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AMERICAN WHITEWATER

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.

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DEIS for the Revised Land and Resource Management Plan – Sumter National Forest

Content Analysis Team,

American Whitewater (AW) submits these comments on behalf of our members and affiliate organizations that are regular visitors to Sumter National Forest, and more specifically the Chattooga River. Our comments are prepared and submitted consistent with 36 CFR Titles 36 and 40.

Our members have a long-term interest in the management of the Chattooga Wild & Scenic River. We enjoy the wilderness scenery and the opportunity to safely recreate in this treasured environment. We love the solitude and adventure the Chattooga River offers. We are good stewards of the river environment. AW's members thus have a keen interest in the way in which the United States Forest Service (the Agency) manages the Chattooga River.

Over the past 8 years the Agency has received a minimum of 800 comments from our members asking for the opportunity to boat legally in the Chattooga Headwaters. AW thanks the Sumter Forest Managers and the Andrew Pickens District staff for including boating access above Highway 28 among the alternatives analyzed in the DEIS.

Scope of Comments

AW has focused our comments regarding the proposed Sumter Forest Plan and the accompanying DEIS in these two areas:

1. The Appendix H analysis regarding boating use on the Chattooga River above the US Highway 28 Bridge.

2. Issues surrounding Management Area 2, Chattooga River, Andrew Pickens District and the associated Management Area Standards that impact user experiences on the Chattooga River.

When we refer to the "Chattooga Headwaters" or simply "Headwaters", we mean the entire river from Grimshawes Bridge to the Highway 28 Bridge.

Whenever we use the term "boating" we mean the use of hand powered water craft such as canoes, kayaks, or other appropriate whitewater craft by private, self-guided individuals.

Summary of American Whitewater's Position

We are generally supportive of Alternative I – the preferred alternative – as a prescription for overall forest management. We strongly support improvements in riparian environments, reduction in allowable timber harvest and the other conservation objectives that are part of Alternative I. However, we have some very specific objections to certain aspects of the proposed plan that deal with management of recreational boating on the Chattooga River.

Specifically, and most importantly, we want to see the final Forest Plan (Alternative I) modified to allow boating on the Chattooga River above the US Highway 28 Bridge year round at all water levels as originally intended by the 1971 USFS Study to include the river in the National Wild & Scenic Rivers system.

The Agency's own surveys and studies support the facts that year round boating above Hwy 28 on the Chattooga will have minimal or non-detectable impacts. These studies detail that:

- Boating use is consistent with all applicable laws and regulations.
- Boating use is self-regulating based on precipitation and water level.
- There are low amounts of actual available river use.

- There are no identified negative ecological or biological impacts.
- Allowing access requires no significant capital expenditures for improvements.
- Allowing boating use minimally impacts only one very small user group (back country anglers) and this impact amounts only to social interactions with boaters that would be measured in seconds on a handful of days each year.

Thus the decision to lift the prohibition on floating the Chattooga Headwaters should result in a Finding of No Significant Impact (FONSI) under the National Environmental Policy Act (NEPA);

If the Agency has any studies or research contradicting this summary of float use above Highway 28, then the Agency has a legal responsibility to cite and include the results of those references in this DEIS. As no applicable studies were referenced, our conclusion is that none exist. If this conclusion is inaccurate, then the Agency must reference those studies in the Record of Decision (ROD).

In addition, there are several areas that we wish to comment on regarding the Area 2 Management Standards in the proposed Plan. These areas include:

- Whether a potential self-guided boater reservation system is being considered, and if so what should it look like it?
- How the Agency will manage the overlap of guided use between Thrift's Ferry and Woodall Shoals?
- How the Agency will manage vehicular access to the river at Sandy Ford and Earl's Ford on the Georgia side?
- What actions and studies the Agency is planning to generate better data on all users of the river corridor?
- What actions the Agency is taking to comply with previous plans to remove the old US 76 Bridge and the replacement of the current US 76 Bridge and the potential replacement of other bridges on the river?
- What actions the Agency is taking to comply with the Wild and Scenic Rivers Act and Clean Water Act to improve water quality throughout the watershed and particularly Stekoa Creek?
- Whether any future user fees are being considered and the nature of those fees?

We request that the Agency respond to each of these questions in the ROD, as each is relevant and applicable to the scope of the DEIS.

Further, the decision to close a floatable section of river to all boating at all levels was made without following an open NEPA process. Our research and analysis of records, which were collected through a 2002 Freedom of Information Act (FOIA) request as well as through our independent research, reveal that the Agency did not solicit any public comment, commission appropriate studies, or seek balanced expert opinion regarding this action before the decision was reached.

The Forest Service is a multiple use Agency. One motto the Agency uses is "Land of Many Uses". The Agency's management goals are to manage for these appropriate multiple uses side-by-side rather than exclusively of each other. The boating restriction above Highway 28 is inconsistent with this objective.

According to Forest Service documents, the Agency manages at least 4,348 miles of Wild and Scenic Rivers. This is notable because float use is not denied on the basis of user conflicts (especially not on minimal, undocumented, decades old, anecdotal user conflicts) on any of those river miles except on the Chattooga River above Highway 28.

In fact, float use has been allowed on all Wild and Scenic segments, except in the Pacific Northwest where boating is seasonally limited on a few miles of river solely on the basis of explicitly defined and documented ecological restrictions under the Endangered Species Act.

The Agency has issued Decision Notices (DN's) for thousands of river miles, both with and without Wild and Scenic Rivers designation, and virtually all of these decisions have been made under a Finding of No Significant Impacts (FONSI) regarding floating use. In our research of these DN's to allow boating, we found no cases where fishing does not occur. Given that fishing occurs on all of these river reaches where boating was approved, and that many are similar in flow volume, geography, environment, ecology, and use to the Chattooga River why is boating only banned on the Chattooga River?

The Agency needs to document the basis for this inconsistent decision and provide justification for why the ban on river recreation is necessary and appropriate in this circumstance, when the contrary has been found on all other rivers managed by the Forest Service.

The decision to prohibit boating on the Chattooga is clearly inconsistent with national policy, recreation research, and social research. Further, the 1976 decision to close the river to boating appears arbitrary under NEPA, and the decision did not meet the process requirements under law when the decision was originally made in 1976 or affirmed in 1985.

As a result, the decision to prohibit boating use above Highway 28 needs to be rescinded immediately and boating should be allowed until the Agency has an opportunity to

examine the issues that past federal planners with limited knowledge put together without considering the issue under an open NEPA process.

At a minimum, AW demands that the prohibition on float use be rescinded immediately and that boating be allowed on the headwaters while appropriate and relevant studies can be commissioned that either proves or disproves the unfounded claims from 1976 and 1985 which were used to support the prescription banning float use.

BOATING ACCESS IN THE HEADWATERS – APPENDIX H:

We are pleased that the Agency has finally analyzed the issue of boating above Highway 28 publicly through an open NEPA process. Appendix H of the DEIS is the first such analysis in the nearly 30 year history of the boating ban above Highway 28.

The 1999 Forest Service Recreation Agenda describes how:

> *"The Forest Service has a unique "niche" or brand of nature based recreation to offer. This brand of recreation includes an undeveloped setting, a built environment that reinforces this natural character, and an array of services that complement enjoyment of these special wild places. The Forest Service has the opportunity to open that window to special places and experiences even wider to reflect changes in demographic trends and recreation visitor preferences. We will serve as a catalyst among tourism professionals in working together in travel and tourism opportunities. We will seek tourism professionals that can represent the diversity of existing and potential customers."*

How does the restriction on boating above Highway 28 satisfy the objectives of the Agency's Recreation Agenda?

The Forest Service has developed common goals to implement the two laws that guide Forest Service strategic planning, the Resources Planning Act (RPA) of 1974 and Government Performance and Results Act (GPRA) of 1993. These laws describe the Agency objectives to (1) restore and protect ecosystems, and (2) provide multiple benefits for people within the capabilities of ecosystems. How does the restriction on boating above Highway 28 satisfy the objectives of these two Acts?

The NEPA process clearly allows for a reconsideration of issues and use over time, based on changes or evolution in management interests and the public's interests. It has been over a quarter century since the ban on boating the headwaters of the Chattooga was first established, and it is appropriate to consider a significant change in use.

The Agency's analysis in Appendix H shows clearly there are neither data nor impacts that justify the boating closure above Highway 28. The Headwaters should be opened to boating year round at all levels based on the conclusions in Appendix H.

AW supports Alternative I, the preferred alternative; modified to include Appendix H's Alternative E. This is to say that self-guided boating should be allowed between NC-1107 (Grimshawes) and Highway 28 on the Chattooga River as stated in Appendix H, Alternative E:

- No limits on the number of trips as they are expected to be self-regulating;
- Maximum group size of 12 boats and 12 people; and a minimum of two boats per group;
- Self-guided use only;
- Crafts are limited to inflatable kayaks and hard boats (kayaks and canoes);
- No new access points would be developed, but existing facilities would be maintained.

Why select Alternative I modified with Alternative E from Appendix H?

The continued ban on boating above the Highway 28 Bridge does not make sense and cannot be justified. The Agency's analysis in Appendix H clearly shows that boating the Chattooga Headwaters will cause:

- **No** anticipated impacts to ecology or the environment;
- **No** impacts to Scenery (it will remain unchanged & remarkable);
- **No** impacts to Ellicott Rock Wilderness;
- **No** impacts to hikers or other dispersed recreation, other than possible interactions on an estimated 39 days during the year at trailheads and parking areas between April and November.
- **No** cumulative effects related to safety or search and rescue.
- **No** additional camping use;
- **Minimal** impacts on parking availability and only if use with anglers overlaps, which is unlikely on more than a mere handful of days based on anticipated boating use and documented angler use.
- **Minimal** interactions with anglers; interactions are expected to be confined to concentrated use areas at trailheads;

The Alternative E analysis estimates a maximum of 81 days of useable flows each year with only 2120 boater-days of use each year on all Headwaters sections combined. Only 16 of these 81 days are expected to be weekend days. The only prospective conflict identified is with a minority of backcountry anglers. No specific evidence of conflicts between these user groups is cited or documented either in Appendix H or the public record obtained through a 2002 Freedom of Information Act (FOIA) request, and any conflict would be minimal:

- Section 00 (**GS-BP**) is nearly un-fishable and rarely fished at the flows preferred by boaters. In fact, discussions with anglers reveal that this part of the river is of little interest to them during high flows. This point is reflected in Appendix H of the DEIS.
- Section 0 (**BP-BF**) is preferred by boaters and not preferred by anglers during periods of adequate flow; Thus the two uses are complementary to one another on this reach.
- Section 1 (**BF-28**) is the highest use fishing area during periods of flows adequate for boating and this use is concentrated below the Rock Gorge where the river flattens noticeably. Some boaters are likely to take-out at Lick Log Trail (just below the Rock Gorge) due to flat water thus lowering further the possibility of conflict.

Alternative E in Appendix H reasonably complements selection of Alternative I for other management actions, and no analysis has ever shown that boating above Highway 28 would have, or has had, any negative impacts on the management objectives of the river. There is absolutely no legal reason to maintain the closure.

Zoning and the Perception of Conflict

Much of the justification put forth in support of a continued Headwaters boating ban is based upon the notion of "user conflicts." Opponents to float use above Highway 28 have argued that "zoning" different use on the river is justified to avoid "user conflicts." Appendix H refers to the notion of "zoning" on page H-6 when describing the 1976 decision to exclude the boating public from the river above Highway 28.

In fact, a full and complete reading of the 1976 Development Plan published in the Federal Register and knowledge of its development and context reveals a far different story. The 1976 Development plan only vaguely refers to user conflicts, and bases the decision to prohibit boating on the river above Highway 28 solely on low flows and the difficulty of portaging. The argument about conflicts between fishermen and boaters is completely peripheral to the 1976 decision to ban boating and is not documented in the public record. Only one reference is made to conflicts between fishing and floating, and that reference is made only in the context of float use on the lower river below Highway 28. Absolutely no historic evidence of conflicts exists above Highway 28 where boating use existed at the time the 1976 plan was drafted.

In 2002, AW submitted a legally binding Freedom of Information (FOIA) request to the Agency in which we asked for any data or supporting information on the Agency's decision to prescribe boating use above Highway 28, including letters and studies documenting conflicts. The Agency returned a box full of documents, which we reviewed in their entirety (described in greater detail on the following pages). The Agency's response did not include any evidence or documentation of user conflicts above Highway 28 between fishermen and boaters.

Thus, based on the 1976 Development Plan and the results of our 2002 FOIA, AW concludes that the issue of user conflicts above Highway 28 between boaters and fishermen has never been researched and does not exist. How then can the Agency justify a prohibition on use that is without basis?

If the Agency has any documentation or research into these alleged conflicts, and if that documentation was used in the development of the DEIS, then the Agency has a legal responsibility under NEPA to share that information and describe it within the DEIS. The fact that no such documentation was provided also supports our contention that the prescription on float use above Highway 28 is without basis.

The 1976 argument regarding low flows is irrelevant to floating use. Normal floating use of any river requires knowledge of flows and decisions about the suitability of those flows. Such self management based on flow and weather conditions is standard practice for whitewater recreation and has occurred naturally on the lower river during the past 30 years. This self management regime would also occur on the Headwaters should boating be allowed. This self management practice based on flow is also standard on all other rivers managed by the Forest Service.

Portaging, or carrying a boat around a specific river feature or obstacle, is a legitimate aspect of floating use on any river and is based on personal judgments about skill, difficulty, and safety. Individual boaters make personal decisions about portaging every time they are on a river. It is as much a part of boating as life jackets and helmets. The fact that there are difficult rapids in the Chattooga Headwaters and some boaters may choose to portage them is not a rational argument to deny access. Portaging is "as old as the hills," or at least as old as recorded history in the Americas. It is a common element of navigation, commerce, and recreation and as such is a normal activity that falls within the scope of permitted activities on federal and public lands under all applicable federal law and regulation.

Hikers, fishermen and other forest users have developed numerous social trails along the length and breadth of the river. To our knowledge, these trails exist at all likely portage locations, so there would be no additional environment impacts from portaging. If the Agency has data to the contrary, then the Agency needs to document and provide it.

As described earlier, no conflicts between anglers and boaters are detailed in the 1976 development plan. The Agency states in the Federal Register (Vol. 41, No. 56 – Monday March 22, 1976, pages 11851) "floating has been infrequent in the past" when referring to the river in the area of Bull Pen Bridge. AW quickly located more than a dozen people who had floated through the Headwaters prior to the 1976 closure. One of these is raft company owner Claude Terry. Each of these individuals mentioned several other people who had floated the river with them. Each of these people who had floated the Chattooga Headwaters prior the closure said they substantially enjoyed the experience and wished for the opportunity to legally float the headwaters again.

Given that this floating use of the headwaters occurred in the early 1970's when boating was less common, we would suggest that the term "infrequent" failed to capture the existing level of use in comparison to other regional rivers, and that floating use on the headwaters was probably more common than described. In order for the Agency to make this claim about frequency, the Agency should be able to provide documentation supporting the analysis, and the Agency should provide it in the DEIS as a legitimate point of comparison. The fact that no documentation is provided, leads us to believe that none exists and that the Agency does not know what level of float use occurred.

AW made a FOIA request in early 2002 for all documents, studies etc. related to the management of the Chattooga River and the boating closure above Highway 28. We received and have analyzed several thousand pages of information and can state that there is no factual evidence of user conflicts on the Headwaters in any of the documentation that the Agency provided.

The only documented conflicts involving boaters and other forest users to be found in the public record are in an April 1980 case study prepared by Carol Townsend. This case study documents conflicts between local residents and boaters in the context of closing vehicular access to the river at many different points along the river and general resentment by local residents that "their" river had been taken from them by the Federal Government. Much of this anger and resentment was aimed at boaters. None of the conflicts reported involved boaters and fisherman on the Headwaters, and none of the conflict was unique to the issue of boating. All of the conflict reported was instead related to larger social issues of Forest Management of the Chattooga River as a Wild and Scenic corridor and boating was merely a scapegoat for local discontent.

Across the USFS system and especially here in the Southeastern United States, trout fishermen and whitewater paddlers share the same resource with virtually no conflicts. We strongly feel that these two uses are absolutely compatible. It is true that a fisherman may need to cast in a different direction as the paddler passes and/or the paddler may need to choose a different route to give the fisherman the greatest possible space to cast. This is standard river etiquette and occurs routinely on hundreds of rivers across the region without incident. This is hardly a "user conflict."

This is no different than two hikers, two fishermen, two paddlers, or two horseback riders meeting on the river or on the trail. Simple courtesy and a positive attitude prevent conflict. People may dislike seeing other people in the river corridor but this possibility is shared by all forest users equally and is a matter of personal opinion. In addition, different flow preferences generally attract paddlers and fishermen to streams at different times, further reducing the chances for user interaction. Lastly, anglers often prefer to fish in the early morning, late evening, or at lower flows when paddlers are seldom on the water.

AW has searched and found no research documenting the belief that canoeing and kayaking "put down" or scare fish. Even anecdotal evidence from discussions with representatives of Trout Unlimited indicates that any suppression of fish biting is limited to no more than a few minutes after a group of boaters has floated past.

Based on the total lack of studies or other documentation showing a true user conflict between paddlers and fishermen on the Chattooga Headwaters or elsewhere, the overwhelming number of streams in the USFS system where boaters and fishermen share the resource without conflict, the lack of a USFS policy on "zoning," and the tendency for paddlers and fishermen to prefer different flows and times of day, the Chattooga Headwaters should not be "zoned" for any one use to the exclusion of other legally and socially compatible uses. In short, we conclude that paddling and trout fishing are compatible uses of the Chattooga Headwaters, and both should be permitted. If this conclusion is not supported by the Forest Service, then the Agency needs to provide research and documentation to the contrary.

While fishing should be encouraged and supported in the Headwaters, boating is an appropriate use and is consistent with all applicable legislation, including all parts of the Wild and Scenic River Act. The emphasis on boating use below Highway 28 and angling use above Highway 28 should continue. However, self-guided boaters should have the same recreational ability and opportunity to go upstream of Highway 28 as other users have to go downstream.

The Boating Ban and the Wild and Scenic Rivers Act

The Headwaters boating ban is inconsistent with recreation lands management and Wild & Scenic Rivers management throughout the country. It appears that the Sumter Forest is acting independently of Agency policy by maintaining and enforcing an environmentally and socially unjustifiable ban on self-guided boating in the Chattooga Headwaters.

The 1976 Development plan for the river clearly states that floating use is consistent with Wild, Scenic, and Recreation management in the Record of Decision (ROD) for the Chattooga.

The Wild & Scenic Rivers Act (P.L. 90-542 § 1(b), 16 U.S.C. § 1271) explains that the purpose of the Act is to protect the river and its immediate surroundings "for the benefit and enjoyment of present and future generations."

AW has uncovered no documentation indicating the ban on self-guided boating in the Headwaters either provides a recognizable public benefit or serves to protect the river. If the Agency has any research or documentation to the contrary, then the Agency should provide it.

Research on rivers across the country by experts such as Bo Shelby, Doug Whittaker, Troy Hall, and Jeff Marion has shown NO observable or quantifiable environmental impacts by boaters at anywhere near the use levels expected on the Headwaters. Relative to most other forest uses, including hiking and fishing, research by these experts and others indicates that boaters have virtually no measurable impact on the river environment in both the short and long term. The Agency provides no documentation of any environmental impacts in Alternative E, Appendix H, of the DEIS as it pertains to boating, thus we conclude that none exists and that this alternative is ecologically reasonable.

Section 10(a) (16 U.S.C. § 1281(a)) of the Wild and Scenic Rivers Act states:

> *"Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values."*

The idea that self-guided boating use on the Headwaters will "substantially interfere" with other public uses clearly fails to comply with Section 10(a) (16 U.S.C. § 1281(a)) [1] or meet any form of straight-face test.

Further, the legislative history of the Chattooga's designation as Wild and Scenic makes clear that one of the Outstandingly Remarkable Values (ORVs), if not the primary ORV, attributed to the river was "recreation," specifically boating [2]. This attribution applied to the entire designated corridor both above and below Highway 28. The Headwaters boating ban is inconsistent with the "recreation" ORV and therefore violates Section 10(a) (i.e. excluding a group of recreationists such as boaters does not "protect and enhance…").

Float use meets Agency non-degradation and enhancement guidelines as referenced in Agency Management Policies under the Wild and Scenic Rivers Act.

The technical report of the *Interagency Wild and Scenic Rivers Coordinating Council*, which answers common questions about the Wild & Scenic Rivers Act, asks and answers:

> *Q. Does WSR designation affect the public's right to float a river?*
>
> *A. No. The public's right to float a particular river does not change with designation.*

While this language does not carry the weight of law, it clearly conveys standard Agency interpretation and management practices for units under the Act. The existing ban on boating in the Chattooga Headwaters is contrary to the Agencies' peer panel viewpoint of appropriate management practices.

While the Forest Service has the authority to manage use on navigable rivers (*United State v. Hells Canyon Guide Service (1981)*) [3], the case law providing guidance on the basis for a prescription on use requires a clear environmental consequence to federal lands.[4,5] In the absence of a clearly documented harm or benefit, as in this case, the prescription on boating appears to be an unreasonable and inappropriate exercise of the Agency's management authority. Thus the prescription on use should be lifted, and boating should be permitted above Highway 28.

Additionally, the Wilderness Act (78 Stat. 890; 16 USC, Ch 23) also applies to portions of the Headwaters in North Carolina; however, float use in the Wilderness areas is consistent with this Act as well.

Recreation Opportunity Spectrum (ROS)

Self-guided floating on the Chattooga Headwaters will not affect the Recreation Opportunity Spectrum (ROS) and is consistent with all ROS settings in the corridor including semi-primitive, semi-primitive non-motorized, and roaded natural standards for management.

Likewise, Appendix M of the current Forest Plan notes that:

> *Numerous people may use the river at the same time, but bends and rapids prevent long sight distances, and falling water mutes sound.*
>
> *Management will be geared to feature challenging, semi-primitive experiences in the Chattooga Wild and Scenic River Corridor.*

Both statements are contextually consistent with re-opening the Headwaters to boating.

If the Agency believes that the ROS settings will be negatively affected by allowing boating above Highway 28, then the Agency needs to provide the documentation and research used to reach this conclusion.

The Agency's Own Analysis Supports Floating Above Highway 28

From the time the Chattooga River was designated for study in the 1968 Wild and Scenic Rivers Act, Agency Planners envisioned floating use of the Chattooga Headwaters. Floating use of the river above Highway 28 was originally intended by the 1971 Chattooga Wild and Scenic River study document submitted to Congress. The study was done to support designation of the Chattooga as a Wild and Scenic River.

The Forest Service itself states on page 74 of this 1971 study document regarding the 15.9 mile section of river immediately upstream of Highway 28 *"rafting or some method of floating is the best way to see this rugged portion of the river."*

Appendix H, page H-4, paragraph 2 of the DEIS further affirms this fact:

> *"Scenery is a major determinant of the quality of the visitor experience. Studies since designation have shown that visitors are pleased with the scenery on the river. In addition, the lack of man-made features adds to the enjoyment of the experience. One of the best ways to see much of the rugged and beautiful scenery of the Chattooga is from the river itself, either by foot or in a boat."*

The 1971 study proposed launch sites at Bull Pen Bridge and Burrell's Ford in the potential recreational development plan summary in Appendix I of the 1971 study (pages 163 and 164). Both of these launch sites are **above the Highway 28 Bridge.**

Prior to 1976 boating on the Chattooga Headwaters was legal. Local canoeists and kayakers with the necessary skills enjoyed these sections of the river. Again, no conflicts between boaters and anglers on the Headwaters are documented in the public record.

The subsequent closure of the Chattooga above Highway 28 occurred July 1, 1976 and was done without an EA or EIS, without open public input, outside the forest planning process, and with no evidence of damage or conflict resulting from boater use.

Furthermore there is absolutely no Agency analysis or explanation of the initial decision to close the river above Highway 28 other than the vague and unjustifiable references in the 1976 development plan and Appendix M of the 1985 plan, which are described earlier in our comments.

Whitewater Users Have A "Sense Of Place" Too!

Whitewater paddlers appreciate and treasure the peacefulness and the solitude of a wilderness setting just as much, or more than any other backcountry user. Any notion to the contrary exhibits a misunderstanding of whitewater paddlers and their ethics, and a distinct bias.

We would never, for example, exclude anglers, hikers or bird watchers from the river corridor to protect a paddler's solitude and "sense of place." It is equally absurd to exclude boaters from the river corridor to protect backcountry anglers' "sense of place." If the Agency expresses any discriminatory favoritism for one appropriate use over another, then that decision needs to be backed up with social research clearly demonstrating why one use deserves special treatment over another.

AW believes the Agency does not have information available to demonstrate preferential treatment of fishermen is justified. If the Agency has this social research, then it should be clearly documented in the Record of Decision (ROD).

Paddlers capable of paddling the Chattooga Headwaters have likely spent hundreds, if not thousands of hours paddling steep mountain creeks that hone their skills and focus. Such paddlers generally experience a special bond with the rivers they paddle. They have a deep appreciation for the ecological integrity, water quality, and aesthetics of these places. The "sense of place" experienced by paddlers is often rich and spiritual, peaceful and intimate, and is closely linked with solitude and freedom.

These paddlers are not "yahoos" as characterized by some who opposed boating on the Headwaters. For the most part, the self-guided boater attracted to the Headwaters will pass down the river quietly and swiftly. Many boaters would prefer the experience of boating the river alone and would do so if they did not have safety concerns about solo boating.

It is true that a fisherman standing in the river will see each boater as they paddle by, just as a paddler will see each fisherman in or along the river as they paddle by. Why though, should the backcountry fisherman's solitude and "sense of place" be more important to the USFS than the backcountry paddler's solitude and "sense of place"?

Every individual has their own relationship to place, and some individuals choose outdoor activities that can intensify that relationship through shared time, focus, and generally some form of play or recreation. Backcountry Angling and Steep Creek Paddling are both activities that have an almost unlimited potential to enhance a participant's "sense of place."

Solitude is different than a "sense of place." Solitude is one of the many factors that can enhance the intensity of a relationship to a place, but is not absolutely necessary. Paddlers may reduce the solitude experienced by backcountry anglers (and vice-versa) but this does not inherently reduce the anglers' opportunity to develop and experience a strong "sense of place." Maintaining the ban on paddling completely denies paddlers the opportunity to develop a "sense of place" with the Chattooga Headwaters. This is the very reason why the paddling community wants access to the Headwaters and cannot just "go paddle somewhere else." To the paddler, every river is unique, just as every person is unique.

Solitude is a highly desirable quality in any backcountry experience, and should not be granted to some user groups to the complete exclusion of other compatible user groups. Maintaining the ban on accessing the Chattooga Headwaters to protect a small group of backcountry anglers is an unethical decision that shows a clear bias toward fishermen. The opportunity to develop a sense of place with a Wild and Scenic River on public lands should be an absolute right for both fishermen and paddlers, whereas the opportunity to experience solitude in that place should be a privilege that each individual strives for.

The 20 miles or so of river between Grimshawe's Bridge and Highway 28 is unique in its lack of streamside development, length and protected public access. Few whitewater runs in the eastern United States provide this experience to the whitewater boater on public land in such a highly protected watershed.

At a recent AW Board meeting a president of a large outdoor retailer asked a probing question of the Board: "Why do you spend so much time and energy trying to protect public lands and your access to them?" Board Member Tom Christopher replied, "Because I don't have enough money to buy my own National Park." The point being, many users of the USFS system secretly or openly wish they could have the river or the mountains to themselves. The new Forest Plan must make sure that the public equitably shares the resource, and equitably has the opportunity to develop a "sense of place."

Only Alternative E in Appendix H of the DEIS allows boaters the same "sense of place" afforded to other compatible user groups in this management area. Whitewater boaters' emotional attachment, feeling of belonging and connection to the Chattooga River are exceedingly strong and the proposed Forest Plan should acknowledge this fact via adoption of Alternative E in Appendix H of the DEIS.

The Questionable History of the Boating Ban

The original decision to close the Chattooga to boating use above Highway 28 was done arbitrarily, outside of an open NEPA process and without public input.

In the early 1970's many considered the Chattooga Headwaters too dangerous for floating use. Forest Supervisor Donald W. Eng used this safety argument when he prohibited floating north of SC/GA Highway 28 for public safety purposes July 1, 1976. Mr. Eng also required and enforced the use of new safety rules on all parts of the river at the same time.

This might appear to be a reasonable decision had Mr. Eng not had exceedingly close personal ties with several local angling organizations. It is apparent from conversations with representatives from Trout Unlimited and the public scoping meetings that Mr. Eng had a vested personal interest in preventing boating on the Headwaters and unilaterally made the decision to close the Headwaters to boating use. This was inappropriate policy making and the ethics of his decision are certainly questionable.

Self-guided river use patterns were undergoing dramatic change even before these new regulations were being implemented in 1976. The nature of river running was changing dramatically and advanced boaters were quickly developing the skills to run the Headwaters safely. The rapid advances in boating techniques, training, safety, and equipment helped self-guided boaters switch from using army surplus rafts to specially crafted canoes and kayaks made specifically for running the waterfalls and cascades in the Appalachians.

Now, 27 years later, the forbidden Chattooga Headwaters, with its remote waterfalls and dramatic whitewater, has become a desirable boating destination for advanced whitewater canoeists and kayakers or "creekers". The arbitrary decision to "zone" use on the river was made over 27 years ago and such a closure is not appropriate. The skills, technology, equipment, and river use patterns have changed significantly in the quarter century since the river was first closed.

Paddlers regularly and safely paddle regional rivers that are far more dangerous and difficult than the Headwaters. These rivers include the Bear River in Georgia and the Green River in North Carolina. In fact, USFS River Rangers have acknowledged in private conversations with AW's staff that the ban is no longer useful for purposes of public safety. Appendix H also affirms that a ban for safety reasons is not justified.

Unfortunately, as the self-guided boaters were making well-documented advances in safety, equipment, and techniques, the questionable decision to close the Headwaters to boaters was reaffirmed in 1985 when the Forest Service released the 1985 Sumter Land and Resources Management Plan.

As in 1976, the 1985 LRMP limited floating to the portions of the Chattooga River below the Highway 28 Bridge. In contrast to the 1976 plan where safety was cited, this time the ban was described as a tool for providing "quality trout fishing." In other words, the ban was altered in order to prevent possible conflicts between fishermen and floaters - conflicts for which there is no documented evidence. Again, Mr. Eng was directly involved in the decision making process. And again, the Agency provided no supporting documentation or research for making this arbitrary decision.

It is noteworthy that the 1985 Plan and the associated DEIS provide no evaluation or analysis regarding the boating ban above Highway 28 as required by NEPA. Appendix H in the current DEIS is the first time that this issue has been studied objectively by Agency staff. The consistent lack of supporting evidence throughout the 2003 DEIS leads us to conclude that the prohibition on boating is without social or environmental merit. Unless the Agency has withheld information in the DEIS or in our 2002 FOIA request, the information does not exist. Can the Agency provide this documentation? If not, the prescription on boating above Highway 28 should be rescinded immediately.

A Few Words on Safety

Appendix H should note that none of the 37 fatalities on the Chattooga River occurred above the Highway 28 Bridge. There is no record in the DEIS or in the Agency's response to our 2002 FOIA request of any safety incidents involving boaters above Highway 28 prior to implementation of the ban in 1976.

Recently this past spring two fishermen went in over their waders on two different southeastern whitewater rivers and both were swept downstream. One incident occurred on Wilson Creek, NC, not far from the Chattooga. A paddler who happened to witness the accident rescued this lucky angler, and his life was saved. The other incident occurred on the Tuckaseegee River NC, also near the Chattooga. This unfortunate angler was not in sight of any paddlers and drowned. There are other incidents like this in other regions of the country. One could say that the presence of boaters may improve public safety on the Headwaters.

If the Agency stands behind a boating restriction based on undocumented safety arguments where no safety issues have arisen, then the Agency should consider whether the restriction should be applied to other user groups equally. In order to make this determination, the Agency needs to provide a comparison, based on use, of public safety for the different types of visitors. Notably, the Forest Service does not restrict boating use on any river in the United States for purposes of public safety. If the Agency contends otherwise, then that should be documented in the ROD.

The statements made on page H-27 of Appendix H regarding Overflow Creek and Tallulah Gorge should be emphasized. The self-sufficiency of paddling groups attracted

to the type of whitewater found in the Chattooga Headwaters is well documented. There is no reason to believe that boating use on the Headwaters would present greater public safety concerns than any stream open to boating on Agency lands in the Sumter National Forest or elsewhere.

A ban on paddling for safety reasons in the National Forest system is without precedent. The rivers and rapids in the system each exist on a continuum from very easy and safe to massive and un-boatable. Paddlers all across the country assess their own skill and the difficulty of the rivers before going paddling. The decision of what constitutes a relatively safe descent depends on the individual paddler, water levels, and many other factors, and should be left to the paddler to make. It is not the role of the Agency to declare some rivers "safe" and other rivers "not safe." All rivers have some level of inherent risk, and paddlers themselves mitigate those risks in order to have a safe and enjoyable descent.

The general Agency policy is to emphasize personal judgment, rather than to limit use to enhance safety, the Agencies, Travel Safety Advisory notes:

> *"The most effective way to prevent mishaps is to adequately prepare for the trip. Knowledge of the area, weather, terrain, limitations of your body, plus a little common sense can help to ensure a safe and enjoyable trip."* [6]

As the Agency states in a representational sample:

> *"Common sense and adherence to boating and water safety laws and rules will reduce accidents,"* [7]

And

> *"It's a place where you can truly 'get away from it all.' Your solitude can refresh you; it also means that you are responsible for your own well-being. Help can be very far away. It pays to be aware of possible hazards so you can enjoy your time in the forest in safety."* [8]

If the Agency supports a continued prohibition on floating on the Chattooga above Highway 28, then the Agency needs to provide clear documentation for the decision demonstrating that it is consistent with Agency policy, standards, and practices and how the safety issues on the river above Highway 28 are substantially different from the river below Highway 28.

A Discussion On Levels

Alternative E in the DEIS proposes boating access only at certain prescribed water levels on the US 76 Bridge gauge (>2.4 feet). This appears to be based partly on a 1999 AW recommendation to allow access at certain flows. AW no longer believes that a flow level proscription is appropriate or workable.

However, as we indicated in previous letters to the Forest Supervisor, we believe that if access is prohibited at certain levels, then a flow study should be conducted to analyze and determine the optimal flows for recreation. It is our belief based on numerous interviews with boaters who ran the river prior to the 1976 ban, boaters who ran the river after the ban, and boaters who have hiked in to look and scout the river at different levels, that it becomes runnable around 2.0 feet on the Highway 76 gauge, and that the optimal level is likely around 2.4 feet. In the event that the Agency chooses an implementation alternative allowing limited access based on flow, then the Agency should conduct a recreational flow study based on the expert research and techniques developed by Bo Shelby and Doug Whittaker for use in developing recreational flows from dams. AW can help with this study.

DISCUSSION OF AREA 2 MANAGEMENT STANDARDS

AW assumes the clarifications issued April 8, 2003 will be reflected in the final plan. These clarifications were issued by the Agency at the first public meeting and modify several paragraphs on pages 4-11 through 4-14 of the proposed plan. These clarifications reflect the recent decisions made in Amendment 14 to the current Forest Plan. We have based our comments regarding the Management Standards MA 2-1 through MA 2-14 on this assumption (attached for reference).

Fundamentally, we want to see MA 2-2 changed to allow boating above Highway 28 as discussed previously. In addition to this we offer the following comments.

Reservation System for Self-Guided Boaters

We want language in the proposed plan that further details any potential reservations system for self-guided boaters that may be adopted in the future as prescribed by MA 2-13.

Any reservation system 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.

Any reservation system, which might be developed for the Chattooga River, should be constrained by defined operating hours. The reservation system should only regulate user numbers on the river between the high use periods 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.

The reservation system should be on a first come, first served, same day basis. Self-guided users should be able to obtain a reservation at the river without traveling to a remote office. Some type of on-line, Internet based system should be developed so that distant visitors don't travel long distances only to be denied a reservation upon their arrival.

We oppose any type of fee to obtain a reservation.

Afternoon Overlap of Guided Trips between Highway 76 and Woodall

The proposed plan and the current operating protocols fail to address the guided trip overlap that occurs between the Highway 76 Bridge and Woodall Shoals. Many Section III guided trips end at Woodall Shoals and many Section IV guided trips begin at the Highway 76 Bridge. This section of the river risks overuse by guided trips. This is particularly true in light of the new management standards to allow more boats per commercially guided trip. The Agency should address the problem specifically and how this overlap fits under the outfitters' carrying capacity.

Vehicular Access to the River

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 immediately 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. We have also sent this comment to the Chattahoochee Forest planning team.

Data on Other River Corridor Users

Impact studies should be done to assess fishing, hiking and equestrian impacts 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 singled out and 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 the Agency has reliable data. Based on this very data the Agency seeks only to regulate boating use.

Our own observations in recent years indicate a significant increase in foot traffic along the river, yet there is no effort to regulate these numbers. If the Headwaters truly risk overcrowding, as some who oppose boating have argued, then maybe other users in the area should be regulated and controlled? 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 is compounded by the fact that this particular user group has tremendous negative impact on the riparian river environment. Is it time these other users be required to fill out a self-registration permit as boaters have for nearly 30 years?

Bridges Across the Wild & Scenic Chattooga River

The 1985 Forest Plan called for the Forest Service to remove the rusting steel skeleton of the old Highway 76 Bridge. This has not been done as called for in the 1985 Plan. This should be part of the new plan, funding should be allocated and the bridge should be removed.

We also understand that the existing Highway 76 Bridge will be replaced in the relatively near future. This provides a once in a lifetime opportunity to construct a bridge that is worthy of a National Wild and Scenic River as prominent as the Chattooga.

Any new bridge design across the river should be aesthetically pleasing, blend in with the natural river environment at river level and span the river without mid-stream pilings. For example, all visible surfaces from the river should be faced with native stone materials.

All necessary steps must be taken to prevent oil and other contaminant discharge into the river from the construction activities as the bridge is built. This is especially true of any erosion and sedimentation that may be caused by bridge construction.

There also has been talk of replacing the Highway 28 Bridge. These same requirements should apply to any bridge over the Chattooga.

Stekoa Creek and Water Quality Throughout the Watershed

We are deeply concerned with water quality issues throughout the watershed and specifically in the Stekoa Creek discharge into the Chattooga. We have submitted separate comments regarding Stekoa Creek to the Chattahoochee Planning Team.

User Fees

We do not support user fees, however, should user fees or reservation fees become a reality they must impact all forest visitors equitably and not just boaters.

Moving Forward

AW can offer the Forest Service valuable assistance to help insure that boaters using the Chattooga Headwaters do so responsibly and respectfully. We are willing to:

- Donate appropriate signage developed in cooperation with TU and the USFS.
- Assist the Agency with parking site development if required.
- Develop a gauge system at each of the put-ins corresponding to ideal recreational boating flows
- Help collect survey data from members and visitors about usage.
- Develop a webpage with real-time gauge and flow information, and
- Organize clean up efforts in the Headwaters river corridor to clear litter and debris left by other users.
- Help organize volunteers to assist the Agency in a renewed "river ranger" program to promote safety and environmental awareness among users of the Chattooga River

Please contact us with any questions you might have regarding our comments and any additional information you might require. We look forward to your favorable consideration of our comments and the ability to legally enjoy this precious river by boat above Highway 28.

Please forward a copy of the final EIS to all of the undersigned individuals as soon as the Deciding Officer has issued a Record of Decision regarding the Revised LRMP.

Respectfully Submitted By:

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End Notes:

[1] The interpretation of an administrative regulation by the agency or officers charged with its administration is to be given controlling weight unless it is plainly erroneous or inconsistent with the regulation. United States v. Larionoff, 431 U.S. 864, 872, 97 S.Ct. 2150, 2155, 53 L.Ed.2d 48 (1977); Bowles v. Seminole Rock Co., 325 U.S. 410, 414, 65 S.Ct. 1215, 1217, 89 L.Ed. 1700 (1945); Ventura-Escamilla v. I.N.S., 647 F.2d 28, 32 (CA9 1981). The administration of the prescription on boating by the Forest Service is both.

[2] *See* 1974 U.S.C.C.A.N. 3006-22

[3] United States v Hells Canyon Guide Service, 660 F.2d 735, 737, (9th Cir., 1981): "The power of the federal government to regulate the area and activities in question is not in dispute. United States v. Lindsey, 595 F.2d 5 (C.A.9 1979)... 16 U.S.C. s 551 gives the Secretary of Agriculture the authority to regulate the use and occupancy of the national forests. This authority is assimilated into 16 U.S.C. s 1281(d), giving the Secretary the authority to regulate the use and occupancy of components of the Wild and Scenic Rivers System."

[4] 16 U.S.C. s 1271 respecting the Wild and Scenic River System and 36 CFR, s 261.1(c) authorizes promulgation of regulations applicable to activities occurring in a national forest and to "an act or omission (that) affects, threatens or endangers property of the United States administrated by the Forest Service."

[5] On July 25, 1978, the Forest Service published regulations which, when implemented by specific order, prohibit entering or being on lands or waters within the boundaries of a component of the National Wild and Scenic Rivers System. 36 C.F.R. s 261.58(z).

[6] United States Forest Service, www.fs.fed.us/recreation/safety/safety.html, on July 1, 2003.

[7] United States Forest Service, www.southernregion.fs.fed.us/boone/CRsafe.htm, on July 1, 2003.

[8] United States Forest Service, www.fs.fed.us/r10/tongass/forest_facts/safety/safety.html on July 1, 2003.

Clarifications Needed for Management Area Standards
Management Area 2
Proposed Revised Land and Resource Management Plan
Sumter National Forest
February 2003
(Prepared 4/8/03)

The following clarifications are needed to better understand the Proposed Revisions. Deletions are shown with ~~strikethroughs~~ and additions are shown in underlines.

Page 4-11 Clarifications:

Management Area Standards:

MA 2-1 Commercial mining permits contain no surface occupancy or controlled surface use stipulations.

MA 2-2 Floating on the Chattooga River is not allowed upstream of the Highway 28 Bridge.

MA 2-3 Organized races and motorized craft are not allowed on the Chattooga River.

MA 2-4 The number of multi-year permits to provide guided inflatable ~~raft~~ trips for the public on the Chattooga River will not exceed 3.

MA 2-5 The number of multi-year permits to provide guided hardboat trips on the Chattooga River will not exceed 5.

MA 2-6 **Guided** Inflatable ~~raft~~ trip size (including guides, paying clients and non-paying clients) does not exceed 40 total. ~~and the~~ Individual trips may exceed 30 clients, however the total number of clients served per section ~~and~~ per day does not exceed the average of 30 per trip. ~~current daily limits for clients~~.

MA 2-7 **Allow no more than 12 craft on all guided trips.** ~~The number of rafts per inflatable raft trip will not exceed 7.~~

Page 4-11 Clarifications Continued:

MA 2-8 **No more than 7 rafts are allowed on guided inflatable trips in Section IV at low water.** ~~Allow 12 crafts on all trips at water levels at or above approximately 1 foot at the Highway 76 gauge.~~

MA 2-9 Overnight camping at locations along the river by the ~~guided raft, clinic and short-term~~ guided permittees~~, and guests~~ must be approved by the Forest Service

MA 2-10 The total allocation of number and locations of ***guided inflatable*** ~~***raft***~~ ***trips*** is:

Section III trips launch as far upstream as Earl's Ford and take out as far downstream as Woodall Shoals, unless otherwise noted. Section IV trips launch as far upstream as Highway 76 and takeout as far downstream as Lake Tugaloo, unless otherwise noted. Thus, Section III and IV trips may overlap between Highway 76 and Woodall Shoals. The recognized holidays are Memorial Day, Independence Day, and Labor Day. Inflatable raft trips in Sections III and IV can be moved to Sections I or II. ~~In Section III, inflatable raft trips at low water levels are allowed twelve craft.~~ The total number of authorized trips for all permits combined is listed below. (Short-term adjustments to the locations of launches and takeouts are necessary on rare occasions because of occurrences such as accidents or natural disasters, which affect access to or navigability of the river. These adjustments will only be made with the approval of the Forest Service.)

I. Low Water Levels (below approximately one foot on the Highway 76 gauge)

Page 4-11 Clarifications Continued:

A. Weekdays except for
Holidays- 9 Section IV trips
and no Section III trips. Only
6 of these trips may run Five
Falls.
B. Weekends and Holidays
1. October-April - 9
Section IV trips and no
Section III trips. Only 5

Page 4-12 Clarifications

of these trips may run
Five Falls.
2. May-September - 8
Section IV trips and no
Section III trips. Only 4
of these trips may run
Five Falls.

II. Moderate Water Levels
(approximately 1 to 2 1/2 feet on
the Highway 76 gauge)
A. Weekdays, except for
Holidays - 6 Section IV trips and 7
Section III trips.
B. Weekends and Holidays
1. October-April - 5
Section IV trips and 4 Section III trips.
2. May-September - 4
Section IV trips and 4 Section III trips.

III. High Water Levels
(approximately 2 1/2 to 3 feet on
the Highway 76 gauge) - At this
level, the Section IV trips may
launch as far upstream as Thrift's
Ferry, thus the Section III and
Section IV trips may overlap
between Thrift's Ferry and
Highway 76. At this level, the
Section IV trips would not run
Five Falls.

Page 4-12 Clarifications Continued:

A. Weekdays, except for Holidays - 6 Section IV trips and 7 Section III trips.
B. Weekends and Holidays
1. October-April - 5 Section IV trips and 4 Section III trips.
2. May-September - 4 Section IV trips and 4 Section III trips.

IV. Very High Water Levels (approximately 3 feet on the Highway 76 gauge up to the maximum safe water level)
A. Weekdays, except for Holidays - No Section IV trips and 13 Section III trips. ~~Up to 3 of the Section III trips may move up to Section II (launch at Highway 28, take out at Earls or Sandy Ford).~~
B. Weekends and Holidays
1. October-April - No Section IV trips and 9 Section III trips. ~~Up to 3 of the Section III trips may move up to Section II (launch at Highway 28, take out at Earls or Sandy Ford).~~
2. May-September - No Section IV trips and 8 Section III trips. ~~Up to 3 of the Section III trips may move up to Section II (launch at Highway 28, take out at Earls or Sandy Ford).~~

MA 2-11 The total allocation of number and location of **guided hardboat trips (for all permittees combined is** as follows:

No more than 48 trips per week on weekdays (20 on Section I/II and 28 on Section III).

Page 4-12 Clarifications Continued:

No more than 13 trips (6 on Section I/II and 7 on Section III) may be run per day.

Allow ~~one~~ a trip in Section IV in the place of a scheduled Section IV guided inflatable trip.

No more than 2 trips per day on weekends.

Page 4-13 Clarifications:

Section I/II trips launch as far upstream as the West Fork registration site and take out as far downstream as Earls Ford. Section III trips launch as far upstream as Earls Ford and take out as far downstream as Highway 76.

The combined total number of clients and instructors will not exceed 24 people per trip.

The total number of boats per trip will not exceed twelve.

Two inflatable canoes and kayaks are allowed on each guided hardboat trip~~s~~.

~~Inflatable canoes and kayaks may be used on up to 10 trips per week.~~

~~Inflatable canoes and kayaks may not be used on weekends.~~

~~Inflatable canoes and kayaks may not be used downstream of Sandy Ford.~~

No multi-year guided hardboat permits will be allowed to operate trips on holidays or holiday weekends. (The recognized holidays are Memorial Day, Independence Day, and Labor Day.)

Page 4-13 Clarifications Continued:

MA 2-12 **The total allocation of number and location of** short-term canoe, kayak and inner-tube guided trips **is as follows:**

The number of permits is not limited.

The maximum number of trips permitted each year by each different organization is 5. (Each day on the river is considered one trip.)

The maximum group size is 12 crafts (10 for students) for canoes and kayaks, not to exceed 24 people (including instructors). These trips can be taken in Sections I, II, and III only.

The maximum group size is 24 inner tubes, not to exceed 24 people (including instructors). These trips can only be taken in Sections I and II.

These trips are not allowed on Saturdays or Sundays from April 1 through September 30. Trips are allowed on weekdays from April 1 through September 30 and all days during the remainder of the year.

MA 2-13 **The total allocation of number and location of** *self-guided boaters* **is as follows:**

In Section III, year-round allocations for self-guided use at all water levels is 175 people per weekend day and holidays and 125 people per weekday.

In Section IV, year-round allocations for self-guided use at all water levels are 160 people per weekend day and holidays and to 75 people per weekday.

Page 4-13 Clarifications Continued:

The procedure for the enforcement of self-guided use allocations in Sections III and IV is:

In Section III between April 1 and August 31, should daily self-guided use ever reach 175 people per weekend day

Page 4-14 Clarifications:

(holidays included) for 20 days per year for 2 consecutive years, reservations would be required for self-guided boaters on Section III on weekends and holidays during those months beginning the following year. Similarly, should daily self-guided use reach 125 people per weekday for 50 weekdays per year for 2 consecutive years, reservations would be required for self-guided boaters on Section III on weekdays during those months beginning the following year.

In Section IV between April 1 and August 31, should daily self-guided use ever reach 160 people per weekend day (holidays included) for 20 weekend days per year for 2 consecutive years, reservations would be required for self-guided boaters on Section IV on weekends and holidays during those months beginning the following year. Similarly, should daily self-guided use reach 75 people per weekday for 50 weekdays per year for 2 consecutive years, reservations would be required for self-guided boaters on Section IV on weekdays during those months beginning the following year.

Page 4-14 Clarifications Continued:

MA 2-14 The total allocation of **shuttles for self-guided boaters** is as follows: No more than two shuttle permits. No more than 30 percent of the daily self-guided allocation by section would be authorized for shuttle services~~. B~~ before and after reservations may be required.