true only due to the mathematical fact that any increase from zero is infinite compared to a quantifiable increase of existing use. Boating will be a small component of day use as shown in your own figure 3.3-1. Page 38 identifies 91 active sediment delivery erosion points, none of which are attributable to boaters, however, no restrictions are suggested to limit user numbers for any user group except boaters. Limiting group size with no limits on numbers of groups does not reduce total visitor days.

Table 3.2-8 provides another example of biased analysis. The table ranks boating impacts on the alternatives but does not discuss these impacts relative to the much larger and unlimited use of other user groups.

Much is made of boater removal of LWD. However, the boater trials demonstrated LWD was not a significant factor and did not affect boating. At the same time the Sumter SOPA has a proposed action to allow cutting of wood with chainsaws to create fish habitat. The EA does not provide any data to show that fish can use LWD cut by Forest Service personnel but cannot utilize LWD cut by boaters. In fact most LWD that may affect boaters is above the normal water line and lowering it into the stream may enhance fish habitat.

The discussion of conflict on page 88 is without merit and should be deleted. Citing hearsay of conflict from another report does not make the report credible. No evidence is presented to show actual conflicts. In fact most of the actions described as conflicts are not over river use and solitude but describe criminal behavior by individuals. This is a situation easily remedied by law enforcement and arrest of unruly individuals. The argument that fishermen cannot behave around others so others should be banned from contact with fishermen is absurd. Boaters and fishermen have used Overflow and the West Fork without incident for over 30 years. The suggestion they cannot "play" together above 28 is without merit or evidence.

Future use projections suggest boating will be lower use compared to other users that are currently allowed unlimited use. Backpacking is expected to increase 23% (no limits set on backpackers), day hiking is expected to increase 48% (no limits set on day hikers); whitewater boating has decreased since the 1990s (this use targeted for extreme limits and bans). It is not logical to protect the resource by banning a small and diminishing use while allowing all other uses in unlimited numbers at any time in any season.

Boating should be added as an ORV under recreation in Appendix A.

Appendix D states precise information about trail encounter levels is not available and river use information is not available. However, far reaching decisions to ban a user group are made based on speculative "workshops" without any real data. Wild speculation that 50% of the number of groups is equal to the number of encounters is not supported in fact. The section cites its own use estimation workshop. Citing an estimation does not make the estimation fact. Additionally, the estimations are made with the caveat that they are "*not reduced due to increasing water levels, inclement weather conditions and/or adverse temperatures*". Since boating needs a rain event and these events typically occur during a cold front in the winter, the assumption is overly conservative and a further example of bias.

Of the alternatives presented, Alternative 8 is the closest to a legal or equitable decision. Alternative 8 would be more acceptable and more legal if it allowed boating on the entire Chattooga River and its tributaries. I request that the USFS adopt nationally consistent management on the Chattooga for the first time ever and adopt a modified Alternative 8, which allows boating in the same locations, seasons, and amounts as all other existing uses, and protects public enjoyment of the *entire* Chattooga River

Regards,

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